HOUSE OF REPRESENTATIVES—*Tuesday, September 28, 1993*

The House met at 10 a.m.

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

We remember, O God, in this our prayer, all those who know any distress in mind, body, or spirit. We acknowledge that there are people who suffer from alienation or uncertainty in their lives and who are alone and have not the caring friendship of someone near them. Also, we remember those who, because of the ravages and torment of war, have not either security or safety, and fear is their constant companion. May Your healing Spirit, O God, that is mighty enough to meet our every need and which is more powerful than all we could ask or imagine, be with them and each of us, now and evermore. Amen.

THE JOURNAL

The SPEAKER. 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.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 149, not voting 43, as follows:

[Roll No. 457]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Smith (NJ)
Spratt
Stenholm
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—149

Allard
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hyde
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McHugh
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Petri
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Baker (CA)
Becerra
Brown (CA)
Brown (FL)
Byrne
Collins (IL)
Collins (MI)
Conyers
Cunningham
English (AZ)
Farr
Foglietta
Ford (MI)
Ford (TN)
Gibbons
Goodlatte
Herger
Hinchey
LaRocco
Maloney
McCrery
McDade
Meyers
Miller (CA)
Mollohan
Nadler
Owens
Pelosi
Porter
Quinn
Ridge
Rostenkowski
Slaughter
Stark
Stokes
Sundquist
Swift
Torres
Towns
Vucanovich
Washington
Whitten
Wilson

□ 1026

Mr. SMITH of Michigan and Mr. CLAY changed their vote from "yea" to "nay."

Mr. TAYLOR of Mississippi changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. OBEY). Will the gentleman from California [Mr. DOOLITTLE] please come forward and lead the House in the Pledge of Allegiance?

Mr. DOOLITTLE 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES FOR JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 114(b), Public Law 100-458, I hereby appoint the following to serve as a member of the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a 4-year term:

Mrs. Sheila Smith of Lony Beach, Mississippi.

Sincerely Yours,

BOB MICHEL,
Republican Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain 15 1-minute speeches from each side.

THE TRAGEDY OF INADEQUATE HEALTH INSURANCE BENEFITS

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

Mr. DERRICK. Mr. Speaker, this morning I would like to talk about Mr. Clarence Stevens, his wife, Elizabeth, and their 11-year-old daughter, Krystal. Mr. Stevens suffered from colon and liver cancer which ultimately took his life about a week ago. He had worked for many years as a loom fixer at a textile plant in my district until 1989, when he was forced to quit because of his illness. Mrs. Stevens had to take a leave of absence from her job to care for him at home because the insurance did not cover home care.

The family's insurance also did not cover all the medical costs. And as the family fell further and further into debt, their health insurance premiums went from $142 to well over $400 a month. Their entire life savings soon disappeared. They were able to get by only with help from local church groups and charities.

Mr. Stevens' pain is over now. But, throughout his illness the family's pain and fear were not limited to concerns about his cancer. A great deal of it was caused by the uncertainty of not knowing how the bills would be paid or if they would have to sell their home if his illness continued for much longer.

Under our current health care system, the Stevens family is among the lucky ones. Relatively speaking, they had good health insurance. Many other Americans find that when they need their health insurance benefits, on which they have paid premiums for years, the security they expected—and had a right to expect—was simply not there.

Mr. Speaker, the President's plan is not perfect. But it is a very good start. The Congress and the country realize that now is the time for the obstacles which have prevented us from dealing with the problems in our health care system to be overcome.

□ 1030

SUNSHINE AND REFORM

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

Mr. THOMAS of Wyoming. Mr. Speaker, we shall deal today with changing the rules on the discharge petition. After 30 years of Democrat rule we have an opportunity today for sunshine and reform. Sunshine to let the public rule the process and reform to change the way this House operates.

With this simple reform—one that should be the first in a long series—other reforms people clearly want will be able to reach the light of day.

Needed reforms like, term limits, line-item veto, balanced budget will get past the briar patch of committee chairmen.

If Members are afraid to vote for this simple reform, do not go back to your constituents and promise health care reform and congressional reform. This measure today is only the tip of the iceberg. Opponents claim this will make Congress work harder. Good. It's about time.

MENTAL HEALTH UNDER CLINTON HEALTH PLAN

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

Mr. WISE. Mr. Speaker, yesterday in visiting the first health care provider in my State since the President's speech proposing comprehensive national health care, I chose to visit a community mental health clinic. In West Virginia, almost 42,000 people receive some sort of direct mental health services. One out of five Americans will have some sort of emotional or addictive disorder within the next 6 months. One-third of us during our lives will require some sort of mental health services.

The President's proposal makes a good first step for mental health in my State. Outpatient visits are included. Inpatient hospitalization is covered up to 60 days a year. General long-term care provisions also benefit mental health. The fact that every citizen will have a national health security card means new resources, as well as coverage.

Additionally, there must be incentives for mental health practitioners to practice in rural areas. We need psychiatrists, psychologists, and therapists.

Finally, this bill begins recognizing that mental health and health care are the same. One condition affects the other, and both must be dealt with.

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

[Mr. DOOLITTLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HEALTH CARE: THE COST OF DOING NOTHING

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

Mr. KREIDLER. Mr. Speaker, some people are wondering whether health care reform will cost them more money.

The fact is, it will cost everyone a lot more if we do not reform health care.

Health care inflation costs all of us—in higher insurance premiums; higher deductibles and copayments; higher prices for goods and services; and lost wages.

Health care costs have been rising at 2 to 3 times the inflation rate.

They are the fastest-growing part of the Federal budget.

Employers who provide health insurance have seen their premiums skyrocket—almost double for each employee in the last 5 years.

That is money that could have gone for higher wages or new jobs.

The question is not how much reform costs, but how much business as usual costs.

We know what happens, when we do nothing—health care costs went through the roof in the 1980's.

Now it is time to rein them in.

CLINTON HEALTH CARE PLAN MEANS MORE UNEMPLOYMENT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, after President Clinton's health care address, I found that people have just one question: How is this going to affect me? I have one answer: Many Americans will lose their jobs.

Last Friday I held a small business conference in Dallas with over 125 businesses. Their message was loud and clear: no more Government mandates. First it was the Americans With Disabilities Act; then the Family Medical

Leave Act; then the largest tax increase in American history; and now health care, the straw that breaks the camel's back.

Shout it from the rooftops: The primary result of these health mandates will be a reduction in work force. Businesses are already planning for layoff.

Mr. Speaker, it is a good thing the President's plan provides coverage for the unemployed, because that plan puts so many people out of work. But, take heart, America; there are only 1,208 days left in this President's term.

NAFTA AND AMERICAN JOB LOSSES

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

Mr. TRAFICANT. Mr. Speaker, the top 100 American companies already have plants in Mexico, 100 percent. The biggest employer in Mexico is General Motors of Detroit, MI. The biggest employer in America is Manpower Temporary Employment Services, that hires substitute part-time workers.

Mr. Speaker, the fact is, American companies are also getting ready for NAFTA. They are unloading American workers big time. General Motors announced another 100,000; IBM has announced another 85,000; and on and on and on. And what is Congress doing? Congress is getting ready to pass another unemployment compensation bill for American out-of-workers. Meanwhile, the Mexican Government will spend $100 million to lobby Congress.

Mr. Speaker, when it is all over, I will tell you this: I am going to have a little investigation, and print the names of who is getting the Mexican money on this lobbying campaign.

ACTION NOW

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

Mr. HEFLEY. Mr. Speaker, last week, the President gave us a compelling statement on the need for immediate health care reform.

For that reason, I urge him to support the House Republican Affordable Health Care Now Act of 1993.

The President spoke eloquently about the problems that many families have with the health care system: those who fear losing their health care benefits, those who can't afford health care treatments, and those who don't qualify for health care insurance.

These real problems mentioned by the President would be addressed by our bill immediately.

Our legislation does this without establishing a national health board, without fundamentally changing the doctor-patient relationship, without using the mysterious global-budgeting scheme, and without adding layers of Government bureaucracy.

I urge the President to act now on health care by working with Republicans to pass the Affordable Health Care reform legislation.

AMERICA'S HEALTH CARE CRISIS

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

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to applaud the action of the Senate, which last week pledged to abide by the same rules on health care that we approve for the public. Today I am introducing a resolution to express the sense of the House that we too agree that Congress deserves no special treatment in the health care field. This would be one more important step to ensure Congress lives by the laws we pass.

The time is overdue to deal with our country's health care crisis. The President and Hillary Clinton have offered us an opportunity to move forward to tackle what I believe is one of the most important issues facing the United States today.

This is an issue that affects every single American. Working families are being priced out of coverage. Over the next 2 years, 1 out of 4 will be without health care coverage at some point.

American businesses are at a disadvantage in the global market because our companies are forced to absorb higher health care costs than their overseas competitors.

The people are demanding that we address this problem now. I believe Democrats, Republicans, and Independents can join together to pass a meaningful and comprehensive health care bill for all Americans, including Congress.

□ 1040

WAIT 'TIL YOU TAKE IT FOR A TEST DRIVE

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

Mr. EWING. Mr. Speaker, last week the President finally unveiled the sales campaign on his fully loaded health care plan, even though they haven't gotten a model into the showroom yet. In contrast to the Democrats, Republicans have had a model on the road for over a year. It has got all the features America wants in its health care model: Choice, quality, security, and best of all it won't drive you to the poorhouse.

America must remember President Clinton is a consummate salesman. However, sales isn't service. Never has been, never will be. We must all be careful of a sales pitch, when we have not seen the sticker price. Before America buckles itself into a purchase as big and important as this, we must look at all our options. Because if we buy the Clinton there won't be a trade in later or no warranty and no guarantee.

We all need to remember lots of models look like peaches in the press but drive like lemons off the lot. Republicans believe that just because you don't like everything about what you're driving now, you don't have to go so far as reinventing the wheel.

MAURICE ABRAVANEL

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, last week Utah and the Nation lost one of its most gifted artists. Maurice Abravanel was the director of the Utah Symphony Orchestra from 1947 to 1979, when he resigned to recover from massive heart surgery. But the irrepressible Abravanel was unable to stay in retirement. By 1982 he had become the acting artistic director of the Berkshire Music Center in Tanglewood, MA, the summer home of the Boston Symphony. He has returned there each succeeding year as an artist in residence.

This year, at 90, Maurice Abravanel died. His passing brings to a close a remarkable story of personal triumph and historic musical achievement.

As a very young man, Maestro Abravanel fled Germany to escape the emerging Nazi government and became the music director of George Balanchine's Paris Ballet. When he came to the United States in 1936, he was named, at 33 years old, the director of the Metropolitan Opera and became the youngest person to ever hold that post. The breadth of his musical interests later extended to Broadway where he conducted several musicals, ultimately winning, in 1950, a Tony Award for his work on Mark Blitzstein's "Regina."

Utah has lost an historic connection to its musical history with the passing of Maurice Abravanel. All of us who love music have lost a friend, a joyous interpreter of those carefully orchestrated sounds that have the power to lift our souls. Under his baton, the Utah Symphony gained national prominence which is now perpetuated by Maestro Joseph Silverstein.

Mr. Speaker, the world is a poorer place for the passing of this great artist and personality. I wish to dedicate these words to his wife Carolyn and to the Utah community which mourns his loss.

THE "MAKE OUR CUTS COUNT" BILL

(Mr. CRAPO asked and was given permission to address the House for 1 minute.)

Mr. CRAPO. Mr. Speaker, today is a special day for America, as we vote on the discharge petition and move forward the reform movement in the Congress. It is also the day that I have chosen to introduce another new reform measure for our budgetary system in Congress. I call it the make our cuts count bill.

Imagine my surprise, as a new Member, after voting on many bills to cut budgets and to trim back, to find out that when the House and the Senate both vote to cut the same project, program, or activity, all that dies is the project or the program.

The money goes back into a special account that the conferences committees can then reallocate in the conference bill to other spending outside of specific public review.

This bill makes it so that when both the House and the Senate cut the same project, program, or activity, not only does the project go but the money goes. The cap is reduced and the allocations are taken away so that the subcommittees cannot simply reallocate that spending in the conference committee.

Let us make our cuts count.

SOMALIA: THE TIME IS NOW TO BRING OUR TROOPS HOME

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

Mr. MAZZOLI. Mr. Speaker, I have spoken often in recent weeks about what I consider to be a lack of United States national interest in Somalia. What began as a laudable humanitarian mission has become, in my judgment, a combination peacemaking, peacekeeping and nation-building exercise.

Those missions are not part of the U.N. mandate under which we are in Somalia. I think that the possibility of our accomplishing these missions is near zero.

Because of my concern about our presence in Somalia, I am happy that later today we will debate an amendment which has two phases. One would require the President, by October 15, to announce the goals and the achievements to be made and the length and duration of the deployment of troops in Somalia and then, by November 15, the President must ask and secure congressional authorization for that continued deployment.

I have already said I believe the time is now to bring our troops home. But at least I am pleased that Congress and the country are coming to grips with what could be a quagmire which we are in in Somalia.

THE DEATH PENALTY

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

Mr. GEKAS. Mr. Speaker, we have introduced legislation that would call for the imposition of the death penalty in cases where tourists or international visitors are gunned down or otherwise murdered in our country. We need to send a signal to the international community, to the world at large that their citizens who come to enjoy the hospitality of our Nation have that added measure of protection and concern.

Over the past generation, we have valiantly tried in this Chamber to pass a comprehensive death penalty statute that would cover these types of killings and drive-by killings and tourist killings and rape murders and robberies and all those vicious things that are happening almost every day in our country, only to see the opponents of the death penalty in this Chamber and the other always combining to defeat us at the last moment. And still we are without a death penalty except for drug dealers who kill.

It is time that we pass a comprehensive death penalty. Protect tourists, protect our citizens, protect our society.

ON THE MEEHAN AMENDMENT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to urge my colleagues to support the Meehan amendment on gays in the military, to leave the decision regarding gays and lesbians in the military to the administrative branch.

Twenty-five years ago, Mr. Speaker, as a human resources manager of a high-technology manufacturing firm, I instituted a policy of nondiscrimination on the basis of sexual orientation. I am appalled that after all these years I find myself in the Halls of Congress trying to the same thing and not getting anywhere.

I say, do not ask me to support this ban on gays and lesbians. Do not tell me that it is fair and do not pursue it without rewriting it.

Mr. Speaker, a bad directive is better than a bad law. So I am here today to support the Meehan amendment.

I urge my colleagues to join me in requesting that the Pentagon deal with the real issue of sexual misconduct, not homosexuals in our military.

A vote for the Meehan amendment will make this possible.

GAYS IN THE MILITARY

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

Mr. ROGERS. Mr. Speaker, later today, the House is expected to vote on a bill to lift the ban on homosexuals serving in the military.

I am opposed to such a change in our military policy, and believe that keeping the ban intact is the best thing for our soldiers.

Whether you talk to our highest ranking military leaders at the Pentagon, or rank-and-file soldiers on our submarines, there is widespread agreement that the ban should stay just as it is.

Worries over discipline, cohesion, and unit morale are real concerns and should not be scoffed at by those who want to change existing policy.

There is widespread opposition to this change, Mr. Speaker. In my congressional district alone, over 81 percent of the people want the ban to remain in place.

Our people are not only concerned about the effect that lifting the ban will have on our military but about the precedent that is being set.

By lifting the ban, the Federal Government would be putting its stamp of approval on the alternative homosexual lifestyle—a lifestyle that most Americans find morally wrong.

Mr. Speaker, I urge my colleagues to vote with the American people on this one. Keep the ban in place.

□ 1050

SUPPORT H.R. 1833 AND H.R. 1834, GUN CONTROL LEGISLATION

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, yesterday in this city, the seventh Asian-American shopkeeper this year was killed during a robbery in what are clearly attacks targeted at Asians who serve many communities.

Saturday five young people and children were killed or wounded in daylight within a few blocks of one another in Southeast Washington.

The viciousness of these domestic guerrilla war-like attacks go beyond guns. Yet, surely the guns used in these crimes must themselves be targeted. We must pass the Brady bill at once.

But the crimes we increasingly see call for more. In April I introduced H.R. 1833 to regulate the private sale and transfer of handguns because criminals more often get their guns from relatives or street sales than from licensed dealers. Only 18 States regulate the private sale and transfer of firearms.

More important, I have also introduced H.R. 1834, a bill to bar the private transfer of handguns and ammunition to minors and to prohibit the possession of handguns by minors. Although homicides by juveniles rose 93

percent in the 1980's, there is no Federal law barring the private sale and transfer of handguns to minors. Some States also leave this murderous void unaddressed.

Members can do something. Please cosponsor my bills H.R. 1833 and H.R. 1834.

MAKING A SPENDING CUT A SPENDING CUT

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

Mr. INGLIS of South Carolina. Mr. Speaker, I do not know about the people in the rest of the districts of this country, but I know the people of my district expect common sense out of this body. And common sense to them means that a cut is a cut, and that when this body votes to cut some spending program, that it will result in money going back to the Treasury.

That commonsense result does not obtain in this House. I was very surprised and I wonder if many other Members are surprised that that is not what happens, that in the conference committee it could go sliding off into spending, so a cut actually becomes spending.

This is not commonsensical, and this is not what the American people want.

Today my colleagues, MIKE CRAPO, JOHN KASICH, JOHN BOEHNER, KENNY HASTERT, and ROD GRAMS, and I will be introducing a bill called make our cuts count. That bill will do the commonsense thing of making certain that when we make cuts, those cuts are cuts, they are not excuses for additional spending.

I would request support of the rest of the Members of this body for this commonsense act.

RETIREMENT OF SENATOR DONALD W. RIEGLE, JR.

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

Mr. CARR of Michigan. Mr. Speaker, life is filled with many tough decisions, but for some people two of life's tough decisions are first to enter public service, and then the second is to leave it.

As a young person in Michigan I was helped and encouraged to make the decision to enter public service by a good friend. That good friend later became the U.S. Senator from our State, and is today our senior Senator. And I have never regretted that decision to enter public service.

Today our senior Senator announced that he would not seek reelection, and he made the tough decision to leave public service. Personally, I regret that. He has done so much for our State and our Nation, and I know that he is going to give it his all in the last 15 months.

But the course of Michigan political history has been changed, and I regret his decision to leave the U.S. Senate.

CONGRESS NEEDS A COHERENT STATEMENT OF PURPOSE ON SOMALIA

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

Mr. STEARNS. Mr. Speaker, on August 11 of this year, Army Specialist Keith Pearson of Tavares, FL was ambushed and killed with three other American peacekeepers in Somalia. It was one of the most difficult things I have had to do as a Member of Congress to call Keith's family and extend my sympathy to them for their terrible loss.

I have grave concerns about the continued presence of our American forces in Somalia. We cannot accept more American casualties in Somalia while our mission there is undefined.

Today we will have a resolution which offers President Clinton the opportunity to present Congress with a coherent justification for the continued presence of American forces in that troubled land. The American people need to know the goals, objectives, and anticipated duration of this operation if they are going to support further peacekeeping operations in that nation.

All Americans, and especially, the families of those who have already lost their lives as part of this operation deserve that. I congratulate the distinguished majority leader and ranking Republican of the Foreign Affairs Committee for bringing this resolution to the floor and ask my colleagues for their support.

CODIFYING THE BAN ON GAYS AND LESBIANS IN THE MILITARY

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

Mr. DEUTSCH. Mr. Speaker, as the gentlewoman from California [Ms. WOOLSEY] mentioned several minutes ago, today we are going to have an opportunity to make defense policy in the right direction or the wrong direction. In front of us is in amendment not to codify the ban and the changes that the President has issued in terms of gays and lesbians in our military.

The issue today in terms of the amendment, the Meehan amendment, is no longer a question of the Executive order that the President has issued. The status of the condition of gays and lesbians will not change whether or not we pass legislation to enforce the ban. The Executive order will enforce the ban.

The question really is whether it makes sense for this country's defense policy to do that action. What appears in terms of hysteria that has been brought up throughout this country, throughout today, might change in several months, or for that matter in several years, and clearly it would be far more difficult to change that policy.

I ask my colleagues what is the purpose when so many other defense issues are left to our Commander in Chief because he very well might need that flexibility in time of war and national crisis, that we are starting a precedent if we codify that legislation today.

I urge support of the Meehan amendment.

CLEARING THE WAY FOR HEALTH CARE REFORM

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

Mr. HOBSON. Mr. Speaker, I know of no who disputes the idea that we have serious problems with paperwork in the health care industry. Our Nation is literally choking on it. We have to correct this problem if we are to deliver better health services to our citizens and if we are to halt health care's rising cost.

Last Wednesday, President Clinton told Congress and the Nation that he wants everyone to have a health care security card like this that would provide a lifetime package of guaranteed benefits. But to make that possible—or to make any health reform possible—we must eliminate the waste and the tons of paperwork that burden our patients, hospitals, and doctors.

Yesterday, I introduced a bill with fellow Ohio Congressman TOM SAWYER to reduce paperwork in the health care industry through an electronic information system. The plan provides for strict patient privacy and will slow the growing costs of billing and manual recordkeeping.

This plan has bipartisan support. An identical bill was introduced last Friday in the other body by Senators KIT BOND and DON RIEGLE.

This technology is available now. And the time is now to lay the foundation for health care reform. Please join me with your support.

DO AS I SAY, NOT AS I DO

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

Mr. MICA. Mr. Speaker, yesterday the President of the United States addressed the United Nations in a speech we must entitle "Don't do as I do, Do as I say."

Unfortunately, the President and Congress have failed to ask the same

questions about United States involvement in Somalia.

"Does the mission have clear objectives?" The answer is no. Our mission is clouded, our original purpose forgotten.

"Can an end point be identified?" The answer is no. Each day we sink deeper into a civil conflict.

"How much will the mission cost?" This was to be a 2-month military operation to support a humanitarian effort. After 10 months we have spent nearly a billion dollars and we are about to waste another half a billion. We have spent $10 dollars in military operations for every $1 in humanitarian aid. And most regrettably we have paid for this lost mission with American lives.

Clearly, before we tell others what to do, we must correct our own mistakes.

NORMALIZING RELATIONS WITH VIETNAM

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

Mr. BURTON of Indiana. Mr. Speaker, 2,200 POW's-MIA's have not been accounted for by Vietnam. We were not going to normalize relations with Vietnam until we had a full accounting for those 2,200 families that have loved ones that were left behind over there.

Now the Clinton administration has taken two giant steps to normalize relations with Vietnam. And now we find that it has been alleged that Ron Brown, President Clinton's Commerce Secretary, took $700,000 to influence the decision of this administration. Three meetings that were denied by a spokesman for Mr. Brown at the Commerce Department have now been admitted to. Mr. Brown has admitted that he has met with a spokesman and contact for the Vietnamese Government on three separate occasions.

Because of these allegations, and because there is so much involved in here that is important to the American people and to the families of the POW's-MIA's, I have written a letter to the gentleman from Indiana, Mr. LEE HAMILTON, chairman of the Committee on Foreign Affairs, asking for a complete investigation by our committee into these allegations.

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A grand jury is investigating this in Miami, so some people say, "Why not wait until the grand jury has concluded its investigation?" We should not wait, because decisions are being made by the administration involving normalizing relations with Vietnam right now. And this Congress should take action to investigate those allegations before any further steps are taken. Steps should be suspended until there is an investigation of these allegations by the Congress of the United States.

SOMALIA AMENDMENT TO H.R. 2401, DEFENSE AUTHORIZATION ACT

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

Mr. GILMAN. Mr. Speaker, I rise to alert my colleagues that later today the House will address the continued deployment of our military forces in Somalia. It will come before us as an amendment to H.R. 2401, the Defense Authorization Act for fiscal 1994.

This amendment—which is offered by myself and my distinguished colleague, the majority leader, the gentleman from Missouri [Mr. GEPHARDT] is identical to the amendment passed in the Senate by a substantial vote of 90 to 7.

While this amendment is not as strong as some of us would like, it does set the stage for a debate by November 15 on setting a firm deadline for withdrawing our troops from Somalia.

I urge my colleagues to support this amendment when it comes up later today.

DEVALUING THE PESO

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, last year, 1992, Mexico's current account deficit was $23 billion, or 7 percent of its GDP. In the United States this would translate into a trade imbalance of $420 billion according to Jorge Castaneda, a visiting professor of international relations at Princeton. He explained in Newsweek that Mexico reached this position because much of the money that has entered the country since 1990 has consisted of investments attracted by the expectations of NAFTA.

Castaneda claims the imbalance was inevitable because of a number of steps taken in Mexico. He pointed out that the Mexican currency is overvalued, and that nearly all economists say its relation to the dollar will have to be adjusted. That means devaluation—but when—certainly not before the NAFTA vote and, not at the time of the Mexican elections in 1994. So the timing is a surprise, but what will happen when devaluation does come, is a gigantic flood of Mexican products into the United States, a product not unlike the great 40-day water flood of Noah's time.

Mr. Speaker, as we approach the vote on NAFTA, think devaluation and its effect on both Mexico and the United States.

TRIBUTE TO THE LATE LT. GEN. JAMES H. DOOLITTLE, WORLD WAR II HERO

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

Mr. DORNAN. Mr. Speaker, yesterday a truly great American hero passed on, Gen. Jimmy Doolittle. I have had his book out and have been reading it just by coincidence in the last month, and it has such a wonderful title. He was so well known and so beloved, his book just simply could have been titled "Doolittle," the first great American of that name. There would have been no confusion.

But he titled his book simply, "I Could Never Be So Lucky Again."

Fifty years ago, with the great, amazing, courageous raid on Tokyo, a year behind him, he was commander of the 15th Air Force in the Mediterranean, when the Luftwaffe, the German Air Force, was still a superior fighting force. It was really a fight in 1943.

Then he went on to command the great 8th Air Force in England. He had so many firsts as a young man, it just staggers the mind.

His family and all of America will truly miss this recipient of our Congressional Medal of Honor. I will do a 5-minute tribute to him at the end of the legislative business today.

GAYS IN THE MILITARY: AMENDMENT TO H.R. 2401

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

Mr. MEEHAN. Mr. Speaker, I have an amendment today that will be voted on on the floor of the House of Representatives. I think it is important that Members read that amendment because there is a lot of misinformation about what that amendment does; a lot of blue smoke and mirrors, red herrings.

What my amendment does is simply keep the law the way it has been; that is, let the President and the Joint Chiefs of Staff determine what the policy is going to be with regard to gays in the military.

This amendment does not lift the ban, this amendment leaves it up to the military personnel, with the President, where it should be, where it has been.

Mr. President, I urge Members not to be susceptible to other arguments of blue smoke and mirrors or red herrings.

PUBLICATION OF MEMBERS SIGNING A DISCHARGE PETITION

Mr. INHOFE. Mr. Speaker, pursuant to the unanimous consent requests of Thursday, September 23, and Monday, September 27, 1993, and to House rule XXVII, clause 3, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved, That clause 3 of rule XXVII of the Rules of the House of Representatives is amended by inserting after the fourth sentence the following new sentence: "Once a motion to discharge has been filed, the Clerk shall make the signatures a matter of public record.".

The SPEAKER pro tempore (Mr. OBEY). The gentleman from Oklahoma [Mr. INHOFE] is recognized for 1 hour.

Mr. INHOFE. Mr. Speaker, for the purposes of debate only I yield 30 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] pending which I yield myself such time as I may consume.

During the consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I ask unanimous consent to insert certain extraneous matters.

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

There was no objection.

Mr. INHOFE. Mr. Speaker, I will be very brief in the opening remarks.

I would like to put this properly framed, and that is, the history of the discharge petition goes back to 1910. It was there so there would be some vehicle for the will of the majority in Congress and, therefore, the will in America to be considered.

John Nance Garner, in 1931, is the man who introduced the secrecy.

And I say this because I have been very critical over the past 6 weeks of a number of people and yet I have hastened to say each time that there is not one person, whether it is Mr. MOAKLEY or anyone else who is serving today, who was serving back at the time in 1931 when John Nance Garner put in the rule of secrecy.

The secrecy rule, in my opinion, is a rule that is a corrupt rule, it is a rule of fraud, it is a rule of hypocrisy. And I think probably the best way to explain that is to remember what happened in 1990 when Joint Resolution 268 was introduced and the discharge petition was placed in order and we were only able to get 140 signatures on the discharge petition, yet we had 246 cosponsors to the resolution. Now, what does that tell you? It tells you that 106 people are going home saying things, they were representing they were in favor of positions they really were not.

So I am going to reserve the balance of my time. At the conclusion of the debate, I will answer all objections, real and imaginary, and then we will vote to destroy this 63-year veil of secrecy forever.

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

Mr. MOAKLEY. Mr. Speaker, I want to thank the gentleman from Oklahoma [Mr. INHOFE] for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the distinguished gentleman from Oklahoma for informing everybody here that I did not serve with John Nance Garner. But after reading some of the stories going around, I would not be too sure if some people thought I had.

Mr. Speaker, it is clear that a majority in this House want to be on record supporting Mr. INHOFE's discharge petition proposal. And today Members will have a chance to do just that.

I will oppose this measure. I will not—I repeat—I will not—plead with other Members to join me in casting a "No" vote.

Mr. Speaker, I oppose this resolution because I believe it will fundamentally alter the delicate balance that has existed over the past 60 years in the discharge process. It is a proven mechanism that allows a determined majority to bring a measure to the floor even if it is opposed by the leadership and the committee.

More unfortunate, beyond altering a basically sound procedure, are the consequences of the change. It will contribute to the decline of the deliberative process and will allow narrow special interest pressure groups to exert enormous leverage on Members.

To me the issue is one of institutional integrity and upholding the committee system, not one of secrecy and hypocrisy. But we all know that when the words secrecy, hypocrisy, and Congress are uttered in the same sentence, the alarm bells go off, the press gets self-righteous, the public becomes aroused and enraged, and it becomes virtually impossible to engage in thoughtful, reasoned debate.

I am disturbed that this issue has been so miscast—the facts so distorted and overblown.

As Thomas Mann of the Brookings Institution said at the Rules Subcommittee hearing:

> I do think * * * that a routine and perfectly good procedure has become inflated with party and ideological agendas in ways that confuse the public and threaten to undermine the deliberative quality of this institution. I think most unfortunate is the portrayal of Congress as closed, secretive, dominated by committee chairmen, unresponsive to the public. I know of no serious student of Congress who believes this characterization has any basis in reality.

If anything, Congress is too sensitive—too easily and too quickly moved by every shift in the political winds. Gridlock is the usual result. Under the new discharge process anyone seeking his political fortune can exploit our hypersensitivity with issues of raw emotional appeal, demanding immediate action without the scrutiny of hearings and committee review.

The current discharge rule, in effect since 1935, has worked to the advantage of the House. That is not only my opinion. Many of the scholars and experts on Congress that testified before Mr. BEILENSON's subcommittee confirmed this. As Mr. Rick Beth, specialist in congressional procedure at the Congressional Research Service, testified:

> The House has reached an implicit judgment in favor of a discharge rule. * * * (T)he rule the House has settled on offers a way for Members to get their issues on the floor agenda.

Thomas Mann stated it somewhat differently:

> The fact is, majorities rule in the House of Representatives. * * * Virtually all serious legislative proposals with * * * majority * * * support * * * find their way to the floor. The discharge petition is an important though seldom-used safety valve to ensure consideration of legislation when a majority of Members, without the threat of political pressure, believe the leadership is inappropriately thwarting action.

My argument with the resolution before us is that it alters the time-proven balance that exists in the current system. That is, a determined majority of 218 Members have been able to bring legislation to the floor, such as line-item veto and balanced budget amendments.

If the historical evidence demonstrates that the current procedure works as intended, why is a change warranted?

Proponents of the resolution argue that public signatures are required because many Members mislead voters. Specifically, the allegation goes, Members cosponsor legislation and do not sign the discharge petition compelling floor action. This, in the view of the proponents, is an act of hypocrisy of horrific proportions. Witness after witness at our subcommittee hearing dispelled this misconception. In my mind this allegation shows a complete misunderstanding between two distinct propositions—signaling support for a bill versus compelling floor action.

As Rick Beth stated in his testimony:

> Position taking has * * * legitimate legislative functions, but a discharge petition has formal consequences in procedural terms for the agenda, altering the normal processes of committee and floor deliberations.

Mr. Speaker, Members should be wary of the implications of the "hypocrisy" line of reasoning. If sincerity requires signing a discharge petition—if cosponsorship is not enough to show support—every time you cosponsor a bill be prepared to be besieged to sign the discharge petition. If you do not, your motives will be questioned—your sincerity placed under a cloud. Under this line of reasoning can a Member merely introduce a bill? No. True sincerity will require you to introduce the companion discharge petition, and if you truly believe, you should discharge a special order of business, as well. My colleagues, we should be more careful when we attempt to divine Members sincerity.

Mr. Speaker, many Members, including myself, cosponsor legislation to

register support without signing a discharge petition. Is that hypocrisy? No. I want the committees of jurisdiction—those with the detailed knowledge on the issues—to hold hearings and markup in order to let all sides of the public be heard.

Now, there are certain Members who support this legislation saying that the issue of public accountability is the only driving force behind their support and I certainly take them at their word.

But there is another element of support behind this resolution that is impossible to deny. There are many Members, especially on the other side of the aisle, who see this as a way to influence the agenda of the Congress.

Some will say this change is necessary because popular legislation is being bottled up in committees. Typically mentioned in this argument are line-item veto, constitutional amendments to balance the budget and term limits. As to balanced budget amendments and line-item veto this argument falls apart. The House has twice in the previous two Congresses considered constitutional amendments to balance the budget, once under the current discharge process. Moreover, the leadership has committed to bringing up the balanced budget amendment again this Congress. The House has twice in the last 2 years considered forms of a line-item bill.

I contend that some Members want to find those issues with a certain raw emotional appeal and replicate the successful high-pressure lobbying effort that took place on this resolution.

At their disposal are radio talk-show hosts, ready made grass roots organizations, and conservative media who can whip up a frenzy of public sentiment based on irresistible sloganeering.

Mr. Speaker, to some this is an issue of secrecy. I do not see it that way. I believe in openness, sunshine, and accountability. Of course the people have a right to know. But else truisms are not limitless in their reach.

In any collective decisionmaking, there must be small, limited zones of quiet confidentiality. There must be an arena for Members to ask questions, state their concerns, and candidly assess their stands—off the record. This House is the most open legislative body in the world and we ought to take pride in that fact.

The discharge process is simply a formal mechanism designed to let the House calmly and quietly assess where the majority of its Members stand on certain issues. Under the klieg lights, it will no longer serve its intended function as well.

Mr. Speaker, this resolution will undercut the deliberative process that serves this institution well. Making it easier—or preferable—to bypass committees—to avoid hearings and to avoid committee scrutiny—is a bad idea. Former minority counsel for the House, Hyde Murray observed in his testimony, "The committee structure in the House is basically designed to give the House the time, the expertise, and the persistence within the committees to formulate sound law—and then I would add this—and to kill bad legislation." Changing the discharge process so that special interests will look to it as the avenue of first resort rather than one of last resort, will make it more likely that complicated issues will reach the floor without the benefit of the committee process.

During Mr. BEILENSON's subcommittee hearing we heard scholar after scholar, expert after expert testify as to the negative effects this resolution may occasion.

Not one witness disputed the fact that making the names public will increase the amount of special interest, pressure group lobbying on Members to sign discharge petitions. As Peter Robinson, former assistant parliamentarian of the House, stated:

> On something like the notch issue and particularly on other tax or financial matters, that might affect particular industries, where public support can be galvanized in a certain area I do see it as a big opportunity for the special interest groups.

As Thomas Mann said, the discharge process "was never—and never should be—designed as another means by which outside groups can pressure Members into forcing action on a piece of legislation."

But no one denies that this is what will happen. Outside groups will be able to pressure Members into forcing action on a bill. Can anyone dispute that to a large extent that is exactly what happened on this particular resolution?

A likely consequence of this change and the emphasis on discharge petitions is that Members will likely be judged, not on their support of a measure, but rather on their support of an extraordinary method to bring that bill to the floor—bypassing all committee consideration and input. This again blurs the distinction between substance and process that is vital to maintain.

When a bill, or in a large number of instances a rule, is discharged from committee, there is little opportunity for the committee to respond—to hold public hearings, to exercise its expertise and judgment and hold markup. In short, to subject a bill to the balancing and refining deliberative process. Many times a rule is discharged, not only precluding the competent committee from considering the bill but also establishing a process for floor consideration that forecloses alternate proposals from being considered. Norm Ornstein, resident scholar of the American Enterprise Institute testified,

> What I fear out of this process, this small change that seems so trivial in many ways on the surface, is that it is going to create a great deal of difficulty to continue to have the kind of trade-off and deliberative process that we have had where you can put things together and bring them out, that represent a balancing test of interests. Because balances will no longer be allowed in this case.

Mr. Speaker, I realize that I have gone on for some time now, but I want to amplify for my colleagues and for the record the fact that those of us who oppose this resolution don't do so because we support secrecy. To us, secrecy is not the issue, the issue is institutional integrity, upholding the committee system and the deliberative nature of this body.

Mr. Speaker, the Subcommittee on Rules held hearings on Mr. INHOFE's proposal and a number of very prominent congressional scholars and experts on government—Norm Ornstein from the American Enterprise Institute; Tom Mann from Brookings; Roger Davidson, professor of government at the University of Maryland; Steve Smith, professor of political science at the University of Minnesota; Hyde Murray, former minority counsel for the House; former assistant House parliamentarian Pete Robinson; and Rick Beth from the Congressional Research Service—testified as to their concerns on this measure. I would ask at this time that their statements be printed in the RECORD.

Mr. Speaker, I hope that everyone in this House will read these statements carefully. They are the opinions of people who are not involved in partisan politics—but who are dedicated students of government. The statements probably won't change the votes of anyone today—but, if nothing else, they will demonstrate that this issue is a lot more complicated than a 30-second sound bite. And, I should add, that most issues are.

Mr. Speaker, when Clarence Cannon, former Member and parliamentarian, wrote his commentary on the difficulties of formulating a workable discharge procedure, he said that it is one of the oldest and most perplexing problems in the history of the House. It took the House from 1910 to 1935 to arrive at a system that worked and served this House for nearly 60 years. I hope that it does not take us another 25 years to reestablish the balance that maintains the integrity of the committees and the deliberative nature of the process while preserving the ability of 218 Members to bring measures to the floor.

STATEMENT OF RICHARD S. BETH, SPECIALIST IN THE LEGISLATIVE PROCESS, CONGRESSIONAL RESEARCH SERVICE

Under the "discharge rule" of the House of Representatives (now clause 3 of House Rule XXVII), it is not in order to move to discharge a committee from considering a measure referred thereto, unless 218 Members, an absolute majority of the House's statutory membership, first sign a petition for the purpose. When the requisite signatures are obtained, the motion is entered on

a "Calendar of Motions to Discharge Committees," and a list of signers is published in the *Congressional Record*. Ever since the petition mechanism was established in 1924, however, it has been the practice of the House to treat the identities of Members signing as confidential unless and until the motion is entered.[1]

During roughly the last decade some support has been evident for changing this practice, so as to permit public disclosure of who has signed pending discharge petitions. In the present Congress, a provision of H. Res. 36 would require listing signatures in the RECORD once a petition receives 100 signatures and weekly thereafter. H. Res. 134 would "make the signatures a matter of public record" as soon as a petition is filed. Similar proposals were submitted in the 102d and other recent Congresses.

General questions raised by these proposals include:

What might be reasons for maintaining or for abolishing confidentiality of signatures to pending discharge petitions?

What might be effects of making signatures to pending petitions public?

What other changes in the discharge rule might be appropriate in conjunction with such an amendment?

BACKGROUND OF THE CONFIDENTIALITY REQUIREMENT

The confidentiality requirement has never been explicit in the rule, but rests on precedent. Possible reasons for or against the requirement therefore may be sought in the provisions history.[2] Pertinent precedents appear to be consistent with the debate on the initial adoption of the petition requirement, and to rest on an interpretation of the provision itself. They also go back nearly as far as the provision's inception in 1924. The first unauthorized disclosure of signatures apparently occurred between 1925 and 1931. Until recently, the only other known episodes bearing on this question occurred in 1931, 1934, 1946, and 1960.

Debate on the rule for a petition. The proposal originally offered in 1924 called for the Member initiating a discharge petition to circulate it for signature among Members. When the full number was obtained, the petition would be submitted and the signatures would be published in the RECORD. Under this procedure, the question of official confidentiality for signatures on a pending petition could not arise, for a pending petition would not be in official custody.

Because the rule permitted (as today) only one petition on any measure, some Members objected that the initiator might circulate the petition only among political allies, depriving other supporters of the opportunity to sign, or, on the other hand, that an opponent of discharge might initiate the petition and neglect to circulate it. Other Members felt that a circulating petition might lead to situations incompatible with the dignity proper to Members' official acts, such as that the initiator might permit staff or lobbyists to circulate the petition. Members feared that petitions might be pressed upon them "on the street cars and in the hotel lobbies," and might even be "taken to New York or anywhere else."[3]

To deal with these potential problems, the House amended the proposed rule to require the petition to remain on the Clerk's desk and in his custody. This amendment could give Members any protection against outside pressures to sign only if it entailed that the Clerk keep the signatures confidential. This requirement was retained when the rule was subsequently amended in 1925 and 1931, with no debate on the point.

Situations relating to unauthorized disclosure. On one occasion under the 1925 rule, the press published names of signers to one petition, and the petition was allegedly taken to the Capitol steps and photographed. According to later accounts, then Speaker Nicholas Longworth (R., Ohio) and other House leaders "felt * * * that such conduct was a gross violation of the rules of the House" and discussed appointing a committee to investigate, but the matter seems to have never reached the floor. Also, shortly after adoption of the 1931 rule, when one Member announced the filing of a discharge motion, Speaker John Nance Garner (D., Tex.) took occasion to explain to Members that such petitions were to be filed with the Clerk, and that "signatures cannot be made public until the required number of Members have signed."[4]

These incidents suggest some deliberate effort, at the inception of the petition requirement, to establish the norm of confidential signatures in the consciousness of the House. The requirement that the petition be kept in the custody of the Clerk was presumably understood to imply that the signatures not be made public. It also seems likely that the provision for publishing names when a petition is entered was read as implying that they not be published before the petition is entered.

This norm, however, did not immediately become universally accepted. In 1934, signatures on two discharge petitions were again published in newspapers within a week. (One of these petitions related to a resolution before the Committee on Rules to investigate discrimination in the House restaurant, which the House subsequently adopted.) It seems likely that the signatures were released in an attempt to encourage additional Members to sign, for each of the petitions lacked fewer than 25 signatures of the number then required.

Responding to complaints raised on the floor, Speaker Henry Rainey (D., Ill.) ruled that releasing the names was improper, but said he could do nothing about it on his own motion. He indicated that the proper course would be for a Member to offer a resolution to investigate the disclosures. In the second incident, such a resolution was offered, but withdrawn. Speaker Rainey provided the fullest discussion available in official proceedings of the rationale for keeping signatures confidential:

"There is a reason for not publishing the names, of course. Publishing the names in the newspaper invites people generally in the United States to bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed it to take their names off."[5]

This explanation reflects the same concerns about pressures on Members as was expressed in the 1924 debates.

Later, in 1946, a Member of the Committee on Un-American Activities referred in debate to a newspaper advertisement in support of a petition to discharge the Committee on Rules from a resolution abolishing the Committee, and asked the Clerk to hand him the petition in question. A point of order was immediately raised against "giv[ing] out anything contained in a petition on the Clerk's desk. . .," and Speaker Sam Rayburn (D., Tex.) ruled that "The gentleman has the right to look at it but he does not have the right to read [presumably meaning, to the House] any of the names."

In 1960, signatures were again disclosed to the press, this time on a petition to discharge the Committee on Rules from a special rule for consideration of the Civil Rights Act of 1960. The Committee subsequently reported the rule, and the possibility of disciplinary action was not discussed on the floor.

Contemporary discontent with the confidentiality provision, and current proposals for abolishing it, seem to stem from a series of situations within the past decade. In 1982 one Member threatened to reveal names of signers on discharge petitions on proposed constitutional amendments on flag burning and a balanced budget, but no action ultimately occurred. Two years later, a group of Members developed the device of asking Members who signed a petition on a proposed constitutional amendment for a balanced budget also to sign an unofficial "public discharge petition" that would be available to the press. This approach does not appear to violate the practice of the House, since Members have always been held free to announce their own actions. Nevertheless, use of this device does not appear to have been repeated.

Also, perhaps in response to these situations, House practice with regard to pending discharge petitions appears to have changed. In earlier days, discharge petitions were described as lying on the Clerk's desk for signatures during sessions of the House. Now, by contrast, they are said to be kept in a drawer, so that Members must ask for them. This change is presumably intended to hinder attempts to ascertain the names of signers for the purpose of unauthorized disclosure. Nevertheless, it appears that Members are still permitted to look at, though not to make notes of, pending petitions. It therefore remains possible for Members, including but not limited to the leadership, to attempt to persuade each other to sign or not to sign.

The most recent incident, involving a measure now before this Committee, differs from previous cases in that the names published were those of the nonsigners rather than of the signers. It is not clear that this difference in approach would be held to make a difference in the application of the rule, since from knowing one set one can infer the other. Applying the standard of confidentiality in this case would receive some support from House debate in the 1934 disclosures, in which several Members stated that another Member, in a radio address, had named 14 Members as having removed their names from a pending petition. In response to a parliamentary inquiry about whether such action was a violation of rules, Speaker Rainey replied "The Chair thinks it is."

In summary, in most cases Members have adhered to the principle of keeping signatures to pending discharge petitions confidential, but in the scattered instances when they have not, no means of discipline has ever become established.

"Accountability" and "pressure." Both the 1924 debate and subsequent precedents generally support the view that confidentiality was intended chiefly to buffer Members against pressure to sign or not to sign petitions. The chief argument now being advanced against confidentiality seems to be that it permits Members to avoid public accountability for their legislative acts. In a sense, these views agree on the likely consequences of abolishing confidentiality: that it would reduce Members' ability to insulate themselves from outside political influences, whether of constituency or of other interests. "Accountability" and "pressure" may

Footnotes at end of article.

be seen as describing the same situation from different viewpoints; what one person calls "accountability" and what another calls "pressure" may be the same thing.

Finally, a more general circumstance bearing on the proposed change is that in recent decades, the Congress has opened up numerous other aspects of its proceedings to increased public view, including markups, House-Senate conferences, and votes in Committee of the Whole. From these events it appears that in comparison with sixty years ago, Congress has undergone a broad shift in its views on how open its proceedings should be. It could be argued that current proposals on the discharge rule are no more than consistent with that shift. By the same token, of course, others may argue that precisely because so much else is now more accessible to the public, this further step would unduly reduce the ability of Congress, in its deliberations, to transcend popular passions of the moment.

DEVELOPMENT AND USE OF THE DISCHARGE RULE

Leadership, committees, and rank and file. The potential effects of abolishing the confidentiality requirement may usefully be evaluated in context of the rule's use in practice. The history of the discharge rule and its use revolves around the issue of leadership versus rank and file control of floor proceedings. More generally, the entire history of the House, especially for the past century, may be read as a search for an appropriate balance between the chamber's institutional capacity to manage its activities effectively, and its Members' capacity to work their legislative will.

Normally, the House relies on its committees to refine legislation into a form that allows the chamber to make coherent policy choices, and it relies on its leadership, specifically the leadership of the majority party, to arrange the floor schedule and agenda. Discharge is the only form of proceeding in the House that permits a voting majority to bring a measure to the floor without the cooperation either of the Speaker, the committee of jurisdiction, or the Committee on Rules. The leadership has in general opposed the use of discharge as disruptive of orderly proceedings and scheduling. It has typically emphasized that discharge brings measures to the floor without benefit of judgment, refinement, and explanation from the committee of jurisdiction.

"A quarter century of experiment." The first discharge rule, in 1910, was one result of "revolt" by a coalition of Democrats and "Progressive" Republicans against a system that effectively placed total control of the floor agenda in the hands of Speaker Joseph Cannon (R., Ill.), in part through his chairmanship of the Committee on Rules. This rule, amended in 1911 and 1912, did not provide for a discharge petition, but permitted a single Member to place a discharge motion on the calendar. This procedure proved unworkable for several reasons. First, it could be used to force many dilatory votes on discharge even when the measures involved had little support. Second, leading members of the Republican majority immediately filed numerous discharge motions; because motions were to be called up in the order filed, these could be used to prevent votes on any minority or rank and file motions. Third, a later Republican minority filed a series of discharge motions on Democratic party measures before the committees were ready to report them, so as to force the majority to vote against bringing their own program to the floor.

Accordingly, when Progressives again held the balance of power in the House in 1924, the rule was amended in an attempt to institute a more workable form of discharge. This version of the rule, developed primarily by Charles R. Crisp (D., Ga.), a former Parliamentarian of the House and the son of a Speaker, was the first to require that a discharge motion be supported by a petition. It was also the first to permit discharge of the Committee on Rules from special rules and other resolutions, including those amending the rules. Previously, a committee could avoid discharge by reporting a measure and then not calling it up, because it could not be discharged from a measure not in its possession. Since 1924, Members can seek discharge on a special rule bringing an unreported measure to the floor; if the committee reports the measure, the special rule may still be adopted and executed.

One bill, to regulate railway labor, reached the floor under the 1924 rule, but relentless dilatory tactics by opponents prevented a final vote. As a result of this experience, together with the recovery of effective control of the House by "regular" Republicans, the rule was again amended in 1925, in a way designed to make it virtually impossible for the House to recover a bill from committee.

The strict 1925 rule remained in effect until 1931, when the new Democratic majority adopted a new revision of the rule, again developed by Rep. Crisp with the stated intent of reconstructing a workable discharge procedure. The Crisp rule has been retained by the House ever since, with only two changes in detail. Adoption of this rule thus put a close to what Clarence Cannon, in his "Precedents," calls "a quarter century of continuous experiment" to find an "effective form" of the rule.

The 1931 rule abolished the requirement, in place since 1910, that a discharge motion had to be seconded by a majority by tellers before it could be considered on the floor. Teller votes, eliminated from House rules entirely at the beginning of the current Congress, permitted numbers to be counted but did not allow for the positions of individuals Members to be recorded. In debate on the 1925 rule, some objection was made to the use of this device on the grounds that it allowed Members, in effect, to vote against consideration of a discharge motion without having their position publicly recorded.

Use of the 1931 rule. The 1931 rule initially required the signatures of only one-third of the House (145). Early experience with this provision, however, showed that it fostered action by discharge on measures lacking sufficient support to pass.[7] Of the 42 measures on which discharge petitions were entered from 1931 through 1992, 11 were introduced during the four years that this provision was in effect. Of these eleven, the House then defeated the motion to discharge on four. Four were never considered on the floor, either because the House adjourned sine die before they could be called up, or because, when the petition was entered, the committee reported the measure and then failed to call it up. Only the veterans' bonus bill was actually brought to the floor by discharge and passed by the House twice during this period, and the resolution to investigate discrimination in the House restaurant was adopted.

"Success" in using the rule. Partly to avoid discharge action on measures that lacked the support to pass, the rule was again amended in 1935, to require the signatures of a majority of the full House. In this way the signature requirement ultimately replaced the seconding requirement as a way of ensuring that only discharge motions with broad support could receive floor consideration. Of the 31 measures on which petitions were entered from 1935 through 1992, the House voted against discharge only once. Four were defeated after coming to the floor by discharge, once the House voted for discharge but no motion to consider the measure was made, and once the House adjourned sine die without acting on a discharge motion.

Of the 24 other measures on which petitions were entered during this period, the House passed sixteen after discharge, mostly from the 1930s through the 1960s. Of these:

Two became public law: the first minimum wage act, and a Federal pay raise that was enacted over the President's veto.

An amendment to House rules was also adopted, but had no effect because it was ill-drafted.

The Senate failed to act on 11, one died in conference, and one was pocket-vetoed. These 13 included (among others) five anti-lynching or anti-poll tax measures, a District of Columbia home rule measure, the Equal Rights Amendments, and three Federal or postal pay bills.

The remaining eight measures did not come to the floor through the discharge procedure, even after the discharge petition was entered. These eight measures included five of the seven on which petitions were entered in the past 20 years.

In five cases the committee precluded further proceedings under the discharge rule by reporting the measure. Two of these measures, or alternatives to them, were subsequently considered under suspension of the rules.

In six cases (including the other three of the five above), the Committee on Rules reported, and the House adopted, either the special rule on which discharge was sought or an alternative, providing for consideration either of the measure or of an alternative, and vitiating further proceedings under the discharge rule.

Six of these eight measures, on a variety of subjects, became public law; the only two that failed were both proposed constitutional amendments (to require a balance budget).

In summary, although a discharge effort is often referred to as "successful" when the petition is entered, in fact the committee is not discharged unless the motion to discharge is then made and adopted on the floor, and obtaining the requisite signatures has not always assured further legislative success. Of the 42 measures on which discharge petitions were entered from 1931 through 1992,

Eleven did not even receive floor consideration, frustrating the intent of the discharge effort.

Nine reached the floor only by means other than discharge.

Twenty-two received floor consideration pursuant to discharge, but only 18 of these passed the House, and only three received final approval.

Further, the House agreed to only one of the eight proposed constitutional amendments on which discharge petitions have been entered. It rejected the discharge motion on two, and five others failed to receive the required two-thirds majority. Together with the measures on which petitions were entered between 1931 and 1935, the House has passed only four of the 18 measures on which petitions were entered by a smaller proportion of the House than required to pass the measure. These figures show the extent to which requiring lower support for a discharge petition than for the measure tends to bring to the floor measures that lack sufficient support to pass.

By contrast, of seven measures other than constitutional amendments, on which discharge petitions were entered but that were then considered under some other procedure, all seven received final approval. In these cases, the discharge effort could be said to have succeeded in bringing about action, even though the action was not pursuant to the discharge procedure itself. The discharge procedure has been more effective when it precipitated leadership action pursuant to other procedures than when it led to action under its own provisions.

Since 1931, in addition, 20 measures on which discharge was attempted have also come to the floor through the regular procedures even when the petition was not entered, and ten of these became public law or otherwise received final approval. The most recent example is the proposed constitutional amendment on flag burning. Others have included the veterans' bonus (again), several other veterans' measures, several Federal and postal pay measures, amendments to the Hatch Act, and at least four civil rights bills. These events suggest again that, even for measures on which discharge petitions were filed, success was often achieved through regular procedures rather than through the discharge procedure itself.

SOME POSSIBLE IMPLICATIONS OF ABOLISHING CONFIDENTIALITY

Management of the floor agenda. These observations suggest that discharge has frequently offered at best a difficult road to legislative success, even when the requisite signatures can be obtained. However, current practice under the rule often provides rank and file Members a means to get their issues included on the agenda, yet permits the leadership to recover control of the processes under which those questions are considered. Measures subject to this practice often do experience legislative success.

The present discharge rule may therefore be seen as one element of the current House balance between leadership and membership control over proceedings. Yet during the years in which this record was compiled, the House has altered the discharge rule little if at all. These observations accordingly suggest that the House has come to accept the value of a discharge rule that is difficult to operate properly, but yet that can be made to work effectively, and one that works most effectively by fostering leadership response to Member preferences, rather than by supplanting leadership control of floor proceedings. The question raised by the measures now before the Committee may be posed as whether, in today's circumstances, the balance between leadership and rank and file embodied in the present discharge rule is one that remains appropriate.

For example, a discharge rule more readily implemented might bring to the floor more measures that cannot pass. Historically, the leadership has typically opposed using the time of the House in considering such measures, but others may argue that rejecting propositions, and possibly building support for future legislation, is as important a deliberative function as enacting laws.

The greatest effects of the discharge rule may be indirect. Although committees may be very infrequently discharged, the possibility of discharge may foster responsiveness by committees and their chairs to Member agenda preferences. Without a discharge rule, committees might feel less incentive to take up measures desired by large numbers of their colleagues. Because successful discharge requires a majority, committee leaders may feel this incentive particularly from colleagues of their own party. In this sense, the Committee may wish to consider the effects of the discharge rule not only as a possible avenue of minority party agenda influence, but as a possible mechanism of accountability of the majority party's leadership to the majority Members for whom, as House practice presumes, it acts as agent.

The rationales discussed earlier for maintaining or for abolishing confidentiality of signatures suggest that abolition would make the requisite signatures easier to obtain. Members today can attempt to persuade each other to sign, and the leadership, in particular, may be able to exercise influence in this way along with others to regulate what measures come to the floor. Permitting public access to pending petitions would most likely add more to the voices desiring expansion of the floor agenda than to those desiring its limitation.

On the other hand, presumably the publication of signatures would not lead Members to sign who were not already inclined to do so, either by conviction or out of constituency responsiveness. Few Members opposed to a measure, or who considered discharge unnecessary on a measure, would likely be led to sign a petition simply because the act was not confidential. Abolishing confidentiality would not affect the current abilities of the leadership to recover control of the floor agenda in discharge situations. For these reasons, the proposed change might be expected not to make any very large difference in the frequency or nature of discharge action.

Position taking. Some have supported the position that discharge petition signatures should be public by using an analogy with cosponsorship. This analogy seems to view both cosponsorship and discharge petitions principally as expressions of support for a measure. It thus raises the possibility that publicizing discharge signatures might render Members more inclined to use them more as a means of taking a position on a measure than of impelling floor consideration.

The starkest use of this analogy has been an argument that the confidential character of signatures permits Members publicly to declare their support of legislation while privately not signing the discharge petition, a course of action that this argument condemns as hypocritical. In light of the canonical House view of the centrality of the committee system in the processing of legislation, however, such a conclusion could be overdrawn. It seems clearly possible that Members might sincerely take a sympathetic position toward the purposes of the measure, and wish to command it to the committee's consideration, while not being so convinced of its virtue as to be willing to press its enactment if the committee of jurisdiction, on the basis of its knowledge of the policy area, could not in its considered judgment recommend it. Even Members who strongly favor a proposed might not be convinced that the committee would fail to set, and might wish to see the measure considered and refined by committee deliberations before enactment.

The analogy between discharge and cosponsorship is not perfect. Cosponsorship has no substantial legislative function beyond position taking, whereas signing a discharge petition also has formal consequences for House proceedings and agenda. Position taking has legitimate and highly significant functions in the policy process. It may afford Members a means not only of accountability to their constituents, but also of influencing the broad legislative agenda, of developing support, and of clarifying opposing issue positions. However, the actions most useful for position taking purposes may not always coincide with those most appropriate to other stages in the decision making process. The rules change under consideration might tend to make petition signing a position taking activity simultaneously with their role as an operating part of the legislative process. The Committee may wish to consider how to ensure that this combination of functions will not generate an undesirable level of potential interference with the usual processes of committee deliberation.

One suggestion has been to permit a Member to sign an undesirable level only if she or he has cosponsored the measure, or at the level of the whole chamber, to permit discharge petitions only on measures that have the cosponsorship of a majority. If such a provision had a tendency to lead every cosponsor of every measure to support discharge, it might blur the distinction between the two acts and introduce counterproductive pressures on both committee deliberations and agenda management. On the other hand, if it seems evident that Members would not necessarily want or need to invoke discharge on every measure that enjoyed majority support, then such a provision might be found to relate discharge and cosponsorship in a way that would usefully distinguish the position taking from the agenda setting function.

Consponsorship was not introduced in the House of Representatives until some five decades after the discharge petition. The original rule thus could not have been written to take account of the functions of cosponsorship. Now that both practices are well established, it may have become possible to make constructive use of the role of cosponsorship in designing the operation of the discharge rule.

Specifics of Current Proposals. Finally, some specific differences between the two proposals currently pending also deserve note. The approach represented by H.Res. 134 would require only that signatures by "a matter of public record." In other words, it would not require that names of signers be publicized, but only permit interested parties outside the House to inquire about and publish them. On the many discharge petitions that are the subject of little public attention, this provision might be of advantage primarily to representatives of interests especially concerned with the measures in question.

The approach represented by H.Res. 36, on the other hand, would mandate the publication of signatures (and withdrawn signatures) in the *Record*, but only after a petition had obtained 100 signatures. This provision would be more limited in its scope. On the other hand, it would ensure some form of permanent public record of all signers to each petition reaching the required level. A related, but weaker, proposal would provide for the publication in the *Record* of all signatures to all discharge petitions, but only after the close of the Congress.

None of these approaches are contradictory, and they could even be combined. In any case, the Committee may wish to consider specifying the exact form in which signatures to discharge petitions would become part of the public record.

Finally, the Committee may wish to consider the status of signatures to current discharge positions if the rules are amended during the present Congress. Presumably Members who signed the two petitions now pending did so on the presumption that their

acts would be confidential unless the full complement of names was obtained. The Committee may wish to consider whether the rules change would retroactively remove the confidentiality from those signatures.

OTHER POSSIBLE CHANGES

If the discharge rule is now to be changed for just the third time in sixty years, the question has also been raised of what other changes in the rule it might be appropriate to consider at this time. Few proposals to amend the discharge rule have been actively discussed in recent years; most of these fall into the categories of altering signature requirements, altering the categories of measures to which discharge may be applied, or dealing with the effects of considering a measure without benefit of committee recommendations.

Signature requirements. The House's earlier experience with signature requirements lower than a majority resulted in frequent consideration by discharge of measures that could not pass. On this point there seems no reason to think that circumstances would differ today. The House might nevertheless reconsider such a provision if it now conceives a different judgment of the value to the deliberative process of considering such measures.

Earlier in this decade, on the other hand, suggestions were made in the Democratic Caucus that, on discharge petitions on measured requiring a two-thirds' vote for passage (that is, proposed constitutional amendments) the signatures of two-thirds of the House be required. A disproportionately high percentage of discharge efforts since 1969 appear to have been on constitutional proposals. The present rule may encourage focusing discharge efforts on such measures as the only ones that can be discharged even if they lack sufficient support to pass. Nevertheless, the Democratic Caucus decided not to recommend such a change in the discharge rule.

Raising the signature requirement generally to two-thirds has also been mentioned. Such a change would clearly make discharge harder to obtain; such a high proportion of the House might seldom support anything so strongly as to wish it considered by discharge. This change might therefore restore to a minority of the House a veto over including specific items in the floor agenda. For periods in which the majority party commands less than two thirds of the House, it might also weaken any implicit role of the rule as an incentive toward responsiveness of the majority party's leadership to its own members. Nevertheless, if the Committee believes that making signatures public will generate massive increases in discharge activity, even a more modest increase in the signature requirement might be judged as tending to restore the existing balance in the rule.

Another proposal would require that a certain proportion of the signatures on a discharge petition come from each party. The House has historically avoided writing into its rules requirements based explicitly on parties. Such an arrangement might tend to give both the majority and minority party a veto over discharge efforts initiated by the other, and in particular to prevent discharge on items favored by at least 218 members of the majority party.

A final possibility would be to abolish the present practice that no additional Members may add their names to a discharge petition once the 218 signatures are obtained. This change would prevent Members who wished to sign for position-taken purposes from being "frozen out." and could thereby reduce pressure to sign simply from fear of being "frozen out." Such a provision could also permit Members to withdraw signatures after the petition is entered. However, in order to prevent uncertainty about whether a motion was eligible to be called up, it might be necessary to provide that a motion would remain on the discharge calendar once it had at any point, or at the end of any previous day of session, achieved the requisite signatures.

Application of the discharge rule. The most extreme proposal to alter the application of discharge would abolish the rule altogether. The absence of even the possibility of discharge might significantly reduce the means by which the House membership, majority as well as minority, can implicitly maintain leadership responsiveness. Adoption of such a proposal would represent a reversal of the apparently hitherto settled judgment of the House that a discharge rule capable of being effectively used on rare occasions promotes an appropriate balance between leadership and rank and file.

A less sweeping change would require all discharge efforts to file petitions both on the legislative measure and on a special rule for its consideration. Such a provision would guarantee that the committee of jurisdiction could not insulate itself from discharge by reporting the measure. It would also tend to guarantee that if the measure came to the floor by discharge, its consideration would be governed by appropriately designed terms. On the other hand, this procedure might make discharge more complicated without necessarily decreasing the likelihood of success; if supporters of discharge have to sign two petitions instead of one, they probably will.

An alternative might be to permit discharge only of special rules for the consideration of measures, retaining only the "second method of discharge" that Crisp considered the preferable one. This proposal, reflecting one made in 1910 by Swagar Sherley (D., Ky), later Chairman of the Committee on Appropriations, would prevent a committee from insulating itself from discharge by reporting. It would also prevent Members favoring discharge from ever having to go through the petition process twice to bring the desired measure to the floor. It would also ensure that every discharge attempt presented an appropriately designed procedure for consideration of the measure involved.

Further, this provision would permit the Committee on Rules to continue its present practice of pre-empting discharge proceedings by reporting alternative special rules acceptable to the leadership. In other words, this alternative might facilitate the use of discharge as a means of fostering leadership responsiveness to Member agenda preferences, rather than of precipitating struggles for floor control between leadership and rank and file. The figures supplied earlier suggest that such approaches might also yield a higher degree of legislative success for the measures involved.

Finally, the current discharge rule prohibits further action on a subject under the discharge rule during the session in which a measure on the subject has reached the floor by discharge. This provision was designed to reduce repetitive votes, although it does not prohibit action on bills on the same subject reported from committee. Under contemporary conditions of legislative scheduling, consideration might be given to extending this prohibition from the single session to the entire Congress. The practical impact would in any case, however, be small.

Lack of committee consideration. Several suggestions have been made to mitigate the disadvantages of considering legislation on the floor without benefit of a committee report or recommended committee amendments. One long-standing suggestion would require that once a petition was entered, its initiators supply information covering matters required or usually found in a committee report, to be published as a House Document that would serve the same functions of informing the membership as the report normally performs. The committee might be invited to contribute similar information as well, which would allow it to state its case for not having reported the measure.

Another approach would lengthen the time between entry of a discharge petition and floor consideration of the discharge motion. The present rule permits a minimum of seven days of actual session and a maximum of one month, depending on the timing of the petition's entry in relation to available discharge days (the second and fourth Mondays of each month). The strict 1925 rule, on the other hand, allowed only one day per month for motions to instruct a committee to report a measure within fifteen days. Counting those intervals in days of actual session, such a proceeding would give a committee typically between one and two full months to hold hearings, mark up the measure, and prepare a report. A rule of this sort might once again tend to foster leadership responsiveness to membership agenda preferences while maintaining overall leadership agenda control. It might also be possible to offer the extra time only if the committee was actively proceeding with hearings and markup.

FOOTNOTES

[1] U.S. Library of Congress. Congressional Research Service. *"Background of the House Precedent that Signatures to a Pending Discharge Petition May not be Made Public."* CRS typed report, March 30, 1984, by Richard S. Beth. Washington, 1984. 11 p.

[2] The following discussion is drawn largely from Beth, *"Background of the Precedent that Signatures May not be Made Public."*

[3] The Rules. Debate and votes in the House. *Congressional Record*, v. 65, Jan. 14, 1924, p. 951; Jan. 15, 1924, p. 1004; Jan. 18, 1924, p. 1124, 1134, 1136.

[4] Motions to Discharge Committee. Proceedings in the House. *Congressional Record*, v. 75, Feb. 23, 1932. p. 4512–4513. Cannon, Clarence. *"Cannon's Precedents of the House of Representatives of the United States."* Washington, G.P.O., 1935. v. 7, sec. 1008.

[5] A Parliamentary Question. Proceedings in the House. *Congressional Record*, v. 78, Apr. 12, 1934. p. 6489–6491.

[6] Cannon, Clarence. *"Precedents of the House of Representatives of the United States."* Washington, U.S. G.P.O., 1935. v. 7, section 1007.

[7] The figures discussed here are drawn (with updates) from U.S. Library of Congress. Congressional Research Service. *"The Discharge Rule in the House of Representatives: Procedure, History, and Statistics."* CRS Report for Congress 90-84 GOV, Feb. 8, 1990, by Richard S. Beth. Washington, 1990. 112 p.

STATEMENT BY HYDE MURRAY

Mr. Chairman. Thank you for this opportunity to discuss with you the House rules and precedents relative to discharge petitions and the Discharge Calendar.

With many "reforms" there is usually a conflict between two or more reasoned and rational purposes.

In this case, the conflict between open debate and disclosure on one hand and the need to have strong and effective committees on the other hand presents itself to you and every House member.

The committee structure is basically designed to give the House the time, the expertise, the persistence and the continuity to formulate sound law and to kill bad legislation.

The House itself (and its alter ego the Committee of the Whole) are fully equipped

to modify, ratify, or reject the work of its committees, but as some point the House must decide where the balance exists between legislating in Committee and legislating on the Floor.

Many House Rules are biased toward committees—germaneness and committee jurisdiction rules for example favor an orderly consideration of bills by the committee empowered to hear and decide specific issues.

The discharge petition rule is per se, clearly in derogation of the power of all committees . . . including the Rules Committee because it provides for a mechanism to veto the veto of a recalcitrant committee that "just wants to say no."

In drafting the current discharge petition rule, the House appears to have drawn it narrowly by, for example, not letting members sign by while in a hospital or by proxy and by keeping names confidential.

Allowing the publication of names would appear to put more pressure on other members to sign the petition and would make it most awkward to say the least for a member to remove his or her name.

In an effort to enhance your understanding and to be helpful in your consideration of this aspect of the Rules of the House, I will start by highlighting the early history of the rule as stated by former House Parliamentarian Clarence Cannon at Volume VII, Sections 1007, and 1008 of Cannon's Precedents, a copy of which is attached to my statement.

* * * * *

Conversely, conservative members could target a popular estate tax cut and in a manner similar to that used by liberal food stamp advocates, find great fault with those who are bottling up the tax bill without even allowing it to be considered by the House.

The combination of punches, one from the left; one from the right, might well result in even less fiscal discipline than is now the case. In other words, the "law of unintended consequences" may be invoked by legislative affection for more "sunshine".

CONCLUSION

As these hearings demonstrate, a good argument can be made on both sides of the question of publishing members names on a discharge petition, but eventually the leadership and the individual members will have to decide which technique will produce the best laws: Careful, thorough, subcommittee and committee deliberation (and in some cases, interment) or more participatory, open but less thorough consideration by the Committee of the Whole and the House itself.

TESTIMONY OF THOMAS E. MANN, DIRECTOR OF GOVERNMENTAL STUDIES, THE BROOKINGS INSTITUTION

I'm saddened and discouraged by the reaction inside and outside the Congress to the proposal by Rep. Inhofe to make public the names of members who sign discharge petitions before a majority of members have signed the petition. A procedure that has served the House well for over half a century—by providing a safety valve that allows a majority of members to bring a legislative measure directly to the floor—is now being portrayed as evil incarnate. Ross Perot and the Wall Street Journal editorial page writers would have us believe that the precedent governing the timing of the public release of the names of signatories frustrates democratic governance by allowing House leaders to bottle up popular legislation and keep voters in the dark.

The rhetoric on this matter has been passionate and misleading. A routine and perfectly reasonable legislative procedure has become conflated with partisan and ideological agendas in a way that confuses the public and threatens to weaken an essential feature of the legislative branch—namely, the ability to deliberate or, in the words of James Madison, "to refine and enlarge public views." Those who speak out against the Inhofe proposal are pilloried as defenders of secrecy, hypocrisy, special interests, even of the dread "establishment."

What I find most unfortunate about the debate on this matter is the portrayal of Congress as a closed, secretive institution, dominated by committee and party barons and unresponsive to popular sentiment. I know of no serious student of Congress who believes this characterization has any basis in reality. Congress has its share of problems; with Norman Ornstein, I have spent the better part of the past year diagnosing its institutional maladies and prescribing reforms that would deal constructively with them. But I can assure you that insulation from unresponsiveness to public sentiment is not a feature of the contemporary Congress.

Indeed, the Congress today is remarkably open, permeable to outside interests and opinion, and relatively unconstrained by autocratic committee and party leaders. Members if anything are hypersensitive to public opinion and unduly solicitous of intense opinions in the electorate, however ephemeral they may be. And committee and party leaders are responsive to majority sentiment among rank-and-file members. The Congress and its leaders are less equipped institutionally to cool the temporary passions of the public than ever before. The Framers of our system would be appalled to see how campaign finance practices, negative campaigning, orchestrated grass-roots lobbying and television and radio have made it more difficult for members of Congress to do what is politically unpopular in their districts but right for the country.

Majorities rule in the House of Representatives. (The same cannot be said of the Senate, where anonymous holds and filibusters regularly frustrate majorities.) Virtually all serious legislative proposals that have genuine support among a majority of members find their way to the floor. The discharge petition is an important, though seldom-used safety value to ensure consideration of legislation when a majority of members (without the threat of political pressure outside the chamber or retribution by committee or party leaders inside) believes that the leadership is inappropriately thwarting action. It was never (and should never be) designed as another means by which outside groups can pressure members into forcing action on a piece of legislation; it was a way of dealing with the arbitrary exercise of power inside the chamber.

Publicizing the signatures on discharge petitions before a majority is achieved would increase the pressure on members to take the politically safe action in the face of intense outside lobbying. It could well lead to the routinization of the discharge petition as an alternative agenda-setting mechanism in the House, diminishing the deliberative role of committees and weakening the ability of the majority party leadership to manage the floor. It would encourage government by plebiscite, a far cry from the republican form of government designed so brilliantly by the Framers.

I understand the surface appeal of H. Res. 134. Few members of either party are comfortable defending a procedure that seems to condone secrecy and hypocrisy. House Republicans are drawn to it for another reason as well. It is not easy to be a permanent minority in a majoritarian legislature. It is particularly frustrating in times of deep partisan division, when opportunities for bipartisan cooperation are limited, and when the majority uses its control of the Rules Committee to limit amendments by the minority and avoid politically embarrassing votes. In our Renewing Congress reports, we have recommended procedural changes to give the minority party and individual members meaningful opportunities to offer alternative versions of legislation. But I strongly believe that revising the discharge petition with H. Res. 134 is not the way to deal with these frustrations. House Republicans as well as Democrats have a stake in preserving the deliberative character of this institution.

At the same time, I oppose efforts to dilute the current discharge rule, by requiring a supermajority or by some other means. H. Res. 134 should be defeated on the merits. The present discharge rule makes sense and works well. The status quo should be reaffirmed. I realize that in these populist times when Congress-bashing is the rage, this position is neither popular with the public nor comforting to members. But I believe it is the wisest course for this committee and the House to take.

STATEMENT OF STEVEN S. SMITH, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF MINNESOTA

Chairman Beilenson and members of the Subcommittee, the discharge petition has a tortuous and tortuous history. I hope that we are not adding to the problem today.

As you know, every rule has a bias. A rule's bias may not always be manifest or important, but it is there, just waiting for the right circumstances to show itself. The bias of Rule 27 is that the influence of public opinion is minimized. It advantages any House majority that might shrink if disclosure of petition signatories was required. It certainly advantages committee majorities—usually composed of majority party members. And it advantages the Speaker, who effectively controls the only other viable means for discharging committees—suspension of the rules and resolutions from the Rules Committee.

My view is that the House should adopt neither H. Res. 134, proposed by Mr. Inhofe, nor H. Res. 36, introduced by Mr. Michel in January. These proposals would shift too much power to fluid chamber majorities, reduce the ability of the majority party to determine and take responsibility for the agenda of the House, and further exacerbate an already serious problem for the House—hyper-sensitivity to public opinion.

COMPETING PRINCIPLES

As Members of this Subcommittee appreciate, every important rule of the House represents a balance among competing principles to which most Members would subscribe. Several principles are in partial conflict in recent discussions of the discharge petition.

The first principle is public accountability. Members' should be held accountable for the manner in which they pursue their official duties. Yet no one, except a self-serving journalist, political scientist, or historian, argues that all aspects of Members' official activities should be recorded and published. For example, most Members would want to maintain the confidentiality of communications between themselves and their staff assistants. And they would want to protect

statements and formal actions made in party councils, even if decisions made in those places are consequential for the policy choices made by the House. But most people would agree that it is more important to publish a record of Members' actions when they are contributing to authoritative decisions by the House or at earlier stages that are considered essential to official House action—voting in the Committee of the whole or in committees and subcommittees.

In the absence of other considerations, I would favor H. Res. 134. Signing a discharge petition is much like voting on a special rule to bring a measure to the floor. Both actions set the floor agenda and are essential preliminary steps to final action by the House. But there are other considerations.

The second principle is republicanism. Madison emphasized the importance of avoiding the pitfalls of direct democracy and the wisdom of establishing republican government in a large and diverse country. His point was that some distance between the people and policy makers is essential to good government. His hope, of course, was that the public interest, not public demands, would be the driving force behind policy choices. He wanted Members to rise above rapidly shifting public passions, to resist the temptation to make early policy commitments, to learn from each other, to discern national and long-term interests, and to resolve rather than intensify societal conflict.

To be sure, Madison enjoyed a privileged position that modern elected officials do not. The incentives to cater to, and even to excite, public passions are overwhelming. Modern technology has increased the incentives even more, as have the sunshine, recordkeeping, and record-voting rules that were adopted over the past 25 years. A membership that is too often hyper-sensitive to public opinion and distracted from the public interest seems to be the result.

Informed decision making is a principle closely associated with republican government. In Congress, informed decision making has required reliance on committees to conduct hearings, sift through competing arguments, and distill choices. Some proponents of the Inhofe resolution argue that little damage to the role of committees because petitions would still be reserved for only a few issues, those where the majority party is flexing its muscles to bury important measures. I disagree. The temptation to use a discharge petition to gain leverage or publicity would be irresistible. Discharge petitions would become just another instrument for scoring political points.

Also at issue is the appropriate balance of party and individual responsibility in House decision making. Madison, like other Federalists, originally sought to minimize the role of faction and party in Congress. He preferred to think that Members would be virtuous individuals, each fully contributing to the collective decisions of the House. Of course, Madison recognized the inevitability of parties and became a party leader in due course. And perhaps he would have changed his views on this point as the House grew by nearly seven fold and its work load grew even more during the next century.

I note that the Inhofe and Michel proposals differ in a critical way. The Michel proposal implicitly recognizes the principle of party responsibility. Its requirement of disclosure upon the accumulation of 100 signatures on a petition means that a majority of the minority party would generally be required in the absence of significant bipartisan support for discharging a committee. Discharge petitions supported by smaller minorities—a minority of the minority party—would result in the disclosure of signatories' names. The Inhofe proposal compels disclosure for all petitions and will occasionally enhance the leverage of small groups of Members.

Does the current practice unduly undermine the principle of individual responsibility and favor party responsibility? It probably does. Current practice appears to support individual responsibility by protecting the individual Member from pressure from any source. However, the absence of public disclosure may at times help to maintain the influence of those Members—particularly majority party and committee leaders—who can inspect petitions and marshall resources to pressure their colleagues.

Clearly, both supporters and opponents of the current rule offer theories of the House that are not consistent with the original design. Supporters' emphasis on majority party responsibility is quite foreign to the principle of individual responsibility found in the original design. Opponents' emphasis on public accountability ignores the Founders' hope that public opinion would inform, not dictate, policy choices.

A NEW BALANCE?

The principles involved in the discharge rule are not easily balanced in the abstract. I see no angles in this dispute. I must say that I see no evidence that the current rule has prevented the House in recent Congresses from acting on measures that a majority of Members personally believed should be adopted. Some Members have argued that the House would have met the public demand for a strong form of the line-item veto by now if the rule permitted disclosure of petition signatories' names. I do not find this to be a compelling argument for changing the rule. In fact, by adopting the prescription of H. Res. 134, I think that the House would be moving perilously close to government by public opinion poll. The Congress is four-fifths of the way there as it is.

If a change is inevitable, I would propose a somewhat different balance than those suggested in the Republican proposals. I would seek to provide limited public disclosure, to protect of signatories' identity in the short run, to establish a higher threshold for discharging constitutional amendments, and to preserve a heavy dose of party responsibility. A reasonable balance might be achieved by a rule that:

Provided for the disclosure of signatories' names at the end of each Congress for all petitions that have been signed by at least 100 Members;

More fully protected the identity of signatories, even from Members, by using numbered cards and prohibiting Members from inspecting them during a Congress (Members could withdraw their signatures); and

Set the threshold for House action on a discharge motion at the level required for passage of the measure—two-thirds for constitutional amendments and a simple majority for most other measures.

Disclosures of signatories' names at the end of a Congress would preserve the short-term leeway that Members must have to pursue the public interest. Members could be held accountable at election time for official actions on petitions endorsed by about one fourth of the House. The incentive to engage in deceptive cosponsorship of legislation would be reduced marginally and, at least in the long run, Members would have to explain their positions on important issues.

I see nothing that can be done to prevent a Member from tracking the number of signatories who choose to disclose their identity. But I believe that there will be times when signatories will prefer to protect their identity from all others, at least in the short run. The process should allow them to do so in order to reduce the influence that otherwise would be exerted by party and committee leaders, the administration, and lobbyists.

Finally, I support a threshold for forcing a vote on a discharge motion should be the same as for passage of the measure that is the subject of the motion. In practice, this means that constitutional amendments will be given special status under the discharge rule. Here, more than anywhere, we should create a decision-making environment that allows Members to exercise their best personal judgment about the long-term public interest.

STATEMENT BY DR. ROGER H. DAVIDSON, UNIVERSITY OF MARYLAND, COLLEGE PARK

Mr. Chairman and members of the Subcommittee: I appreciate your invitation to discuss the discharge procedure and its implications for the deliberative process in the House. Although I make no claim to be expert in the details of parliamentary procedure, I have devoted much of my professional life to studying the organization and workload of Congress, especially its committee system. When committee reorganization was undertaken in the 1970s, I was privileged to serve as a staff member on both chambers. In 1973–1974, I served with the Bolling-Martin Committee after being asked by Vice Chairman David Martin of Nebraska, the ranking minority member of this Committee, to join his staff in that bipartisan effort to reorganize the House committee system. From 1980 to 1988 I served as Senior Specialist in American National Government and Public Administration at the Congressional Research Service.

The specific proposal before you, H. Res. 134, is a seemingly limited, innocuous proposal to make signatures on discharge petitions a matter of public record. But we have learned from experience that even the most innocuous procedural adjustments can have far-reaching effects, some of them wholly unexpected. Moreover, we must apply historical perspective to procedural changes: those who denounce a rule today may tomorrow have reason to seek refuge in that same rule. This subcommittee, as the chief body charged with assessing and reviewing the rules of the House, ought to examine this proposal in light of its possible effects upon the delicate balance within this chamber among the leadership, the committees, and the individual members.

THE CENTRALITY OF COMMITTEE DELIBERATION

The two leading attributes of the House of Representatives as a deliberative body are, first, its reliance upon standing committees to sift through and develop legislation and, second, its tradition of strong leadership management of scheduling and floor deliberation. These two attributes set the House apart from the Senate, and they are in fact responsible for the House's continuing significance in national policy making—given its large size and mounting workload.

Standing committees are the chief instruments through which the House defines public problems and shapes policies. Here, the political soundings are taken, the delicate compromises worked out, and the increasingly complex language of measures drafted and redrafted. Floor debate may illuminate issues and resolve crucial questions. But it is

quite impossible for a large body of lawmakers to write complex pieces of legislation during floor debate.

A key part of the committees' duties is to review legislative proposals, in the process killing the vast majority of the measures referred to them. In the 102nd Congress, 6,775 bills and 932 resolutions were introduced in the House; fewer than 12 percent of these were reported by the committees to which they were referred. (Additionally, a number of unreported measures are adopted through alternative procedures.)

As a citizen and a taxpayer, I submit that the committees perform a necessary service by eliminating the vast majority of proposals referred to them. Many unwise, unnecessary, and costly schemes lie dormant in the committee rooms; some of these are politically beguiling and might even garner a majority on the floor. Since 1931, a large number of the discharge petitions that have been entered (that is, gained 218 signatures) involved raids on the Treasury pushed by aggressive lobbyists to benefit their client groups. A dozen such measures dealt with veterans' bonuses and pensions; others concerned federal pay and water projects. Any group purporting to represent conservative values or taxpayers' interests should recall this history before trashing the existing discharge procedures. The committees' role in screening measures should not be judged simply on the basis of a few currently attractive measures that have not reached the House floor.

EFFECTS OF THE DISCHARGE PROCEDURE

The discharge mechanism (Rule XXVII, clause 3), far from being some sort of "secret rite," is one of several safety valves provided by the rules to promote accountability of the committees of the House membership. Initially adopted in 1910, it was subsequently revised on several occasions and achieved essentially its present form in 1931. It is significant that this mechanism, along with Calendar Wednesday (1909), grew out of the "revolt" against Speaker Joseph G. Cannon—an insurgent movement of progressive Republicans and Democrats against the "Old Guard" Republicans who controlled the Speakership and the Rules Committee.

Following are my observations on the role and effectiveness of the present discharge rule, as well as my assessment of H. Res. 134. In sorting out my thoughts, I acknowledge our collective debt to Dr. Richard S. Beth of the Congressional Research Service, whose detailed and careful report on the subject helps us to put this matter into perspective.

Confidentially of the petition process is a carefully considered and well-established aspect of the discharge procedure. In adopting the rule, members discussed at length the need to protect members, singers and nonsingers alike, from undue pressures—from special interests, from the press, and from committee and House leaders. The current controversy illustrates all these problems, which were cannily anticipated in the debates of sixty or more years ago. Confidentiality is implicit in the wording of the rule itself and has been regarded as an integral part of the process. Speaker John Nance Garner announced in 1932 that "signatures cannot be made public until the required number of members have signed the petition"; Speaker Sam Rayburn repeated in 1946 that premature discloses of names "is certainly a violation of the rules * * *" On the other hand, it must be said that the House has not revised the rule to make more explicit the confidentiality principle, nor has it ever taken steps to punish those rare violators of the principle. If this principle is not defended in the present controversy, it will risk becoming morbund.

The "hypocrisy" issue—the charge that members win coming and going by cosponsoring bills and then refusing to sign discharge petitions—is not persuasive and conveys an erroneous view of the act of sponsoring or cosponsoring legislation. Introducing a bill or resolution by no means implies complete agreement with everything in the bill, nor should it. Members may introduce measures to stake out jurisdiction for a committee or to pave the way for hearings and deliberations that will air a public problem. Even if a legislator is strongly committed to the ideas embodied in the measure, he or she will invariably anticipate that hearings and markups will result in modifications or amendments. Bill introduction is the beginning of the deliberative process; it gets the issues on the table, which is a long way from agreement upon a finished product.

The troubling aspects of member's position-taking, in my judgment, center more on cosponsorship than on discharge petition signatures. It is my distinct impression that members have become far too careless in cosponsoring measures. Members' offices are inundated with "Dear Colleague" requests for cosponsorship, and members are under mounting pressure to indicate early, and often premature, support for measures. In this process, it is hard to tell who is using whom. Cosponsors use their support as an inexpensive form of position-taking, while the chief sponsoring members and allied interest group seeks to interpret cosponsorship as a signal of unqualified support. One result of the present controversy, one would hope, would be greater restraint among members about agreeing to cosponsor measures.

The history of the present discharge rule has shown it to be a limited but useful took for imposing the chamber's will upon committees. It is invoked rarely and has produced very few statutes. Between 1931 and 1992, only 490 petitions have been filed to discharge committees from legislation referred to them. That is about one petition for every 100,000 bills and resolutions introduced. Of those petitions, only 44 received the required 218 signatures and were entered on the calendar; 29 of those were called up on the floor. Committees were discharged in 24 instances. Eighteen of the discharged measures passed the House, but of those only three (two statutes and one rules change) became effective.

The discharge mechanism is more effective as a prod than as a lawmaking device. Although the rule rarely produces enactments, there is evidence that the threat of a successful discharge petition often leads to committee action, or to floor action by means other than the discharge itself. According to Richard Beth's compilation, successful discharge petitions tend to result in further action by the full chamber: calling up the measure for debate (69 percent of the petitions entered), passing the measure (57 percent of the cases), and even gaining final approval of the measure (21 percent of the cases). These figures do not include instances in which a successful petition induced the relevant committee to schedule hearings or issue a report that was not acted upon by the full House. In other words, in a number of cases the discharge attempt helped to impel action by the committee, the Rules Committee, or the House leadership.

The discharge procedure is ill-suited for the process of legislative deliberation. Most importantly, it bypasses the crucial and time-consuming phases of hearings, negotiations, and markups that are needed to turn raw proposals into acceptable legislation, or to expose a proposal's fatal flaws or narrow support. The procedure itself provides inadequate debate and short-circuits amendments. It also fails to address the phenomenon of multiple referrals: more than a third of all bills and resolutions introduced in the House are sent to two or more committees.

CONCLUSIONS AND RECOMMENDATIONS

The present discharge rule has worked successfully as a safety valve. It serves as a remainder that committees are creatures of the parent chamber and ultimately answerable to the majority wishes. It is not effective as a deliberative mechanism, nor do I think it was intended as such. It should remain an extraordinary and difficult course of action, to be employed when all other means have failed.

Publicizing the signers (or non-signers) of discharge petitions will add nothing to the deliberative process but a lot to the practice of position-taking. It converts a procedural issue into a policy weapon that will be of great use to a handful of special interests but of little or no use to the general public.

As a device to promote public knowledge, H. Res. 134 leaves much unsaid. It merely makes the petition "a matter of public record." It fails to specify how or by whom the record should be prepared or disseminated. Presumably interested parties—members and lobbyist allies—would publicize the names selectively to place pressure on selected members on behalf of favored issues. A more effective course would be to direct the Clerk to publish the lists periodically, or better yet at the conclusion of each Congress. Such a course would assure that the public record would be complete, would enable the procedure to be seen in full perspective, and would provide an archival record for the use of historians and other students.

Other alterations of the discharge rule should be approached with caution. As my prior comments would suggest, I do not favor significantly broadening access to the procedure. Nor do I believe that further restrictions in the procedure would be desirable or acceptable. For example, requiring 218 signatures strikes me as an appropriate reminder of the principle of majority rule in the House. Raising the number would have greater logic in the case of constitutional amendments, but even there it seems to me that a majority should be able to indicate its desire to have a given measure taken up, even if the eventual support for the measure falls short of the required two-thirds.

Two modifications in the discharge rule would improve the currently clumsy post-petition procedure while ensuring that the disputed measure would be addressed and the issue joined. A revised rule might well: (1) require formal reports from both the sponsor of the discharge petition and the committee of reference to be submitted within a specified period of time; and (2) provide that the petition could be taken up promptly after submission of the reports. This would allow adequate opportunity for a meaningful response to the petitioner's concerns, and would improve deliberation if and when the motion were taken up on the floor.

In summary, the Rules Committee should consider either reporting H. Res. 134 adversely, or reporting a modified discharge procedure (Rule XXVII, clause 3) incorporating the refinements I have suggested.

[From the Washington Post, Sept. 27, 1993]

NO SMOKE, NO BARONS

(By Thomas Mann and Norman Ornstein)

There is no surer way to induce an editorial knee to jerk than to evoke the word "secrecy." And knees jerked all over the country over Rep. Jim Inhofe's proposal to publicize the signatures on discharge petitions in the House of Representatives before a majority is reached. George F. Will's endorsement of Inhofe ["Smoking Out the Barons," op-ed, Sept. 19] is understandable, given his unrestrained animus toward the contemporary Congress and his single-minded pursuit of term limits, but the argument advanced by The Post's editorial [Sept. 14] was uncharacteristically superficial.

The Inhofe proposal is very likely to pass the House, now that it has obtained the requisite 218 signatures on the discharge petition. Indeed, given the terms by which it was defined for the public—ending secrecy, increasing accountability, restraining the arbitrary exercise of brute power—an overwhelming majority will probably climb aboard the bandwagon when faced with a recorded vote.

But before the seemingly inevitable occurs, it is worth reflecting on how the discharge petition came to be the cause celèbre of congressional reform, what it tells us about Congress and the American political system, and how this change might reinforce and worsen some disturbing trends in our politics.

Inhofe's proposal is a solution in search of a problem, a reform based on a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.

The truth is that Congress today is remarkably open—probably the most open political institution in the world—permeable to outside interests and opinion and relatively unconstrained by autocratic committees and party leaders. Members are if anything hypersensitive to public opinion and unduly solicitous of intense opinions from a sliver of the electorate, however ephemeral they may be.

The problem with Congress is not insulation and unresponsiveness—it is pandering and symbolic position-taking. Congress and its leaders are less inclined and less equipped to cool the temporary passions of the public, or to withstand the intense views of a disciplined, organized special interest minority, than ever before. The confidentiality provision of the discharge petition rule has been a modest shield against those forces; the Inhofe change would turn the discharge process into a weapon for them.

In this case lawmakers and their leaders were putty in the hands of Ross Perot, Rush Limbaugh and the Wall Street Journal. It didn't matter that almost all serious legislative proposals that have genuine support among a majority of members find their way to the floor; that the discharge petition has worked as a noncontroversial safety valve enabling a majority of members to prod legislative action when they believe the leadership is inappropriately thwarting action; and that adopting the Inhofe proposal would make a provision designed to be a last resort into a routine one and increase pressure on members to take politically safe but substantively damaging positions in the face of intense outside single-issue lobbying, discouraging deliberation and encouraging a government by plebiscite. Once the public passions were fanned and the agenda set in simplistic, anti-secrecy terms, there was little opportunity for genuine discussion and debate about the need for this rules change and its possible consequences.

This episode is emblematic of what ails Congress today and why it is so difficult to pursue constructive reforms. An angry but inattentive public is too easily manipulated by Congress-bashers pursuing their own partisan and ideological agendas. Members of Congress are too willing to sacrifice the well-being of their institution in order to advance or protect their individual political positions back home. Congressional leaders are too slow to see the threats to the basic integrity of Congress, insensitive to the genuine rights and prerogatives of the minority party, and too reluctant to act decisively to deal with the underlying problems. And editors, eager to be on the side of the angels, buy the "reform" agenda of self-styled public interest groups and reformers without thinking through the consequences of what they support.

Ironically, if the undue sway of leadership bullies on rank-and-file members is the problem, as many Inhofe supporters believe, the most constructive change in the discharge petition rule would have been more, not less, secrecy—the complete confidentiality of signatures, so that neither leaders, chairmen nor outside interests would know which members had signed petitions to pull bills from their committees, and could not exact retribution. But that kind of change would not have mobilized United We Stand troops around the country, energized the army of radio talk show hosts or raised much money in direct-mail appeals by anti-Congress groups. Inhofe and his allies have intimidated the House to act and succeeded at stinging and embarrassing Congress' senior leaders. Now we have to figure out how to limit the damage done to deliberative democracy.

(The writers are codirectors of the AEI-Brookings Project on Renewing Congress.)

[From the Wall Street Journal, Sept. 2, 1993]

DON'T DISCARD DISCHARGE PETITION SECRECY

(By Norman Ornstein)

The latest partisan confrontation inside Congress is over an arcane House provision called the discharge petition. With the active complicity of this newspaper's editorial page, and in defiance of House rules, Republican James Inhofe has published the names of signers and nonsigners of a discharge petition—for his own petition to require that names be made public. His argument is that the rule prohibiting disclosure of the names lets cowardly representations have it both ways—satisfying their leaders who keep popular bills and resolutions bottled up in committees, while letting constituents and lobbyists think the congressmen support the bills when in fact they refuse to act to bring them to a vote.

Rush Limbaugh and other conservatives have joined Mr. Inhofe's crusade, helping to enlist members skittish about appearing to oppose an "anti-secrecy" measure that on the surface sounds so reasonable. It is not. Before jumping on board, lawmakers should realize that the Framers of the Constitution, if they were here today, almost certainly would oppose Mr. Inhofe's idea as a giant step toward the kind of plebiscitary democracy they feared the most, and a giant step away from the kind of republican democracy they worked hard to create.

The discharge petition was created in the House in 1910, as part of a package of dramatic reforms aimed at the dictatorial power exercised by Speaker Joseph Cannon. Cannon had unilaterally appointed—and "unappointed"—members and chairs to committees, and had dominated the majority party caucus and the floor.

When the House rebelled, it created a more decentralized system. But members of Congress wanted to be sure they did not react against a dictatorial speakership only to create dictatorships of committees or their chairmen. The reformers' internal checks and balances included a "fail-safe" provision to keep a committee from unreasonably killing a bill that could muster support from a majority of the full House and deserved floor consideration and passage—the discharge petition.

If a bill has spent more than 30 days in a standing committee, any member can file a motion to discharge the bill for direct consideration on the floor; if a majority of members, 218, sign the petition, the bill gets privileged consideration. Members can add or withdraw their signatures at any time until a majority of votes is secured. Under rules that are more than 50 years old, the names on the petition are not disclosed until at least 218 signatures are obtained (at which point the names are published in the Congressional Record). It is this latter provision that has so exercised Mr. Inhofe and his allies.

The discharge petition was designed to be a last resort. Fewer than one bill per Congress on average has actually been discharged over the past 50 years, and less than a handful have actually become law. The 1910 reformers expected that this would be the case—that lawmakers would want to defer to a process that lets committees immerse themselves in the details of bills in a way that a collective chamber of 435 individuals cannot. They wanted a strong and stable committee system.

And in the tradition of the Framers, they wanted a system that would stop legislation as much as—or more than—it would expedite it. Congress was designed by the Founders as a deliberative body—designed not to reflect public opinion, but to create a broader, reasoned public judgment from the mix of narrower interests. Congress was supposed to cool public passions and temper public emotions, to block or delay bad but popular ideas as much as to enact new public policies.

Forcing members under pressure from special interests or a tide of public emotion to go on record supporting discharges means letting bills come to the floor willy-nilly without the screen of committees, and removing the ability of committee chairs and party leaders to block popular but unwise bills from coming to the floor. The result will be a spate of foolish laws and even larger deficits.

Consider one of the rare contemporary instances when a discharge petition actually led to a bill's passage—in 1983, when a bill emerged to repeal the 1982 tax provision requiring withholding of income on interest and dividends. The 1982 provision, engineered by Bob Dole to reduce the deficit, had been immediately attacked by banking lobbyists, who mounted a massive repeal campaign, falsely warning widows and orphans that their interest savings were about to be snatched by the government. The scare tactics worked. Congress was flooded with outraged mail, telegrams and phone calls. Unfortunately, the discharge petition's secrecy rule was an inadequate levee and the provision was repealed, adding billions to today's deficit.

Now consider an area where the discharge petition rule has kept bad legislation at bay.

The "notch babies" are voters born between 1917 and 1921 who were caught in the middle in 1977, when Social Security benefit formulas were changed and the changes phased in. The changes reduced an overly generous benefit formula, enacted by mistake in 1972.

The notchers, a big cadre of largely affluent, outspoken and politically active elderly, have been emotionally vocal and adamant about the need to right a terrible wrong done to them. But the notch babies didn't lose anything. They actually got more than they otherwise would have—but were put at a comparative disadvantage to their elders.

Virtually every expert on entitlements has said that nothing can or should be done to provide additional benefits to the notch babies. But experts have few votes across all 435 congressional districts. If not for the fact that congressional leaders, recognizing the fiscal folly of accommodating the notchers, have kept relief bottled up in committees, our awful deficit problem would be much worse.

Destructive or foolish proposals come along all the time that have simple, seductive appeal to voters, often framed by clever special interests and their lobbyists. Others generate intense support from one particular, powerful group but no comparable opposition elsewhere. A plebiscitary democracy, responding immediately to the whims of public opinion, enacts such proposals without thinking. A responsible representative democracy builds in deliberative mechanisms to resist them.

The discharge petition and its rules are designed to provide modest protection for members of Congress against the relentless demands and pressures of special interests and volatile public opinion. A small measure of secrecy helps keep it that way. Eliminate that protection, and we will be deluged by notch baby-type measures and manipulation by interest groups. The Framers understood this; it's a pity Mr. Inhofe and his allies do not.

(Mr. Ornstein is a resident scholar at the American Enterprise Institute in Washington.)

□ 1120

Mr. INHOFE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking Republican member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE] for yielding this time to me. And I really thank the gentleman from Oklahoma, and commend him, for his initiatives and really for his persistence and success, in bringing some sunshine to the one remaining dark corner, I believe, in this House.

Mr. Speaker, the so-called secrecy rule for signatures on discharge petitions is not even a House rule. It is a 1932 precedent propounded by a Speaker some 8 years after the first discharge petition rule was adopted in 1924. And, even then, Speaker Garner cited no specific authority or rationale for the secrecy injunction. So, there really is no standing rule here that says there has to be secrecy.

It was not until 1934 that Speaker Rainey attempted to give a reason for keeping signatures secret. In response to a parliamentary inquiry, he said that:

Publishing the names in the newspaper invites people generally in the United States to bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed it to take their names off.

Mr. Speaker, contrary to the claims of those who have defended this relic of the congressional dark ages, it was public pressure, rather than narrow, special interest pressure, that was feared in those days. That remains the greatest real fear of opponents today, that we will be too sensitive and too responsive to the popular will.

Whoever heard of such a thing?

Mr. Speaker, I strongly reject this elitist, political popula-phobia—this fear of the people. I mean this is the people's House. We were sent here to serve and represent the people. We should be willing to do so, using our best judgment, no matter what the cross-cutting, political currents and pressures might be—looking out in the final analysis for what is best for the Nation and the general public.

And we should be willing to do all the people's business in the open: public business should be done in public. And, to paraphrase Harry Truman, "if you can't stand the heat and the sunshine, get out of the kitchen."

Mr. Speaker, finally this House, the people's House, is going to have the opportunity to debate these critical issues that have been bottled up in committees year after year, after year. My own bill, line-item veto, has been held up for 15 years. Issues like a constitutional amendment to require a balanced budget, a true line-item veto, product liability reform—which we need desperately to get this economy moving—medical malpractice reform have all been held up. We will not see the light of day if we do not have this secrecy removed. Now we are going to see it. These are the issues that are overwhelmingly supported by the American people.

My colleagues, we ought to vote for this resolution today, and we are finally going to do something here. We are going to represent the people of this Nation the way they want to be represented, and I commend the gentleman from Oklahoma, and really praise him, for bringing this to the floor. "God bless you."

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I would like to enter into a colloquy with the gentleman from Oklahoma [Mr. INHOFE] regarding the legislative intent behind his resolution on these two issues.

First, the gentleman's resolution requires the Clerk to make the signatures on discharge petitions a matter of public record. How does the gentleman suggest this would best be done?

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

Mr. MOAKLEY. I yield to the gentleman from Oklahoma.

Mr. INHOFE. I thank the gentleman for yielding and for his question regarding a clarification on how the signatures should be made public.

It would be my hope that the Clerk could make a list of current signatures available on a daily basis through the House Office of Records and Registration during its normal business hours.

Moreover, I would hope that the list could be published in the CONGRESSIONAL RECORD once a week on the last day of House session, in a special section of the RECORD for that purpose—just as we now have a separate section for bill cosponsors.

I do not think the list should be published in the Journal since that is not immediately available to the public. Moreover, the discharge rule now requires publication of names in the Journal only after the 218 signatures are on the discharge petition. It would be my hope that the Clerk could make a list of current signatures available on a daily basis through the House Office of Records and Registration during its business hours. Moreover, I would hope that the list could be published in the CONGRESSIONAL RECORD, as mentioned.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE] for his answer.

Second, I would like to clarify that the gentleman's rule would be retroactive to other discharge motions already filed in this Congress. That is, upon the adoption of his resolution the signatures of other discharge petitions currently pending would immediately be made public. Although I know there has been some discussions between the gentleman from Oklahoma and the gentleman from California [Mr. BEILENSON] during our subcommittee hearing as to whether the disclosure requirement would apply only to prospective discharge petitions, it seems to me that the plain language of the resolution requires retroactive as well as prospective disclosure. This interpretation is consistent with the idea of full disclosure.

Mr. INHOFE. Mr. Speaker, I was delighted to learn late yesterday that the chairman of the Committee on Rules now favors the retroactivity of my discharge signature disclosure rule. I welcome his support for such an application. The more sunshine, the better.

I must confess, though, as the chairman is well aware, that there is nothing in the language of my resolution to support either the retroactive or the prospective application of the disclosure requirement. In fact, it was not until I was questioned at the Committee on Rules hearing on this in the presence of the chairman that I had even given thought to the question.

As the chairman will recall, at that time it was generally agreed that it would not be fair to those who had signed pending discharge petitions under the existing confidentiality requirement, to suddenly make their

names public upon the adoption of my resolution. I was willing to accept that for the sake of fairness, even though it runs contrary to the ideal of full disclosure.

But, I felt that certain trade-offs would be necessary in implementing this rule, and I was willing to accept the trade-off of no retroactivity.

□ 1130

So while I welcome the chairman's embrace of retroactive sunshine for discharge signature disclosure, and I share in his hope that this can be done, I realize that our aspirations are not controlling and that ultimately it will be the chair's own statutory construction that will determine whether pending discharge petition signatures will be disclosed or not. I am willing to abide by that decision.

Mr. MOAKLEY. Mr. Speaker, after looking at the resolution, I saw that there was no reference to whether it was retroactive or not, so I thought it would probably be retroactive, since there was no ban on retroactivity.

Mr. INHOFE. Mr. Speaker, if the gentleman will yield further, I think, as I say, it is not going to be our decision anyway. It is going to be the chair's decision. I would certainly abide by that decision.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend from Tulsa for yielding.

Mr. Speaker, let me just say that while the gentleman from New York [Mr. SOLOMON], the gentleman from Tennessee [Mr. QUILLEN], the gentleman from Florida [Mr. GOSS], and I worked diligently on the Committee on Rules, I want to congratulate my friend from the Sooner State [Mr. INHOFE], for having such great influence over the distinguished chairman of the Committee on Rules.

Mr. Speaker, let me say that this whole process has come down to one word, and that word is "accountability." It is due to a lack of accountability that 218 Members have courageously joined the gentleman from Oklahoma [Mr. INHOFE] in signing this discharge petition. But the lack of accountability stems not just from the problem with the discharge petition. There are a wide range of other institutional issues which need to be addressed here, such as 266 committees and subcommittees in both Houses of Congress.

Mr. Speaker, if you look at the fact that we have a very confusing budget process, constantly we are faced with restrictive rules. This is a first step toward dealing with the major institutional problems that we must face here.

Mr. Speaker, I congratulate my friend, the gentleman from Oklahoma [Mr. INHOFE], for having pursued this as diligently as he has, and I look forward to seeing its success this morning.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, whatever the historical justifications for keeping secret the names of those Members who sign discharge petitions, those arguments no longer carry much weight. The American people have no patience with arcane and outdated explanations. Today we will vote to open the discharge petition process of public scrutiny. I believe we should have done so long ago, and I will vote for this proposal.

At the same time, I must voice my very strong concerns regarding the use of the discharge petition to advance legislative objectives. I wish this bill had come to the floor under the regular legislative process. The discharge petition is an antidemocratic tool. It should be used only in circumstances when the regular legislative process has been blocked and frustrated. That's not the case with this bill. The bill was introduced for the very first time in March of this year. The discharge petition was filed in May.

I believe the public has a right to know who has signed petitions to discharge committees from consideration of legislation. I frankly believe constituents have a right to ask whether their Representative has signed a petition. Under those circumstances, I can't believe most Members would refuse to answer. I have never signed a discharge petition and I hope I will never need to sign one.

I hope my colleagues will not see the passage of this proposal as an opportunity to expand the use of the discharge petition as a substitute for normal legislative procedures. The discharge petition does violence to the legislative process. The fundamental philosophical basis for our Federal system is that government should act only after careful deliberation.

The entire structure of our Government—the division of authority and responsibility among legislative, executive, and judicial branches, the further division of the legislative branch into two Houses, the protections of the rights of the States and the individual—is summed up in the words "checks and balances." The idea is, to prevent hasty, ill-considered actions, even when they have strong popular support.

The proponents of this legislation have made arguments that betray an ignorance of and a lack of respect for the workings of a representative legislative body. Some have argued that Members who cosponsor legislation but refuse to sign a discharge petition do so to deceive their constituents. But surely every Member must understand the difference between cosponsoring a bill and seeking its immediate consideration on the floor.

When Members cosponsor legislation, it expresses interest in the issue and support for the proposal. But to do our work here, we rely on a public hearing process, at which concerned Americans have the chance to come forward and tell us what they think of the proposal. Congress is engaged in making public policy. For this process to succeed, the public must have ample opportunity for input.

The discharge petition, far from being a means to achieve open government and democracy, undermines the opportunity for the people to participate in the writing of the laws we pass. The discharge petition effectively shuts the American people out of the process after the sponsoring member has introduced the bill. There's no hearings, no amendments, no possibility to accommodate concerns that the sponsor may not have considered.

So let us make the signatures public. We must do so to reduce the degree of cynicism and suspicion regarding the actions we take here in the people's House. Regrettably, some of the champions of this proposal have seized the issue as a means to drive up public suspicion of Congress.

The people should know who has signed discharge petitions and who hasn't. But let us keep in mind that the hard work of turning public policy objectives into good law must take place in the committees of the Congress, not on radio talk shows or editorial pages.

Mr. INHOFE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, it is rare for a technical detail of House rules and procedure to attain the level of public interest that this resolution has, but I think this tells us something about how Americans have lost faith in Congress. For too long, Congress has taken the attitude that what the American public doesn't know about the way laws are made won't hurt them. The majority in this House often has hidden behind technicalities, procedural details, committee inaction, and closed rules to prevent the will of the people from taking place.

As a result, Americans are demanding more openness and greater accountability on the part of their elected officials. That's what this resolution is all about. They are tired of a Congress that says one thing and does another. They are tired of a Congress that sweeps important issues under the rug. They are tired of a budget deficit that has grown so large it seems as though Congress is waiting for divine intervention to address it seriously.

This is a very simple issue, but one with great potential to change the way Congress works. We can either continue the way we have been doing things for decades, choosing excuses over accountability, deception over openess, and politics over policy.

Or, we can begin instituting the long-overdue reforms that will restore the faith of the

American people in this institution. Reforming the discharge petition process will allow Americans to ask their elected officials one simple question: Do you really mean what you say? I urge my colleagues to support the Inhofe resolution.

Mr. INHOFE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, Members and Americans who believe moderate exposure to sunshine is a healing agent are grateful to our colleague JIM INHOFE for his perseverance. As a new member on the Rules Committee, I know firsthand how important procedure is to substance—and I also know how hard it is to energize the public into demanding procedural changes to improve the substance of legislation. Procedure is pretty ho-hum stuff. But our friend JIM INHOFE made the case for openness, and with the help of a majority of Members and some enlightened media he has brought us to the threshold of significant reform.

Today thanks to Mr. INHOFE we vote on whether to make public the names of Members who sign a petition to free a bill from the iron grip of an unfriendly committee. This should at least allow us to debate topical legislation of interest to a majority of Members. In a very real way we are also voting whether to increase accountability of all Members of this House. That's a promise many have campaigned on. Some critics have labeled it a gimmick. But Government in the sunshine is no gimmick—nor is deliberative democracy something to fear; something to run and hide from. No one Member—no matter how long here or what position held—has all the answers. That is why our Founding Fathers established this House as a forum for free and open exchange of ideas, a place where deliberative democracy and the collective wisdom of 435 Members can yield the best possible result.

A little bit of sunshine can go a long way toward restoring that balance in this House. Vote for the Inhofe resolution and vote for reform—the real reform in the 103d Congress.

Mr. Speaker, at this time, in the interest of bipartisanship, I yield to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the sponsor of this measure for bringing it to the floor. The substantive issues have been and will be debated by our distinguished chairman of the Committee on Rules and by the sponsor. To me, the issue is simple: The discharge petition is a public document. It raises issues of enormous public significance, and it contains the names of the publicly elected Members of the House of Representatives. Therefore, it should be public.

But I wish to make a broader point in my remaining seconds: This relatively obscure issue has taken flight, not just because its sponsor, who is a pilot, has piloted it well, but because it has been carried on the wings of public discontent with the system mired in minutiae, determined to protect individual turf, and frequently unwilling or unable to step up to the big issues of the day.

Mr. Speaker, this is a good measure, and I support it. But it is also a signal of further change in the will that must come to this body.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to thank the gentleman from Oklahoma for making this vote possible today. JIM INHOFE has demonstrated exceptional vision and determination.

Mr. Speaker, democracy cannot endure if the Government keeps secret from the people how their business is conducted. Mr. INHOFE's measure squares this House with that principle.

For too long, Members of this House have enjoyed the fruits of entrenched privilege, making passionate speeches for reform from this lectern, while quietly locking up reform legislation in that drawer.

Well, today we will unlock that drawer.

This House belongs to the American people. We only work here and our constituents have a right to know where we really stand on popular legislation. The secrecy rule, far from encouraging deliberation and debate, breeds deception and doubletalk.

Will the world come to an end if we expunge this rule? Will the sky fall? No. But it will force us to start telling the truth.

Our constituents will now be able to see who really supports a balanced budget amendment, who really supports a line-item veto, and yes, who really supports term limits.

I hear some on the other side warn that sunlight will only invite more special-interest pressure on vulnerable Members who cannot afford to say no.

I say to my friends that a person who has not enough backbone to say no to a lobbyist does not belong in Congress.

And a person who lacks the honesty to tell his constituents the truth doesn't belong in public life.

A politician who fears sunlight is a walking argument for term limits.

Mr. Speaker, it is time to end the secrecy.

It is time to square this House with the American people, change the Democrats' rules, and, be more democratic in how we conduct the people's business.

□ 1140

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Speaker, this body has been talking all year about change. The President has also been talking about the need to be courageous and make changes. But both me and the President have agreed that this change can only come with the participation of the American people.

The public cannot demand and direct change and reform unless they are aware of what goes on here in Washington.

Today, we have a perfect opportunity to do just that: to ensure public involvement by repealing one of the rules that has restrained this body for so many years from making real change and reform. This rule has effectively discouraged the public from participation and involvement through an essentially secret process.

Ask yourself: How does the public participate? They participate through their representative. But how can they participate, if they do not know how and to what extent their representative is participating?

When the gentleman from Oklahoma [Mr. INHOFE] came to me, I was very skeptical that the public would understand this highly technical amendment. But I am glad to say that after visiting people back home this weekend, the public does understand. They want to know what's going on. They want to participate. They want to be involved.

This change in the way the House of Representatives does business will allow the American people to be informed and get involved. Let's listen to our constituents, lift the veil of secrecy, and open the process to the people.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding time to me, and commend him for his leadership in bringing this reform measure to the floor. I rise today to speak in favor of opening up one key part of our legislative process. This reform is part of the package of reforms proposed by the freshman Republican reform task force, which Congresswoman TILLIE FOWLER and I chair.

Anytime a Member cosponsors legislation, his or her name, as a cosponsor of that bill, becomes available to the public at anytime. But the way the rules are written now, a private citizen cannot learn from any published source whether or not his or her Member of Congress has signed a discharge petition. Even more incredible is the fact that even Members of Congress are prevented from disclosing the names of Members who have signed a discharge petition.

If a bill is bottled up in committee, often times the only way to move it to the floor for debate would be by discharge petition.

This reform is so basic, some people may find it hard to believe we even have to debate it. All we are asking is that the names of members who sign a discharge petition be made public, the same way that the names of members who cosponsor legislation have their names made public.

This change is important because it will allow us to bring other significant legislation to the House floor, including a line-item veto, legislation to make all laws apply to Congress, and many other reforms. It does not guarantee any of those reforms will become law, but it will allow public debate on issues that have been held hostage in committee for far too long.

This is not a radical change. It will not solve all the problems we face. But it will be a giant step toward opening up the process here in Washington, and helping restore some confidence that the people might have in the Congress of the United States.

Mr. INHOFE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I rise in support of the gentleman's bill.

Mr. Speaker, today the reform-minded Members of this House have won a tremendous victory. The fact that we are even debating this resolution on disclosure of discharge petition signatures is a sign of things to come in this institution. The "old-boy" network that has repeatedly buried good bills in committees with like-minded chairmen has been dealt a blow.

The American public will now discover the true reformers in Congress. Constituents have the right to know whether their members are just talking the talk when they go home and say they support reform. If they haven't signed a discharge petition to get up or down vote on reform issues they aren't reformers. Until now constituents would never discover those who will say one thing and do another in Congress. Members could talk all they wanted, safe with the knowledge that reform bills would never come to a vote.

We all know how it works. A much needed reform like term limits is introduced. The leadership opposes the bill, but knows if a vote on the floor occurs it will likely pass because the vast majority of Americans favor limiting terms in office.

So the term limits bill gets sent to an unfriendly committee where the committee chairman simply buries the bill—not allowing public hearing and certainly not allowing a vote. The only way to get a bill out of the committee is a discharge petition, but the "old-boy" rules of the House made absolutely certain that the signers would never be made public. That's how Members could say they supported something when they never would have to vote on it.

Now those times have changed. Soon we will be calling those days of backroom scheming and secrecy the dark ages. We are about to enter the bright light of disclosure in Washington. Because of this resolution the Capitol Hill power barons won't have such an easy time protecting their cronies behind a veil of enforced secrecy. It's about time.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I would like to commend my colleague, the gentleman from Oklahoma [Mr. INHOFE] on his success in forcing a vote to end the secrecy of discharge petitions. This kind of secrecy has allowed Congress to operate like a self-contained ecosystem, sealed off from the rest of the world. It is time to open the airlocks of this biosphere and let in some sunlight and fresh air.

We need to remember that this House does not belong to its Members, it belongs to the people who sent us here. After all, the name of our job is "Representative."

This bill, along with measures like the Zimmer-Bacchus open meetings bill, will make us more accountable to our constituents. Only when we open our activities to public scrutiny will we be able to begin to restore the public's faith in Congress.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, this resolution is this year's ultimate reform battle.

Unfortunately, most freshmen Democrats were A.W.O.L. in this fight. The freshmen Democrats ran on a reform platform, but they have run away from it once they got to Congress.

The voters who put these folks in office should be outraged at these Members who suggested that they were going to be reformers and have now turned their back on reform, once they have gotten into Congress.

Note these facts: Only 12 of the 66 Democrat freshmen, less than one-fifth, signed the discharge petition that got this resolution to the floor. Of those 12, 7 were among the last 11 signers, signing after the August recess ended, more than 4 months after the petition was filed, suggesting they were not willing to do so until they were pressured.

And the first Democrat freshman to sign did not sign until weeks after the 48 Republican freshmen had already signed. The voters should be outraged.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, the actions of the House will always speak louder than words. For 63 years Members got the best of both worlds—being publicly in support of a bill, but privately working to secure its defeat. When a discharge petition was filed, the signatures were kept secret and could not be made public.

Last November, many Members of this Chamber were elected on a platform of change. Today, we have the ability to make one of the most important reforms in the way the House conducts its business. It is time to let the American people really see where their Representatives stand on the issues.

I am proud to be one of the 218 Members of the House who are reforming the discharge petition process. We have taken the first step toward eliminating another congressional custom that allows Members to hide behind the smoke and mirrors of the status quo.

I hope all Members of this House will join with us in shattering the mirrors, opening the windows, and letting in both the sunlight and fresh air to this house of the people.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, the American people own this Chamber and by rights should know everything that goes on inside it.

But for decades several volumes in this room have been off limits.

Today thanks to JIM INHOFE's work the seal will be cracked and those books opened.

Opponents say this move will undermine the procedures of the House—but when committee chairmen bottle up bills for years what choice do we have?

While more than 70 percent of the American people support term limits we can't even get a hearing on the idea much less a vote. And it's only because of discharge petitions that we've been ever able to get a vote on the balanced budget amendment.

Next we should make sure the Freedom of Information Act applies to Congress so that the American people can see all of our records.

Any doctor will tell you sunshine will make a sick person healthier, a little sunshine in this Chamber will do a world of good for this body, too.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise today in support of House Resolution 134, the publication of Members Signing a Discharge Motion Act. As cochair of the freshman Republican task force for reform, I have worked closely with Members on both sides of the aisle on a number of reform proposals, many of them aimed at opening up the process.

Making signatures on the discharge petition public is an important step in the direction of openness, and I urge my colleagues to support this timely and significant legislation.

The American people voted for change in the last election because they perceived the Congress as being hidebound, unresponsive to their needs, and full of backroom politics.

Many of our constituents were horrified—and rightly so—to learn that a Member could publicly support legislation while privately refusing to sign a petition to bring it to the floor—all the

while hiding behind a cloak of official secrecy.

It is high time to cast that cloak aside and let the sun shine on the discharge petition.

□ 1150

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, as Winston Churchill once said, this is not the end; this is not even the beginning of the end, but it is, perhaps, the end of the beginning, the beginning in this House to end the process, to end secrecy, and open up the actions of this House to the American people.

No longer will a handful of powerful Members be able to thwart the will of the majority of Members of this House. No longer will Members be able to talk one way at the Rotary Club back home and act quite differently in Washington, DC. This House, more than any other institution of Government, is primarily the people's house.

Finally, the people will have access to important information that had been denied them for too long.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, we are here today to pass one of the most important openness-in-Government laws in the history of Congress. I want to commend the gentleman from Oklahoma [Mr. INHOFE] for his courageous support of this legislation, and I hope that the House endorses it by rollcall vote overwhelmingly. I would like to point out that once we pass the Inhofe bill, that it is still necessary to get 218 signatures on any discharge petition to bring it before the House.

I have a discharge petition that I am supporting, discharge petition 4, authored by the gentleman from Michigan [Mr. HOEKSTRA] to discharge the Barton-Tauzin tax limitation balanced budget amendment. We currently have approximately 50 signers of this discharge petition. I hope that after passage of this legislation today that we could get the requisite 218 signatures to bring the tax limitation balanced budget amendment to the floor.

Again, I thank the gentleman from Oklahoma [Mr. INHOFE] for his leadership in bringing more openness in government. It will make the Congress more responsive to the needs of the people, and I think it will make the committee system better because it will make the committee chairmen more responsive to the needs of the Members of Congress responding to the needs of their constituency.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BEILENSON], the chairman of the Subcommittee on Rules of the House of the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, as the chairman of the subcommittee which held a hearing on House Resolution 134 2 weeks ago, I would like to share with our colleagues some of the thoughts that were expressed by our witnesses about the potential consequences of disclosing the names of signers of discharge petitions.

Before I do that, I would like to express my own views on this matter. Although I have serious concerns about the changes in our legislative process that might be set into motion as a result of House Resolution 134, I intend to vote for this resolution. I believe that Americans have the right to know what actions their elected representatives take, including whether or not they sign a discharge petition. In an age when virtually every other official action a Member of Congress takes is public information, we simply cannot justify retaining a 1930's-era decision that requires the names of Members who sign a discharge petition to be kept secret until the requisite 218 signatures have been obtained—no matter what we think the consequences might be.

At the same time, at the same time, I hope that we act with the understanding that there is much more to this issue than just secrecy versus openness. By heightening the visibility of the discharge process—and, presumably, its use—we risk seriously undermining the deliberative process that is essential to sound lawmaking. It is my hope that we will open the question of whether other changes should be made in the discharge process in the weeks or months ahead, to ensure that it remains the last-resort procedure it has been throughout its history.

We cannot say with any certainty whether the discharge process will be used more frequently when signatures are public, but it seems highly likely that special-interest groups—especially those with the resources to mobilize their followers and obtain time on the arwaves—will begin routinely urging Members not just to cosponsor bills, but also to sign discharge petitions on them. A Member might want to cosponsor a bill to show support and urge action on a proposal, but might not want to sign a discharge petition on it because he or she wants committee consideration of it before it goes to the floor. But groups supporting a bill are likely to demand that Members do both to show that they are truly committed to a proposal.

Legislating by discharge on a routine basis is something that I would think even the most enthusiastic proponents of disclosure would not want to see. By bypassing committee consideration, hearings, input from experts, amendments, the work done by the Members who know the issue in more depth than the rest of us do, and, most important, giving members of the public sufficient time to make their views known, we would be bypassing the process that is so essential to producing a good legislative product. The result of shortcircuiting the process in this manner is likely to be laws that are not well thought out, or that benefit special interests at the expense of other Americans. Many Americans think that these are already problems with the laws we pass; if discharge is used more frequently, they will find these problems to be much, much worse.

I would like to share some of the thoughts expressed about the likely effects of disclosure by the witnesses at the September 14 hearing of the Subcommittee on Rules of the House.

Hyde Murray, who served as counsel to the Republican leadership here in the House for many years, warned that there would be unintended consequences of publicizing the signatures on discharge petitions, and noted that Republicans as well as Democrats have an interest in preserving the deliberative quality of the House of Representatives. He predicted that disclosure of signatures would lead to intense politicization and lobbying and expressed the fear that liberals would use the discharge process to obtain votes on popular social programs, while conservatives would use it to push popular tax breaks, and that the result would be less fiscal discipline than there is now. Peter Robinson, who served as a top aide to Democratic leaders here in the House, also expressed fears that costly legislation benefiting special interests would be easier to get through the House if names on discharge petitions are public.

Thomas Mann, a noted congressional scholar from the Brookings Institution, said that the discharge petition "was never, and never should be, designed as another means by which outside groups can pressure Members into forcing action on a piece of legislation; it was a way of dealing with the arbitrary exercise of power inside the chamber." He warned:

> Publicizing the signatures on discharge petitions before a majority is achieved would increase the pressure on Members to take the politically safe action in the face of intense outside lobbying. It could well lead to the routinization of the discharge petition as an alternative agenda-setting mechanism in the House, diminishing the deliberative role of committees and weakening the ability of the majority party leadership to manage the floor. It would encourage Government by plebiscite, a far cry from the republican form of government designed so brilliantly by the Framers.

Norman Ornstein, the American Enterprise Institute's leading congressional scholar who shared the views of Mr. Mann, expressed particular concern about disclosure of signatures creating a referendum-type process resulting in horrific debate which doesn't focus on tradeoffs, and where there is no opportunity for amendment. He predicted

that special interest groups would quickly learn how to use the discharge process and that, as a result, the House would pass legislation which increases the Federal budget deficit.

Roger Davidson, professor of government and politics at the University of Maryland, pointed out that the discharge procedure is ill suited for the process of legislative deliberation. It bypasses the crucial and time-consuming phases of hearings, negotiations, and markups that are needed to turn raw proposals into acceptable legislation, or to expose a proposal's fatal flaws or narrow support. The procedure itself provides inadequate debate and short circuits amendments. It also fails to address the phenomenon of multiple referrals, which apply to more than a third of all legislation introduced in the House.

Steven Smith, a professor of government from the University of Minnesota who has written extensively on congressional procedures, said that he saw "no evidence that the current rule has prevented the House in recent Congresses from acting on measures that a majority of Members personally believe should be adopted." He expressed the concern that by disclosing names on discharge petitions, "the House would be moving perilously close to government by opinion poll. The Congress is four-fifths of the way there as it is."

There were also witnesses who felt otherwise—that disclosing signatures would bring positive changes to the House, including greater accountability and democracy to the internal procedures of the House. David Mason of the Heritage Foundation said that discharge petitions are more often a means to induce deliberation than to cut it short. He also said that "the best way to combat special interests is through the diffusion of power and openness in its exercise."

The president of Citizens Against Government Waste, Thomas Schatz, countered the predictions of witnesses who said that disclosing names of signers would result in less fiscal discipline, saying that "most of the legislation that will come from filing discharge petitions will be reform legislation that will favor taxpayers and work against special interests." And James Gattuso, representing Citizens for a Sound Economy, echoed his comments, stating that disclosing signatures would decrease, rather than increase, the power of special interests.

Mr. Speaker, in conclusion, the gentleman from Oklahoma [Mr. INHOFE], the sponsor of House Resolution 134, who also testified in our hearings, predicted that discharge petitions would not be used routinely, even when names are disclosed; that it was such an arduous task to get 218 signatures on a petition that successful discharge efforts would continue to be infrequent. Let us hope that he is right and that our worst fears about this change to not come to pass.

If they do, however, if the discharge process is used frequently, even routinely, to obtain floor votes on bills, I do hope that we will respond by making the necessary changes to restore the process to its historic role as a means of last resort to obtain floor consideration of a measure that a majority of Members want to vote on.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON] for his remarks.

I yield 1 minute, Mr. Speaker, to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I came here to compliment the gentleman from Oklahoma [Mr. INHOFE] for his reform-minded measures to open up the House to more democratic measures, and I am also touched by the words of the chairman of the subcommittee. I want him to know as a very reform minded new Member to this institution that I also do not want to see the discharge petition process be used as an end run around the committee process. If that ever happens, I will jump in and help lead a fight with the gentleman to stop that form of process.

I want to let the gentleman know that when he mentions special interests, and now looks at who are on those petitions, and if he wants to say, "STEVE, you are representing a special interest," the special interests I represent now are those who want term limitations, a true line-item veto, and a balanced budget amendment, which I see as the interests of the American people, and not any particular special interests.

The gentleman has me on some of the issues, and I look forward to working with him on them.

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

Mr. BUYER. I yield to the gentleman from New York.

Mr. QUINN. Mr. Speaker, I join with other speakers this morning in thanking the gentleman from Oklahoma [Mr. INHOFE] for his efforts. I have learned of this through the line-item veto work a number of us have done this coming year with the gentleman from New York [Mr. SOLOMON] and other freshmen.

As I talked to people back home in Buffalo and western New York, they are astounded that this law existed. The gentleman from Oklahoma [Mr. INHOFE] and others, and all that are working for it, will lift the veil of secrecy. Today I want to thank everybody involved, and especially the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman from New York [Mr. QUINN] for his comments.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we all know, in recent years, the public's confidence in their Representatives has plummeted. It is clear that the American people are dismayed at the workings of Congress. They want reform in many ways, and particularly a National Legislature that acts responsibly and in the open.

The Florida Sunshine Law requires that meetings of all elected officials at all levels be held in open forums. Floridians at least have the benefit of accountability because their legislators do not meet behind closed doors. There is no reason to think that the American public would be negatively impacted by lifting an arcane House rule that keeps the names of Members who sign discharge petitions secret.

We must restore the public's confidence in Congress. I urge my colleagues to support House Resolution 134. It is a good first step toward true reform of the Congress.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON].

□ 1200

Mr. MCKEON. Mr. Speaker, today, history is being made. I commend the gentleman from Oklahoma [Mr. INHOFE] for his tireless efforts which have brought us to this momentous occasion today.

I came to Congress as a member of a class which had, and continues to have, hope to reform this institution. Unfortunately we have found that Congress doesn't always function in the best interest of the American people and that's not easy to change. I am pleased to note that of the first 35 Members to sign discharge petition No. 2 to bring House Resolution 134 to the House floor, 29 are members of the Republican freshman class.

This resolution is one of 19 items our Republican freshman class included in its congressional reform package. As a result of this breakthrough, we may now see the opportunity to bring other issues of vital importance to the floor; such as a balanced budget amendment, term limits, and a true line-item veto.

Mr. Speaker, today brings a hope that we can continue to enact congressional reforms desired by the American people. With this victory, the Congress will hopefully begin to rebuild its trust with the citizenry it governs.

Mr. INHOFE. Mr. Speaker, I would like to inquire from the majority side if they would like to use any of the remainder of their time. I would like to conclude debate, and I would advise the gentleman that at the conclusion of my remarks I will move the previous question.

Mr. MOAKLEY. Mr. Speaker, evidently some of my speakers have been persuaded by the gentleman's eloquence. I am our only remaining speaker.

The SPEAKER pro tempore (Mr. OBEY). The Chair would point out that the gentleman from Oklahoma [Mr. INHOFE] has the right to close debate.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from Oklahoma for his tireless effort in this matter.

I have no prepared text because I did not know I was going to speak until right now. But one feature about this body that continues to perplex me, Mr. Speaker, is the fact that we do things up here in funny ways.

For example, we spend money we do not have. We do it every day and continue to do it.

The same sort of analogy applies to the discharge petition. The discharge petition is to my right. Names appear thereon. But no one can find out whose names appear on that discharge petition. That is top secret and no one can be cleared for it. The media cannot get it. Members outside of this body cannot get it.

There is something obviously especially religious or sanctified about it, and this move by the gentleman from Oklahoma will remove this veil of secrecy.

Mr. MOAKLEY. Mr. Speaker, I yield myself my remaining 3 minutes.

Mr. Speaker, I will not ask others to join me in opposition to Mr. INHOFE's proposal.

All I have gained from opposing this measure is: Harsh editorials, the worst names I have ever been called, pickets, and a measure of notoriety I could never have imagined. I have even been called a sofa—whatever that means.

But I would hate to see political campaigns, and careers, decided on this issue when the real debate ought to be about issues that impact people, issues like jobs, health care, and education.

Mr. Speaker, let me close by quoting from a recent article which appeared in the Boston Herald:.

> The Founding Fathers believed that it should be difficult for Government to do things to us. New laws, new taxes, new regulations, sending our children to die in foreign wars—these were things that required careful deliberation. The rule was simple: Except in crisis, Government should not be allowed to act, goaded neither by central power nor public whim. Not so long ago, conservatives who feared a bold and aggressive Government repeated over and over again, like a mantra, "This is a republic not a democracy." It is a healthy thing to remember.
>
> Every action the Federal Government takes affects more than a quarter of a billion Americans. Conservatives would be well advised to protect the effectiveness of a process that allows them to overcome obstruction without sacrificing the deliberation which is essential to liberty.

That quote was from Mickey Edwards, former Republican Congressman from Oklahoma.

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

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Mr. INHOFE. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, I would like to make one comment about the quote by Chairman MOAKLEY from the Boston Herald. The Boston Herald also editorialized in favor of this, and I quote: "Inhofe filed a bill to help clean up this vile system by opening the discharge petition process to public scrutiny." So I do appreciate the gentleman bringing up the Boston Herald.

Mr. Speaker, there have been three basic objections that have come to our attention. One is if we do, then the lobbyists and special interests will find out what this is all about, and what we are doing around here. If we carry that to its logical conclusion, Mr. Speaker, we would turn off those cameras, we would say let us lock the doors. We do not want anybody in the galleries to find out what we are doing in here. We would close our committee rooms so they would not know what was going on. We would close all of our hearings so that the public could not go in there, and then lobbyists would not know what we are doing around this place.

I would suggest that lobbyist are the last ones who want this reform, because it is a lot easier to lobby one individual who happens to be a Member than it is some 30 Members out there wandering around. Special interests flourish on two things: secrecy and concentration of power. And this simple one-sentence resolution ends both.

Second, they say somehow this is going to impair the committee system. You know, I hope it does. We need to change the committee system. It needs shaking up a little bit.

I think a system that allows the chairman to dominate the agenda and shut out certain causes from even being heard, let alone voted on, is not one that is healthy. But this will not circumvent the process, and the best evidence of this, and the gentleman from California [Mr. BEILENSON] mentioned this, is the House Resolution 134. House Resolution 134 is the first resolution really to be using the new system, because I made it abundantly clear when I introduced it, and when I filed my discharge petition that I was going to violate the House precedent and release to the Well Street Journal the names of those who did not sign.

Now I introduced this House Resolution 134 on March 18. Then we went the requisite 30 legislative days, even though it was not necessary because it was the Committee on Rules. But I went ahead and did it anyway to make this point. Then on May 27 we filed the discharge petition. Here it is September 28, more than 6 months later, and this is as quickly as it could happen.

I would suggest, Mr. Speaker, that if a chairman is not willing to give a hearing and report out a bill in 6 months, then perhaps we do need to change the system a little bit.

But I am concerned about one thing, and that is that there have been some rumors floating around that if this passes, or I should say when it passes because it will today, certainly with the newfound support of the gentleman from California [Mr. BEILENSON], which I appreciate very much, that the leadership may meet in January 1995 and offer some type of dramatic restrictions to the discharge-petition process. If that happens, yes, there will be a rush to get in the next 18 months or 15 months, to get discharge petitions in under the system we are going to adopt today. So I would like to emphasize that. And I think the gentleman from California [Mr. BEILENSON] mentioned this too as something that could happen, and I am today, and want the RECORD to clearly report this, I am asking the leadership to give us their assurance that they will not consider massive changes in the discharge-petition process in January 1995, which would set off an unhealthy flow of discharge petitions because of the very impairment of the committee system that they seem to be so concerned about today.

Third, the objection is that of bad law. I do not quite understand this, because bad law is in the eyes of the beholder. Is a budget-balancing amendment to the Constitution bad law? Is a true line-item veto bad law? Is true tort-liability reform bad law?

Right now we are concerned about the flight of jobs into other countries, and one of the speakers, I do not remember which one, addressed this, and it is true. Product liability causes us to be noncompetitive in a global environment. And we are going to have to do something about product liability. Yes, I think that is good law, and that could very well come out with this.

We are talking about health reform. And when the President made his glorious speech the other day he did not say anything other than restricting attorneys to 33 percent on real medical and malpractice reform.

□ 1210

Last year we spent $29 billion on judgments and for defensive costs. And that is passed on to all the people. So is that bad law? No, I do not think that is bad law. I think that is good law and we should do it. Who knows, we may even come up with term limitation.

Now, that may be bad law in the eyes of the majority, in the eyes of the leadership, but I think and I know the gentleman from Florida [Mr. MCCOLLUM], who has been working this cause for many years—we have been working together on this cause for many years—agrees that it is good law, and the vast majority of the people in America want it.

Who knows, we may even have a school-prayer amendment.

The fallacy of bad law, the bad-law argument, is that of definition. It is

what in the eyes of the leadership is bad law. Now, four times in history this process has been used, once in 1938 for a labor law, once in 1946 for a rule. In 1960—and I have to mention this because this was during the years of the founding of the Democrat Study Group, the liberal branch of the Democratic Party—this happened in 1960. So you see today is not the first time in history a Member has openly and admittedly violated the House precedent by disclosing the names. I am the second one, the first one is Emmanuel Celler, who in 1960 could not get his bill out of the House Committee on Rules. He filed a discharge petition and he tried everything possible, and finally, with the help of the Democrat Study Group, they were able to go right up there to where the locked drawer is and memorize the names, one went up after the other until they finally had all the names on the discharge petition in 1960, and they released those names to the New York Times, and the New York Times published those names.

The next day, they came down and they got the 218th signature. So that released, by the way, the bill that is known today as the civil rights bill of 1960.

So, Mr. Speaker, I have to make one address to the fact that people are talking about passing bills by radio talk shows. I wish there were time to name all the newspapers, all the 100 newspapers have editorialized for this. We have over 100 associations who are behind this, not just the obvious ones, like the American Family Association, the American Taxpayers Union, United We Stand America, who is very big and helpful, but many others.

So, in this remaining minute I would like to share with you something that I feel very strongly about. Quite often on this floor a great Democrat is quoted; his name is Thomas Jefferson. Thomas Jefferson said,

> Never suffer a thought to be harbored in your mind which you would not avow openly. When tempted to do anything in secret, ask yourself if you would do it in public. If you would not, be sure it is wrong.

The other day I was down at the House recording studio doing a show with the gentleman from Illinois [Mr. EWING], and I noticed on the wall was a poster. The poster had two silhouettes. The silhouette, one of them was of the Capitol and the other was of a great American Alexander Hamilton. Inscribed on that it said, "In this Nation, sir, the people govern." It did not say that the people govern in secrecy, it did not say that the chairman of the Rules Committee governs, it did not say that the Speaker governs. They said, "In this Nation, sir, the people govern."

That is what this is all about today. We are going to return the agenda of Government to the people of America and destroy the 63-year-old veil of secrecy forever.

Ms. BROWN of Florida. Mr. Speaker, I rise today in opposition to House Resolution 134.

Although this resolution will mean good headlines for the Members who support the bill, there are few among us who think this legislation represents good policy.

Mr. Speaker, House Resolution 134 will send bills directly to the House floor for a vote and bypass any and all committee review. One of the best ways to learn about legislation is to sit through a committee hearing and hear, first hand, how certain legislation will affect ordinary Americans.

How can we expect Members to intelligently vote on a bill that has had no hearings, no markup and no committee consideration whatsoever? Could you imagine voting on something as complex as the Department of Defense authorization or the budget reconciliation bill without full committee hearings? As ludicrous as the sounds, this is exactly what House Resolution 134 will allow.

Moreover, the groups that are most likely to use the new discharge procedure are those seeking greater Federal largess, both in the form of outlays and special tax breaks. In the last six sessions of Congress, one-third of the discharge petitions that were filed would have increased the deficit by more than $300 billion. I don't know how any responsible Member of Congress can support that.

Mr. Speaker, House Resolution 134 represents a good sound bite but bad public policy. In all good conscience Members cannot support this irresponsible legislation.

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong opposition to House Resolution 134, a measure that purports to promote more openness in this Chamber, but will actually compromise the deliberative process of this Institution.

As Members elected to this Congress, we cannot be afraid to explain, to illuminate, and to clarify the distortions promoted by an irresponsible media and grandstanding Members who want to ride the wave of reform merely for the publicity it will generate.

If this measure is adopted, we will see discharge petitions pushed by big-monied special interests who want to circumvent the committee process. I am proud to be a member of the Committee on Banking, Finance and Urban Affairs. I selected that committee because it has jurisdiction over many of the issues that are pivotal to my congressional district, such as housing, economic development, and consumer protection. I do not wish to partake in any alleged reform that will weaken my position as a member of that committee, weaken my standing as a Member of Congress, and therefore compromise my ability to serve my constituents and their otherwise voiceless views.

By exposing to public pressure a very exceptional vehicle that allows measures to come directly to the floor, without the benefit of committee debate, we endanger thoughtful and full consideration of policy proposals.

I would have supported an alternative that was floated by some Members which would have allowed the disclosure of names on a discharge petition without undermining the committee process. Under this proposal, when a discharge petition acquired the mandatory 218 cosponsors, the Committee with jurisdiction for the legislation would have been required to act on that legislation within a prompt but reasonable timeframe, such as 60 days. This approach would have lifted the so-called veil of secrecy and would have uncorked bottled-up legislation, but it would have protected committee deliberation and the public debate of legislation.

Unfortunately, that proposal is not before us. Therefore, I am compelled to oppose this House Resolution and I urge my colleagues to do likewise.

Mr. GILCHREST. Mr. Speaker, I rise today in strong support of House Resolution 134 and the reform of he discharge petition process.

Throughout my brief time in Congress I have been a strong proponent of congressional accountability. Passage of discharge petition reform is necessary at this time if Members are to be truly accountable to their constituents. What better way to ensure this accountability than to require that Members work toward passage of legislation that we all tell our constituents we support?

Far too often, Members cosponsor legislation that they know will never come to the floor for a vote. They are able to outwardly support a measure while refusing to actually work toward its passage through committee action or the discharge process. I think this is a sham that needs to be ended and it will be when this legislation is passed by the House today.

I commend Mr. INHOFE for his courage in bringing this matter to the attention of the public who will benefit from the consideration of such important legislation as term limits, line-item veto, and balanced budget amendment. These are issues that have been bottled up for years at the committee level but need to be considered and passed by the House of Representatives.

I hope that my colleagues on both sides of the aisle see the importance of passage of this legislation and will join me in voting aye on House Resolution 134.

Ms. SNOWE. Mr. Speaker, I rise today in support of House Resolution 134. The discharge petition was adopted in 1910 to move legislation pigeon holed in committee to the House floor. Once 218 Members sign the petition, the bill can proceed to the floor for a vote. However, the discharge petition rarely achieves its purpose, largely because the names of those who sign discharge petitions are kept secret. Of the 393 bills for which discharge petitions were filed between 1937 and 1986, only 19 were ever discharged. I am proud to cosponsor and support passage of House Resolution 134 as a partial remedy for this inequity.

House Resolution 134 would make the names on a discharge public as soon as the Members sign it. This would prevent Members from engaging in the double speak of telling their constituents they support a bill while refraining from signing the discharge petition that would bring the bill to the floor.

Some of my colleagues argue that House Resolution 134 will increase the power of narrow, special interests. Openness and accountability, however, act to undermine the power of special interest groups, not to enhance that power.

I believe that this is another step toward our goal of reforming Congress to make it more

democratic and equitable. Across America, people are saying that Congress needs to be more open to the people and held accountable for its legislative activities.

For these reasons, I am proud to support House Resolution 134, Congressman INHOFE's bill to make public the names of Members who have signed discharge petitions.

Mr. WELDON. Mr. Speaker, I rise in support of House Resolution 134, the resolution which will amend House rules to make signatures on discharge petitions public. Having served in this body over 6 years and watched the defeat of numerous rules changes put forward by the minority to increase accountability, I believe action on this front is long overdue.

Most Members in this body were not here in the 1970's when the House adopted sunshine rules to open committee meetings, hearings and conferences. But we know the reason they did so—to put an end to a government run in secrecy. We know from firsthand experience that the operations of this institution have not been impaired by public access to our decisionmaking process. In fact, Congress has flourished under this system which encourages maximum citizen input and involvement.

Despite the success of the sunshine initiatives, vestiges of secrecy remain in this institution. It is time for us to open the rest of the doors and complete the job which began nearly 20 years ago. If it is the will of our constituents that certain legislation be brought forward, as representatives we should have the tools to help make that happen. In a democracy, there is no basis for granting a few select House leaders the ability to thwart a majority of the American people.

Some of those leaders are opposing this resolution on the grounds that it will allow special interests to manipulate the legislative process. The truth is that special interests now have a greater say than many Members in determining the subject and structure of committee hearings and action. The special interests that channel the bulk of their lobbying resources on committee chairs have plenty of influence on the decisionmakers. House Resolution 134 simply levels the playing field by giving the American people and their Representatives the ability to propel important legislation forward.

Mr. Speaker, this debate marks a historic occasion. With the appropriate support House Resolution 134 will pass and this will be remembered as one of the House's finer hours. I urge my colleagues to support this measure as a gesture of confidence in the American public and a down payment on congressional reform.

Mr. PORTMAN. Mr. Speaker, shortly after my election to Congress in May, I was the 39th Member of Congress to sign the discharge petition to force the bill before us to a vote in the full House. I am proud to stand as a cosponsor of this legislation that my colleague from Oklahoma has introduced, because I believe it is good Government measure long overdue.

It amazes me that at a time when the American people are demanding more openness in Government, there exists a secret process that allows some Members of the House to have unfair control over whether or not a bill will be considered by Congress. Americans are tired of wondering why needed reforms never seem to make their way to the full House for a vote. And this anachronistic rule has a lot to do with why this happens.

The legislation we are considering today will fundamentally alter the way things work in Congress, helping to restore openness to the legislative process and make it more responsive to the American people.

Open discharge procedures have worked successfully in all 50 States legislatures without jeopardizing the committee systems. There is no reason why the same openness should not work well in Congress. No longer will a Member be able to tell his constituents "I'm for this bill" and then refuse to sign the petition to discharge it from committee. The American people have a right to know where their elected representatives stand. Secrecy on discharge petitions should not act as an easy cover for Members who do not want to vote for legislation that is already popular with the electorate. What Congress needs is greater accountability and greater openness, not secrecy.

Clearly, the current system gives more power to special interests by allowing them to focus the bulk of their lobbying resources on the handful of House leaders and committee chairs who exert the most influence over the process.

It's high time that Congress puts an end to secrecy and begins to show its commitment to openness and accountability. Americans beyond the beltway deserve to see for themselves which Members have been holding things up in the House.

Mrs. UNSOELD. Mr. Speaker, I rise in opposition to the Inhofe resolution and do so knowing full well that many of my constituents will be angry with this decision. While the overwhelming majority of my colleagues will most likely bow to the public pressure created by the Wall Street Journal and radio showman and Congress basher Rush Limbaugh and support this measure, that does not make it a good decision for the Congress or for the American people.

This measure is not about secrecy, as Mr. Limbaugh and other proponents would have us believe. Everyone in this body realizes that the discharge petition is a little used and rather arcane procedure that has little impact on the legislative process. I don't dispute that many Members of Congress cosponsor politically popular but dubious measures, while secretly hoping that it dies in committee. However, enacting this measure is not going to end that practice and everyone here knows that.

More important, enactment of the Inhofe resolution will be to encourage the wider and more frequent use of the discharge petition, effectively undercutting the deliberative process that has evolved over our Nation's history. The use of the discharge petition to force measures onto the floor without any public hearing or committee consideration and without the option of amendment will essentially create the ultimate closed rule. It is worth noting that many of the strongest proponents of this measure are those regularly condemning closed rules on measure they oppose.

In closing, I would like to enter into the RECORD a powerful statement of opposition to the Inhofe resolution. It is a column written by the noted experts on Congress, Thomas Mann and Norman Ornstein, which ran in the Washington Post on September 27. They point out how the adoption of this measure will only serve to encourage government by plebiscite. While that would serve the purposes of those who regularly bash the Congress, it could have a very negative impact on the constitutional responsibility of the Congress to study and deliberate on issues rather than to simply respond to the political winds of the moment.

[From the Washington Post, Sept. 27, 1993]

NO SMOKE, NO BARONS

(By Thomas Mann and Norman Ornstein)

There is no surer way to induce an editorial knee to jerk than to evoke the word "secrecy." And knees jerked all over the country over Rep. Jim Inhofe's proposal to publicize the signatures on discharge petitions in the House of Representatives before a majority is reached. George F. Will's endorsement of Inhofe ["Smoking Out the Barons," op-ed, Sept. 19] is understandable, given his unrestrained animus toward the contemporary Congress and his single-minded pursuit of term limits, but the argument advanced by The Post's editorial [Sept. 14] was uncharacteristically superficial.

The Inhofe proposal is very likely to pass the House, now that it has obtained the requisite 218 signatures on the discharge petition. Indeed, given the terms by which it was defined for the public—ending secrecy, increasing accountability, restraining the arbitrary exercise of brute power—an overwhelming majority will probably climb aboard the bandwagon when faced with a recorded vote.

But before the seemingly inevitable occurs, it is worth reflecting on how the discharge petition came to be the *cause celebrè* of congressional reform, what it tells us about Congress and the American political system, and how this change might reinforce and worsen some disturbing trends in our politics.

Inhofe's proposal is a solution in search of a problem, a reform based on a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.

The truth is that Congress today is remarkably open—probably the most open political institution in the world—permeable to outside interests and opinion and relatively unconstrained by autocratic committees and party leaders. Members are if anything hypersensitive to public opinion and unduly solicitous of intense opinions from a sliver of the electorate, however ephemeral they may be.

The problem with Congress is not insulation and unresponsiveness—it is pandering and symbolic position-taking. Congress and its leaders are less inclined and less equipped to cool the temporary passions of the public, or to withstand the intense views of a disciplined, organized special interest minority, than ever before. The confidentiality provision of the discharge petition rule has been a modest shield against those forces; the Inhofe change would turn the discharge process into a weapon for them.

In this case lawmakers and their leaders were putty in the hands of Ross Perot, Rush Limbaugh and the Wall Street Journal. It didn't matter that almost all serious legislative proposals that have genuine support among a majority of members find their way to the floor; that the discharge petition has

worked as a noncontroversial safety valve enabling a majority of members to prod legislative action when they believe the leadership is inappropriately thwarting action; and that adopting the Inhofe proposal would make a provision designed to be a last resort into a routine one and increase pressure on members to take politically safe but substantively damaging positions in the face of intense outside single-issue lobbying, discouraging deliberation and encouraging a government by plebiscite. Once the public passions were fanned and the agenda set in simplistic, anti-secrecy terms, there was little opportunity for genuine discussion and debate about the need for this rules change and its possible consequences.

This episode is emblematic of what ails Congress today and why it is so difficult to pursue constructive reforms. An angry but inattentive public is too easily manipulated by Congress-bashers pursuing their own partisan and ideological agendas. Members of Congress are too willing to sacrifice the well-being of their institution in order to advance or protect their individual political positions back home. Congressional leaders are too slow to see the threats to the basic integrity of Congress, insensitive to the genuine rights and prerogatives of the minority party, and too reluctant to act decisively to deal with the underlying problems. And editors, eager to be on the side of the angels, buy the "reform" agenda of self-styled public interest groups and reformers without thinking through the consequences of what they support.

Ironically, if the undue sway of leadership bullies on rank-and-file members is the problem, as many Inhofe supporters believe, the most constructive change in the discharge petition rule would have been more, not less, secrecy—the complete confidentiality of signatures, so that neither leaders, chairmen nor outside interests would know which members had signed petitions to pull bills from their committees, and could not exact retribution. But that kind of change would not have mobilized United We Stand troops around the country, energized the army of radio talk show hosts or raised much money in direct-mail appeals by anti-Congress groups. Inhofe and his allies have intimidated the House to act and succeeded at stinging and embarrassing Congress's senior leaders. Now we have to figure out how to limit the damage done to deliberative democracy.

Mr. INHOFE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

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

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

The SPEAKER pro tempore (Mr. OBEY). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 40, answered "present" 1, not voting 8, as follows:

[Roll No. 458]

YEAS—384

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—40

Abercrombie
Bishop
Brooks
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Darden
Dingell
Edwards (CA)
Fazio
Flake
Ford (MI)
Gonzalez
Hilliard
Klink
Lewis (GA)
Mazzoli
McKinney
Meek
Moakley
Mollohan
Murtha
Payne (NJ)
Pelosi
Pickle
Rangel
Roybal-Allard
Rush
Sabo
Smith (IA)
Stark
Torres
Unsoeld
Velazquez
Visclosky
Washington
Watt
Yates

ANSWERED "PRESENT"—1

Martinez

NOT VOTING—8

Brown (CA)
Conyers
Foglietta
Johnson, E. B.
McDade
Owens
Sharp
Towns

□ 1236

Ms. PELOSI and Messrs. FLAKE, HILLIARD, and LEWIS of Georgia changed their vote from "yea" to "nay."

Mr. BARLOW and Mr. BECERRA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

The SPEAKER pro tempore (Mr. OBEY). Is there objection the request of the gentleman from Oklahoma?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. INHOFE. Mr. Speaker, I have a parliamentary inquiry regarding the resolution just adopted.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. INHOFE. Mr. Speaker, is it the interpretation of the Chair that the resolution just adopted applies only to discharge motions filed after adoption or that it also applies to discharge motions already filed?

The SPEAKER pro tempore. The Chair believes that the plain reading and debate on House Resolution 134, along with standard principles of statutory construction, indicate that the language inserted in clause 3 of rule XXVII by the resolution should be read to apply to both those discharge petitions already filed as well as to those to be filed in the future.

PERSONAL EXPLANATION

Mr. SHARP. Mr. Speaker, on the vote just taken, I had intended to vote "yea." I was in the House annex office where the bells did not ring; the paging system did reach me, and I ran, but missed the vote.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote No. 458 on H.R. 134 I was unavoidably detained. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. Conyers. Mr. Speaker, due to pending business in my district, I was unable to make the vote today on rollcall No. 458, House Resolution 134. Had I been present, I would have voted "no" on the resolution.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, we continue to have very restrictive rules coming out of the Committee on Rules, and, therefore, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1240

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its further consideration.

The Clerk read the title of the resolution.

(For resolution, see RECORD of Monday, September 27, 1993, at page 22603.)

The SPEAKER pro tempore (Mr. OBEY). The gentleman from Texas [Mr. FROST] has 20 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, yesterday, at the United Nations, President Clinton set a new course for American foreign policy. It is a break with the past and it will prove to be momentous.

The President set forth four criteria for U.N. troop involvement in trouble spots. They are logical conditions. They mirror what many of us in Congress have been urging.

What is good for the United Nations certainly should be good for the United States, too. So let us see how the criteria set forth by the President apply to Somalia.

In Somalia, is there a real threat to international peace? The answer is no.

Does the Somalia mission have clear objectives? Obviously not.

Can an endpoint be identified? No.

How much will it cost? No one knows, but we do know to this point it has cost the American taxpayer over $1 billion. The President said:

> From now on the United Nations should address these and other hard questions for every proposed mission before we vote and before the mission begins. The United Nations simply cannot become engaged in every one of the world's conflicts.

So this will become the Clinton doctrine. The American people will applaud him. It is a realistic, pragmatic approach. It is a sharp turn away from the past helter-skelter policies of let's stick our noses into everybody's business.

But as we are so often reminded, actions speak louder than words.

So let us see if the President will apply the Clinton doctrine to Somalia. That is the test. Foreign entanglements are like a treadmill. It is difficult to simply stop. We no sooner get to the end of one intervention than some in Congress are pushing us into another, So it goes.

The President has given us a formula for getting off of the treadmill. Let us urge him to abide by this blueprint.

Ever since the first American soldier set foot in Somalia, some of us have implored the White House to follow some plan, some rational approach to achieve a realistic goal. Now, if the President was sincere in his admonishment to the United Nations, and I am sure he was, why not apply those same standards to our country's overseas involvements?

Are American troops' lives any less precious than those of other nations? Are not the American taxpayers' dollars as hard earned as those of other nations?

So let us praise the President's candor. He has designed a new foreign policy paradigm for the United States. It will acclimate the United States to the new emerging world. It is a new focus for our foreign policy. It is long overdue, but so necessary.

Giving a speech at the U.N. is one thing. Applying it is something else. It is like the blue belt in karate, that's where you do well on the written part. Let us help the President apply his new doctrine and let us start with Somalia.

We must have a date certain when we will leave Somalia. We should follow the President's blueprint that he set forth at the United Nations yesterday.

Today, United States policy in Somalia is not in step with the policy enunciated by the President yesterday. In this case, I say "Let Clinton be Clinton." The Truman doctrine was correct for his day. The Clinton doctrine announced yesterday is correct for our time.

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

Mr. Speaker, in bringing debate on this fourth rule, for this most important bill to come before this body this year to a close, I ask Members to vote "no" on this restrictive rule, under which Members are being gagged. But, more than that, I ask Members to vote "no" on this defense authorization bill.

Mr. Speaker, I said on this floor last night, when there were hardly any Members here, that our military participation in Somalia today is a monstrous folly and we should not be there. I ask my colleagues, do they know what is going to happen in a week or two? I am scared to death that the President is going to order 25,000 or 35,000 American troops into a place called Bosnia, where we have no business being.

When one looks at flash points around this world, when one looks at what is happening in Russia today, when one looks at what is happening in Georgia and the other Republics of the former Soviet Union, there is chaos and virtual anarchy. And this defense budget we are about to pass is totally inadequate to meet our needs as a nation if we are confronted with a serious

crisis in Russia, on the Middle East, or North Korea.

Mr. Speaker, we should not be sending our American troops into combat anywhere with this kind of funding for our defense budget. Members had better vote against the rule, and had better vote against the bill that will follow it.

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

OPEN VERSUS RESTRICTIVE RULES

95th–103d Cong.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	33	9	27	24	73

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th—102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 22, 1993.

OPEN VERSUS RESTRICTIVE RULES, 103D CONG.

Rule number, dated reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0).	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2).	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993)
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote. (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign Aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "fast track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: For operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-Postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MC	H.R. 2330: Intelligence Authorization Act fiscal year 1994	NA	NA	A. Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime administration authorization	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National defense authorization	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National defense authorization		91 (D–67; R–24)	
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).

Note.—Code: C-closed; MC-modified closed; MO-modified open; O-open; D-Democrat; R-Republican; PQ-previous question; A-adopted; F-failed.

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

Mr. Speaker, this is the fourth in a series of four rules on this very complicated, very important bill. The Committee on Rules has attempted to be fair to all sides and has provided in this rule for major issues to be joined on both sides of the aisle.

Mr. Speaker, I urge adoption of this rule, so we can proceed to final consideration of this very important piece of defense legislation.

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of the fourth and final rule for the National Defense Authorization Act for 1994. The rule adopted by the Committee on Rules provides full consideration for relevant amendments to the bill.

I know that the committee may come under strong criticism for not making in order amendments by the gentleman from Indiana [Mr. BURTON] which would have eliminated the requirement in the bill to establish the Defense Women's Health Research Center. A similar amendment was offered by the gentlewoman from Florida [Mrs. FOWLER] during the Armed Services Committee consideration of the bill and was soundly defeated.

This provision was developed by the Subcommittee on Research and Technology of the Armed Services Committee, as a key method to advance medical research generally and to take full advantage of the growing number of women in the military. The military health care system is unique in that it provides care for patients for long periods of time and thus is an excellent method to track research subjects over the years.

But the primary reason for establishment of the center is that women's health care research has been virtually ignored in both the military medical community as well as general medical community. In 1989, the GAO reported that women and minorities were not to be adequately integrated into research protocols of the National Institutes of Health.

Since then, we have learned that women's health research has been severely neglected. Women need to know why. They need to know why they are more susceptible to disease than their male counterparts. They need to know why their health is worse than their male counterparts, and why certain serious conditions, like cancer, heart disease, and sexually transmitted diseases, affect women in different ways than they affect men.

In 1991, the NIH's Office for Research on Women's Health held a major conference to identify the outstanding gaps in women's health research. The resulting 300-page report lists hundreds and hundreds of unanswered questions regarding women's health. For instance, why are women more susceptible to depression? What can be done to prevent gender specific illness, like breast cancer, ovarian cancer, and cervical cancer? What exactly happens to women during menopause, and how does hormone replacement therapy, a popular prescription for perimenopausal women, effects her risks for heart disease, cancer, osteoporosis, and depression? In addition, the study isolated outstanding gaps in our knowledge of reproductive biology, women and aging, and women and heart disease.

Why is this relevant to the military? The military, although carrying a huge research budget, favors the male research subject over the female research subject. When I asked the Department of Defense about women's health

research, they told me that they were not conducting any research into heart disease or cancer—the two leading causes of death among women. Nevertheless, the military is undertaking a giant and exciting research project on breast cancer—but only after Congress made them do it last year. Women in the military have unique health problems that should be addressed by the military health care system.

Establishing a Defense Women's Health Research Center in the military is a natural. It will combine state-of-the-art diagnostic and treatment technology as developed by the Army and other services, with telemedicine, which provides direct links between researchers and providers around the world, to become the leader in women's health research. With women composing 11.4 percent of our military, and growing, the military population provides a unique opportunity to research and study the health of women as they move through life. As an added benefit, this knowledge will benefit women outside the military structure.

Some have charged that the Center is earmarked to go to a certain hospital in my district. This is just not true.

We did include criteria for selection of a site to place this Center. This criteria adds to the value of the Center, and I challenge others to tell me how this would earmark the Center to a certain location.

I would like to review the criteria included in the bill. This section requires the Defense Women's Health Research Center to be located at:

An Army facility. The Army has great expertise in medical research and is presently administering the $210 million appropriated last year for breast cancer research. The Army has done a good job in implementing the program.

Already in existence on July 1, 1993, with a physical plant immediately available to serve as headquarters. We don't want to spend years choosing a site and building a new building. We want this Center up and running as soon as possible.

With ongoing fellowship and residency programs co-located and ongoing with the Veterans' Administration, a medical school, and a city hospital. The Center should not reinvent the wheel and should benefit from ongoing graduate medical education relationships at a wide range of service providers, including:

Technologically modern laboratories, with the capability to include state-of-the-art clinical diagnostic instrumentation, data processing, telecommunication and data storage systems. Who can argue with having modern labs and the ability to expand? There exists an exciting world of technology that has the potential for creating great cost savings and better health care. This Center should fully utilize this technology to use and share information as technology evolves and improves.

Capability with and capability to effectively expand its existing mission in accordance with the mission of the Center. We don't want to place a center at a facility where its presence would be inconsistent with the host hospital.

Maximum multistate geographic jurisdiction. The Center will be a national center and its host should also have broad geographic reach. We shouldn't limit our vision to a small part of the country.

An existing relationship for the provision of services to Native Americans through the Indian Health Service. This gets us more bang for our buck. Indian health has been the ignored stepchild of medical care. This would allow DOD research to include and benefit this special group, at no extra cost to the Government.

That's it. Our only agenda is to make women's health research another priority in the Department's research portfolio. This criteria gives proper guidance to the Department of Defense to create a Defense Women's Health Research Center at an appropriate Army medical facility.

Mr. Speaker, I urge our colleagues to adopt the rule.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 182, not voting 10, as follows:

[Roll No. 459]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—182

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Billirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Collins (MI)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Maloney
Manzullo
McCandless
McCollum
McCrery
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum

Saxton	Snowe	Upton
Schaefer	Solomon	Vucanovich
Schiff	Spence	Walker
Sensenbrenner	Stearns	Walsh
Shaw	Stump	Weldon
Shays	Sundquist	Wolf
Shuster	Talent	Young (AK)
Skeen	Taylor (NC)	Young (FL)
Smith (MI)	Thomas (CA)	Zeliff
Smith (OR)	Thomas (WY)	Zimmer
Smith (TX)	Torkildsen	

NOT VOTING—10

Bentley	Darden	Vento
Byrne	Gibbons	Williams
Condit	McDade	
Conyers	Owens	

□ 1308

Mr. COOPER changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 28, 1993, to file a conference report on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I could not hear, but I presume this is not the printing motion that the gentleman from Wisconsin [Mr. OBEY] talked to me about previously. I would ask the gentleman, this is not the printing motion is it?

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

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would tell the gentleman this is the printing motion. This is not the motion to take up the bill. This is just the printing motion.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

REQUEST TO MAKE IN ORDER ON WEDNESDAY, SEPTEMBER 29, 1993, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent that it be in order on September 29, 1993, or any day thereafter, to consider the conference report to accompany the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would say that the gentleman from Wisconsin [Mr. OBEY] is not the reason for my objection which I am about to lodge. It is the Committee on Rules and the way they have been bringing restrictive rules and violating minority rights in this House day after day, week after week, and month after month.

□ 1300

But it has nothing to do with the gentleman from Wisconsin, and I want to make that very clear.

Mr. Speaker, I do object.

The SPEAKER pro tempore (Mr. MAZZOLI). Objection is heard.

COMMUNICATIONS FROM THE HONORABLE STEPHEN HORN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communications from the Honorable STEPHEN HORN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued in a criminal case pending in the United States District Court for the Central District of California.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that one former and four current members of my staff have been served with subpoenas issued in a criminal case pending in the United States District Court for the General District of California.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 254 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. 2401.

□ 1311

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. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, September 13, 1993, amendment No. 6 printed in House Report 103–236 had been disposed of.

Pursuant to House Resolution 254, no further amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in House Report 103–252 and amendments en bloc described in section 3 of House Resolution 254. Pro forma amendments for purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services.

Except as specified in sections 2 through 4 of House Resolution 254, each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment except as specified in House Report 103–252 and shall not be subject to a demand for a division of the question.

It shall be in order at any time to consider the amendments printed in part 1 of House Report 102–252 in the

order printed. Such consideration shall begin with an additional period of general debate, which shall be confined to section 575 of the committee amendment in the nature of a substitute and the amendments printed in part 1 of House Report 103–252.

Debate time shall not exceed 1 hour, equally divided and controlled among the chairman and ranking minority member of the Committee on Armed Services and the gentleman from Missouri [Mr. SKELTON].

If more than one of the amendments printed in part 1 of House Report 103–252 is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

It shall be in order at any time for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in House Reports 252 or 236 or germane modifications thereof. Amendments en bloc shall be considered as read, except that the modifications shall be reported.

Amendments en bloc shall be debatable for 290 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

For the purpose of inclusion in amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 254.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

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

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of Recognition.

Pursuant to House Resolution 254, it is now in order to debate the subject matter of section 575.

The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. SKELTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I would like to indicate that it is my intention to yield myself 4 minutes and then to yield the balance of my time to the gentleman from Massachusetts [Mr. MEEHAN] in order that he may control that time. The gentleman from Massachusetts is the author of an important amendment in the context of this discussion.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts will control the remainder of the time of the gentleman from California.

There was no objection.

Mr. DELLUMS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we arrive at this debate today on the status of gay men and lesbians in the military services after much discussion and controversy. While the rule governing today's debate presents a narrow range of choices, I want to reiterate my unequivocal belief that we should permanently and completely lift any restrictions to military service based on sexual orientation. Specifically, I believe we should allow gay men and lesbians to serve in the military—as they have for decades—and to allow them to do so honestly and openly, the only position truly consistent with the military's excellent code of honor.

Mr. Chairman, I believe it is possible to undertake such a commitment to equality and human dignity, while at the same time protecting legitimate privacy interests of our uniformed personnel, and while preserving good order and discipline within the ranks.

While the military cannot be asked to lead the way in every effort to improve our society, it has made significant contributions to such efforts in the past: Including efforts to integrate our society, to provide expanded opportunities to persons with disabilities, and to provide new employment vistas for women. It seems to me that the military could also aid in our society's effort to end the violence and bigotry against gay men and lesbians.

Everyone acknowledges that gay men and lesbians serve in the military, some with the knowledge of their peers, many with great distinction. This does not in my humble opinion, destroy unit cohesion. Time permitting, I would like to explode that cruel myth. Examples from other nations show that it would not do so if we were to embrace this policy.

I wish we were addressing, Mr. Chairman, this fundamental issue today. I offered an amendment in committee that would have lifted the ban; it is what I believe we should do and should do now. I was prepared to seek a rule allowing me to offer such an amendment again today. However, leaders of organizations keenly interested in this issue have chosen, for reasons of their own, to make today's fight one that focuses on whether the Congress should codify its views or leave it to the President to act in this matter. I defer to their judgment.

Mr. Chairman, because today we face only the choices before us on the floor, I rise to urge my colleagues to accept the Meehan proposal. By not codifying our actions today, we would allow the President the flexibility to work with the Joint Chiefs and the service leadership over the coming months and years to find a more comprehensive and equitable solution to expand opportunities for all.

In conclusion, Mr. Chairman, let me reiterate my view that we should choose the goal that will best move toward achieving equal opportunity for all our citizens. All my experiences—as a marine, as a psychiatric social worker, and as a Member of this august body for nearly 3 years, and a member of its Committee on Armed Services—lead me to believe that we could do so, and do so successfully. Therefore, I urge my colleagues to support the Meehan proposal.

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

□ 1320

Mr. Chairman, today we will consider three amendments related to the issue of service by homosexuals in the military: One offered by Mr. MEEHAN, one offered by Mr. HUNTER, and one offered by Mr. SKELTON.

I support the Hunter and Skelton amendments and strongly oppose the Meehan amendment.

I oppose Mr. Meehan's amendment which would strike the existing bipartisan committee language, in turn guaranteeing that Congress will revisit this highly disruptive, controversial issue year after year after year.

Mr. Chairman, H.R. 2401 codifies a policy regarding homosexuals in the military which protects and preserves military readiness. I strongly support that policy for many reasons, but principally because it reflects:

The overwhelming judgment of the professional military from the ranks of the most junior enlisted personnel up through general officers;

The weight of evidence gathered by the Armed Services Committee after aggressively analyzing and debating, in

an open and comprehensive manner, the wide range of views expressed by all concerned with this issue;

American public opinion, and certainly the views of the vast majority of my constituents;

A proper exercise of Congress exclusive constitutional authority to prescribe policies regulating the Armed Forces; and

My own personal, moral and religious beliefs that the homosexual lifestyle is unnatural and immoral, as well as being illegal in some States, and should not be legitimized by a cloak of acceptability in our society.

In other forums I have already addressed the moral issues that this issue has forced my colleagues and me to confront. So, I will not elaborate today. Let me just say, however, that any advocacy of a broader societal acceptance of the homosexual lifestyle is contrary to my fundamental beliefs. A lifetime of experience has only reinforced my position on this issue. Nothing in all the testimony that I have heard in the past year has convinced me that my moral values need to be changed.

However, the evidence that was presented to both the full committee and Mr. SKELTON's subcommittee did convince me that:

The ban on homosexuals serving in the military is not a question of civil rights, equal rights, or gay rights. The courts have consistently upheld the military's right to discriminate based on the unique nature of what the military is and what the military does.

Homosexuality is incompatible with military service. Lifting the ban would have a negative impact on readiness, discipline, and morale.

Despite the testimony of homosexuals who had served in the military that they wanted nothing more than to serve with honor, political activism to promote the gay agenda subsequent to lifting the ban promised to turn the military into a legal, social, and cultural battleground for years to come unless Congress acted to legally protect the military by codifying a policy governing homosexual service.

Today, Mr. MEEHAN and his supporters will present a number of arguments against codifying the Clinton-endorsed Nunn compromise. Many supporters of the Meehan amendment will argue that we ought not to interfere with the executive branch's discretion in this matter. As you evaluate such arguments, consider that:

It was the President's own response to the political activism of the homosexual community that helped to precipitate this highly contentious and disruptive debate that occupied too much time already this last 8 months.

Just prior to marking up this bill, the committee held several days of hearings on the policy proposed by the President and the Secretary of Defense and found it deficient in several key areas. Consistent with the Senate language, H.R. 2401 simply corrects those deficiencies.

As indicated in the President's own August 4 statement of administration policy, the President supports H.R. 2401 as reported by the Committee on Armed Services because and I quote, "the bill would support many of the administration's key defense programs, including the administration's policy regarding homosexuals in the military." And I repeat, in the words of our President "including the administration's policy regarding homosexuals in the military."

Finally, I need not remind my colleagues that under article 1, section 8 of the Constitution, only Congress has the mandate to regulate the personnel of the Armed Forces.

For these reasons, I urge you to protect military readiness and vote "no" on the Meehan amendment.

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

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

Mr. Chairman, regarding the issue of homosexuals in the military, I stand shoulder to shoulder with the men and women who serve in our Armed Forces. I stand with General Powell and the other Joint Chiefs of Staff. I stand with the senior noncommissioned officers from each of the services. Each has said that the Nunn-Skelton language can work. Each strongly endorsed what we have done in this bill. If my colleagues care about the people in the military, they will support the Skelton amendment which is the Nunn-Skelton language.

I rise today to say clearly that enough is enough. The issue of homosexuals in the military has been far too divisive, has consumed far too much of the Nation's energy, and has robbed this body of far too much of our legislative agenda. We must put this issue behind us; we must do so immediately. It is my hope that we will do so today.

I am happy to announce that a solution to the problem is available. There is a provision in the bill that codifies a workable policy, and my amendment codifies a workable policy, but does so in a manner that protects the combat capability of the Armed Forces.

Mr. Chairman, it is supported by the President, the Secretary of Defense, and General Powell and the other Joint Chiefs of Staff. Perhaps most importantly, the language in this provision is identical to that adopted by the Committee on Armed Services of the other body by a vote of 17 to 5 with all the committee Republicans voting to adopt. Your vote to turn back amendments to the language that currently resides in the bill will keep it identical to the language in the other body and will put the issue to rest in conference; it will not be a conference item. Rather, it will be a law that the Attorney General, the General Counsel of the Department of Defense, and a panel of constitutional lawyers agree can withstand the challenges in the courts. In short, it is a solution that will stand the test of time, a solution that cannot be altered without coming to the elected representatives of the American people, to us, Members of Congress of the United States.

What does this provision do in the Skelton amendment?

The provision would set out the fundamental difference between military and civilian life and makes clear the importance of preserving high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability. It does this with 15 congressional findings that reflect the results of our hearings here in the Armed Services Committee as well as in the other body.

The provision would require the Department of Defense to issue regulations within 90 days which direct separation if the member has:

Engaged in, attempted to engage in, or solicited another to engage in a homosexual act.

States that he or she is a homosexual or bisexual, or words to that effect.

Married or attempted to marry a person known to be of the same biological sex.

The provision would require the Secretary of Defense to establish enlistment and appointment policies that are consistent with the policy and to conduct briefings upon entry, and periodically thereafter upon reenlistment, that address sexual conduct of members of the Armed Forces, to include the policies prescribed in especially in this bill.

The provision would include the sense of Congress that the Secretary of Defense should reinstate the procedure for asking applicants for enlistment and candidates for appointment about their sexual orientation, if at some time in the future the Secretary of Defense considers it necessary.

□ 1330

Mr. Chairman, based on the testimony of the Secretary of Defense, the Joint Chiefs, the General Counsel of the Department of Defense, and the services senior enlisted members during recent hearings before the Subcommittee on Military Forces and Personnel, which I chair, I am convinced that the heart of the pre-January 1993 policy has been preserved in the Nunn-Skelton language. The result is a policy that will change very little of the day-to-day life of service members. It is clear to me that the bottom line remains the same as it always has been: Homosexuals will be separated if they demonstrate conduct that is disruptive to morale and unit cohesion. The language in the bill would place that

"heart" of the policy permanently in the law.

As I have stated before, I have long been committed to codifying the solution to the debate.

By codifying, we mean putting it into the law, the statute books of this country.

In my view, codification is an essential step if we hope to put this divisive issue behind us. If we decline to codify the policy, we will substantially erode the ability of the Department of Justice to defend the policy against challenge in the courts and we will have effectively invited litigation from people who perceive that the policy lacks the committed support of the Congress.

Mr. Chairman, I have elected to support the men and women of the Armed Forces on this issue, and I believe the language in the bill does exactly that. The polls I have seen would indicate that service members are overwhelmingly in favor of continuing the ban on homosexual conduct in the military. Two different surveys indicated that over 75 percent of the men and women in the military believe the ban that existed prior to January 1993 should be continued. In one of those surveys, a remarkable 45 percent indicated that they would leave the military if the ban was lifted. Such a hemorrhage of trained and educated talent is simply a risk to our defense capability that I am unwilling to assume. In addition to the views of the troops, there are two other surveys that reveal that retired flag officers oppose the service of homosexuals at an alarming 90-percent plus rate.

I recently received a letter from retired Gen. Maxwell R. Thurman, a figure well known to this body as an extraordinary leader and the general who led our forces to victory in Panama. He is a man I greatly respect. His view echoes the testimony of the Joint Chiefs and other distinguished retired officers to include Gen. Norman Schwarzkopf and Lt. Gen. Calvin Waller. General Thurman says:

> My own view is that overt homosexuality in the Armed Forces, if permitted, will be devastating to unit morale, cohesion and, ultimately, unit effectiveness in combat.

Those are the words of General Thurman.

I, like these other highly respected leaders, am very cautious about any change that potentially threatens the morale and cohesion of our fighting force. We must not risk fundamentally undermining the best military force in our Nation's history. Second place does not count on the battlefield.

For me personally, the President's initiative has been a disturbing issue. My family background is deeply rooted in traditional religious values, and many of my constituents have sent a clear signal that they believe the service of open homosexuals is wrong. Accordingly, we must not forget that this policy focuses on the issues of greatest concern to service members and carries forward key elements of the former policy that protects those interests.

I feel we have achieved our objective of a policy that protects the combat capability of our military forces and the welfare of our men and women in uniform, while allowing the services to stop asking the question of recruits and to exercise greater control in curbing wasteful inquisition.

Mr. Chairman, I strongly urge that this body vote against the two other amendments and vote for this Skelton amendment.

The CHAIRMAN pro tempore (Mr. OBEY). The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

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

Mr. Chairman, after months of heated debate, we are finally going to have this issue boiled down to three choices. Let me take a moment to try to explain the implications of each choice.

If you vote for my amendment, you are voting for the compromise produced by Les Aspin and the Joint Chiefs of Staff. The amendment leaves this issue to the executive branch, and that is all it does. Unlike the committee language offered by Mr. SKELTON, my amendment does not dictate the military's personnel policy.

The Secretary of Defense will continue to have the authority to implement his directive. That is the same way this issue was handled under George Bush, Ronald Reagan, and every other President since the founding of the Republic, and I do not think the Congress should begin intervening in these matters now.

To attempt to write a law that codifies this compromise is absurd. How in the world are we going to codify something like defining when military personnel show "the propensity to commit a homosexual act."

The Congress should not be attempting to codify this at all.

If you vote for the Hunter amendment, you are voting to add insult to injury. The committee language is already stacked against civil rights, and by requiring the armed services to ask the question, the Hunter amendment just rubs it in.

The Skelton amendment offers a tiny fig-leaf of "don't ask" in a policy that amounts to a ban-plus. Is that my assessment? No. Those are the words of my friend from Orange County, Mr. DORNAN, in Committee. If you vote for the Skelton amendment, you are writing discrimination into law.

We have never attempted to codify this issue before. I would submit that if we codify it now, each and every year we will be back here debating this issue to change the amendment, to change it again if society changes.

Let us leave it to the Joint Chiefs of Staff and the President as Commander in Chief.

My amendment offers the only graceful exit from an extremely contentious debate. It does not lift the ban at all. In fact, if makes no judgment about the wisdom of any policy on gays in the military except to say that no policy on gays in the military should be written into law.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I read from the Constitution of the United States:

> The Congress shall have power to make rules for the government and regulation of the land and naval forces.

To determine whether or not gays and lesbians serve in the military is clearly the prerogative of the Congress, because there is no way to argue that this is not a rule or a regulation.

The Meehan amendment would give the authority to the President to determine this issue.

This is not the will of the American people and it is not the will of this Congress.

Mr. Chairman, I urge defeat of the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

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

Mr. Chairman, every month a phenomenon occurs in this country, and that is that thousands of American families send their children to serve in the Armed Forces of the United States. They do that knowing that it may be very difficult, it may be very dangerous, and at the least is most inconvenient compared with domestic life.

I think those families do that because they believe in duty, honor, and country, and they believe that the armed services of the United States uphold a moral code that is derived from basic values that this country has had since its beginning that they believe in.

You know, it is interesting, the other night when General Schwarzkopf was questioned on a national television show, that every caller that called in started out or prefaced his remarks with, "It's an honor to talk to you, General Schwarzkopf."

□ 1340

Mr. Chairman, I think it is interesting for us, as Members of Congress, to see that when members of our community pass away, their families want them to be buried with a military funeral in many, many instances because they believe that is a valuable thing that has been given to their country by that particular person in serving in uniform, and we see that in the homes of our constituents where they put up the pictures of their loved ones on the wall in uniform. They believe that the

moral code that the military presently holds, and has held for 200 years, is right, and that is why President Clinton hit such a firestorm when he tried to change this policy, not just because of a few generals in the Pentagon, but because of the American people.

I want to remind my colleagues that this moral code has persisted since 1778, when Gen. George Washington ordered, after homosexual activity by one of his officers, that that officer be drummed out of the Army the next day by all the fifers and drummers in the U.S. Army with abhorrence and detestation. I guess we could not expect General Washington to be at the gay parade. The point is that that policy has persisted from General Washington through General Schwarzkopf.

Now the amendment that I am going to offer, Mr. Chairman, says, "Let's ask the question." The Reagan administration instituted the question, not because of some vague philosophical notion, but because in 1981 homosexual activities that were bad for the young men and women serving in the military, 84 percent of whom were unconsenting victims, was on the dramatic rise. It is going up at the rate of about 10 percent a year. It had gone up from about 1,000 a year to about 2,000 a year in 1981. When the Reagan administration instituted the question where they asked this question up front, as unpleasant as it was, homosexual acts against young people in uniform went down dramatically, went down from about 2,000 a year to about 900 a year.

So, Mr. Chairman, I do not ask my colleagues to vote for the Hunter amendment because of the moral concern, unit cohesion and all the other things that have come about in hearing, but it is because of the duty of trust we owe to our constituents to protect their children in uniform.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my good friend and colleague, the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I rise today to proclaim my support for the amendment offered by Mr. MEEHAN.

Historically, the U.S. Armed Forces have been a symbol of excellence throughout the world. It is imperative that our military maintains that trademark, and I would never advocate a policy which would affect the superiority of our forces or the safety of our personnel.

However, sexual orientation should not be a factor in determining whether or not one should be able to serve his or her country. Professional relationships should be asexual in the office, in the classroom, and in the Armed Forces. A person's sexual orientation is a private matter and should be treated as such. Personal, professional, and sexual conduct rather than sexual preference must be the foundation of any policy.

The current ban on gays and lesbians from the military is parallel to the racial bigotry that African-Americans faced in the 1940's and 1950's. In the 1940's, two army studies showed more than 80 percent of white soldiers opposed racial integration. Now, the military argues that 74 percent of the enlisted personnel oppose lifting the ban. We must learn from the mistakes and blind judgments of the past. We cannot repeat them. We, in the Congress, cannot go into the business of writing discrimination into the law.

Just as during the civil rights movement I could not accept an offering of liberty to one group and the denial of liberty to another, I cannot accept it now. Our Nation is one of vitality, diversity, and equality. Our Armed Forces must not be too timid to reflect these strengths.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise to speak for the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] and against the amendments offered by the gentleman from California [Mr. HUNTER] and the gentleman from Missouri [Mr. SKELTON].

The gentleman from Missouri has indicated that his amendment would take us back to the situation that existed with respect to gay men and lesbians in the military last year. Indeed it would. It does not simply codify the President's policy. The Meehan amendment would leave undisturbed the so-called don't-ask, don't-tell policy adopted by the President, which, although it retained the unacceptable presumption that homosexuality makes one unfit for military service, at least did take some steps to lessen the degree to which lesbians and gay men in the military are subject to harassment by military authorities. The willful indifference to evidence displayed by those determined to see that homophobia continues to be enshrined in our military policy is striking. They ignore not only the evidence of outstanding military service by lesbians and gay men, but also the clear evidence that other nations' armed forces have adopted nondiscrimination policies without any adverse consequences whatsoever for morale and unit cohesion. The arguments for the Skelton and Hunter amendments are the same arguments used to justify racial segregation of the armed services, and they are just as wrong and deeply prejudiced now.

Mr. Chairman, for my part I will not vote for a Defense authorization bill that includes the Hunter or Skelton language any more than I would vote for a Defense authorization bill that proposed to move to restore racial segregation of the Armed Forces.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I hope that the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] is adopted.

What we are talking about here is the extent to which we believe that the people of this country are prejudiced against gay men and lesbians, and they understand the perception that the mere presence of a gay man or a lesbian in the midst of a predominantly straight group would be disorienting. I think that is wrong. I think the American people have, in fact, a greater capacity to deal with differences than people here give them credit for.

No one is talking about untoward behavior. No one is talking about anyone who makes undue advances. That is a problem across the lines of sexual orientation, and in fact we all want the military to be much together in protecting people against unwanted sexual advances than they have been.

What we are talking about is the argument that the mere presence of an entirely well-behaved, wholly decent young man or woman who happens to be gay or lesbian would somehow, by that very fact, regardless of any misbehavior, cause problems, and I understand why people think that. But I must tell my colleagues that the experience that I have had as a gay man who acknowledged some years ago, with great reluctance, but finally, the fact that I am gay, the experience that the overwhelming majority of gay men and lesbians have had is that those in the straight majority, to whom we have been honest, have, in fact, accepted that difference without the kind of panic reaction that I think is being unfairly attributed to others.

The question is whether people who are entirely well-behaved, and no one here argues for the right to misbehave, but whether people who are entirely well-behaved will, by being honest about themselves, cause a problem. That has not been the case in police departments, in private corporations, in State that have passed these laws. Time and again we have had the predictions that there would be serious negativism. It has not happened, and it will not happen here.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I thank my colleague for yielding this time to me and would begin by acknowledging what was earlier acknowledged; and that is, through his leadership, I think we were able to take a very difficult issue, get it resolved with a minimum of difficulty by the members of the subcommittee, and later the full committee; and I again applaud him for his efforts and commend him for the bipartisan manner in which he approaches the leadership of our subcommittee.

Mr. Chairman, I strongly support the policy adopted by the Committee on

Armed Services and contained in the committee bill, and I oppose amendments to the bill.

First, let me note that the policy adopted by the House Committee on Armed Services is the product of an extensive, full, and open debate which focussed on military readiness issues. That was our charge. We sought, and we received, full input from all sides of the issue, from pro-ban, anti-ban, military, civilian, academic, police, fire, religious, officers, NCO's, legal people, the full range of opinions, and our subcommittee began to formalize a position when Senator NUNN announced his proposal in the Senate. It coincided with our views. We adopted it with consistent, but different, report language. Our committee policy on homosexuals has the support of the President, of the Secretary of Defense, of the Chairman of the Joint Chiefs and of the service chiefs.

The full committee rejected previous efforts to modify bill provisions. Specifically two amendments were offered, one by Chairman DELLUMS, an amendment to lift the military ban, which was rejected on a 43 to 12 vote, and one by the gentleman from California [Mr. HUNTER] which was rejected on a vote of 38 to 18.

□ 1350

Regarding the Hunter amendment, it is my view, Mr. Chairman, that it is not necessary. I fully support the intention of the Hunter amendment to ensure that recruits know of the policy of the law. As a matter of fact, recruiters must advise recruits that they cannot serve in the military if they are homosexual.

Mr. Chairman, I would like to quote from the bill itself on page 203, a section under the title "Required Briefings," which reads as follows:

> . . . The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

Mr. Chairman, it is clear that the people who are recruited will be required to be informed fully of the law's provisions, including the fact that if they are homosexual, they cannot serve.

Regarding the Meehan amendment, our colleague makes the point that never before have we codified this principle and asks, why do it now?

The answer, of course, Mr. Chairman, is because up to now no President has sought to change the policy. But when President Clinton decided to change the previous policy, contrary to the views of the Joint Chiefs and the majority of the Members of Congress and of the American people, it was believed necessary to codify this so that we could resolve the issue without having to have it come up time and time again.

Congress is exercising its constitutional authority to regulate personnel policies for the military. That is critically clear. The Meehan amendment would have Congress abrogate that responsibility and leave Congress open to reexamining this issue year after year until this body would have to take action in any event.

Finally, Mr. Chairman, we will hear discussion regarding the Rand study for the Department of Defense, and I want to just reiterate a couple of points that Senator NUNN made in Senate debate regarding this Rand report.

Mr. Chairman, that report did not examine the issue of whether the ban should be lifted; rather, it sought data on how to implement a new policy. In that context, I think its value is somewhat limited in the debate before us, but it will be cited.

Mr. Chairman, the Rand study did not examine whether the existing DOD policy served the national security interests or whether the President's proposed policy served the national interests.

Finally, I would note that it did examine the experience of foreign military, police, and fire departments, as did the Committee on Armed Services. But, unlike the House Committee on Armed Services, while acknowledging many dissimilarities between these organizations and the U.S. military, the Rand report drew very heavily upon these organizations, and we did not think that was appropriate.

So, Mr. Chairman, the policy regarding homosexuals in the military has been exhaustively examined by the committee. The committee bill protects military readiness. It is time, I think, to finally resolve the issue, so we can move on to a whole range of fundamental national security issues that face this Nation.

Mr. Chairman, adopting the committee bill without amendment will be consistent with the Senate position. It will resolve the issue. Therefore, I urge my colleagues to adopt the committee position without amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I will have an opportunity to speak again on this subject. But let me rush my words just a bit, because I have an awful lot I want to cover and not much time to do it in.

We have had a long string of people, with no military experience whatsoever, but experience in some other areas comment on this issue today. To have this House lectured about well-behaved homosexuals by some Members with, shall we say, behavioral problems of their own is too much. In the 17 years that I have been on this Hill I have only known, in either Chamber, two openly homosexual Members.

One of them was chastised for pedophilia, seducing a page; and the other one was forced to reveal details of his private life by a loathsome male homosexual, with whom the Member claimed, he was in love with for a time.

The CHAIRMAN. The Chair would state that the rules clearly prohibit such references to disciplinary procedures involving sitting Members.

Mr. DORNAN. Really Mr. Chairman? I forgot that. The jury will disregard my remarks, but I know they cannot forget them.

Now, here is a current article in Air Force magazine, written by their congressional editor, Brian Green. He correctly states there is a lot of confusion. He says contributing to the confusion is the prohomosexual spin that Clinton put on his remarks at Fort McNair. Clinton said he was deeply impressed by the devotion to duty and country exhibited by homosexuals who have served with distinction.

We keep hearing that, but where is the evidence of all this distinction?

Then Clinton said there is no study showing homosexuals to be less capable or more prone to misconduct than heterosexual soldiers. He thanked all those, including all the gay activist groups, who lobbied for change. Mr. Green gave an incomplete description of a main provision of the policy, saying,

> An open statement by a service member that he or she is a homosexual will create a rebuttable presumption that he or she intends to engage in prohibited conduct, but the service member will be given an opportunity to refute that presumption.

The subtitle of Mr. Green's article is,

> A declaration of homosexuality can be refuted, but the standard of proof is difficult. No one has ever met it. In all the history of our military, nobody has ever been able to back up from this.

In my military experience, I served on active duty at 10 bases across the country. On eight of those bases there were instances of homosexual activity, each with dishonorable conduct and dishonorable discharges.

Read the case law on this, which we never discuss. Read the case law. There are no witch hunts. The people are put out for dishonorable conduct.

Mr. Chairman, to be continued.

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

Mr. Chairman, I just want to say I am very proud to serve with my colleagues from Massachusetts on the committee.

Mr. Chairman, I yield 1½ minutes to my friend, the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in support of the Meehan amendment and in opposition to the Hunter amendment.

No person who meets the Armed Forces physical and intellectual standards should be denied the opportunity to serve our country based solely upon sexual orientation. The recently released Rand report makes clear that gays and lesbians are entirely capable of honorably serving their country without any disruption of military effectiveness or unit cohesion. The Rand report flatly contradicts the bill's report language stating that "homosexuality is incompatible with military service."

The Hunter amendment reinstating the policy of asking recruits about their sexual orientation would strike the only aspect of the new policy announced by the President incorporated in this bill. It was rejected by the committee by a vote of 38 to 18. I hope that my Republican colleagues will take note that 11 committee members of our party, half of the Republicans on the committee, voted against the Hunter amendment. A Wall Street Journal/NBC news poll in June found 78 percent opposed to asking recruits about their sexual orientation.

While preferable to the Hunter amendment, the committee language would still undo the policy announced by the President, with the support of the Joint Chiefs of Staff, in July. There is no strict provision codifying don't-ask; rather, the bill allows for possible reinstatement of the policy of asking recruits about orientation. Nor does the bill pay heed to the President's pledge that existing regulations regarding both homosexual and heterosexual conduct will be evenly enforced and applied.

The Meehan amendment would leave the President's directive intact. Rather than allowing for congressional micromanagement of personnel policies, the members of our Armed Forces will be best served by leaving the issue of gays in the military to the President and the Joint Chiefs of Staff.

I urge Members to reject the Hunter amendment and to support the Meehan amendment.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from Missouri [Mr. SKELTON] has 6 minutes remaining and has the right to close, the gentleman from Massachusetts [Mr. MEEHAN] has 7½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 8 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, I think we have to talk more about the Hunter amendment, which seeks to reinstate the ban on homosexuals.

Mr. Chairman, it has been stated earlier that we do not do what other nations do. I would respectfully say, other nations do not win wars. Other nations are not the leader of the world, or so-called leader of the world. It is a position that I think we have to protect, at least I hope we do.

Mr. Chairman, I think it is important to make this matter very clear. When I was a commander in the Air Force, I spent more time than I needed to dealing with these sorts of issues. And I have to tell you, it was a waste of time. What happened in the end was those people were drummed out of the service and got out with a bad name.

Well, all the gentleman from California [Mr. HUNTER] is trying to do is say let us ask first. Let us let them off without having to go through the harangue of being drummed out of the service.

Furthermore, we have got a lot of innocent kids in the service nowadays, guys that do not understand the world. Really. Until they are out in the military and taken all across the world to the many countries that we try to defend, then, and only then, do they come in contact with society for real.

□ 1400

I think it is important that we protect those kids in our service. I think it is something we owe the parents of this Nation. I think that it is just our responsibility as a nation, as the sole leader in foreign policy. We have got to act to ensure the strength, morale and discipline of our armed services as the only surviving superpower and guardian of freedom in America.

Mr. MEEHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, since there is not before us an amendment to lift the ban, which the former chairman of the Senate Committee on Armed Services, Barry Goldwater, termed "un-American discrimination," I rise in support of the Meehan-Fazio amendment to the DOD authorization.

The issue of whether or not to lift the ban on homosexuals serving in our Nation's Armed Forces has proven to be one of the most contentious we have faced this year—in a year chock full of hot-button issues.

I oppose the ban. I see absolutely no justification for a ban which denies patriotic homosexual men and women the right to openly serve this country because of some misplaced belief that homosexual soldiers are somehow less capable of controlling their sexuality and performing as good soldiers than their heterosexual colleagues. The stellar military careers of thousands of homosexual troops throughout our Nation's history demonstrate the fallacy of that argument. Former Senator and Senate Armed Service Committee Chairman Barry Goldwater was right when he termed the ban "un-American discrimination."

I am deeply sorry that the ban has been largely retained in the compromise don't-ask, don't-tell policy. This only slightly altered policy continues to view homosexuality as incompatible with military service. However, the compromise adopted by the Joint Chief of Staff does make some incremental changes that do move in the right direction. Unfortunately, the Nunn/Skelton language would reverse some of these modest steps and codify that retreat into statute.

The Nunn/Skelton language makes no mention of President Clinton's directive that commanders and agencies should not begin investigation solely to determine an individual's sexual orientation. Are we to return to the witch hunts of the very recent past?

The Nunn/Skelton language fails to require an even-handed enforcement of the Code of Military Justice, as ordered in the President's directive. Are we to return to a policy that says the CMJ is to be enforced against one class of soldiers, but not against another?

Finally, while the President's directive orders an end to asking the question about a recruit's sexuality, the Nunn/Skelton language would permit its reinstitution at some future time.

I ask my colleagues to adopt the Meehan/Fazio amendment, which would simply leave these questions to the President. His compromise don't-ask, don't-tell policy is acceptable to the Joint Chiefs of Staff. Let us not retreat from the few modest steps we have taken to protect a group of our citizens who are merely seeking the very same opportunity to serve their Nation and be judged on their dedication to their country, their ability, and their performance—just as any other soldier.

Mr. MEEHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, the debate over allowing gay people in the military raises many difficult issues. Some are legitimate to the debate. Others are not. Some are the result of our Nation's ignorance regarding homosexuality. Others, unfortunately, are the result of blatant homophobia. Today, I ask you to walk with me to clarify the thicket by examining what our history, our institutions, our heritage, and finally our own consciences can teach us. I believe this exercise can infuse some perspective and reason to our efforts to grapple with this emotional and complex situation.

Morality is one of the most intense and most difficult issues. This is because it pits one value system against another in claiming ownership of a single truth for everyone that does not in fact exist. Nonetheless, we are a nation founded on Judeo-Christian principles, and many, many sincere constituents have written to me and my colleagues asking us, in reference to those principles, not to legalize a lifestyle condemned by the Bible. Their concerns raise thorny issues for which there are no clear answers. But because they are raised and are deeply felt, they deserve a response.

The implicit questions are whether, indeed, the Bible literally condemns homosexuality and, if it does, whether that condemnation is applicable to our society in 1993.

The Bible is a living document. It has attributes that are constant and attributes that evolve with time and necessarily also with societal change. What is constant in that document are the fundamental values of love and tolerance it teaches, such as the command of Jesus to do justice, and love thy neighbor.

What evolves, on the other hand, are the social laws and mores, from generation to generation. The ways in which the Bible guides us thus must also adjust; it must accommodate the changes and growth within our society. Certainly none of us would seek, in 1993, to implement all the laws of Biblical times. After all, it is the same book and the same chapter of Leviticus, in the Old Testament, so often quoted on this issue of homosexuality that also prohibits divorce, men shaving, clothing made of more than one fiber, or women wearing slacks. What then of these Biblical mandates?

Even for those who would insist still on drawing and then transposing to law a more literal interpretation, does the Bible actually literally condemn homosexuality? John Boswell, in his book, "Christianity, Social Tolerance, and Homosexuality," points out that a precise review of Biblical translation discovers there actually is no such word as homosexual in either the Hebrew or Greek languages. The closest correct translation is boy prostitute. Thus, what they actually condemn is the fulfillment of uncontrolled sexual desires through the use of young boys—certainly a perversion in our own time and culture as well. As to homosexual orientation or relations per se, however, Biblical scholars also argue that homosexual relations were very common in Greek and Roman times. Biblical writings thus do not literally, clearly endorse or condemn such orientation or relations per se. Simply, the Bible, written at a particular time and reflecting a specific culture, provides no specific judgment one way or the other on this issue, then or now.

Finally, any attempts to draw literal or even general judgments about homosexuality from the Bible and apply them to our national laws are violating a fundamental fact of our national life. This Government is not and should not be the church. It thus cannot reflect—and certainly it cannot legislate—one version of morality associated with church or any similar institution over any other.

The recent Supreme Court opinion of Justice Souter on the school prayer issue speaks to the clear separation of church and state in this country. Souter scrutinized the debate among our Founding Fathers to clarify their intentions regarding the separation of church and state. Not only was there not to be a preference for the particular precepts and values of any one church, but also the Constitution guaranteed the total freedom of religion, and the separation of church and state. Therefore, even if the church were clear on this issue—which it is not—our Government cannot base its laws simply upon Biblical, or any other, scripture, or upon implications that one sect or another might draw from it.

The Bible's basic message of love and tolerance do give us enduring guidance for our personal relations with other human beings. And we are all entitled to hold and live our individual lives by those or any other precepts we draw from Scriptures. But the religious arguments about homosexuality echo the evolving scientific debate regarding the genetic origins of homosexuality: Both strive for an easy answer, but neither can provide it. The effort to interpret Biblical phraseology in a way that supports one specific judgment as a basis for lawmaking is no more than a fig leaf for moralism; it is an exercise in holding a mirror to personal precepts, rationalizing them with a Biblical charter that does not in fact exist, and then attempting to impose those on society at large. This is unconstitutional; it is wrong; and it is an inappropriate construct for this debate.

A second framework for this debate is the historical commitment of our national institutions to equality and justice for all—a commitment that inherently recognizes the rich diversity of our society. This framework is the proper contest for our discussion. Throughout history, our military has always struggled between the history of heroic contributions by gay and lesbian soldiers and the premise that homosexuality could not be allowed in the military setting. The results have been a policy applied inconsistently and capriciously.

For example, when in need of manpower during the Vietnam war, the military consistently accepted recruits and draftees despite their acknowledgment during questioning of their homosexuality. Unfortunately, after the war was over, many of its heroes were then kicked out of the military, denied the benefits of their service because of their sexual orientation—despite official knowledge of this from the beginning.

Further capricious has been the military's use of a lesbian charge as a vehicle against the advancement of women in the military. On a per capita basis, women in the military were four times more likely to face a charge of homosexuality than a man. In case after case, women have been forced to bring their fiances before a military tribunal to describe in detail their sexual activities as a way of defending against such charges. And even in cases where innocence was proven, the potential for military advancement was eliminated.

In fact, this situation strongly parallels the struggles and debates regarding blacks or women in the military, and it is worth a brief diversion to recall those struggles in terms of how they apply to the compromise we are reviewing today.

Here I appeal especially to my Republican colleagues to consider the foundation and history of our party. No one is a better expert on the issue of equal opportunity than Abraham Lincoln.

While never writing directly on the issue of homosexuality, how many writings make clear his convictions. Lincoln wrote in 1854, most foreign governments had been based "on the denial of equal rights of men." Ours, on the other hand, began "by affirming those rights by giving all a chance."

When the Union Army attempted to dismiss from its ranks soldiers of the Jewish faith, Lincoln personally revoked the order and demanded the reinstatement. But his most telling commitment to equal opportunity for all comes in his response to friends who sought to enlist him in the anti-Catholic Know-Nothing Party. Lincoln said:

> As a nation, we began by declaring that "all men are created equal." We now practically read it "all men are created equal, except negroes." When the Know-Nothings get control, it will read "all men are created equal, except negroes, and foreigners, and Catholics." When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia for instance, where despotism can be taken pure and without the base alloy of hypocrisy.

From Randy Shilts' exhaustive study, "Conduct Unbecoming," we read:

> When pressed about why black soldiers were not allowed into combat, for example, Secretary of War Henry Stimson told congressmen that military studies had found that "many of the Negro units have been unable to master efficiently the techniques of modern weapons." Perhaps no soldier was as outspoken about segregation as Major General Thomas Holcomb, commandant of the Marine Corps, who maintained it would be "absolutely tragic" if blacks were integrated into the services. "If it were a question of having a Marine Corps of 5,000 whites or 250,000 Negroes, I would rather have the whites," he said.
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> The brass of every service adamantly insisted that military efficiency, good order, and morale demanded segregation. The Army Air Force's exclusion of black pilots, for example, resulted from the fact that pilots were officers, and integrated squadrons would mean that black officers might be giving orders to white enlisted men, a situation that, it was presumed, most white soldiers would find intolerable. It was believed that not only would white soldiers refuse orders from black soldiers, but that no white GI would want to be in the same foxhole as a black man. To buttress their arguments, the Army conducted surveys that showed 88 percent of whites favored segregated armed forces, as did 38 percent of blacks.
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> The Navy convinced President Franklin Roosevelt, a former assistant Secretary of the Navy, that it must be segregated because Navy personnel had to live and work under close conditions affording minimal privacy.

As Roosevelt wrote Secretary of War Stimson, "If the Navy living conditions on board ship were similar to the Army living conditions on land, the problem would be easier but the circumstances * * * being such as they are, I feel that it is best to continue the present system at this time."

Finally, in a speech before the Conference of Negro Editors and Publishers, Colonel Eugene Householder of the Adjutant General's Office explained, "The Army is not a sociological laboratory; to be effective, it must be organized and trained according to principles which will ensure success. Experiments to meet the wishes and demands of the champions of every race and creed for the solution of their problems are a danger to the efficiency, discipline, and morale and would result in ultimate defeat."

It is especially ironic to note that the end to segregation had little to do with the military. It had everything to do with politics. And it was the Republican Party, with pressure from its candidate for President, Tom Dewey, that forced the Roosevelt administration to take the steps necessary to order complete integration.

Although unfortunately racial discrimination is not yet completely behind us, Black Americans' struggles for equal opportunity during the past four decades at least has progressed to the point where society at large recognizes the injustices that have prevailed. We have evolved to the point where at least the blatant prejudice behind the Army's surveys about Black integration, the stereotypes obvious in Major General Holcomb's assessment, or the dire predictions of Colonel Householder would be seen differently than at the time they were uttered. They now generally would be viewed as an anachronism to a different time, and an embarrassment for an otherwise and justifiably proud institution. The error and societal costs of those policies require no further explanation and are now plain to us all.

American military history is also filled with examples of gay soldiers providing exemplary service. Randy Shilts' "Conduct Unbecoming" provides many historical examples beginning with Baron Von Steuben, one of Europe's leading military strategists enlisted by Benjamin Franklin and George Washington to upgrade the quality of troops and their military strategy.

Yet for gay citizens, who now are at an earlier stage in a similar struggle, the words used by the Army to describe the likely dire effects of their integration frequently are the very same rationalizations as those used earlier to discourage integrating blacks and women. The difference now is this: Society at large is only beginning to recognize the blatant prejudice against gay people that lies behind such scientific proof of preordained failure. The destructiveness to society of how such proof is applied is not yet so self-evident. It will become so in time, if we do not act to forestall it.

The costs of discriminating against gay soldiers already have had an added dimension that goes beyond the personal trauma that blacks and victims of racial or religious prejudice have had to face. This is the witchhunt. Military investigation units, armed with often spurious rumor or malicious intent, continue to pursue investigations to determine sexual orientation without any evidence whatsoever of public misconduct.

Recently, a young man from rural Pennsylvania was referred to me by friends. He had quickly moved up the ranks to become a senior deputy missile combat crew commander for ICBM missiles. He had a top security clearance—granted to him at considerable cost to the Government—and had received an outstanding performer rating. The Navy had discovered that he had electronically communicated with an Air Force officer who was being investigated for child pornography. Having nothing to hide, he readily allowed the investigators full access to his unaccompanied officer quarters. For 7 hours six agents searched his home. They found nothing relating to the other officer's child pornography activity.

However, 2 weeks later they returned to charge him with being homosexual. In their first search, though totally unrelated to the basis of the search, they had discovered personal correspondence and magazines indicating he was gay. Thus, unrelated to the original complaint, with no filed charges against him, with no evidence of public homosexual activity, a young man's brilliant career was destroyed.

And while the military claims all discharges resulting from witchhunts are honorable today, that is simply not the case. On the discharge papers, on line 28 explaining the reason for separation, it states: "Involuntary discharge—misconduct, moral or professional dereliction: Homosexual acts." This is not an honorable discharge; it is framed in terms, as a matter of official record, as a stigma for life.

The invasion of privacy and personal trauma for individual soldiers is not the only cost of these witchhunts. The General Accounting Office study indicated the cost to the Government for replacing a soldier, discharged for the sole crime of his sexual orientation, was $28,000 for enlistees, and $120,000 for an officer. These, after all, are often highly trained and educated military members, often with records of exemplary military service. The accomplishments of these members simply evaporate in the face of a single question pertaining to their private life that is unrelated to their potential—whether or not they are gay. So not only are citizens who yearn to pay back society for the fruits of freedom they enjoy cruelly denied their full rights of citizenship to serve in the military, but also the military and society—both of which have paid a lot of money for their training and education—are denied the continuing contribution of those members. Truly, the history of such incidents remains an insult to the military and to our Nation. The means by which some elements of the military have disregarded any rule of law in the pursuit of private sexual orientation has no justification, and must not continue. We cannot put a price on traumas imposed on gay soldiers and their loved ones for careers spuriously truncated. The best estimate for the taxpayer costs of these military witchhunts is $28 million per year.

Our choice today is this: Do we accept the don't-ask, don't-tell compromise as announced by the President, endorsed by the Joint Chiefs of Staff, and written by Senator NUNN; or do we reject that to enact into statute a total Federal ban on any service by homosexuals at any time, under any circumstances? In a country premised on equal opportunity and justice, this is not much of a choice, but it is all that is before us.

Former Senator Barry Goldwater, the icon of the conservative movement put it best when he wrote:

What would undermine our readiness would be a compromise policy like "don't-ask, don't-tell." That compromise doesn't deal with the issue—it tries to hide it. We have wasted enough precious time, money and talent trying to persecute and pretend. It's time to stop burying our heads in the sand and denying reality for the sake of politics. It's time to deal with this straight on and be done with it. It's time to get on with more important business. The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. * * * Legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays.

I agree with the Senator.

No—this is not a perfect compromise. I regret the narrow definitions allowed in the legislation defining the difference between status and conduct. If I read the language correctly, a soldier who has an impeccable record, has followed all military codes, but informs his/her family that he/she is a homosexual, risks separation from the military purely on these grounds. In practice we are telling gay people who want to serve their country that they can only do so by denying who and what they are not only publicly and professionally, but also personally and privately. We are telling them that their military careers require them to be celibate even in their homes and to pretend they are something they are not even among close friends and family. In effect, we are telling them they must continue to lie or risk losing their careers.

I also recognize that discretion will allow future Secretaries of Defense to reinstate the question. However, I have no doubt that history will so clearly show the wisdom of not asking such a question, that even the most conservative among us would not perpetuate this nightmare of intimidation, inquisition, and false security.

These reservations notwithstanding, the progress that this compromise represents on several important fronts

leads me to rise in its support. For the choice is not between this and something better, but rather between this and the more insidious choice of not addressing the issue at all, and allowing the current and blatantly discriminatory ban to remain in place. We thus must evaluate this choice not for where it leads us to, which runs short of fully ending discrimination against gay people in the military, but rather for the distance it covers from where we have been, which has been a society insulated from the traumas and costs it has been imposing on itself. We therefore must grasp and invigorate this first, small step for the following reasons.

Under this policy, first, we make clear the Secretary does not have to ask the question of one's orientation at time of induction. To those who continue to advocate asking such a question, may I suggest that in doing so, you simply misunderstand sexual orientation. Most young people do not know, and if they do know they certainly do not accept, the reality of a homosexual orientation until at least their mid-twenties. Some fight what they are longer, arriving at full realization and acceptance even later in life, if ever. As evidenced by the number of even just the admitted gay people who have been serving in the military, asking this question did nothing to keep homosexuals from the military. Under the current policy, when self-discovery occurs for many of these members, it brings the traumatic dilemma of whether or how to continue their successful military career and to proudly serve their country, against the new knowledge that their very existence per se is a violation. They now must live each day with the terrifying risk of a humiliating public exposure of that violation—of what is and should remain a private matter unrelated to their right to serve. Such psychological torture benefits no one in return for the damage it causes. On that issue, the compromise therefore steps, albeit gently, in the right direction.

Second, this policy moves toward defining conduct, not status, as the basis for separation from the military.

Four years ago, the issue of discrimination based upon one's sexual status or orientation centered upon controversies with ROTC programs on our college campuses. I restate what I did then: Conduct should be the standard in the military. Both professional and personal conduct on base should be regulated fairly and equitably regardless of sexual orientation.

To those who think this policy goes too far, recall that the Catholic Church, and most main line Protestant churches, do not deny entrance into the ministry simply because of sexual orientation. Bishop Herbert Chilstrom of the Evangelical Lutheran Church and the bishop of my personal church, said, "We do not ban gay and lesbian persons from becoming pastors in our church. We judge them by their behavior rather than the basis of sexual orientation." So this compromise does not ask the military to become a laboratory for social experimentation as some have claimed. Instead, it is asking the military to merely reflect the same tenets of equal opportunity guaranteed not only in the Constitution as noted earlier, but also codified and exemplified in some of our most conservative social institutions, our churches.

Third, this policy represents in practice if not in language, progress on the key issue of witchhunts used to harass and remove people from the military. While committee language rejects the concept of quotas to determine equal enforcement between heterosexual and homosexual violations of the military code, it is clear fair and impartial investigations are intended regardless of whether a homosexual or a heterosexual is involved. Perhaps most encouraging here, Attorney General Reno has made it clear her department will not be a party to using limited and valuable resources to pursue discriminatory policies.

I recognize that progress on human rights for all people in our Nation has occurred slowly, one step at a time. This particular compromise in effect probably will toss many aspects of the issue back to the courts. That done, it is only a matter of time before our courts will establish once and for all that just as a person cannot be denied the chance to serve because of their race or religion, neither can a person be separated from the military solely on the basis of their sexual status or orientation. That eventual result is an inevitable one given the tenets of fairness that underlie our democracy. I believe that what also makes that result inevitable is the ardent belief of Americans in those tenets, and the fundamental, overriding desire of Americans to get along, to work out our differences, to respect our diversity, and to go forward as a nation with equality and justice for all. This compromise is one small step in the direction of that inevitable, correct result.

Many who have spoken on this issue have recalled their service experience. I deeply respect them for it. What few have acknowledged, however, is that they almost inevitably did serve with colleagues who were gay. Why didn't it pose a big problem for them then? Perhaps bearing in mind commonly held stereotypes of gay people, they probably just did not know they stood and perhaps fought beside gay colleagues who chose to keep their private lives to themselves. Thus they had no basis upon which to judge what it might be like to serve with gay soldiers.

Here I must note parenthetically but with some concern comments made during Col. Fred Peck's heartfelt testimony about the gay ban a few weeks ago, wherein he notes his concerns about his gay son's joining the Marines. Colonel Peck, who clearly, deeply loved and respected his son, worried that if his son did join the Marines and his orientation came to light, he stood to be harassed, beaten, or worse, by his colleagues. For an institution that so prides itself on leadership, good order, and discipline, I was shocked and dismayed at what he said. His comments suggested that such order, impeccable and essential to effective military operations, stands to disintegrate in the face of a factor that has no relevance to performance, team spirit, or esprit de corps. The implied disintegration of training and order in the face of what can only be raw prejudice underlines a potentially serious problem of military leadership rather than any shortcoming of a gay soldier or the community from which he comes.

I have not been a member of the military, and I cannot speak directly from that experience. But I have experienced what it feels like to have my life—who I am, what I am, and what I have accomplished—reduced to and judged by a single, irrelevant factor.

As some of you recall, 2 years ago I was the target of an attempted outing. People who had never talked to me before, who did not know me personally, attacked me. The weeks that followed were hell for me, those close to me, and my staff. Talking about, explaining, or defending one's personal and private life under a public microscope is a violation of our guaranteed right to privacy. It is intrusive and painful, especially when the weapons hurled are bullets of ignornance and prejudice encased in stereotypical labels. Labels, after all, are a handy way to tap our worst fears and gain energy out of the fog of emotionalism so stirred. Against charges so configured, there can be no rational defense. And not the least of that incident for me was that an 11-year congressional record, and almost 20 years in public office, stood to be blown apart. My accomplishments stood to become totally irrelevant next to the single question of whether or not I was gay.

I ask you how many people, how many brilliant military careers, how much taxpayer investment will we waste before learning from the struggles of blacks, Jews, and other minorities the value of integrating the gifts of our diversity into our national life? How much longer will we instead allow our biases, prejudices, and discriminatory policies to bleed our national energy?

To ignore history dooms us to repeat its cruel mistakes and tragic costs. Indeed a powerful new museum now stands on the mall as a monument to just how offensive and destructive prejudices against minorities can become.

In the microcosm of their twisted society, Nazis were not performing atrocities against Jews, gypsies, blacks, homosexuals, and other nonsuper race minorities. Rather they dutifully were performing actions mandated by official directives. The horrifying results of their actions recall the powerful extremes to which emotional prejudice can transport an entire society and rule its actions if left unchecked. The very existence of the Holocaust museum declares "never again." It declares further, "and certainly never here in the US." We, after all, are unique in how we strive to celebrate our diverse citizenship and how we codify equal treatment for that diversity. The museum declares the latter with particular poignancy, standing as it does just a few blocks away from where we now stand to debate an issue in which baltant prejudice against a minoirity still threatens to rule our actions. Let us stand together to check that raw impulse, that concession to ignorance and emotionalism.

Were this debate occuring under President Reagan or Bush I suspect every Republican would stand and say, "let the Commander in Chief work this out with the Joint Chiefs of Staff." That my friends, is what the Meehan amendment is all about. It is the Clinton-Powell compromise—nothing more, nothing less.

It is as conservative as you can get:

It gives the authority to the Commander in Chief and Pentagon to do what they think best.

It endorses the concept of less government in the personal lives of our citizens.

It eliminates the wasteful spending of $28 million a year on witchhunts of our soldiers.

It is the strict interpretation of our Constitution.

Today, I ask my colleagues to dig deep inside your conscience. Leadership demands that we do what is right, not what is politically easy.

My pastor put this all in proper perspective when he said recently, "On the question of sexual orientation, the Bible is clear on one thing; Do justice, and love thy neighbor."

Today, I ask just that. Do justice.

I submit that it is time to recognize our current bloodletting for what it truly is. Let us stop repeating the cruel, destructive mistakes of history but instead use their lessons as a springboard for showcasing our better instincts. Let us apply the tolerance and rules of fairness that previous minorities' struggles have shown to be the only enduring, effective treatment of our society from the malignancies of prejudice. The coalition of our traditions, our laws, our institutions, and our inbred sense of fairness leave no doubt about what we must do here. We must not only learn from history, but we must teach by example those who will follow. So we must now take the first step that this compromise offers for gay participation in military service, and build on it inch by inch toward a new level of fairness and equality of opportunity. Let us in taking this step respect our differences, broaden our awareness about the diversity that comprises our national fabric awareness about the diversity that comprises our national fabric and, in so doing, enrich our lives individually and collectively.

Mr. SPENCE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I neglected, a minute or so ago, to mention that the gentleman from Texas [Mr. SAM JOHNSON], who spoke to this body from that podium, knows something about the military because he served as a fighter pilot in the Air Force during Vietnam.

He was shot down, and was a POW for over 6 years.

He knows of the conflicts which arise among people living and serving in close quarters and how it can affect the readiness of our military.

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

Mr. BUYER. Mr. Chairman, I rise in strong support of the Hunter amendment.

I also would like to compliment the gentleman from Missouri [Mr. SKELTON] for his fine work.

Many of us on the committee and full committee have truly exhausted many hours working on this issue. There is not anybody who supports more open debate than myself. And while I say, why are we doing it on the House floor, I think it ought to be proper and we will continue it through the duration of the issue.

But I also, as well as many others in this body, worked hard to codify the ban on homosexuals in the military. While some of us wish we had some stronger language, we eventually came to accept the Nunn-Skelton compromise. However, some of us still have concerns about one omission in the bill.

I am referring to the section that states that there will be a "suspension of questioning concerning homosexuality as part of the processing of individuals into the Armed Forces."

Under the pre-January 1993 policy, self-identification as a homosexual or bisexual, a history of homosexual activity, and an intent to engage in conduct were considered relevant indicators of the propensity for prohibited activity. The history of past homosexual conduct is now held to be irrelevant by not asking the question.

This policy is in direct contradiction of the personal views of some of the top officers and enlisted leaders of this country.

In testimony before the subcommittee, the Commandant of the Marine Corps and all four of service senior staff NCO's stated that in their personal opinion, they would prefer to continue to ask the question about homosexuality during the accession process.

The reason is clear. It clearly signals that the military is serious about the idea that homosexuality is incompatible with service life. With the question, the Government's policy is consistent that there is no effort to screen out those who exhibit suspect behavior prior to enlistment and a clear policy of immediate discharge if this behavior or orientation is discovered after enlistment. Without the question, the message seems to be "You can come on in, just don't get caught."

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, under the king of the hill rule, I will support the Skelton amendment, which is already in the committee bill, and I will oppose the other two amendments.

The Skelton amendment is the same language that is in the Senate bill and is known as the Nunn amendment. The provision in our bill is in effect now in the military services. Mr. Chairman, I am told it is working well.

Six months ago, the Chiefs of the Army, Navy, Air Force, and Marines implemented this policy on homosexuals with the support of Secretary Aspin and also General Powell. Actually, the Nunn-Skelton proposal is tougher on homosexuals once they get into the military than the Hunter amendment.

The amendment I support spells out what homosexuals can and cannot do in the service. Also, our amendment makes it easier on a commander. It tells that commander what he can or cannot do or what she can or cannot do in that different unit.

Under the Hunter amendment, it requires a person to state his or her sexual preference. Now, we know that in the past that these young recruits have not told the truth in filling out the forms. So why make them lie?

In the Skelton amendment, it is optional, if the Secretary of Defense wants to go back and ask new recruits their sexual preference.

□ 1410

Mr. Chairman, the homosexual issue has really, in my opinion, quieted down in this country. The policy in force has been accepted by most as the best way to handle the issue. Why change something that is working?

I urge my colleagues to support the so-called Nunn-Skelton amendment and oppose the so-called Meehan and Hunter amendments.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend and colleague, the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise today in support of the so-called Meehan amendment to strike the Defense authorization bill's provision regarding gay and lesbian Americans in the military, and in opposition to the Hunter amendment. By striking the language in the bill presented to the House today, we are accomplishing the bare minimum of what this Congress can do to protect the thousands of men and women in our Nation's Armed Forces. We should not codify discrimination.

On July 16 of this year, I sent a letter to the President asking him to end the ban on gays and lesbians in the military. I asked him to be steadfast and courageous in the pursuit to end discrimination and committed myself to help him face the political risk and social prejudice that surround this issue. I now ask the House to do the same.

I urge all Members to reach deep into their conscience and ask themselves what the right thing is to do today. Are we going to permit the codification of discriminatory language in this body, or are we going to leave decisions about the Armed Forces to this country's Commander and Chief?

On issues of civil rights, our Nation's history reflects that the long march for justice is one step at a time. The champions and the leaders are those who recognize that on some issues one simply must do what is right and lead our people to the truth. This is one of those times.

I urge my colleagues to vote "yes" on the Meehan amendment. History will thank them.

Mr. MEEHAN. Mr. Chairman, I would ask how much time I have remaining.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from Massachusetts that he has 3¾ minutes remaining.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts, [Mr. MEEHAN] and a bipartisan group of our colleagues which would strike the bill's provision regarding lesbians and gay men in the military, because clearly, this issue is best left to our President and the Department of Defense.

As Barry Goldwater recently stated:

> When the facts lead to one conclusion, I say it is time to act, not to hide. The country and the military know that eventually the ban will be lifted. The only remaining questions are how much muck will we be dragged through and how many brave Americans * * * will have their lives and careers destroyed in a senseless attempt to stall the inevitable.

Now, only the House can stop the attempt to codify officially sanctioned bias and injustice. I urge my colleagues to support the Meehan amendment and reject the Hunter amendment.

Congress would best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, the debate on gays and lesbians serving in the military is certainly a debate about choosing unity over division, tolerance over hatred, fairness over exclusion.

But it is something more than that. It is a debate about patriotism. We talk a lot about patriotism and country and serving our Nation here on this floor.

I believe we all at times feel a bit disappointed that we do not see more patriotism in our Nation, that we do not see more people with a desire to serve their country.

But apparently some of my colleagues disagree. Patriotism—the desire to serve your country—the hope that you can contribute to making our Nation a better, safer place to live—are only desirable, admirable qualities if Members of this Congress approve of what you do in your bedroom with your body, in your private life.

You see, if we disagree with how you behave in your private life, well then, your patriotism is something to be ashamed of, something to hide from.

Well, I believe this Congress has a lot to be ashamed of here today if we say to Americans who want nothing more than to serve their country that we do not really want them and we do not really need them.

Let us be reasonable today. Let us be fair today. Let us put an end to the hatred that is filling this room today. Let us say to every American—to every American—that we admire and respect and honor—that we need—your patriotism.

I urge my colleagues to vote for fairness, to vote for tolerance, to vote for patriotism, and pass the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise today in support of the so-called Hunter amendment to the 1993 Department of Defense Authorization Act to require the armed services to continue to ask recruits whether or not they are homosexuals.

The crux of this debate was whether homosexuality is compatible with military service. To the satisfaction of Congress, the Secretary of Defense, and the Joint Chiefs of Staff, it was determined that the current policy is correct and homosexuality is incompatible with unit cohesion.

I have one concern about the details of the compromise proposal that has been reached, however. The don't ask component of this policy would formally condone a degree of deception for both military recruits and the services themselves.

The policies of this Nation should not condone or encourage deception. It is a disservice for all parties to allow a recruit into the Armed Forces who is an active homosexual while the Code of Conduct forbids homosexual activities.

We should not give a young recruit who is a homosexual a wink and a nod to enter the military when we know that he will be discharged if he or she engages in these acts. That is not fair to those individuals and it is not fair to the taxpayers of this Nation who would train and equip our Armed Forces.

But, most of all, it moves Congress one more step away from a recognition that what we do here is the law of the land. The compromise policy blurs the line between laws and lawbreaking, rules and rule breaking. And that is a message that is much larger than this debate and much more important than this policy.

I believe that as long as we maintain the exclusion on homosexuals in the military we should ask recruits if they are active homosexuals. This is a more fair and more honest approach for all involved and one that preserves the integrity of our Armed Forces and our laws. Vote yes on the so-called Hunter amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as a member of the committee, I came in with an open mind. I originally supported the President's policy and believed in a ban against any discrimination against any segment of our society.

However, as the tens of hours of testimony was taken by this committee, in listening to what the military had to say and what those who had served in the military, some that were gays, some that were lesbians, and some, of course, heterosexuals who had served with those types of individuals, we listened to that testimony hour after hour after hour. We listened to the Joint Chiefs, we listened to the senior enlisted men of our country.

At that time I came to the conclusion, at the end, that the policy as advocated by Senator NUNN and the gentleman from Missouri [Mr. SKELTON] was the only possible policy that will work for the military in this time and day. It is a compromise, we believe, that has been carefully worked out over the whole year. It is one that can work.

I ask everybody to turn down the so-called Hunter amendment, to accept the language of the committee, so we can move forward on other important matters that face our country.

Mr. MEEHAN. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I really hope we can put this type of energy and this type of

inquiry into the whole Tailhook scandal, because we really need to talk about sexual behavior, and it is in the Tailhook report.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, back in January President Clinton announced his intention to repeal the ban against homosexuals serving in the military. The next day I held a press conference and announced my intention to introduce legislation to codify the ban as it existed under the previous administration.

Subsequently, myself and the gentlemen from California, Mr. HUNTER and Mr. DORNAN, and the gentleman from Texas [Mr. JOHNSON] introduced such legislation. That legislation currently has over 100 cosponsors.

Later today we will vote on three amendments, dealing with homosexuality in the military. Of these, only one amendment maintains the total ban, and that is the Hunter amendment. If Members have told their constituency that they support the ban on homosexuals serving openly in the military, the only vote they can make is to vote yes on Hunter.

If Members have sent out letters to their veterans' group, to their church groups, to their retired military groups, and said, "I am for the ban on homosexuals serving in the military," they must vote yes on Hunter.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MEEHAN] has 2 minutes and 20 seconds remaining.

Mr. MEEHAN. Mr. Chairman, I yield my 2 minutes and 20 seconds remaining to my friend and colleague, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I would like, in the spirit of the words of the gentleman from Wisconsin who spoke a few moments ago, to try to put this in a slightly broader perspective. Why do we have an armed forces? It is not, surely, simply to defend the piece of geography known as the United States of America. It is to defend and preserve and protect a document known as the Constitution, which enshrines the rights and liberties of all of our people.

History teaches us that the promises of that Constitution have taken a very long time to fulfill. It was written 206 years ago by white men, many of whom owned slaves. President Lincoln signed the Emancipation Proclamation 130 years ago. President Truman signed the Executive order ending racial discrimination in the Armed Forces 45 years ago. President Johnson signed the Civil Rights Act of 1964 29 years ago. And less than 1 year ago, this country elected the first President of the United States committed to helping us write the last chapter in the long history of civil rights, which is the history of this country.

□ 1420

Mr. Chairman, history gives us perspective, and it teaches us patience. But it is hard to counsel patience and perspective to someone who has lost his job simply because of who he or she is, or to someone who has lost his home simply because of who he or she is, or to someone who has lost a distinguished military career simply because of who he or she is. Mr. Chairman, it is virtually impossible to counsel patience to someone who is sick and to someone who is dying.

But we are holding this debate, and we have never done that before. And this country is debating this, and we have never done that before. And the President has asked us to act, and no President has ever done that before.

We will not win this battle here today. The fundamental question is not even before us today. But these struggles are never won quickly or easily. And the ultimate outcome is in no doubt whatsoever.

This country, in the words of Martin Luther King, will rise up and live out the true meaning of its creed, and we will write a happy ending to this, the last chapter in the long history of civil rights, which in some very fundamental ways is the history of this country.

Mr. Chairman, I rise in support of the amendment offered by my friend, Mr. MEEHAN of Massachusetts. I join him and many of our colleagues in a final plea to this House not to enact into law a policy of State-sanctioned inequality. If, as appears likely, the Members of this House enact the language contained in section 575 of the committee report, they will be committing themselves to a policy of overt discrimination supported by nothing more than naked prejudice.

Whatever action we take on the bill before us, the ban on lesbians and gay men in the military will remain. The DOD directive issued in July at the President's behest was far from the result for which I had hoped and worked for so many years. Under the directive, lesbians and gay men will continue to be subject to investigation and separation from the military merely for speaking privately about their sexual orientation or engaging in private consensual relationships. This perpetuates a situation in which gay men and lesbians are denied the security, dignity, and openness in their private lives which their comrades in arms take for granted.

Nevertheless, I believe that the policy announced in the directive, if left in the hands of the President and the Joint Chiefs, would make life slightly more tolerable for those who are prepared to abide by the rules of silence and social isolation that the policy lays down. It would delete the current presumption that homosexuality per se is incompatible with military service; it would eliminate the practice of asking recruits their sexual orientation; and it would guarantee fair and uniform enforcement of the Uniform Code of Military Justice. It is a disappointingly small step, but it is a beginning.

The language presented by the committee not only eliminates most of these modest improvements, but attempts through codification to ensure that any hope for further progress is stillborn. It seeks to micromanage a personnel policy best left to those with the expertise to apply it humanely and flexibly. For all these reasons, the Meehan amendment offers the better approach.

The committee's conclusions fly in the face of a mountain of objective evidence—much of it assembled at the behest of the military itself—that stands uncontradicted on the record.

On January 29, 1993, President Clinton directed the Secretary of Defense to draft an executive order ending discrimination on the basis of sexual orientation in the armed forces. On April 1, the Secretary commissioned the Rand National Defense Research Institute to prepare a $1.3 million analysis that would assist in the formulation of the new policy. The Rand report, "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments," is a thorough, objective, 518-page study that concluded that sexual orientation, as such, is not germane to military service. Moreover, Rand determined that a standard based on conduct rather than status could be implemented with minimal disruption to military life and without extensive revision to military rules, provided that the policy change were communicated clearly and consistently from the top and reinforced throughout the chain of command. In other words, the answer is leadership. And sadly, leadership remains in short supply.

The Rand report represents the fifth instance in the last several years that an independent agency has called into question the rationality of our country's military ban. In fact, every study undertaken at the direction of Congress or the Pentagon has come to similar conclusions.

On June 25 of this year, the General Accounting Office released a report requested by Senator WARNER which confirmed once again what every previous Government-commissioned study has shown—that the presence of lesbians and gay men does not disrupt discipline or morale in a military setting. The report, "Homosexuals in the Military: Policies and Practices of Foreign Countries," GAO/NSIAD–93–215, June 1993, focused on the experience of four countries, three of which have dropped all restrictions based on sexual orientation. According to the report, military officers in Canada, Israel, and Sweden confirm that "the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale." Even in Germany, where homosexuals serve but still face some restrictions, officials consider homosexuality a nonissue.

One year earlier, in a report which I had requested together with my friend Mr. CONYERS and out late colleague, Ted Weiss, the GAO concluded that the Government wastes $27 million each year simply to recruit and train replacements for gay men and lesbians who are discharged from military service. That report, "Defense Force Management: DOD's Policy on Homosexuality," GAO/NSIAD–92–98/98S, June 1992, examined the practices of analogous paramilitary institutions such as police and fire departments, and found no evidence that the inclusion of homosexuals disrupted

the ability of these institutions to perform their mission.

In 1988 and 1991, a pair of studies by the Defense Personnel Security Research and Education Center [PERSEREC] concluded that sexual orientation is irrelevant to an individual's suitability for military service. Theodore R. Sarbin and Kenneth E. Karols, "Nonconforming Sexual Orientations and Military Suitability," Defense Personnel Security Research and Education Center, PERS–TR–89–002, Dec. 1988; Theodore R. Sarbin, "Homosexuality and Personnel Security," Defense Research and Education Center, October 1991. Indeed, the 1988 report stated that sexual orientation is as unrelated to job performance as left- or right-handedness.

Taken together, these reports tell a consistent story—there simply is no evidence that the performance of the military mission is improved by discharging individuals with distinguished records of service to their country solely on this basis of a personal characteristic they are powerless to control.

Yet the findings presented in the reports were ignored by the Defense Department and, in some instances, suppressed. The handling of the PERSEREC reports is instructive. Only after the reports were released by my office did DOD even acknowledge their existence. Rather than questioning the conclusions of the reports, the Department tried to dismiss them on the ground that the researchers had addressed a question they had not been asked.

Nor did these reports—the only independent, objective studies on record—have any effect on the subcommittee's deliberations. The authors were never invited to testify at the hearings, nor were the studies cited in the committee report. The sole references to any of them appear in the additional views of committee members who disagree with the committee's conclusions.

By their own admission, the proponents of the committee report base their conclusions on a single unproven assertion: that the mere presence of lesbians and gay men in the military setting will provoke such hostility against them as to destroy unit cohesion and morale. The evidence provided for this assertion by committee witnesses was purely speculative and anecdotal. It was flatly contradicted by military witnesses who testified that any disciplinary problems that might occur over the short term could be fully addressed through the system of command. The committee has offered no reasoned explanation for its decision to accept one set of testimony while disregarding the other.

What is most troubling about the committee's rationale is that it is an accommodation to prejudice. It is precisely this readiness to defer to the prejudices of the majority that makes this a civil rights issue. Much has been said by those seeking to perpetuate the ban about the differences between the discrimination endured by gays in the military and the discrimination suffered by racial and ethnic minorities. Yet it was Coretta Scott King who equated the accommodation of homophobia in the military to the accommodation of customer preferences by businesses seeking to justify their refusal to hire African-American employees.

When President Truman ordered the desegregation of the Armed Forces, there were Members of Congress who made the very arguments heard in this Chamber during the last several months—that white troops would not accept intimate contact with black troops and would refuse to take orders from them; that integration would undermine cohesion and increase the prevalence of violence, sexual misconduct, and disease; that recruitment and retention would be adversely affected. Then, as now, there were military leaders like Gen. Omar Bradley, who argued that the Armed Forces are not the place for social experimentation.

Yet despite these misgivings, the integration of the military was achieved. The issue was framed as a matter of social justice, and its implementation as a matter of leadership. Once the order was given, the military took on the job of getting it done.

Today it is inconceivable that the Congress would defer to prejudice against African Americans—or members of any other racial or ethnic group. Indeed, the Supreme Court has held that catering to the prejudices of others is not a legitimate governmental objective. *Cleburne* v. *Cleburne Living Center,* 473 U.S. 432, 1985; *Palmore* v. *Sidoti,* 466 U.S. 429, 1984. This is as true in regard to sexual orientation discrimination as it is when other minority interests are at stake. It will now be up to the Court to say so.

In so doing, they will have the blessing of scores of professional, civic, labor, and religious organizations who joined together in opposition to the ban—groups as diverse as the American Psychological Association and the American Bar Association, the NAACP and the AFL–CIO, the YWCA and People for the American Way, the United Church of Christ and the Union of American Hebrew Congregations. This is the first time that such a broad coalition has come together in support of the civil rights of lesbian and gay Americans, and I have every confidence that that support will continue to grow.

I would also note that some Members of Congress who have worked to retain the ban have gone out of their way to assert their willingness to respect the civil rights of gay men and lesbians in a civilian context. They have done this in an effort to show that their readiness to condone discrimination is based not on prejudice but on the peculiar requirements of military life. I am prepared to be persuaded of the sincerity of these assertions, and I challenge those Members of Congress to give their support to H.R. 431, the Civil Rights Act of 1993, which my good friend Mr. WAXMAN of California has introduced and which is now pending before us.

I know that many of my colleagues will agree that the debate on this issue has exhibited some of the worst features of our political life. Rational discussion has been swept aside by slogans and caricatures; calm deliberation preempted by the ability of lobbyists to orchestrate a chorus of instant reactions from constituents. Is it any wonder that the Rand report and its precursors could not be heard above the din?

Nevertheless, while the debate has not always been as thoughtful or edifying as one might have hoped, it has provided a forum for the most sustained, frank, and open discussion in our history of what it means to be a gay person in America. If the debate has laid bare the extent of popular hostility, it has also facilitated a large measure of public education.

Members of Congress and the public have been challenged to confront the contradictions in their own thinking. Indeed, many have been forced to think about this issue for the first time. They have stood face to face with brave, patriotic men and women who have served their country honorably and well, answering insults and hysteria with quiet dignity and pride.

These are truly remarkable people—and yet, as Colonel Cammermeyer said in her Senate testimony, they are also ordinary human beings. More than anything else, the debate has helped to demonstrate that gay men and lesbians are just like everybody else. We belong to every family and community, every vocation and walk of life. We are doctors and lawyers and farmers and factory workers; we are Members of Congress and the clergy. We are your children, your parents, your friends and neighbors.

What is not ordinary about the lesbians and gay men in the military is their courage. They have made untold sacrifices for the right to serve their country with honor and pride. I have waged this battle together with them for many years, and I share their pain and anguish at this difficult moment.

I also salute the first President in the history of the United States who cared enough to try to make their dreams—and ours—a reality. In accepting this challenge President Clinton showed a degree of courage and leadership that is all too rare in politics. Gay people everywhere—and those who care about them—will feel anger and pain at the President's inability to fulfill his pledge. I share such feelings. Nevertheless, it is important at such times to see that our understandable feelings of anger and betrayal are not misdirected. In raising this issue to the forefront of the national agenda, the President has stood for reason and decency in a political environment that was supercharged with hysteria and the most cynical opportunism. He must not be condemned for the bigotry and intransigence of others.

We must also not lose sight of what the struggle has been all about. This is the last great unfinished chapter in the long history of civil rights in this country. We will lose some battles, as we have today, but we must never doubt our ultimate victory in the struggle for justice. We will continue to fight on—in Congress and the courts—until the final chapter has been written and all Americans are free.

Mr. SPENCE. Mr. Chairman, I yield my remaining 1 minute to the gentleman from California [Mr. CUNNINGHAM], a top gun fighter pilot, the only Vietnam ace in this country, having shot down five MiGs, and nominated for the Congressional Medal of Honor.

Mr. CUNNINGHAM. Mr. Chairman, what this whole issue should wrap around is, is homosexuality compatible with military service. We are not competing for six gold medals, or even a Super Bowl, but we are dealing with the lives of men and women in combat.

Any degradation of training that combat unit cuts back the capability of

that unit to survive. Pilots in the U.S. Navy, Air Force, and Army up to a high percentage are killed in training. We do everything we can to tie that unit together, to make sure that everybody is pulling in one direction.

It was mentioned that homosexuals are all around us. This is true, not in as great a numbers as they would like us to believe, but if they are allowed in the military, then that disruption will take place, and it will affect the combat-readiness of this military.

The military is sworn to uphold the Constitution. It was discussed by my colleague from Massachusetts. Any degradation in the ability to defend that Constitution should be eliminated.

I support both the Hunter amendment and the Nunn-Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, today the House will have the opportunity to take an incremental step forward—or a big step backward. As a member of the Military Forces and Personnel Subcommittee. I commend my chairman for his effort to focus us on coming together, not pulling apart.

As I have stated on this floor, I think the gay ban is unconstitutional and violates the equal protection clause of the 14th amendment. This is why I voted to lift the ban in the Armed Services Committee. Last month, a second Federal court reached that verdict, in the case of Dahl versus Secretary of the U.S. Navy. Clearly, given this decision—and given the determination of many patriotic gay and lesbian Americans to serve their country—this debate is far from over. I think and hope that the courts will strike the ban down.

Mr. Chairman, I take my responsibilities as a member of the Armed Services Committee extremely seriously. It is not easy to look the Joint Chiefs in the face and tell them how you think they should organize their forces and enforce the military chain of command. I respect our military leaders enormously, and I think Congress should give them flexibility to manage this issue and to move on with the business of defending our country. The best way we can do that is to vote against codification, and so I will support the Meehan-Gunderson amendment, and vigorously oppose the Hunter amendment. We must hold the fragile ground we have gained.

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

Mr. Chairman, I know that we are all very anxious to put this issue behind us. We are anxious to get on with many challenges ahead for our country and for the defense of our Nation.

I believe the language in this bill allows us to achieve that purpose. I would ask my colleagues to keep in mind that this issue has been fully debated in the committee. I am asking Members to support the committee position, which is the same as the Skelton amendment, which is the Nunn-Skelton language, and that this debate end because the language is identical to the language in the other body.

Mr. Chairman, this is not a matter of civil rights. This is a matter of winning on the battlefield. Second place does not count on the battlefield. Unit cohesion is uppermost.

The Meehan amendment causes serious problems concerning unit cohesion. The Hunter amendment raises serious constitutional problems, and this will be carried on down through the courts ad infinitum, so that must be defeated.

The Skelton amendment is one that codifies the law and has a tough, workable policy that helps keep unit cohesion so that when the time comes in the face of an enemy, victory will be there because there will be strong unit cohesion among the troops.

I sincerely urge the other two amendments be defeated and that the Skelton language be adopted.

Mr. BROWN of California. Mr. Chairman, the past 6 months of debate concerning lesbians and gays in the military have made at least one thing very clear, and that is that stereotypes and myths about lesbians and gays continue to flourish. Perhaps one of the most noxious myths that persists is the idea that these individuals have chosen their sexual orientation.

Indeed, Chairman of the Joints Chiefs of Staff, Gen. Colin Powell, said that part of the reason that he felt that the racial integration of the military was not analogous with the current efforts to lift the ban on gays and lesbians is that they believed homosexuality was a chosen behavior. General Powell is an intelligent man who has rendered great service to our country, but I would question how he came to this particular conclusion.

Likewise, Col. Margarethe Cammermeyer, a woman with an impeccable and distinguished military service record who was discharged for acknowledging that she is a lesbian, was asked by Senator STROM THURMOND in hearings before the Senate Armed Services Committee whether she had sought psychiatric treatment for her lesbianism.

On a commonsense level, this question of choice of homosexuality was perhaps expressed best by columnist Molly Ivins in the Ft. Worth Star-Telegram on January 30, 1993. She said, and I quote:

> Of all the odd misperceptions current about homosexuality, perhaps the oddest is that it is a choice, that people choose to be homosexuals. That strikes me as patently silly. Did any of us who are straight choose to be straight? When? Did we wake up one morning when we were 15 and say, "Gosh, I think I'll be heterosexual," For Heaven's sake, how can anyone believe that people choose to be homosexual. I think it would be fun to be called "Queer" and "Sissy" for the rest of my life, so I think I'll be gay.

I agree with Ms. Ivins. It is utter nonsense to think that people would somehow choose to lead a life in which discrimination and degradation are heaped upon them at every turn when the alternative would also be freely available.

If the idea that people choose to be gay is insupportable from the standpoint of common sense, it is also insupportable from the empirical and scientific standpoint, and this is the aspect that interests me most as chairman of the House Committee on Science, Space, and Technology.

For over 20 years now, psychological and psychiatric research has concluded that sexual orientation is a core part of an individual's identity that develops very early in his or her personal life and is not readily subject to external manipulation.

Dr. Gregory Herek, who recently testified before the House Armed Services Committee, summed up these conclusions in an article appearing in Law and Sexuality (summer, 1992):

> The assertion that homosexuality is a choice is erroneous for the vast majority of lesbians and gay men. Although the origins of sexual orientation are not well understood, neither heterosexuality nor homosexuality appear to represent a conscious choice for most people.

John C. Gonsiorek, perhaps the foremost authority on sexuality and choice agrees. In his introductory chapter to "Homosexuality: Research Implications For Public Policy," he states:

> It might appear to outsiders that individuals going through this process have "chosen" their homosexuality. We suggest that the term "sexual preference" is misleading as it assumes conscious or deliberate choice and may trivialize the depth of psychological processes involved. We recommend the term "sexual orientation" because most research findings indicate that homosexual feelings are a basic part of an individual's psyche and are established much earlier than conscious choice would indicate.

Chandler Burr in his recent article in the Atlantic Monthly (March 1993) came to the same conclusion. He stated that:

> Psychiatry not only consistently failed to show that homosexuality was a preference, a malleable thing susceptible to reversal, it also consistently failed to show that homosexuality was a pathology.

The American Psychological Association recently set forth its position on sexuality and choice in an amicus brief filed before the Supreme Court of Texas in the case of Texas versus Morales. The APA said that:

> Sexual orientation generally is a characteristic over which individuals lack a substantial degree of control. To punish an individual for an essentially "immutable" characteristic, based on false stereotypes, when that characteristic is in no meaningful sense detrimental or harmful to society is arbitrary. * * * Sexual orientation is acquired at an early age, and thus it makes little sense to argue that the trait is voluntarily acquired. * * * Once established homosexual orientation is highly resistant to change. Researchers generally agree that the majority of gay people are unable to change their sexual orientation, even if they wished to do so.

Further, the APA's fact sheet on reparative therapy says that "No scientific evidence exists to support the effectiveness of any conversion therapies that try to change sexual orientation." Bryan Welch of the APA has stated

that "Research findings suggest that efforts to 'repair' homosexuals are nothing more than social prejudice garbed in psychological accoutrements."

Where does sexual orientation come from? The answer to this question is not clear, but more and more scientific research suggests that sexual orientation is genetic or otherwise biological in origin. The most recent and most compelling of this research was reported by Hamer et al. in the July 16, 1993 edition of the highly respected journal Science, published by the American Association for the Advancement of Science. A team of researchers at the National Institutes of Health has done a thorough study that clearly indicates that at least some examples of male homosexuality are inherited as a expression of a gene locus on the x chromosome, which in males can only be inherited via the mother. In fact, the observation that male homosexuality often—but not always—is more frequently found on the female side of inheritance was the beginning point of their study.

This builds on a developing body of research in the biology of sexuality and sexual orientation. The Science article notes, as have numerous other studies, that it is more likely that both sons of identical twins will both be gay than is the case with fraternal twins or nontwin siblings. The correspondence is highly significant from a statistical point of view. And the study follows on the heels of reports showing that homosexuals and heterosexuals have differences in certain brain structures. As well, there seems to be an association of homosexuality with lefthandedness, and handedness has been established to be largely biologically determined.

What does all this mean? It probably does not mean that all expressions of homosexuality derive from the same origin. But it certainly does indicate that sexuality is clearly more a matter of biology than of environment. And sexual orientation of any kind is certainly not a matter of choice or preference.

Thus, it is absurd for General Powell to suggest that homosexuality is a chosen behavior. And it is equally absurd for Senator THURMOND to suggest that lesbians and gays seek psychological treatment for their sexuality. It is unfortunate that neither of these prominent persons has any expertise on this subject since so many in our society are liable to look to them as leaders for guidance in the formation of opinion.

So today as we consider the additional restrictions placed on President Clinton's policy on lesbians, gays, and bisexuals in the military as found in the Senate version of the fiscal year 1994 Defense authorization bill, I hope that we will have the good sense and moral fiber to reject those restrictions and any House amendments that are in the same vein. These efforts to keep gays, lesbians, and bisexuals out of the Armed Forces are, in my opinion, derived from prejudice. They are certainly not based on science or for that matter on reason. The scientific evidence is that sexual orientation is not a matter of choice and that homosexuality is not pathological. Homosexuality like heterosexuality is simply an expression of the great complexity of human biology.

To me, to exclude persons from service in the Armed Forces on the basis of sexual orientation makes as much sense as excluding persons on the basis of eye color or handedness. Service in the Armed Forces of the United States should be based on high standards of ability and conduct. I repeat: ability and conduct. And the standards and requirements that apply to any should apply to all, regardless of their sexual orientation.

Ms. LONG. Mr. Chairman, I rise to express my support for the President's policy regarding the service of homosexuals in our Nation's Armed Forces.

The legislation we are considering today will codify the President's policy toward homosexuals' service in the military. This compromise policy establishes criteria from which the Defense Department is to pattern its recruiting and investigating processes in the future as it relates to prospective or current military service members. This compromise, negotiated with Defense Secretary Les Aspin, Joint Chiefs of Staff Chairman Colin Powell, and chairmen of the Senate and House Armed Services Committees, will ensure an effective military in the future while respecting service members' basic freedoms.

Serving in our Nation's Armed Forces is a unique calling—one that comes with a great deal of responsibility. In carrying out one's duties in the military, a service member must exhibit a commitment to discipline, order, and proper conduct. In everyday civilian life, individuals may decide whether incorporating these principles on the job will ensure success. In the military, however, it is incumbent upon service personnel to strictly adhere to these principles due to the sensitive nature of the objectives that the military seeks to achieve; it requires the most effective military force.

Mr. Chairman, the President's policy that we are considering here today as part of the Defense Authorization Act recognizes these unique characteristics which are inherent in military service. It also reaffirms the importance of maintaining a strict code of conduct as outlined in the United States Code of Military Justice [USCMJ]. However, this policy will require military commanders to distinguish, in the future, between an individual service member's conduct and his or her orientation. Furthermore, disciplinary action will be regarded to be appropriate when a service member's conduct is in question as it relates to the USCMJ, rather than a service member's orientation.

I believe the President's policy, as drafted in consultation with Secretary Aspin and Chairman Powell, has made a fair assessment of this important, yet controversial, issue. It provides an acceptable compromise which recognizes the rights of all service members.

Mr. Chairman, the successful implementation of this policy clearly rests upon the proper supervision, active participation, and forthright leadership by our military leaders. The confidence that I have in the abilities of our military leaders, therefore, gives me confidence that this policy will be properly administered, preventing any perceived undermining of unit cohesiveness.

The CHAIRMAN pro tempore. All time for general debate has expired.

It is now in order to consider amendment No. 1 printed in part I of House Report 103–252 relating to the subject matter of section 575.

If more than one of the amendments is adopted, only the last to be adopted shall be considered as finally adopted.

AMENDMENT OFFERED BY MR. MEEHAN

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

The CHAIRMAN pro tempore. [Mr. DURBIN]. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEHAN:

Stike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisers to the President and Secretary.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MEEHAN] will be recognized for 5 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized in opposition for 5 minutes.

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

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Connecticut [Mr. SHAYS].

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

Barry Goldwater is right. It is not the Government's business what one's sexual preference is. What matters is their conduct.

If Americans want to serve their country and give their lives to their country, they should be allowed to do so.

I urge my colleagues to allow the President and Chiefs and Staff to decide this issue and not codify it into law.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Meehan amendment.

This amendment represents our best hope to do the right thing—end discrimination against lesbians and gays in the military.

Already, thousands of gay men and lesbian women are buried beneath gravestones adorned with American flags.

They fought and died for freedom—the dearest of American principles—even while their freedom was being suppressed in the very ranks in which they served.

That is true heroism. That is true love of country.

But as Randy Shilts documented in his book "Conduct Unbecoming," purges of gay men and lesbian women have taken place only in peacetime, never during war.

If they are willing to give their lives in war, they should also enjoy the benefits of military service during peace.

Our armed forces fight for American ideals.

Discrimination is most certainly not an American ideal.

End discrimination. Support the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Massachusetts and in support of the committee position.

The House Armed Services Committee held extensive hearings earlier this year on this issue and arrived at what I consider to be a sound policy compromise to a difficult issue.

It is not perfect. It did not make everyone happy. But that is the definition of a compromise.

What the committee approach does is ensure that we not throw overboard the sound principle that military readiness and unit cohesion must be the principle criteria in determining what type of behavior is allowed within the military.

The Meehan amendment, on the other hand, says it is not the business of Congress to determine such policy matters. That such matters are best left to the President and the executive branch.

Rather than tell you what I think, let me read a brief passage from the U.S. Constitution that should settle any question on who has the responsibility to determine such matters.

Article 1, section 8 of the Constitution reads:

> The Congress shall have the power * * * to raise and support Armies * * * provide and maintain a Navy * * *. Make rules for the government and regulation of the land and naval forces.

It should be obvious then, that the Meehan amendment is not only bad policy, but it also would put Congress in the position of relinquishing its role under the Constitution to make rules for the regulation of military forces.

Regardless of where we may individually stand on the question of homosexuals in the military, Congress has a right and an obligation to speak on this issue of critical importance to the future and readiness of our armed forces.

Vote "no" on the Meehan amendment and vote "yes" on the Skelton amendment.

□ 1430

Mr. MEEHAN. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in enthusiastic support of the Meehan amendment. Mr. Chairman, I would have hoped that by this time in our history, discrimination would only be a bad dream of the past and that we would judge people in this country by their conduct and not by their personal and private inclinations.

Fifty years ago when I joined the Navy and sailed for 5 years, black Americans were discriminated against and they could not hold very good jobs at all in the Navy. And yet when President Truman came along, by a strike of the pen he eliminated discrimination in the Navy and in the Armed Forces and made major improvements.

When I was sworn in here in January 1963, black Americans were discriminated against in 11 States so that they had no personal liberties whatsoever. We passed the civil rights laws, and our country has been far, far better off.

The subcommittee that I chair has jurisdiction over the FBI. In the last 20 years we have worked to eliminate discrimination against African-Americans and Hispanic-Americans and women. We are doing that. The FBI is a far, far better place than it has ever been before.

One of these days it will stop discriminating against people of a different sexual preference, too, like all of the major police departments of this country who must have the magic word, "readiness." They have readiness, and they do not discriminate.

We have done so much for civil rights in this country in this century; let us not end the century by a step backwards.

The view that homoesexuals cannot, or should not, serve in the military refects an intolerance that has no place in American society. Gay men and lesbians deserve our respect and thanks for serving their country with honor and patriotism.

The measure of a soldier's worth is his or her conduct and skill, not his or her sexual orientation. The President, recognizing this, took an important step forward earlier this year by proscribing the military witch hunts that cost taxpayers millions of dollars and so many valuable servicemembers their careers. But "Don't Ask, Don't Tell, Don't Pursue" is only a beginning—much more remains to be done before lesbians and gay men are treated justly.

Much the same as our military, we expect our police officers to be of the highest caliber. In 1991, more than 130 men and women in blue lost their lives in the line of duty, almost as many fatalities as Americans suffered in the Persian Gulf war. Yet most every major metropolitan police force and fire department explicitly permit homosexuals to serve and protect and none prohibit them.

Now is the most opportune time in our history to secure the right of every American to serve in defense of the Nation. I am confident that the prejudices that keep homosexuals from serving openly can be overcome. This will require flexibility on the part of Congress and responsiveness from the administration. Rather than freeze an anachronistic policy in legislative stone, it is imperative that we preserve the President's authority to act. Support the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri [Mr. SKELTON], who is chairman of the Subcommittee on Personnel and Military Forces of the Committee on Armed Services.

Mr. SKELTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts.

In my view, the most likely result of the gentleman's amendment is that the debate does not end. In the immediate future, the issue would become a conference issue as our language would no longer be identical to that in the other body's bill. Over the long run, if the Congress were to remove the codification language from the bill, our perceived lack of resolve would encourage both sides of the argument to continue the struggle, to continue to attempt to shape the policy in their favor. Ultimately, the uncertainty and controversy would cause combat readiness in the armed services to suffer. I would ask my colleagues to avoid such a result by preserving the language in the bill, the language supported by the President, the Joint Chiefs of Staff, and the men and women in uniform.

I would suggest that my colleagues also not overlook two very practical advantages of codifying the policy on homosexuals. First, codification of the policy ensures that this very divisive issue is always managed by the elected representatives of the people, the Congress. It appears to me we are long past the time when the Congress would agree to allow this emotional issue to be resolved by the executive branch alone. It is also clear to me that enacting the policy in law is essential because the American people want their elected officials in the Congress to play a role in the resolution of such controversial issues.

Second, codification will limit the latitude of lower courts to render decisions that are inconsistent with the President's policy. Such a limitation will stabilize the policy and reduce controversial decisions. Why is that important? Because the combat readiness of our military forces is at risk when the people who serve are confused and uncertain about important policies.

Mr. Chairman, I ask my colleagues to vote for stability. To vote for an end to the divisive debate. To vote for a policy that will work. Vote "no" on Mr. MEEHAN's amendment.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise today in support of the Meehan-Fazio amendment. The words we hear today sound like the words we heard in 1963. We heard the same words in 1964. We heard the same words in 1965. Back then, we debated over the rights, whether black Americans would have the right to sit at a lunch counter with white Americans; whether they would have the right to vote and participate fully in our political process.

Mr. Chairman, this Member of Congress fought too hard to guarantee the rights of all Americans, to stand here today and see us vote to deny the rights of other Americans.

We should be more concerned about what is going on in the Constitution, what our Constitution is all about, rather than what is going on in private in people's bedrooms.

Gays and lesbian Americans are citizens like all other Americans and deserve the same rights as all other Americans. That includes the right to serve their country.

I say, Mr. Chairman and to my colleagues, pass the Meehan-Fazio amendment.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, every military unit is a walking blood bank.

The other day I came across one of my dog tags, which has a B positive on it. If someone screens for B positive, if a person with B positive is injured in a missile attack, a bombing attack, or is on the battlefield, we have to make sure that they can get the blood they need and that it won't kill them. We simply cannot risk polluting the blood supply by allowing practicing homosexuals in the military.

Now, 120,000 male homosexuals have died since I returned to this Chamber in 1984, 120,000! We are pressing 200,000 overall.

That death toll has not encroached on the military, because "Cap" Weinberger and Ronald Reagan cleaned up the blood supply, requiring that everyone take an HIV test and asking the question of military recruits.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, what the New York Times calls the military's favorite think tank, the Rand Corp., has done a definitive study that shows that heterosexuals and homosexuals can successfully serve together in the military. They have done so in foreign military services they have done so in the police and fire departments, of cities and counties all across our country.

By simply allowing the executive branch to do what President Truman did in desegregating the armed services, I think we move the cause forward, the cause that says that people ought to be able to serve their country regardless of their sexual orientation, that people ought not to have to deny the very essence of who they are, in order to serve their country.

I think this amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] is the best approach we could take to demonstrate that we are a tolerant nation, to say that we will accommodate change as it occurs in the hearts of the American people. Let's not codify this language today but allow flexibility on this issue overtime.

Mr. MEEHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Rhode Island [Mr. REED], a graduate of West Point.

Mr. REED. I thank the gentleman for yielding this time to me.

Mr. Chairman, I spent 12 years in the Army and had the opportunity to command troops. The question here is conduct. I believe that the President of the United States, as Commander in Chief, and his service chiefs can handle this issue without a legislative formula. The ultimate question about anyone in the military forces is not who they love, it is whether or not they love their country enough to serve it proudly and nobly.

I believe Americans of any sexual orientation can respond to that question and that love of country.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in respectful opposition to the Meehan-Gunderson amendment.

With all due respect, this is not a question of civil rights. The military is an institution tasked with defending this Nation against all enemies, foreign and domestic.

It is a discretionary privilege to serve in the Armed Forces of the United States. Court after court has upheld that it is a discretionary privilege to serve in the military. It is not a civil right.

The military Joint Chiefs oppose relaxation of homosexuals serving in the military. The American people oppose it. Every opinion poll that has been taken of people currently serving in the military and those who have retired have opposed repealing the ban.

The Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, an African-American, has said that is not a question of civil rights.

What we should try to do is vote on what is the best policy for the military readiness of the United States of America. The way to do that is to vote no on the Meehan-Gunderson amendment and vote yes on the Hunter amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in strong support of the Meehan amendment and in strong opposition to the Hunter and Skelton amendments.

In the year and a half since I first introduced the Military Freedom Act to end discrimination on the basis of sexual orientation in the military, the entire Nation has vigorously debated the role of gay men and lesbians in the military. This fact, in and of itself, is a victory for those of us who, for years, have struggled to get the Department of Defense and Congress to recognize, let alone change, a 50-year-old policy that criminalizes the service of patriotic gay and lesbian servicemembers.

I strongly reject the policy concerning homosexuality in the Armed Forces that has been included in the 1994 Department of Defense Authorization Act and encourage my colleagues to vote for the Meehan amendment to remove it. The Nunn-Skelton language in the defense bill disregards much of the testimony from the full House Armed Services Committee hearings, the original intent of the President to judge individuals based on their conduct rather than on their status, and codifies a policy that is unconstitutional.

As a senior member of the Judiciary Committee Civil and Constitutional Rights Subcommittee, I am most greatly concerned with constitutional questions raised by the Nunn-Skelton language in this year's defense bill. The courts are already moving swiftly to challenge the ban, either in its original form, as Secretary of Defense Aspin recrafted it, or as it is codified by Congress.

On September 22, U.S. District Judge Terry J. Hatter, Jr., ordered the Secretary of Defense and senior military officials to appear in court to explain their continuing disparate treatment of Moffett Naval Air Station petty officer Keith Meinhold. Mr. Meinhold, who acknowledged his homosexuality on television the same day I introduced the Military Freedom Act, was reinstated by the U.S. District Court for the Central District of California in January. As the Department of Defense will find itself extensively grilled about the basic constitutionality of the ban, I offer the following comments on the legislative findings of section 1177 of the defense bill:

Though article 8 of the Constitution clearly confers broad powers to Congress, Congress has traditionally delegated to the President, contrary to findings 1 and 3, broad discretion in enacting rules for the Armed Forces. In codifying the principles of the Secretary of Defense's July 19 directive, Congress is removing the Commander in Chief's flexibility in regulating and maintaining the Armed Forces.

If Congress is willing to codify the Secretary's directive on homosexual conduct, it should also codify other personnel directives, particularly those that pertain to heterosexual sexual misconduct. In codifying the July 19 directive, the Congress sends a signal that it considers the fear of homosexual sexual harassment more important than the reality of heterosexual sexual harassment, an issue vividly exemplified by the Tailhook incident, that we have scrutinized in far more detail and which, in my opinion, is a far greater problem for the military.

The second finding that there is no constitutional right to serve in the Armed Forces may or may not be valid. However, whether or not there is a constitutional right to serve is irrelevant to the question of whether a ban on service in the military by homosexuals is constitutional. Furthermore, as gay men and lesbians, both acknowledged and unacknowledged, have served their country with distinction for years, the burden of proof should rest on those opposed to their service to explain why they cannot serve.

Granted, the military discriminates against the nearsighted, the flatfooted, and those who are incapable of the physical and mental demands of military service. However, the continuing presence, with or without a ban, of gay men and lesbians who offer to die for their country while their country reviles them is not only the supreme act of courage but also evidence that they are indeed capable of such service. If we allow the military to discriminate against classes of individuals because there is no constitutional right to serve, there must be just cause. There is none for gay Americans, other than tired old stereotypes.

Findings 4 through 12 are true but imply that military service is so unique that homosexuals will be destructive to unit cohesion. Dr. David H. Marlowe, Department of Military Psychiatry at Walter Reed Army Institute of Research, testified at the full committee hearings that the impact of a homosexual on cohesion depends on whether or not the individual brought overly homosexual behaviors into the group. In other words, the impact of a gay individual on cohesion depended on both the gay individual's conduct—not her status—and the tolerance of those in the unit. A conduct-based policy that proscribes public affirmations of either heterosexual or homosexual orientation, as well as leadership that demands cooperation and tolerance, would be all that is necessary to preserve findings 4 through 12.

Finding 13 is particularly misleading. Though a ban on military service by homosexuals is longstanding practice, the rationale for the exclusion has changed over the years. In fact, the ban has been arbitrarily enforced. The finding implies that the prohibition against homosexual conduct has a longstanding record of reason, which has remained unchanged through the decades and continues to be necessary today because of the unique needs of the military. There is no empirical evidence to support this claim.

For instance, advocates of the ban claim that gay men are at higher risk for HIV infection. This was not true during the first 40 years of the ban's existence, when the human immunodeficiency virus did not exist, and, more important, we have never denied individuals enlistment because they might develop a medical condition. Should smokers be excluded? How about drinkers or those ethnic groups more susceptible to hereditary diseases?

Finding 15 disregards the findings of two reports undertaken by the Department of Defense itself, "Non-Conforming Sexual Orientations and Military Suitability" and "Homosexuality and Personnel Security," two GAO reports, "Defense Force Management: DOD's Policy on Homosexuality" and GAO's June 25, 1993 report on gays in foreign militaries. The recent GAO report concluded, after studying 25 countries and 4 of our allies in detail, "the military leadership's support of the new policy—of nondiscrimination against gays and lesbians—and the military's ability to keep a low profile on this issue" made the successful integration of gays and lesbians possible. Unfortunately, such was not the case in the United States, as senior military leaders opposed the President's intentions within 1 week after his election.

Finding 15 also disregards the conclusions of the $1.3 million Rand report, which, as I suspected when I first called for its release on June 23, advocates a complete rescission of the ban. Rand's recommendations were all but ignored by the Secretary of Defense's working group and the Joint Chiefs of Staff, but its conclusions are inescapable:

> In light of this research, the [RAND] team examined a range of potential policy options. Most of the options were judged to be either inconsistent with the President's directive, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults.
>
> Understanding Unit Cohesion: The principal conclusion from an extensive review of this literature is a commonsense observation: It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives.

The Rand report also goes on to challenge the arguments of the ban's proponents, ranging from fear of increased HIV transmission to antihomosexual violence. I encourage my colleagues to read these sections, in particular. With respect to antihomosexual violence, Rand concluded:

> The experience of foreign militaries and police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

Section 1177(b) of the bill all but mirrors the preexisting Department of Defense Directive 1332.14 of January 28, 1982. The policy, including the entry standards, required briefings, and rule of construction are, in my opinion, unconstitutional, and the courts should move swiftly to overturn them, as Members of Congress and the President, at the present time, do not have the courage to do it themselves.

The policy violates the Constitution's promise of equal protection guaranteed in the fifth and fourteenth amendments because it treats lesbians and gay men differently from their heterosexual colleagues. It violates first amendment guarantees of free speech for gay individuals, who wish to disclose even to their closest friends something elemental to their being. It also violates first amendment guarantees of freedom of religion because a gay individual who attends a metropolitan community church service, the largest gay organization in the United States, could meet the credible information standard necessary for investigation.

The Joint Chiefs assured the committee that this would not occur unless there was "a pattern of such behavior." Unfortunately, as the Subcommittee on Military Forces and Personnel Members insisted on reducing gay men and lesbians to hyperpoliticized sexual predators who only attend parades and bars, there was little incentive for uniformed leaders to explain what, in reality, constitutes such a pattern or how such a standard would respect the privacy and integrity of the individual.

I am also displeased that, in our rush to codify a policy concerning homosexuality in the Armed Forces, we have made no provisions to require that the Uniform Code of Military Justice be uniformly and equally enforced against heterosexuals and homosexuals, that witch hunts and Department of Defense money used to carry them out be suspended, and that the suspension of the question concerning sexual orientation during accession be codified.

Therefore, I urge my colleagues to support the Meehan amendment to strike the Nunn-Skelton language in the Defense bill because it will give the President, the Secretary of Defense, and the Joint Chiefs of Staff the flexibility to issue regulations that reflect the fundamental elements of the President's announced policy. In our rush to micromanage military personnel policy with respect to gays and lesbians, the Aspin directive is infinitely better than what the House and Senate Armed Services Committees have crafted and certainly better than the amendment offered by Mr. HUNTER to essentially codify the original ban.

The great irony of the Nunn-Skelton language in the Defense bill is that it ignores the valor of thousands of gay men and lesbians who served and fought in Operation Desert Storm. Some Reserve units even directed that all actions against gays and lesbians be suspended while Desert Storm was underway. What kind of policy is it that allowed and will, in reality, continue to allow gays and lesbians in the military during war as long as they are cashiered in times of peace? Such an arbitrary policy mocks the integrity of our outstanding military forces, the service of gay Americans, and the Constitution they are sworn to defend.

Mr. MINETA. Mr. Chairman, during the debate over ending discrimination against gays and lesbians in the U.S. military, some have questioned whether discrimination against gays and lesbians in the military is a civil rights issue. To me, there is no question that it is.

The civil rights movement, at its heart, is about the right of all Americans to be judged on their individual merits—not on the basis of whatever stereotype is currently attached to the population group to which they belong.

Make no mistake about it. That is what we are debating today, and to those of us who

have been the targets of discrimination this debate is very familiar.

During the Second World War, when the United States Government decided that all Japanese-Americans were a categorical threat to the security of the United States, my family and I, along with 120,000 other Americans of Japanese ancestry, were forced from our homes and into internment camps. The fact that I was an American citizen made no difference.

Our loyalty to this country made no difference, our contributions to our communities made no difference, our rights under the Constitution made no difference—simply because by accident of birth we were of Japanese ancestry.

More than 50 years after that decision, this House is considering a bill that would send a similar message to gay and lesbian Americans. That message says this:

We do not care how qualified you are. We do not care how dedicated you are. We don't care how loyal you are to this Nation. Those things don't matter—because we do not want your kind here.

Mr. Chairman, as an American of Japanese ancestry, that policy sound hauntingly familiar to me. I know it will sound familiar to many of my colleagues who have themselves faced this kind of injustice.

I also know that such a policy should have no place in the laws of this Nation. I urge my colleagues to join me in voting to remove it by supporting the Meehan amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in favor of the Meehan-Fazio amendment and in opposition to the Hunter amendment.

I served for 12 years on the House Armed Services Committee. Stereotypes about the men and women in the military were destroyed—they are strong, smart, and loyal people. As they have in the past, they will accept the law as we state it—and I believe they want to put this issue behind them.

The issue is not whether gays and lesbians serve in the military. They have. They do. They will. They have done so honorably and with distinction. Many have served as heroes.

The issue is that the existing policy—and the policy of the Skelton and Hunter amendments—demands that these men and women hide their identities. It is basic public policy to use the truth as a tool in making law. The do-tell, do-pursue policy turns that policy on its head. It makes lying and deceit the law.

That is not the way we do things in America. Let us break down more barriers; let us stop discrimination; I urge my colleagues to vote in favor of the Meehan-Fazio amendment.

The CHAIRMAN pro tempore [Mr. DURBIN]. Under the rule, all time for debate on this amendment has expired.

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

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

RECORDED VOTE

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 264, not voting 5, as follows:

[Roll No. 460]

AYES—169

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Bonior
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Grandy
Green
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Inslee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kreidler
Lantos
LaRocco
Leach
Levin
Lewis (GA)
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Pickle
Rangel
Reed
Reynolds
Richardson
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Thompson
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates

NOES—264

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Conyers
McDade
Owens
Rose
Underwood (GU)

□ 1501

Mr. DICKS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in part 1 of House Report 103–252.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER:

In section 575, at the end of subsection (c) of section 654 of title 10, United States Code, as proposed to be added by subsection (a) of that section (page 203, after line 15), insert the following new paragraph:

"(3) As part of the process for enlistment or appointment of a person as a member of the armed forces, the Secretary concerned shall, before the enlistment or appointment, ask the person (1) whether the person is a homosexual or bisexual, and (2) whether the

person engages in homosexual acts or intends to engage in, or has a propensity to engage in, homosexual acts."

In section 575(d), strike out "sense of Congress that—" (page 205, beginning on line 18) and all that follows through "(2) the Secretary" (page 206, line 5) and insert in lieu thereof "sense of Congress that the Secretary".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. HUNTER] will be recognized for 5 minutes, and the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I have agonized over this vote now for some time, and I have searched my conscience and gone back and forth, and have tried to decide what is the right way to deal with this issue and how to vote on the issue of gays and lesbians in the military.

I wish we did not have to vote on an issue like this. But the fact is, that is what we are elected to do. Some people in this country can duck this issue, but we cannot.

Mr. Chairman, what I want to say is I care about homosexuals as a people, and I detest the hate and the meanness and the polarization that surrounds them and the issue and issues like this that are related to them. But I cannot support their lifestyle and their agenda, and I think that is what you and I are being asked to do today.

Mr. Chairman, I believe that lifestyle is not compatible with the military life, and for that reason I support the Hunter amendment.

Mr. Chairman, I do not want to compromise. I do not want to accommodate an agenda that I disagree with. I say that if we cave in on this one, if we compromise on this issue, I wonder what is next.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in opposition to the Hunter amendment. This has not been an easy decision for any of us who sit on the Committee on Armed Services and have, through personal reflections and discussions with a wide range of people and their views, including our pastors and others, about the issue of gays in the military. But I believe the Nunn-Skelton amendment is the proper approach. It is a very carefully crafted amendment that will stand legal scrutiny. It does eliminate the screening question of sexual orientation, and, therefore, discrimination. But it is one that puts conduct, not preference, as the standard by which we judge. There is bipartisan support for this amendment.

The Hunter amendment undermines the bipartisan consensus that we have achieved, and, in my opinion, will invite a successful legal challenge.

Mr. Chairman, if you want to end this ugly and divisive debate, I would urge my colleagues to support the Skelton-Nunn amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today in opposition to the Hunter amendment. We should never, never support discrimination.

I want to read from a letter from a constituent of mine who is a senior ranking officer in the Air Force, the U.S. Air Force:

> Gay people are in our families, our churches, our schools, and our neighborhoods. They have the right and they have the duty to defend their country alongside their brothers and sisters. You know someone who is gay, you love them, or respect them, or both. Do this for them and the military and because Americans should stand up against discrimination against any group.

I keep hearing that homosexuality is incompatible with military service. Well, my constituent is an officer who has served with distinction. She has been promoted by her superiors. She is a credit to the uniform. And she is a lesbian.

What if my constituent had been required to announce her sexual orientation, as with the Hunter amendment? This country would have lost a soldier of great value.

I am proud of her. I am proud of all the members of our armed services. We know that gays and lesbians are serving in these forces, and we know that we have the most capable armed service in the world. Let us keep it that way. Today we have an opportunity to vote "yes" for justice by voting "no" on Hunter.

□ 1510

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, let me state very clearly and very succinctly why it is the ethical thing to do to ask military recruits if they are homosexual and why I support the Hunter amendment.

There are a lot of confused young people in this country. I read on the front page of the Washington Post that high school kids in the Commonwealth of Virginia are opting for bisexuality because it is "trendy." It is cute; it is in vogue.

In my nacent city, the Big Apple, there is a high school for only children who have expressed that they are lesbians or male homosexuals.

This is an age of confusion. If our armed services' language says that homosexuality in incompatible and the gentleman from Missouri [Mr. SKELTON], his well-thought-out views based on hours and hours of hearings, says the exact same thing, we owe it to these young people to tell them, "We don't want you in the military."

And some of them will say, "I didn't know that. I thought the President said it was cool. Thank you. I will go elsewhere."

But if we shave their heads, put them in baggy fatigues and, 6 weeks after they are in, tell them, "We don't want you," then they have to ask for an administrative discharge which happens all the time. And our taxpayers pay the money to kick them out after the fact.

Ask. It is the moral thing to do.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, this is not a vote about civil rights. The Chairman of the Joint Chiefs of Staff, who is an African-American, has disavowed that issue. It is not a vote about whether homosexuals can, or could serve ably in the military. I would stipulate that they have in the past, and they could in the future.

This is a vote about what is best for the military. Military necessity says that we should not allow homosexuals to openly serve in the military. Every military leader has said that, most on the record, all off the record. Poll after poll that has been taken of the military indicates that.

I do not think that we can compromise, as the gentleman from Missouri [Mr. SKELTON] is attempting to do, on issues of principle and morality.

Homosexuality is an abomination. We should vote to codify the ban against homosexuals serving in the military. We should vote for the Hunter amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, sometimes common sense needs to win out over political posturing. Now is one of those times. This is why I urge my colleagues to vote no on the Hunter amendment.

This amendment is unnecessary for a simple reason. It would be totally ineffective. If one is a homosexual and wants to serve in the military, they are filling out the application, would they say they were a homosexual? Absolutely not.

The Hunter amendment would not only be ineffective, it would be counterproductive.

The Joint Chiefs of Staff, under the leadership of Colin Powell, has said as much.

Members, if we want to spend more tax dollars on lawsuits defending this policy and this law, vote "yes" on the Hunter amendment. If we want to spend our tax dollars providing for military manpower and training to save lives, I urge my colleagues to vote "no" on the Hunter amendment.

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

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from California [Mr. HUNTER] is recognized for 2 minutes.

Mr. HUNTER. Mr. Chairman, this amendment asks the question. It is directly against President Clinton's new policy, "Don't ask, don't tell."

It does no injury to the Nunn-Skelton language. It is exactly the Nunn-Skelton language with the question asked.

Let me just rebut the last speaker. This thing was put into effect by President Reagan because it was necessary and because it did work, because we had homosexual activities with nonconsenting young people in the military going up at a rapid rate.

If Members look at this chart, they can see that. The tip of that peak is 1981, when the policy was put in place by President Reagan. And homosexual events, many of them against young people in the military, went straight down hill.

Very simply, my colleagues, this policy was put in place because it worked. If we want to accommodate President Clinton, then vote no on the Hunter amendment. If we want to protect the children of the families who sit around the breakfast table and send their kids to serve in the Armed Forces of the United States, vote yes.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Let me say that I rise in very strong opposition to my good friend from California.

Senator NUNN, from my State, spent a long time looking at this issue. The Committees on Armed Services in both Houses spent a long time looking at this issue.

It is a painful, difficult, and an emotional issue that goes to the heart of human lives.

A very tough, very specific policy was adopted. It is in the base of this committee bill for which I commend the chairman and the ranking member. It was adopted by the Senate overwhelmingly. To go beyond that position strikes me as radically too far, unnecessary, and inappropriate.

I think that the militarily correct thing to do and the correct thing to do for this country is to vote no on the Hunter amendment and to vote for the gentleman from Missouri [Mr. SKELTON], when that time comes.

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

Mr. Chairman, this amendment would create a direct conflict and a distinction between conduct on the one hand and orientation on the other. Leading constitutional scholars, the Attorney General, the Justice Department feel that it would raise a serious constitutional question.

If Members want to put this debate to an end, if they want to have no constitutional question involved, the Skelton language is what we should adopt. And we should reject this.

In addition, this will prove to be a delay, because it will be dragged through the courts for time immemorial. This amendment also suggests that homosexual men and women will only understand that homosexual conduct is prohibited in the military if they are asked about their sexual orientation.

I urge a no vote on this, the Hunter amendment.

Mr. PACKARD. Mr. Chairman, I support the amendment offered by DUNCAN HUNTER to reverse the military's current "don't ask" policy.

I am very pleased that the Armed Services Committee included language in the bill to codify the ban against homosexuals in the military. However, I am disappointed that the committee failed to include a provision codifying the Pentagon's previous policy to ask recruits, at the time of enlistment, if they are homosexual.

Since the committee has so conclusively determined that homosexuality is not compatible with military service, it doesn't make sense to toss aside part of the ban while retaining the major portion of it.

Extensive hearings have proven what I have always held, that homosexuality has no part in our Armed Forces. I strongly encourage my colleagues who support the ban to support this amendment. We must retain the whole ban, not just part of it.

Mr. Chairman, I would also like to submit a copy for the RECORD of a statement I made earlier on this issue:

STATEMENT OF HON. RON PACKARD, AUGUST 4, 1993

Mr. Speaker, I rise today in strong support of a provision in the Defense Authorization Act to codify the ban on homosexuals serving in the military.

Our military is under attack from the liberals in Congress and from the Clinton administration, seriously undermining the morale and readiness of our Armed Forces.

Service in the Armed Forces is unique and unparalleled in civilian society. More than any other single factor, military unit cohesion is paramount to the success or failure of America's defense. But there are those among our country's leadership who would destroy that cohesion.

Combat ability is unalterably tied to mutual trust and confidence among servicemembers. Extensive hearings and studies have decisively proven that the presence of known homosexuals within a unit will undermine that trust and confidence, endangering the entire unit and compromising our military mission.

From the lowest grunt to the highest commander, our military men and women have expressed time and time again that homosexuality is in no way compatible with military service.

The ban on homosexuals must remain intact for the military to maintain combat readiness in defense of our country. We can not allow the radical gay and lesbian activists to use the military as a lab to conduct their social experiments. I strongly urge my colleagues to support language in the defense authorization bill that codifies the ban.

The CHAIRMAN pro tempore. Pursuant to the rule, all time has expired on the amendment offered by the gentleman from California [Mr. HUNTER].

The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 291, not voting 3, as follows:

[Roll No. 461]

AYES—144

Allard	Everett	Ortiz
Andrews (TX)	Ewing	Packard
Archer	Fawell	Parker
Armey	Fields (TX)	Paxon
Bachus (AL)	Franks (CT)	Petri
Baesler	Gallegly	Pombo
Baker (CA)	Gekas	Portman
Baker (LA)	Geren	Quillen
Barcia	Goodlatte	Quinn
Barlow	Goss	Rahall
Barrett (NE)	Grams	Ravenel
Bartlett	Hall (OH)	Roberts
Barton	Hall (TX)	Rogers
Bateman	Hancock	Ros-Lehtinen
Bentley	Hansen	Roth
Bereuter	Hastert	Royce
Bevill	Hefley	Sarpalius
Bilirakis	Herger	Schaefer
Bliley	Hoekstra	Sensenbrenner
Boehner	Holden	Shaw
Bonilla	Hunter	Skeen
Brewster	Hutchinson	Smith (NJ)
Browder	Hutto	Smith (OR)
Bunning	Hyde	Smith (TX)
Burton	Inglis	Snowe
Buyer	Inhofe	Solomon
Callahan	Istook	Spence
Camp	Johnson, Sam	Stearns
Canady	King	Stenholm
Coble	Kingston	Stump
Collins (GA)	Knollenberg	Sundquist
Combest	Lancaster	Talent
Cooper	Levy	Tanner
Cox	Lewis (FL)	Tauzin
Cramer	Lightfoot	Taylor (MS)
Crane	Linder	Taylor (NC)
Crapo	Livingston	Tejeda
Cunningham	Manzullo	Thomas (WY)
de la Garza	McCandless	Valentine
DeLay	McCollum	Volkmer
Derrick	McHugh	Vucanovich
Diaz-Balart	McInnis	Walker
Dickey	McKeon	Wilson
Doolittle	McMillan	Wolf
Dornan	Mica	Young (AK)
Duncan	Miller (FL)	Young (FL)
Emerson	Moorhead	Zeliff
English (OK)	Myers	Zimmer

NOES—291

Abercrombie	Brown (OH)	Darden
Ackerman	Bryant	de Lugo (VI)
Andrews (ME)	Byrne	Deal
Andrews (NJ)	Calvert	DeFazio
Applegate	Cantwell	DeLauro
Bacchus (FL)	Cardin	Dellums
Ballenger	Carr	Deutsch
Barca	Castle	Dicks
Barrett (WI)	Chapman	Dingell
Becerra	Clay	Dixon
Beilenson	Clayton	Dooley
Berman	Clement	Dreier
Bilbray	Clinger	Dunn
Bishop	Clyburn	Durbin
Blackwell	Coleman	Edwards (CA)
Blute	Collins (IL)	Edwards (TX)
Boehlert	Collins (MI)	Engel
Bonior	Condit	English (AZ)
Borski	Conyers	Eshoo
Boucher	Coppersmith	Evans
Brooks	Costello	Faleomavaega (AS)
Brown (CA)	Coyne	Farr
Brown (FL)	Danner	

Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

McDade
Olver
Underwood (GU)

□ 1537

Mr. RANGEL changed his vote from "aye" to "no."

Mr. COOPER and Mr. DE LA GARZA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in part 1 of House Report 103-252.

AMENDMENT OFFERED BY MR. SKELTON

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

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKELTON: Strike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this

title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes, and a Member in opposition, the gentleman from Massachusetts [Mr. FRANK], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

□ 1540

Mr. SKELTON. Mr. Chairman, in offering this amendment I seek to reaffirm the language on homosexuals in the military that was reported by the Committee on Armed Services.

In offering this amendment, I and the Committee on Armed Services seek to finally close the door on this painful issue. It is a matter of conduct, it is a matter of unit cohesion, it is a matter that strikes at the very heart of success in combat. Second place does not count on the battlefield.

It is my hope that we will be able to put an end to this debate and the issue today, this afternoon.

Mr. Chairman, for purposes of debate, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Nunn/Skelton amendment. We had vast committee hearings on this particular issue. Colin Powell, the chairman of the Joint Chiefs of Staff made a statement to the chairman that I did not feel that this language was in his heart. And the chairman looked at me and said, "Duke, believe it, this is."

It mandates that recruits be given clear statements that any homosexual activity is not tolerated. The Joint Chiefs of Staff also told me that to make sure this is not a progressive amendment; we do not issue homosexual marriages in the military. No commissary, medical privileges for homosexuals; not a foot in the door. And that is the key.

The liberals will try and take this one step further. I do not believe that this amendment allows for that.

Mr. Chairman, I rise in support of my colleague, the gentleman from Missouri [Mr. SKELTON], and the gentleman from Georgia [Senator NUNN].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Meehan amendment because only this amendment is defensible. I did not support the Clinton compromise with the Joint Chiefs on gays and lesbians in the military now in effect. The Meehan amendment, however, at least blocks action that would take the services back in the direction from which they have just come.

The cold war is over, but I assumed that, with downsizing, military personnel had more than enough to keep them busy. The Hunter amendment and the Nunn/Skelton amendment still allow the sexual orientation question to be asked and scarce resources to be spent chasing gays and lesbians for private consensual acts and speech.

If the military wants to get into the sex business, let the military police chase the documented, widespread sexual harassment that pervades much of its ranks.

In the military, personnel matters almost never are pursued though statute but are treated like the President's Executive order or through regulations. In a free society, personal, consensual, adult conduct should not be pursued at all.

This issue has been tortured enough. It adds insult to torture to codify Hobson's choices for people whose generosity and patriotism lead them to volunteer to serve their country.

Enough damage has been done. Leave it alone. Enact the Meehan amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from the State of Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to rise here today in strong support of the amendment that has been crafted by Congressman IKE SKELTON and the chairman of the Committee on Armed Service in the other body.

I want to commend the Committee on Armed Services for the job that they have done on this issue. I think on both sides of the aisle we have had cooperation in drafting this language. And I want my colleagues to remember that this is supported by the President of the United States; by our former colleague, Les Aspin, the Secretary of Defense; by the Joint Chiefs of Staff. And I know there are people who have very strong views on this, as we have heard earlier in the debate, honest, well-intentioned views. This obviously is a compromise.

But I think it is a good one, and I want to commend my friend, the gentleman from Missouri [Mr. SKELTON] for the hours and hours and hours that he worked on trying to fashion this compromise. He has done a good job for all of us today in this body.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Massachusetts [Mr. FRANK] has 4 minutes remaining; the gentleman from Missouri [Mr. SKELTON] has 2½ minutes remaining and has the right to close.

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

Mr. Chairman, I want to begin by expressing my respect and admiration for the very hard work and very sincere work done by the gentleman from Missouri [Mr. SKELTON] on this, the gentleman from California [Mr. DELLUMS] also, the chairman of the full committee, and the chairman of the subcommittee. I have not agreed with the

gentleman from Missouri, but I admire the work he did.

Now, to explain the parliamentary situation, which may be a little complicated: If this amendment is agreed to, it will be the language of the bill. On the other hand, if this amendment is defeated, it will be the language of the bill.

This is the language that is already in the bill. It is an amendment to put into the bill the language that is already there. So you can defeat it and have the language that is in there, or pass it and have the language that is in there.

There are reasons that many Members have for wanting to have the vote, and I support those reasons and I think it is appropriate.

I want to make a case for the negative vote.

Those who voted for the amendment offered by my colleague from Massachusetts [Mr. MEEHAN] should vote against this. We are talking here about what the opinion of the House is. Let us be very clear what we are talking about. Those of us who want the ban lifted agree even more than many of the Joint Chiefs, I will tell you, that inappropriate sexual behavior ought to be banned by the U.S. armed services. Many of us feel that they have erred on the side of too little in that regard, not too much.

This is not a request that anyone be allowed to impose himself or herself sexually on another. We insist that, particularly in the close quarters in the armed services, strict respect be enforced.

The question is this: Take a young gay man or a young lesbian who wants to serve his or her country, who is motivated by the same patriotism, the same desire for self-improvement, the same love of country and love of adventure and willingness to sacrifice that any other individual has, and let that individual have the same opportunity that anyone else has and subject him or her to the same rules. If he or she behaves inappropriately toward any other, kick him out. But if that individual is prepared to come into the military and put on the uniform and abide by every rule of conduct while on duty, is prepared to be wholly scrupulous in his or her respect for the rights of others, and then on leave, off the base, on his or her time, which is free, decides in the privacy of her home, in the quietude of his social gathering place to express love for another individual that some people here do not approve of, let us kick him out; let us declare that anyone who dare express affection for another human being discreetly, privately, consensually, on private property on a weekend in his or her own home, let us punish that person by degrading them and kicking them out of the armed services of the United States no matter how patriotic, no matter how committed to country, because that is the policy you are being asked to approve.

□ 1550

That is indisputable. We are not talking about allowing anyone to behave inappropriately. We are talking about those young people who want to behave appropriately, who are prepared, in fact, to make a sacrifice, to confine their own expression of their sexual orientation to moments of privacy away from others, and they are being denied even that.

I tell those of you who say that you underestimate the commitment of the American people to the principles of fairness and acceptance of others, and I say that, as I said before, from personal experience. I hesitated a long time before acknowledging that I am gay. I feared an automatic negative reaction, and I am proud to be able to tell you on behalf of my fellow citizens that I have not had it. People no less judge me by who I am today than they did before I made that acknowledgement.

Do not deny patriotic young people the same opportunity I had.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me refresh the memory of this body as to what is contained in this amendment. The provision would set out the fundamental difference between military and civilian life and make clear the importance of preserving high standards and moral, discipline and unit cohesion.

The provision would require separation if the Member has engaged in, attempted to engage in or solicited another to engage in a homosexual act.

It states that he or she as a homosexual or bisexual who marries or attempts to marry a person known to be of the same biological sex.

This is codifying what the law should be.

This is an important issue that has captured the time and minds and imagination all across this land.

Now is the time to put an end to this debate.

Mr. Chairman, there is no constitutional right to serve in the Armed Forces.

Mr. Chairman, the primary purpose of our Armed Forces is to prepare for and prevail in combat.

Mr. Chairman, the conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices. Success in combat requires military units that are characterized by high morale, good order, discipline and unit cohesion.

As of this moment, the Armed Forces of the United States are as fine as they have ever been, and they are the finest in this world. Let us not split them asunder. Let us keep them strong. Let us not have the possibility of tearing their unit cohesion apart. We cannot afford that.

Mr. Chairman, I stand shoulder to shoulder with the Joint Chiefs of Staff, their Chairman Colin Powell, our Secretary, our President; but most of all, I stand with the young men and the young women who feel very strongly about this issue that homosexual conduct has no place in the uniform of the United States of America.

Mr. Chairman, I urge a yes vote on my amendment.

Mrs. LLOYD. Mr. Chairman, when the President first presented the country and Congress with his proposal to open service to homosexuals, I clearly stated my opposition. I remain opposed to this policy change.

Over the past 8 months, the House Armed Services Committee wrestled with the President's proposal. We sought testimony and expertise from the Joint Chiefs, from the Secretary, and from the individual servicemember. We further sought outside testimony from doctors, psychologists, retired military, and gay and lesbian activists. No stone was left unturned in our quest for a complete understanding of the compatibility of homosexuality and military service.

The committee concluded, and very rightly so, that homosexuality is incompatible with military service. The U.S. military offers unique opportunities for men and women who want to serve. But at the same time, the environment, both social and professional, is equally as unique and commands special attention. Unit cohesion and morale are perhaps the two most important elements of a successful fighting force. While advanced, high-quality equipment definitely contributes to overall capability, the ability of the men and women who serve to conduct themselves with dignity and bravery is most vital.

Every servicemember I have spoken with has expressed uneasiness over any changes to the policy banning service by homosexuals. The slightest distraction to any serviceperson in any military situation could be fatal. As a member of the committee who oversees our military, I cannot expose our troops to that risk. At the same time, I am respectful of the fact that there are many who do not share my opinion and who believe that the ban should be eliminated.

The Skelton-Nunn amendment which we are voting on today, should put this tired, divisive issue to rest. I feel in many ways that this language improves upon the old ban. The intent of the old ban, to remove known homosexuals from the military, remains intact. With the passage of the Skelton-Nunn language, if a servicemember is found out to be homosexual, that person will be separated. Also, while not mandating it, the amendment allows the Secretary to reinstate the questioning of one's sexual orientation, if deemed appropriate. Most importantly, the Joint Chiefs of Staff have told us that these changes are workable and enforceable.

The amendment clears up the question of constitutionality and the ban. There is no constitutional right to serve in the military. The Skelton-Nunn language offers clear outlines as to what is considered homosexual behavior. The gray area has been removed. Conduct is the sole basis for judgment and with the guidelines in this legislation, the courts will

have the necessary guidance to rule appropriately on contested cases.

Mr. Chairman, the Hunter amendment, should it be adopted, reopens the months of debate on this very divisive issue. It undermines all the tireless efforts of Representative SKELTON and Senator NUNN in developing this workable proposal. For too long, the future shape of our national defense has been held up by this issue. The attention of the country has been distracted from more pressing matters. Let us put this matter behind us, approve the tough Skelton-Nunn language, pass the bill and move on to other things.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 134, not voting 3, as follows:

[Roll No. 462]

AYES—301

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Faleomavaega (AS)
Fawell
Fields (TX)
Fingerhut
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Johnson (GA)
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Johnson, Sam
Kanjorski
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Lewis (CA)
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Santorum
Sarpalius
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Schiff
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Smith (MI)
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Taylor (MS)
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NOES—134

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Andrews (ME)
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Beilenson
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Blackwell
Boehlert
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Johnson, E.B.
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Smith (IA)
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Stokes
Studds
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Torkildsen
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Washington
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Watt
Waxman
Wheat
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Woolsey
Wyden
Yates

NOT VOTING—3

Istook
McDade
Underwood (GU)

□ 1611

Messrs. HILLIARD, SYNAR, BERMAN, and RUSH, Ms. SLAUGHTER, and Mrs. KENNELLY changed their vote from "aye" to "no."

Mr. FAWELL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was unavoidably detained outside of the Capitol building during the last vote on the Skelton amendment. Had I been present, my vote would have been aye.

The CHAIRMAN pro tempore. (Mr. DURBIN). It is now in order to consider the amendment printed in part 2 of House Report 102-252.

AMENDMENT OFFERED BY MR. GEPHARDT

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

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

Amendment offered by Mr. GEPHARDT:

At the end of title X (page 346, after line 23), insert the following new section:

SEC. 1043. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope toward the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek to receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from

Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. STUMP. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, for purposes of debate only, I wish to yield half my time in support of this amendment to my distinguished colleague, the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Foreign Affairs, for purposes of yielding time.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York [Mr. GILMAN] will be recognized for 15 minutes.

There was no objection.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the distinguished majority leader for yielding.

Mr. Chairman, I rise in support of the amendment, because it achieves several important aims. First of all, it requires the President to report to the Congress on the goals and objectives of United States deployment in Somalia. It mandates the Congress to authorize the continued deployment of United States forces in Somalia. It facilitates the United Nations assuming the functions now performed by the United States Armed Forces. Finally, the amendment preserves a bipartisan approach to United States policy in Somalia.

Now, I have some questions about this amendment. It is not perfectly drafted, as far as I am concerned. It is incomplete and one-sided. It is the account of the history of our involvement in Somalia. The timetable in it I think is unrealistic, and it does not adequately state the role of the Congress.

But putting those concerns aside, I want to remind my colleagues that we voted in May to authorize United States participation in the U.N. mission in Somalia. In doing that, the House did what it was supposed to do: we authorized the deployment of U.S. forces for combat purposes overseas. The Senate has that legislation before it, and the Senate should act.

Without going into a lot of the history of the United States involvement in Somalia, let me really make a single point. We went into Somalia by order of President Bush for two purposes: to create a secure environment so that food could move to the people in Somalia. The President stated that very carefully in December. Then when the U.N. Security Council Resolution 794 was adopted in December 1992, those purposes were restated. And I use the words of the U.N. resolution now, use force, if necessary, "to secure the environment for humanitarian relief operations". Then after Operation Restore Hope was ended and U.N. Security Council Resolution 814 came into effect, setting up UNOSOM II, the United States role in Somalia became more limited than it has been under Operation Restore Hope. It was limited in two specific ways: we have withdrawn now 80 percent of our forces, so we have had fewer forces under UNOSOM II than in Operation Restore Hope. We had 28,000 United States troops in Somalia last December. Today that figure is about 5,000.

But not only was there a limitation with respect to the numbers. We also reduced our costs. The United States was responsible for the entire cost under Operation Restore Hope. Under UNOSOM II we were responsible only for the U.N.-assessed rate, and we are reimbursed for our logistic troop contribution.

I do not believe that the United States should be engaged in nation building in Somalia. That is the task of the United Nations. That is not the task of the United States. The mission for the United States remains today exactly what it was when we went in: to ensure a secure environment for humanitarian relief.

We have achieved the humanitarian relief. There is no starvation today in Somalia. We have almost achieved the secure environment, but not quite. We have made a lot of progress in Somalia. No longer is there mass starvation. In half of Somalia's 60 districts, representative councils are functioning, schools and hospitals are opening, thousands of people have been spared from starvation, and efforts are underway to rehabilitate the country's police force and the prison system.

Where do we go from here? There is no doubt that we have got a difficult problem in the southern part of the capital city, Mogadishu, and our goal should be to reduce and to eliminate the United States military presence in Somalia as soon as possible.

We are clearly moving in that direction. The objectives of the United States and Somalia should be what they have always been, to establish a secure environment so that humanitarian relief can flow.

United States interests are going to suffer if there is an immediate and precipitous withdrawal from Somalia. It is in the U.S. interests that the U.N. become successful at the business of peacekeeping so that we do not always have to go it alone in the world, so that we do not have to be the world's policeman.

In addition, we have invested a large amount of capital and resources, and, indeed, some lives, in an effort to end the starvation and to provide some stability in that country. If we pull out immediately, anarchy will return swiftly, and our past investment will be lost.

We should not sacrifice the substantial gains that have been made in the last 10 months. I urge adoption of this amendment.

No one can deny that efforts to achieve progress in Somalia under Security Council Resolution 814 have been difficult. This is the first U.N.-led chapter VII enforcement action. It is critical that it achieve success, because it is in the U.S. interest that the U.N. become successful at peacekeeping. The United States cannot and should not be the world's policeman.

At the end of Operation Restore Hope, the United States found itself in a difficult position. Without continued international involvement, the gains achieved in Somalia would be jeopardized. The United Nations was ready to assume precedent-setting control of the operation. At the same time, the U.N. acknowledged its need for continued strong U.S. support and leadership to provide security for humanitarian relief.

Our goal should be to reduce and eventually eliminate the United States military presence in Somalia. As the U.N. is able to assume greater control, we're moving in that direction. We must continue to do so. On the day President Clinton took office, there were 25,000 United States forces in Somalia. This number is now under 5,000. Remaining United States forces in Somalia should be withdrawn as expeditiously as possible. There should be open-ended United States military commitment in Somalia.

The objectives of the United States in Somalia should be what they have always been: to help to establish a secure environment so that humanitarian relief can flow.

For now, U.S. Armed Forces are still needed as part of the overall U.N. operation.

U.S. interests will suffer if there is a precipitous withdrawal of U.S. forces.

It is the U.S. interest that the U.N. become successful at peacekeeping so that we do not always have to go it alone in the world. Right now, UNOSOM II needs U.S. participation if it is to have a chance at success.

In addition, we have invested a tremendous amount of money, energy, and human capital in efforts to end starvation in Somalia and provide some stability in that country. If we pull out immediately, anarchy will return swiftly and our past investment will be lost.

We should not sacrifice the substantial gains that have been made in Somalia in the last 10 months.

IV. CONCLUSION

Mr. Chairman, I urge quick action on this amendment. I think the resolution accurately reflects congressional sentiments in favor of:

An early withdrawal of U.S. forces from Somalia;

The need for Presidential consultation with Congress; and

The requirement that Congress authorize the continuing deployment of U.S. forces.

The amendment also gives the President time to articulate his policy goals in Somalia and helps preserve a bipartisan approach toward Somalia.

Despite my concerns about this amendment, I will vote for it in order to ensure that we have an opportunity to address this issue again in the weeks ahead.

I urge adoption of the amendment.

Mr. STUMP. Mr. Chairman, I yield one-half of my time to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services, for purposes of debate only.

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes.

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE].

□ 1620

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

Mr. Chairman, the matter before the House today goes well beyond the substance addressed by this amendment. We all recognize what this amendment represents. Its an artfully crafted compromise that evades the hard questions on United States policy in Somalia and, on a broader level, the proper role of the United States military in peacekeeping, peacemaking, and humanitarian operations.

Let me say at the outset that I intend to support this amendment. But my support results from the fact that the only alternative is to remain silent and to do nothing.

Mr. Chairman, the House has a responsibility to be heard as the security situation in Somalia worsens with each passing day. We have a responsibility to be heard as thousands of American troops remain deployed in Somalia operating within the context of ill-defined policy objectives that have more to do with the future of the United Nations than with United States national interests.

Finally, we have a responsibility not to silently acquiesce while this administration continues to craft ambitious Presidential directives that would dramatically expand the United States role in future Somalia-like operations while seemingly ignoring the real-time lessons coming out of Mogadishu every day.

Mr. Chairman, as the House deliberates today, I would suggest this deliberation ought to occur on two levels. At one level is what is actually happening in Somalia. At another level, however, is how Somalia fits into a broader debate that is just beginning within the United States, the United Nations, and the global community over how to respond to conflicts and human suffering in the post cold war world.

Looking at Somalia in isolation, almost 10 months after President Bush announced his decision to commit United States forces for the limited mission of facilitating the delivery of humanitarian aid to thousands of starving Somalis, we find ourselves embroiled in an open-ended urban guerilla war.

While the United Nations has placed a premium on the capture of General Aideed as the solution to the worsening conflict in south Mogadishu, there is every indication that such an act would lead to increased guerilla attacks against United States and U.N. peacekeepers.

And even though the United Nations has been officially in command since May, the reality is that U.S. troops are the backbone of the U.N. presence and will be required to continue doing most of the heavy lifting for the foreseeable future.

So where is United States policy in Somalia headed?

In allowing United States forces to remain the central element of the U.N. operation in Somalia, the Clinton administration apparently bought into a number of questionable assumptions. First, that the United Nations could carry its own weight militarily and that all U.S. combat forces could have been withdrawn this past summer. This has yet to happen. In fact, we have deployed additional U.S. forces to beef up anemic U.N. led forces.

Second, the Clinton administration agreed to place approximately 4,000 U.S. logistical support troops under U.N. command to form the support backbone of the multinational U.N. contingent, expected to number 28,000. The plan was for these U.S. support forces to be steadily reduced down to 1,400 by January, 1994, and to be completely replaced by U.N.-provided logistical support sometime in 1994. Again, this assumption appears to have been overly optimistic, as the United Nations continues to show no sign of being able or willing to pick up the support mission.

Third, the administration counted on a more rapid resolution of the political crisis that led to and has sustained the conflict in the first place, so as not to plunge Somalia back into chaos following the withdrawal of American forces.

While hindsight is always 20/20, no matter how you look at it, the administration's key assumptions have not come to pass.

In an August 27 speech, Secretary Aspin recently sought to clarify the Clinton administration's objectives in Somalia. But Secretary Aspin's speech has only served to further raise anxieties by outlining a series of objectives that are not achievable within a politically acceptable timeline, and which are more in line with a long-term nation building effort, than with the limited objectives that were originally used to justify the operation almost 1 year ago.

Instead, the administration's Somalia policy lacks an exit strategy and appears to be expanding by the day.

For these reasons, I welcome the basic thrust of the Gilman-Gephardt amendment in asking the President to submit a detailed report in October, followed in November by a congressional vote to authorize further U.S. involvement. While the language of the amendment is technically nonbinding, I trust the administration recognizes Congress' determination to actively pursue these objectives.

Mr. Chairman, many of the questions being raised relative to our Somalia policy have a relevance extending well beyond the horn of Africa.

As we debate the merit of United States policy in Somalia, this administration is about to propose committing upwards of 25,000 American troops to a similar type of peacekeeping/peacemaking operation in Bosnia at an estimated United States cost of $2 billion per year. While I am encouraged by the administration's recent willingness to consult with Congress over its Bosnia policy. I have strong reservations over launching into another massive and costly peacekeeping operation of tenuous relevance to United States national interests when we have yet to figure out how to extricate ourselves from the last such operation.

Mr. Chairman, I submit that much of what is driving the national uneasiness over Somalia is the confused state of United States foreign policy. United States actions in Somalia and Bosnia appear ad hoc and erratic and reflect, in my opinion, the lack of an objective assessment of how to balance United States global interests within the context of the ethnic, religious, or political conflicts that continue to haunt the world. As a result, United States policymakers have not confronted the more fundamental policy issues that are at play in places like Somalia and Bosnia.

For instance, at what point is it in our national interest to intervene in the internal strife of sovereign nations? There is a body of opinion that neither the United Nations nor the United States should involve itself in conflicts that are driven and abetted by purely internal factors. For instance, no outside power invaded Somalia, and in Bosnia, the conflict is largely one of warring factions within a recognized nation-state.

Looking at it another way, under what conditions do civil wars justify humanitarian intervention by outside powers? And in this context, can Western participants in peacemaking or peace enforcement operations realistically be expected to retain the critical element of neutrality among local warring factions? I fear we may not have learned the lessons of Beirut.

Furthermore, what are the long-term consequences of sanctioning the regular international intervention in the affairs of sovereign nations? How will the United States retain the ability to determine when it is legitimate for the collective conscience of the United Nations to mandate intervention in the

affairs of nations that do not meet the politically correct standards of the day?

I certainly do not have good answers to these questions, but neither does this administration. Thus, while the United States involvement in Somalia and Bosnia may be founded on good intentions, it is not a sufficient, even proper, basis for the foreign policy of the world's only superpower.

Given the turbulent state of world affairs, U.S. foreign policy must be concise and unambiguous, so allies and foes alike clearly understand where the boundary lies between U.S. national interests and the broader international agenda of multilateral bodies such as the United Nations.

Mr. Chairman, a final point.

In the midst of the current confusion over U.S. foreign policy, there is one consistent theme emerging within this administration that suggests a disturbing willingness to subordinate U.S. national interests to the interests of the United Nations and other multilateral organizations.

This expanded U.S. commitment to the United Nations in peacekeeping and multilateral affairs is reportedly about to be codified by the President in Presidential Decision Directive or PDD No. 13.

Among other recommendations, this document reportedly suggests that U.S. military forces will be placed under U.N. command on a regular basis, the declining defense budget will pay for U.S. peacekeeping costs, and U.S. forces will receive dedicated peacekeeping training.

I expect that these controversial recommendations will receive great scrutiny by Congress in the weeks and months ahead as they represent significant changes in U.S. foreign and defense policy.

But most importantly, should these recommendations be implemented, they would confirm what many of us fear—namely that this administration, despite a hardening of rhetoric in recent weeks in response to congressional skepticism, is unable to grasp the appropriate lessons from our experiences in Somalia and Bosnia to date.

While many of us look at the untenable situation in Somalia and the potential quagmire in Bosnia and understandably urge the President to proceed cautiously, the administration appears nevertheless determined to aggressively pursue a foreign policy of assertive multilateralism with implications for future Somalias and Bosnias.

Unfortunately, there are disturbing signs that senior officials of this administration view any disagreement or dissent with their conduct of foreign policy with disdain. By branding bipartisan critics as "neo-know nothings," I fear that this administration has not come to grips with Congress' proper and essential role in formulating and implementing U.S. foreign policy.

Instead, administration officials ought to be listening and trying to engage thoughtful critics in a constructive dialog that may lead to a more coherent and presumably supportable U.S. approach to the many foreign policy problems of the post cold war world. To this end, I strongly support any and all efforts on the part of the administration to improve its consultation with Congress.

I sincerely hope that we can move beyond this debate and return to a bipartisan, consensus-based foreign policy that strikes the proper balance between U.S. national interests and the exponentially growing burdens being adopted by the United Nations.

Otherwise, we run the risk of waking up one day and finding our young men and women deployed in far away places, fighting and dying for ill-defined causes neither they or the American people understand.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from New York [Mr. GILMAN] is recognized for 15 minutes.

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

Mr. Chairman, I rise in support of the amendment H.R. 2401 offered by myself and the distinguished majority leader, the gentleman from Missouri, Mr. GEPHARDT, and I commend our Republican leadership, the gentleman from Illinois, our Republican leader, Mr. MICHEL, the gentleman from Georgia, the Republican whip Mr. GINGRICH, and the gentleman from New York, the ranking member of the Rules Committee, Mr. SOLOMON, for their support. In rising in support of this amendment, I rise also in opposition to the Clinton administration's policy in Somalia.

Mr. Chairman, I say it is time to bring our U.S. forces home from Somalia and turn that operation over to the United Nations.

We first went into Somalia last December with a limited humanitarian mission of creating a secure environment for feeding the hungry. We accomplished that mission within a matter of weeks, but regrettably we stayed until May—in order to handoff the responsibility for Somalia to the United Nations.

Coincidentally, that handoff occurred just before the House began consideration of a resolution to authorize the Somalia operation, Senate Joint Resolution 45. The House was misled by that handoff into believing that United States involvement in Somalia was winding down.

Under this misapprehension, the House approved Senate Joint Resolution 45 on May 25. Had it also been approved by the Senate and enacted into law, Senate Joint Resolution 45 would have authorized United States military involvement in Somalia for 12 months.

There were 243 votes in the House in favor of the resolution, 179 against.

I led the opposition to Senate Joint Resolution 45. I am confident that if that vote were held again today, Senate Joint Resolution 45 would be defeated. I cannot begin to count the number of Members who have told me that they wish they could take back their vote in support of Senate Joint Resolution 45.

What accounts for this shift in opinion since last May? I believe that it is because most Members, and indeed most Americans, have awakened to two facts that I stressed during the debate on Senate Joint Resolution 45.

First, while we weren't looking, the United Nations and the administration changed the mission in Somalia. It was shifted from feeding hungry people to nation-building. This shift was accomplished by U.N. Security Council Resolution 814, which was adopted with the support of the administration last May.

It was reiterated by U.N. Security Council Resolution 865, which was adopted just last week. And sadly, it remains the chief objective of our administration's Somalia policy.

Listen to what the U.S. Representative to the U.N. said just last week in praise of Resolution 865. That Resolution, he said, and I quote, "sets out in clear, unambiguous terms that the U.N.'s principal goal in Somalia is to bring about the political reconciliation of that long suffering country. My government—I am still quoting—has always seen the U.N.'s mission in Somalia as political in nature; helping the Somali people to reestablish their political structures and democratic institutions. Nothing is more important in Somalia than this political goal."

Let me underscore that statement: "Nothing is more important in Somalia than this political goal." That is the position of the Clinton administration. So much for feeding the hungry.

Compare the statement to the limited mission originally outlined by President Bush last December. Allow me to quote just one passage from the Washington Post's story dated December 4, 1992, entitled "U.N. Orders U.S.-Led Force Into Somalia." The story quotes the White House press spokesman as follows: "We want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that."

The second fact that has finally become obvious is that the new, expanded mission in Somalia is unachievable by the U.N. acting alone. U.S. armed forces will have to be deeply involved if there is to be any possibility of success. That involvement is going to cost us billions of dollars and possibly many American lives. It could very well extend into the next century. Even then, there is no probability it will succeed.

We've already spent over $1 billion this year just on military operations in Somalia. That's over five times what we will spend on humanitarian relief there this year. Up to today, 11 Americans have been killed in combat and over 60 wounded. Regrettably, nation-building does not come cheap.

And the cost is going to continue to spiral so long as the administration pursues its strategy of using our U.S. forces in Somalia as sitting ducks. Any doubt about this was set to rest last week when a U.S. helicopter was shot down and three more Americans were killed. You see, we've located our headquarters in the center of renegade warlord Mohamed Aideed's stronghold in South Mogadishu.

Initially we resupplied our headquarters by convoy through Aideed's territory. Then Aideed began mining the roads, causing the death of four Americans. Thereafter, we switched to helicopter resupply. But now Aideed is shooting down our helicopters. Mr. Chairman, our troops are vulnerable. We must stop exposing our troops to these senseless risks.

Some of the costs we have incurred already are spelled out in a letter sent to me and Congressman BURTON by the State Department in response to a letter that we sent Secretary Christopher. I am submitting this correspondence for the RECORD and request that it be inserted at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 6, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: We wrote you on March 2, 1993, to request information from the Administration relevant to consideration by the Committee on Foreign Affairs of U.S. policy in Somalia. Robert Bradtke, Acting Assistant Secretary for Legislative Affairs, responded on your behalf on March 22. His letter was very helpful and informative.

There have been many developments in Somalia since that exchange of correspondence. Most significantly, serious fighting broke out in Mogadishu on June 5 and has continued since that time. Accordingly, we would appreciate an update on the matters addressed in our letter last March. In particular, we would appreciate any information you can provide in response to the following questions.

COSTS

What was the total cost to the United States of the UNISOM I peacekeeping operation? What was the total cost to the United States of the UNITAF operation? What has been the cost to date of the UNOSOM II operation? Based on experience to date do you continue to estimate that the first year cost of UNOSOM II will total $1.5 billion? Does it remain the case that the only incremental Defense Department costs associated with UNOSOM II are those incurred for special pay for military personnel assigned to the operation? In particular, have there been any incremental costs in addition to special pay borne by the United States in connection with military operations by the Quick Reaction Force (QRF) or other U.S. military units since fighting broke out in Mogadishu on June 5? To what extent will the United Nations reimburse the United States for the cost of military operations by the QRF or other U.S. military units since June 5? Do you continue to estimate that the total incremental Defense Department cost will be $12 million over 17 months? Has there been any change in the estimates contained in the March 22 letter for Somalia-related expenditures in FY 1993 by the State Department, AID, and USIA?

U.S. PERSONNEL IN SOMALIA

How many U.S. personnel were killed or wounded in Somalia during the UNITAF operation? How many were killed or wounded after the transition to UNOSOM II and prior to June 5? How many have been killed or wounded since June 5? What has been the maximum level of U.S. forces in Somalia since the transition to UNOSOM II? What is the U.S. force level today?

TIMETABLE FOR U.S. WITHDRAWAL

Has the timetable for withdrawal of U.S. forces from Somalia been affected by the fighting that began on June 5? In particular, does the Administration still plan to withdraw all U.S. forces by October 1994 (17 months after the transition to UNOSOM II)? Will U.S. force levels drop to 1,400 by the end of 1993? How soon will the QRF be withdrawn from Somalia? How soon will the QRF be withdrawn from the Somalia theater of operations?

FOREIGN PARTICIPATION IN UNOSOM II

Has the United Nations been able to fully staff UNOSOM II with military prsonnel from U.N. member states? Do you anticipate that UNOSOM II will be fully staffed in the future? What countries currently have military personnel participating in UNOSOM II, and in what numbers? Do any participating countries plan to withdraw their personnel? If so, how will those personnel be replaced? Is UNOSOM II developing a logistical capability that will permit U.S. military personnel to be withdrawn in the future, and what is the United States doing to facilitate that effort?

POLITICAL RECONCILIATION IN SOMALIA

At a hearing of our Subcommittee on Africa on July 29 former U.S. Ambassdor to Somalia Frank Crigler testified that the turmoil in Mogadishu since June 5 stems in part from the efforts of UNOSOM II to "nullify" the results of a conference of faction leaders on June 4. He stated that UNOSOM II rejected this conference as "unauthorized" because it took place "outside the U.N. framework," notwithstanding that "Aideed and over 200 representatives of other rival factions pledged to make peace and work for national unity" at the conference. We would appreciate your response to Ambassador Crigler's testimony. Is the U.N. doing an effective job promoting political reconciliation in Somalia? Is it being sufficiently sensitive to local political concerns? How soon will the Somali people to be able to reclaim control of their country?

We appreciate the Department's prompt response to our last request, and look forward to hearing from you again.

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member, Committee on Foreign Affairs.

DAN BURTON,
Ranking Republican Member, Subcommittee on Africa.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 3, 1993.

Hon. BENJAMIN A. GILMAN,
House of Representatives.

DEAR MR. GILMAN: Secretary Christopher has asked me to reply to the letter you and Mr. Burton sent him on August 6 about Somalia. In the interest of clarity, I have broken this letter down into sections corresponding to the headings listed in your letter to the Secretary. For your information, I have enclosed a copy of Secretary Aspin's August 27 speech outlining Administration policy on Somalia.

COSTS

You have asked a number of detailed questions about the cost of U.S. activities in Somalia. The total cost to the United States for UNOSOM I is $158 million to date; we expect to receive an additional assessment from the United Nations of $58 million before the end of FY-93. The UNITAF operation cost the U.S. about $750 million. It is too early to provide a similar estimate for the cost of UNOSOM II.

Projected U.N. reimbursements will not cover the cost of maintaining the Quick Reaction Force (QRF) in Somalia. We do not expect to receive reimbursement for the QRF as the unit is not part of the U.N. force structure. Incremental costs for the QRF should be about $37.5 million through the end of FY 1993, with monthly incremental costs of about $6 million until the force is redeployed. The Department of Defense initially estimated that the QRF would remain in theatre for a limited time, with minimal cost impact. Because of the actions in Mogadishu since June 5, it has not been possible to follow this timetable and in fact the size of the QRF has been increased.

Estimated State Department, U.S. AID, and U.S.I.A. costs have changed since our March 22 letter to you. The Bureau of Refugee Programs effort for refugees and displaced persons is about $57 million, an increase of $2 million over the figure we provided in March. State Department operating expenses in Mogadishu for this fiscal year will equal roughly $4 million. (We earlier had estimated a cost of $2 million.) The revised figure includes the cost of providing security, rehabilitating facilities, and operating communications. U.S. AID will expend $88 million by the end of this fiscal year for food aid and $55 million for both emergency relief and development programs. This reflects a decrease in previous estimates. U.S.I.A.'s programs have cost $327,000, a slight increase over the figure cited in March.

U.S. PERSONNEL IN SOMALIA

U.S. causalities during the UNITAF operation (December '92-May '93) included seven serviceman and one DOD-civilian employee killed (four in combat) and 25 wounded. No Americans lost their lives on UNOSOM operations before General Aideed's June 5 attack against Pakistani peacekeepers. As you know, however, Aideed-backed militia killed four of our service personnel on August 8 with a command-detonated explosive device. A total of 26 Americans have been wounded since the initiation of UNOSOM II, as of August 30.

U.S. forces in Somalia under UNOSOM II reached their maximum strength on August 12, when there were 4,585 in the country. This troop level was an aberration. The rotation in and out of the country of U.S. troops caused the number of U.S. military personnel to grow beyond a level of approximately 3,900 including the Quick Reaction Force. We expect it to reach this level again shortly.

The addition of 400 U.S. Army Rangers late in August does not alter our commitment to reducing the number of U.S. troops in Somalia as circumstances permit.

TIMETABLE FOR U.S. WITHDRAWAL

It is too early to gauge the full extent to which General Aideed's attacks on U.N. and U.S. forces have affected the timing of the withdrawal of U.S. troops. We anticipate withdrawing the U.S. Quick Reaction Force later this year. The QRF will, however, remain "on call" offshore in the event of a crisis. We plan also to reduce the number of logistics troops below the current figure of 2,800. Our goal is for the withdrawal of U.S. forces early in 1995.

FOREIGN PARTICIPATION UNOSOM II

Thus far, the U.N. has succeeded in staffing UNOSOM II with military personnel from member nations, although it has not yet reached its goal. As of August 9, 22,448 troops from 28 countries served with UNOSOM II. On this date, the largest contingents were from Pakistan (4,973), the United States (4,264), Italy (2,708), Germany (1,569), Morocco (1,345), France (1,103), Belgium (1,006), Bangladesh (950), Malaysi (873), and Zimbabwe (743). You should note, however, that France and Belgium have announced plans to withdraw their troops early in 1994 while other nations like India have pledged large numbers of troops which have yet to arrive.

Regarding the development of logistical capability absent U.S. help, there are two ways to achieve this goal. In addition to recruiting other countries to shoulder this burden, we anticipate that UNOSOM will hire additional civilian contract employees to replace existing U.S. soldiers. High costs and security considerations may, however, limit the U.N.'s ability to rely upon contractors. In light of these factors, we believe the importance of U.S. logistics personnel is not likely to diminish soon.

POLITICAL RECONCILIATION

Political reconciliation remains one of UNOSOM's most important missions. UNOSOM's goal is to have Somalis managing all of their affairs by 1995. Reconciliation is a field in which the U.N. is making notable progress, as evidenced by the creation of district councils and, quite recently, the conclusion of a peace agreement in the southern port town of Kismayo in which local leaders established a framework for resolving interclan disputes. These developments have taken place under UNOSOM's auspices and reflect a painstaking effort to ensure the broad representation of all important interests in a given area. In attempting to achieve this aim, the U.N. has worked diligently to ensure that armed groups do not dominate the district councils. Other interests including professional groups, women, and clan elders receive formal invitations to participate as well.

You asked also for a reaction to former Ambassador Crigler's argument before your Subcommittee that the U.N.'s conflict in Mogadishu grew partially out of UNOSOM's refusal to give official sanction to a conference of factional leaders that ended on June 4. According to our information, this conference took place after the U.N. had severed its connections with a meeting on reconciliation in the Central Region that General Aideed had promoted as his own. The U.N. action followed an intensive effort to ensure that no faction could use the reconciliation meeting to promote its ambitions at the expense of others. General Aideed and his supporters had made clear that they had no intention to abide by this condition. In any event, General Aideed received formal notification on June 4 of UNOSOM's intention to search several sites he controlled. Unfortunately, he did not avail himself of this opportunity to demonstrate his commitment to work for peace.

I hope you find this information helpful. Please feel free to contact us again if you require further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

Another casualty of Somalia has been the war powers resolution. The administration wants to have it both ways on the war powers resolution, claiming that they are complying with it when in fact they are not. They say we're not in hostilities in Somalia even though our soldiers are fired on almost every day. This brazen disregard for the resolution in Somalia goes far beyond anything we have seen by previous administrations. And Congress has simply looked the other way.

I've exchanged correspondence with the administration about this subject. My last letter was sent on July 30 and has not yet been answered. It rebuts the administration's claim of compliance with the resolution. I am submitting this correspondence for the Record and I am requesting that the full text of those letters be added to the end of my statement.

CONGRESS OF THE UNITED STATES
Washington, DC, June 15, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: We are writing to request your assessment of the current situation in Somalia. Until now, the Administration has taken the position that the U.S. Armed Forces in Somalia are not in a situation of hostilities or imminent involvement in hostilities within the meaning of the War Powers Resolution. In our opinion, recent events in Mogadishu call for a reexamination of this conclusion.

According to press accounts, 23 Pakistani soldiers were killed and 59 wounded in guerilla attacks on United Nations peacekeepers on June 5. The U.S. Quick-Reaction Forced had to be called out to rescue besieged Pakistanis, and three U.S. soldiers were wounded in the combat. On June 6, the U.N. Security Council adopted a resolution calling for the arrest, prosecution, and trial of those responsible for the attacks.

Between June 5 and June 12, non-essential U.N. officials and foreign aid workers were evacuated from Mogadishu, and those who remained were relocated to a heavily fortified compound in preparation for assaults on arms depots and other facilities belonging to warlord Mohamed Farah Aideed. U.S. AC-130 gunships were sent to Djibouti for use in these assaults, and over 2,000 U.S. Marines were ordered to redeploy from Kuwait to Somalia.

On June 12, the AC-130s attacked facilities in Mogadishu belonging to Aideed. Attacks by U.S. aircraft and helicopters have continued daily since June 12. These attacks have prompted demonstrations by Somali supporters of Aideed, including one in which Pakistani soldiers opened fire and killed at least 14 demonstrators.

In light of these facts, and in accordance with section 4(b) of the War Powers Resolution, we would appreciate your response to the following questions:

1. Where U.S. Armed Forces in Somalia in "hostilities" within the meaning of the War Powers Resolution on June 5?

2. Were U.S. Armed Forces in Somalia in "hostilities" or a situation "where imminent involvement in hostilities [was] clearly indicated by the circumstances" within the meaning of the War Powers Resolution between June 5 and June 12?

3. Have U.S. Armed Forces in Somalia been in "hostilities" within the meaning of the War Powers Resolution between June 12 and the date of this letter?

4. Have U.S. Armed Forces in Somalia been in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution at any time between the date of this letter and the date of your response?

5. Does the Administration anticipate that U.S. Armed Forces in Somalia will be in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution at any time subsequent to the date of your response?

6. If U.S. Armed Forces in Somalia have been, are, or are anticipated to be in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution, does the Administration intend to withdraw U.S. Armed Forces from Somalia within 60 days in accordance with section 5(b) of the War Powers Resolution? If not, what will be the legal basis for the U.S. military presence in Somalia after 60 days have elapsed?

Your response to these questions will be of great use to Congress as it proceeds with consideration of S.J. Res. 45, the "Resolution Authorizing the Use of United States Armed Forces in Somalia."

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member, Committee on Foreign Affairs.

JESSE HELMS,
Ranking Republican Member, Committee on Foreign Relations.

DEPARTMENT OF STATE,
Washington, DC, July 21, 1993.

Hon. BENJAMIN A. GILMAN,
Committee on Foreign Affairs,
House of Representatives.

DEAR MR. GILMAN: Thank you for your letter of June 15 (signed also by Senator Helms) to the Secretary regarding the War Powers Resolution and Somalia. I am pleased to respond on behalf of the Secretary.

You have raised several specific questions regarding whether U.S. Armed Forces in Somalia have been involved in "hostilities" since June for purposes of the War Powers Resolution. These questions all relate to the deployment that was the subject of a June 10 report to Congress by the President, and which was the subject of a supplemental report by the President on July 1. Your questions were raised in the context of section 5(b) of the War Powers Resolution, which provides that, absent Congressional action, the use of U.S. forces is to be terminated within 60 or 90 days after those forces have been introduced into hostilities or into situations where hostilities are clearly indicated by the circumstances.

In our view, no issue is presented of compliance with section 5(b) of the War Powers

Resolution (regardless as to whether it is constitutional). We note at the outset that no previous Administration has considered that intermittent military engagements involving U.S. forces overseas, whether or not constituting "hostilities," would necessitate the withdrawal of such forces pursuant to section 5(b) of the Resolution. The War Powers Resolution provision on withdrawal sixty days after forces are introduced into hostilities (with certain exceptions) was intended to apply to sustained hostilities so as to ensure that the collective judgment of both Congress and the President would be applied to decisions about whether to go to war.

This is not the situation we face in Somalia. As summarized in the President's report of July 1, the significant involvement of the U.S. Quick Reaction Force in the United Nations operation against Aideed's forces and compound has not involved sustained military action. These activities have been directed at those responsible for the murder or wounding of peacekeepers, as well as other criminal activity. While significant military force was used, our actions have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. Moreover, as you know from the President's reports, U.S. Armed Forces have made important contributions to the United Nations-led military action in support of U.N. peacekeeping efforts in Somalia.

Finally, both the House and Senate have voted in favor of bills that would provide express statutory authority to participate in peacekeeping efforts in Somalia (including authority for purposes of the War Powers Resolution). As we have stated before, although we do not believe that specific statutory authority is necessary, the Administration welcomes such Congressional support for U.S. activities in Somalia.

I hope this is useful to you. We look forward to further discussions with you on this important issue. Please feel free to communicate with me if I can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 30, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am writing in response to Assistant Secretary Sherman's letter to me of July 21, 1993, answering some questions I had posed to you on June 15 about the application of the War Powers Resolution to Somalia.

I understand from her letter that the Administration's legal rationale for concluding that section 5(b) of the War Powers Resolution does not apply to the U.S. military presence in Somalia is that the combat since June 5 has consisted of "intermittent military engagements" rather than "sustained military action." Irrespective of whether these intermittent military engagements constitute "hostilities" within the meaning of the War Powers Resolution, her letter seems to suggest, they have not lasted more than 60 days and therefore are outside the scope of section 5(b).

I note, however, that the provisions of section 5(b) are triggered not only when U.S. Armed Forces are deployed into "hostilities" for 60 days, but also when they are deployed into "situations where imminent involvement in hostilities is clearly indicated by the circumstances" for 60 days. Thus, the fact that actual military engagements may be "intermittent" is not determinative under section 5(b) if, during the intervals between the engagements, it remains the case that "imminent involvement in hostilities is clearly indicated by the circumstances."

In this connection, I asked Assistant Secretary George Moose at a hearing of our Subcommittee on Africa on July 29 whether in his opinion the U.S. forces in Somalia are likely to be involved in fighting in the near future. He responded that it is likely that they will be involved in fighting. I fail to understand how Somalia could not be a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" if, in the judgment of the State Department's senior Africa official, the U.S. forces there are likely to be involved in fighting in the near future.

Do you disagree with Assistant Secretary Moose's assessment that, at least on July 29, U.S. forces in Somalia were likely to be involved in fighting in the near future? Has there been any point between June 5 and the date of your response when U.S. forces in Somalia were not likely to be engaged in fighting in the near future? If you cannot specify dates on which the 60-day clock of section 5(b) was interrupted, please explain why section 5(b) does not require that U.S. forces be withdrawn from Somalia by August 4.

Assistant Secretary Sherman's letter made some additional points about the War Powers Resolution, but I did not understand them to be relevant to the legal analysis. For instance, she observed that our actions in Somalia have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. I am not aware of any exceptions to the War Powers Resolution for actions at the behest of the United Nations, or for involvement in hostilities against bandits, warlords, or other forces not controlled by a sovereign state. Please correct me if I am in error.

Likewise, Assistant Secretary Sherman referred to the resolutions passed by the House and the Senate that would have provided statutory authority under the War Powers Resolution for the Administration to continue the deployment of U.S. forces to Somalia. Neither resolution, of course, has been approved by both Houses of Congress and signed into law by the President. Accordingly, I do not understand the Administration to claim that it has "specific statutory authorization" within the meaning of section 8(a)(1) of the War Powers Resolution on the basis of these resolutions. Again, I invite you to correct me if I have misunderstood Secretary Sherman's letter.

I look forward to your response to my questions.

Sincerely,

BENJAMIN A. GILMAN,
Ranking Minority Member.

Mr. Chairman, the solution in Somalia is simple. We must return to the initial mission of feeding hungry people, and then allow the U.N. to take over. We don't need to be hunting down warlords. We don't need our troops in a situation where they are being attacked by forces using women and children as human shields. Somalia has become a deadly sandtrap for American forces and it's time to get them out.

If the U.N. plans similar peacekeeping operations in other areas of the world, other nations must be groomed to undertake the central role that so many people automatically assume the United States will play.

The amendment that Mr. GEPHARDT and I have offered calls for the President to give us a report explaining his policy is Somalia by October 15, and for him to seek and receive congressional authorization for any additional deployment of United States forces in Somalia by November 15. I expect the President to comply with this amendment if it passes into law. Also, I will request the House of Representatives to carry out its responsibility under the amendment by holding committee hearings on the President's report once it is received, and voting by November 15 on whether to approve the policy outlined in the report.

Accordingly, I urge adoption of the amendment.

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

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

Mr. Chairman, I rise in support of the amendment offered by the distinguished colleagues on a bipartisan basis, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from New York [Mr. GILMAN].

I would first like to express the fact that I concur in the reservations regarding the drafting of this amendment expressed by the distinguished gentleman from Indiana, the chairman of the House Committee on Foreign Affairs.

That notwithstanding, I would like to make a few remarks.

Mr. Chairman, for months the American people have watched with deepen concern as our role in Mogadishu has slipped from that of humanitarian peacekeeper to that of both perpetrator and victim in a tragic escalation of hostilities.

Americans and Somalis alike are meeting senseless, violent deaths. Mr. Chairman, this must end.

The Gephardt-Gilman amendment requires the President to issue a detailed report to Congress on our Somalia mission. Meanwhile, General Aideed has asked that the United Nations investigate the circumstances that led to the crisis in Mogadishu, the results of which Mr. Aideed will await in a third country.

I have long urged that while the President is preparing his report and the United Nations is considering General Aideed's request that the United States use every means at its disposal to secure a cessation of hostilities in Mogadishu so that the humanitarian and diplomatic challenges facing Unosom II can proceed unimpeded.

Mr. Chairman, Unosom II has, by and large, been successful throughout the

rest of Somalia, and our options there are not merely between waging war and jumping ship. That is simplistic in the extreme. The United States can and must remain a part of Unosom II, but we must first seek and agree to a cessation of hostilities in Mogadishu.

It is now clear that our militaristic stance in Somalia has pointlessly endangered young American lives and must now be replaced by our active involvement in the quest for a political solution in Somalia.

Should the administration shift from a military to a political posture, however, I must urge the President, in the strongest possible terms, to ensure that we not make the same mistake politically that we did militarily.

Specifically, we spent an extraordinary amount of time targeting all of our military might on the pursuit and capture of one man.

□ 1630

Clearly, this was ill-advised. However, today's New York Times presents a new wrinkle to this old obsession when it reports that American military commanders are now saying that a better way of eliminating General Aideed is by enlisting his rivals to undercut his influence.

Mr. Chairman, who gave us the right—as peacekeepers—to determine which political figure or faction deserves to emerge victorious in Somalia?

Where is the impartiality that is the sine qua non of peacekeeping?

When I urge a cessation of hostilities, Mr. Chairman, I am urging a cessation of military and political hostilities. This new thrust reported by the New York Times would violate a cardinal rule of peacekeeping—take no sides, make no enemies; and it would guarantee continued hostility toward peacekeepers because it would reinforce the already-existing impression that we are interested, not in being peacekeepers, but political kingmakers, in Somalia.

Mr. Chairman, we must give our total support to the convening of a conference similar to that which produced the Addis Ababa accords last March in which all warring and interested Somali figures met, debated, and developed an agreement that was acceptable to the Somali people. This should be our thrust, Mr. Chairman. We must stop thinking that in the Third World we must either be teaching somebody a lesson, making an example of somebody else, or insisting that the people involved fall in line behind the U.S.-approved political leader. The people of Somalia may very well choose to support the person favored by our military commanders—but is it appropriate to dedicate our peacekeeping effort to this objective? I think not. and I hope that a rejection of this thrust will be clearly enunciated in the President's report to Congress that is required by this very amendment.

I believe, Mr. Chairman, we must stay in Somalia. But our role there must be that of an honest broker. It is inappropriate for us to be combatants, and it is inappropriate for us to become involved in any political tug of war.

My colleagues in the Congressional Black Caucus and I had long argued that the challenge in Somalia was not military. We knew that unless the United States was willing to obliterate Mogadishu from the face of the earth, continued United States helicopter gunship attacks and pre-dawn Ranger raids would only serve to further inflame the already tense and incendiary environment that Mogadishu has become.

Mr. Chairman, I now urge the administration to involve the good offices of the OAU, other Horn governments—Eritrea and Ethiopia—and Somali elders in a quest to secure a ceasefire between peackeepers and the residents of Mogadishu. We must resist any inclination on our own part to view the pursuit of peace as a loss of face. For one thing, we are neither supposed to be at war with the Somali people nor manipulating their political choices; and nowhere is it written that we are obliged to conquer or eliminate any one faction of figure in Mogadishu. Our original entry into Somalia was as peacemakers and humanitarians, and the time has come to recapture the humanitarian, nonpartisan character of our original mission.

Commitment to these two priorities is essential if the as-yet-uncompleted task that the Secretary General of the United Nations, the other Horn governments, and many Africa analysts urged be made an integral part of Operation Restore Hope from its very inception—a program of voluntary, nondiscriminatory disarmament—is to succeed.

President Bush steadfastly resisted all urgings that nationwide disarmament be incorporated into Operation Restore Hope, maintaining, instead, that this would best be handled by the United Nations.

The United Nations is now on the ground in Somalia. The United States is part of the United Nations. We must work within that body to complete the important task of disarmament once a cessation of hostilities has been negotiated in Mogadishu.

The international community made a commitment to disarmament in wartorn, tumultuous El Salvador with positive results. Mr. Chairman, we must do no less in Somalia.

The Addis Ababa Agreement of March 1993, to which the United States was a facilitator, and in which all Somali factions agreed to a ceasefire and a program of voluntary, nondiscriminatory disarmament, must be revived.

Operation Restore Hope was a resounding success and UNOSOM II still can be as well. But we must stay the course and not allow the challenges of Mogadishu to blind us to the fact that stability has already returned to most of Somalia.

I am not now advocating, nor would I ever advocate, an indefinite, open-ended United States involvement in Somalia—whatever the human and material costs. However, I do not believe that all reasonable, nonmilitary options have been fully pursued, and this indeed has been a major contributor to the loss of life on all sides.

It is my hope that my congressional colleagues will agree that the options in Somalia are not only between waging war and jumping ship. There are undeveloped, but superior, alternatives the successful implementation of which depends upon us all resisting either precipitous calls for United States withdrawal from UNOSOM II or misguided impulses to decide which political figure deserves to emerge victorious in Somalia.

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

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the so-called Gephardt-Gilman amendment.

For several months I have been a vocal critic of United States involvement in Somalia. We simply cannot afford the war in Somalia, either in terms of American lives or in terms of American taxpayer dollars.

In July I introduced House Resolution 227, which urges the President to withdraw United States forces from Somalia as expeditiously as possible. Since then, American soldiers have died. Since then, Somalian soldiers have died. Since then, Somalian children have died. Since then, tens of millions of taxpayer dollars have been spent. It is clearly time to reassess our role in Somalia.

Mr. Chairman, the American people supported our involvement in December in a humanitarian rescue mission. All of us, every American in this body and every American citizen, should be proud that we helped save thousands of lives from starvation. We accomplished our goal. We accomplished our mission. We as Americans should be proud of the lives we saved in the great American tradition of reaching out around the world and helping people, especially our colleague, my colleague, the gentleman from Ohio [Mr. HALL], from Dayton, who himself lived there and played a major role in helping with these humanitarian efforts.

Last week, in a trilogy of speeches, Secretary of State Christopher, National Security Adviser Lake, and U.N. Ambassador Albright, began the effort to articulate a Clinton doctrine, followed yesterday by the President's remarks at the United Nations. The

President set forth, Mr. Chairman, full guidelines for U.S. involvement in multilateral peacekeeping operations:

No. 1, is there a real threat to international peace;

No. 2, does the proposed mission have clear objectives;

No. 3, can an exit point when we withdraw be identified;

And, No. 4, how much will the mission cost?

Mr. Chairman, I submit that the United States military operation in Somalia under U.N. command fails to meet the very guidelines enunciated by the President.

First, there is no real threat to international peace in Somalia. Everybody in this Chamber, I think, agrees to that, everybody among the American people; virtually everybody agrees to that.

Second, our goal has no clear objectives. People all over this country in every congressional district in the country will tell us, will say we simply have not defined why we are in Somalia, as the chairman said. We simply have not defined our mission in that country.

Third, there is clearly no identifiable exit point.

Last, we do know the cost of the mission. It is too high by any measure. It is too high in loss of life, it is too high in loss of American lives, too high in loss of Somalian children's lives, too high in real dollars. We are spending about $1.5 million every day to carry our mission out in Somalia.

Mr. Chairman, the American people were not asked, were not consulted, and were not informed that our presence in Somalia had changed dramatically from our mission, our original mission in December, our original humanitarian mission, which we accomplished with flying colors.

□ 1640

It changed from that to a combat role, and the American people were not told. No wonder the American people do not support what is going on in Somalia.

The longer we are in there, the more lives that are lost. I urge Members of Congress to support the Gephardt-Gilman amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Kansas [Mr. GLICKMAN], chairman of the Permanent Select Committee on Intelligence.

Mr. GLICKMAN. Mr. Chairman, I thank my distinguished chairman of the Armed Services Committee for yielding the time. Many people do not know it, but we share the same birthdate, which accounts for my brainpower, my ability, and I appreciate it. We were born under the same stars.

Mr. Chairman, I rise in support of this resolution. Later we are going to be hearing from our colleague, the gentleman from Rhode Island [Mr. REED], who spent time in both Somalia and Bosnia, and I urge my colleagues to listen very carefully to his thoughtful and dispassionate and objective look at the strategic, military, and intelligence implications of our involvement in Somalia.

But I think the bottom line of what he may say, and certainly what I would say right now, is that Somalia is an intelligence quagmire of the highest denomination. The fact is that we have a United Nations force, a United Nations commander with American forces, with other forces of other countries, frankly with no clear delineation of who is in charge at all. The intelligence operations in Somalia to date have been not very good. The United Nations does not really want intelligence. They are not used to it because they have not had to operate in these kinds of services before. So in the process, the information that the units have been getting is not very good. The information that people in charge have been getting is not very good, and quite frankly, there has been a loss of life.

Now maybe this is just what happens when you have a multinational force running a military operation. But I would tell Members that we cannot stay there forever unless either the chain of command changes or the intelligence abilities change, because more and more people will get killed. This thing will have a never ending lifeline to it.

So a mission that started out as humanitarian in nature, to feed hungry people, to keep people from starving, has moved into more of a classic military holding action, except the rules of engagement are not clear, the control is not clear, and the intelligence is murky at best.

So I would urge my colleagues to support this resolution and to work for a day when we can remove our troops from Somalia.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. GILMAN. Mr. Chairman, I am pleased to also yield 1 minute to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank my friend from Arizona, and the ranking member of the Committee on Foreign Affairs, for yielding me the time.

I think it is important for us to recall just quickly our involvement in Somalia. As we all remember, we went into Somalia in December. And when we asked when are we going to be out of Somalia, feeding the starving people, we were told by Inauguration Day, January 20.

Well, January 20 came and went. And when we went back and asked when will we be leaving Somalia, we were told by April.

When April came around, Members will remember the President had service people on the White House lawn, thanking them for the great work in Somalia, and said now let the United Nations take over.

But in May we were back here with a resolution to keep our troops in Somalia for a year, and if Members read the fine print, or longer. Many of us wanted a date certain when we would be out of this quagmire and we did not get it. We had 127 votes for it. As the gentleman from New York mentioned, there are many Members now who would say they wish they could have that vote over again.

But it is important for the American people, and for us, to remember that today, we have 4,000 troops in Somalia. Then it went up to 5,700 troops. We have our elite commanders, our elite troops there. And we are putting more troops into Somalia. We have more than 6,000 troops in Somalia again today. And we are looking incompetent when we go after General Aideed.

Now we are told by Admiral Howe that he needs one more brigade and then we will be able to solve the problems of Somalia. It is almost verbatim what we heard in the 1960's. The thing we have learned from history is that we do not learn from history.

Our friend from Ohio mentioned that the President yesterday gave a historic address where the President set down the new criteria for foreign involvement. Quickly I want to go over those four criteria again and apply them to Somalia.

Is there a real threat to international peace, the President asked. The answer is no. Does the proposed mission have a clear objective? The answer is no. Can we see an end point? No. How much will it cost? It has cost over $1 billion.

I have a question. We have all of these people in the last decade here talking about the War Powers Act, and we have people being killed in Somalia. Why are we not discussing the War Powers Act here today?

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. BROWN] is now controlling the time of the gentleman from Missouri [Mr. GEPHARDT].

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this amendment calls an overdue time out on our involvement in Somalia. It comes to the floor too late for the three American soldiers who were killed last Saturday in Mogadishu. For their sake, we must bring sense to this mission—and we must set a time to end it.

United States troops were deployed to Somalia last fall, with a clear mission that the American public supported—delivering humanitarian relief and improving security conditions. But in the past few months, U.N. forces have shifted from peacekeeping to unsuccessful search-and-destroy missions

against General Aideed. Fifty-six U.N. peacekeepers have been killed since June, including 11 Americans.

I was personally horrified to read about Somalis celebrating the shootdown of the United States helicopter. Our mission in Somalia has wandered far from its original goals, and my constituents do not understand what we are trying to do there any more. Neither do I. I urge my colleagues to support the Gephardt-Gilman amendment, and I only wish its deadline for hard answers about our goals in Somalia were now.

I regret that the Bush administration did not start the disarmament process in Somalia last winter, when there were far larger United States forces there. But we cannot make up for that mistake by pushing U.N. forces into missions that they cannot execute. As President Clinton told the U.N. General Assembly yesterday, "If the American people are to say yes to U.N. peacekeeping, the United Nations must know when to say no."

My position on this amendment does not mean that I will not support any American role in peacekeeping operations. I think that we can do much good working under U.N. authority, as my colleague and good friend from California, Mr. DELLUMS, has so ably explained. But if this policy is going to work, we cannot let it be diverted into military actions that will undercut public support at home and abroad. President Clinton called for the United Nations to ask hard questions about future peacekeeping missions, but before those debates start, we need answers about Somalia now.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in reluctant support of this amendment not because I think our troops should continue their present role but rather because this amendment does not bring them home fast enough.

Like the rest of my colleagues in the House, I supported the use of United States troops to assist the feeding efforts in Somalia. However, now that that mission is complete and our troops have worn out their welcome, and I repeat, our troops have worn out their welcome, I believe we should have brought our troops home months ago.

So far, Operation Restore Hope has cost the American taxpayers more than $1.5 billion. This money I might add, comes out of the funds that ensure our troops are the most highly trained and competent in the world.

In a recently released report conducted by Senator MCCAIN of Arizona, he documents that needed ship repairs have been put off to pay for operations in Somalia. It is estimated that the cost of these repairs is $765 million, and with the defense budget being slashed, other funds that could be used for these maintenance repairs are not available.

We have all heard reports of the U.S.S. *America*, an aircraft carrier that is having maintenance problems while at sea because there is not enough money to repair the ship. One of my constituents wrote me regarding the *America*. She has a grandson aboard this ship. She is naturally concerned.

Mr. Chairman, for all of the reasons mentioned here today, it is time to bring our troops home and this amendment does not, by itself, accomplish that goal.

It does head in the right direction, and so I reluctantly offer my support.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, October 15 will come and go.

And quite frankly, we will have no clearer goal or objective in Somalia than we have today. United States involvement in Somalia started as a humanitarian mission. Our purpose was noble. We forged the initial path to Somalia by ourselves.

Then what went wrong? The United States chose sides in a civil conflict. Despite counsel from those who have dealt with Somalia for decades, the United States plowed ahead. Each month we've spent more in lives and dollars.

The administration hurriedly justified our deeper involvement in Somalia under the guise of creating democratic institutions.

However, even the most amateur Ph.D. in international affairs will tell you that it may be generations before Somalia establishes Western-style democracy.

Since that pronouncement, this administration has been more interested in saving face than saving lives or U.S. taxpayer dollars.

And today, we have another stall measure before us. I am forced to hold my nose and vote for it, but we all must realize we do not have a policy for Somalia—nor will we have an acceptable policy on October 15.

It is indeed unfortunate that this Congress is once again failing to establish policy that will save American lives and a fortune in hard earned taxpayer dollars.

□ 1650

Mr. JOHNSTON of Florida. Mr. Chairman, on behalf of the gentleman from California [Mr. DELLUMS], I yield 3 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Gephardt-Gilman amendment. Since January I visited Somalia twice, first during the humanitarian relief operations of Operation Restore Hope, and most recently during the nation-building operation under UNOSOM.

The first impression that one gets from being in Somalia is of the skill, professionalism, and valor of our military forces and our civilian personnel, and we should recognize that.

But there is one inescapable conclusion, after my two trips: We must actively disengage our forces from Somalia. That is not in response to the violence in the streets but in recognition that Somalia is not of strategic importance to the United States. UNOSOM is not an effective vehicle to implement policy. Importantly, the policy of nation-building has a questionable chance of success and an indeterminate end point. UNOSOM inherited a precarious military situation. Because of the slow military buildup of forces under the United Nations, there was a shift of initiative away from the United Nations to the warlords. We went from an overwhelming military presence under the joint task force to a series of months in which we were trying through the United Nations to cobble together a force.

In addition to the poor tactical situation, UNOSOM has significant structural faults. There is no coherent intelligence-gathering operation. Indeed, it appears that intelligence services, national intelligence services, are competing against each other to the detriment of the overall mission.

But the primary problem with respect to UNOSOM is its debilitating lack of a coherent command and control system. Invariably, there is a debate between who is in charge, whether it is the U.N. commander or the national chain of command back in the home country.

This has led to an operation through negotiation, operation through committees, and not the central directive command which should be the hallmark of all military operations.

But there is an underlying fundamental flaw in addition to the shortcomings of UNOSOM and the difficult tactical situation. That fault is the fact that from the beginning of this operation we have failed through UNOSOM to identify local leaders and institutions in Somalia to show the responsibility to govern that country.

Politics, like nature, abhors a vacuum, and there has been a political vacuum in Somalia. Into that vacuum UNOSOM has attempted to introduce a participatory model government. Unfortunately, there is little history or precedent for such a form of government in Somalia. Consequently, this approach has a limited chance and will, I fear, guarantee an open-ended commitment by the United Nations to Somalia. This is particularly true since UNOSOM has failed to take preliminary steps necessary to ensure a successful political transformation, such as establishing an effective police force, creating mass communication through radio station and, indeed, insuring safety and security within the city of Mogadishu.

For these reasons and many more, I think we have to withdraw. Somewhere between a hasty retreat and a perpetual presence, a strategy must be developed to depart. Not a precipitous withdrawal, but a measured withdrawal. We must have an active policy to insure securing the country, coupled with a firm date of departure well in advance of the 2 years stated by UNOSOM.

I thank the gentleman for yielding.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. May I ask the gentleman from New York [Mr. GILMAN] if he will yield 1 additional minute.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN pro tempore [Mr. DURBIN]. The gentleman from Indiana [Mr. BURTON] is recognized for 2 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I remember when Ronald Reagan was President and they called and asked us if we would support keeping marines in Beirut. And we did that, and we did not have a specific mission, and they just sat there like sitting ducks. One day a fellow with a truckload of dynamite ran the blockade and blew up and killed 230-some marines, American young men.

I said at that time that I would not support any further military operation unless there was a clear military objective and a timetable within which we were going to complete that objective and get our troops home.

I supported the aid program to Somalia because I thought it was the right thing to do. But now we are involved in what is called nation-building. We lost seven of our troops, three last weekend in the helicopter tragedy. We saw people running around from over there in Somalia, carrying American young men's body parts and holding them up for scrutiny by the world.

Now, we should not be involved in nation-building. This particular approach is not the right approach. There has to be a time certain, a date certain to get our troops out.

This is a sense-of-Congress resolution that says by October 15 the President has to let us know what is going on and by November 15 Congress has to be apprised of the situation so we can take some positive action.

There is no date certain, it is open-ended, as has been stated previously. We need to bring our young people home and turn this over to the United Nations. We should not be involved in nation-building. And the longer we keep them there the more there is going to be a danger of them being killed and we run the same risk of what happened under the Reagan administration in Beirut. We could end up with these young people being killed by the hundreds like sitting ducks.

This is something we should not tolerate, and we should urge the administration to set a date certain and bring our troops home. That is what the American people want. There is no specific objective for them right now except to sit over there and try to find a warlord.

Bring our troops home.

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

Mr. BUYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I wish I could stand here in the well of the House and talk about the real Gilman amendment that was not made proper by the Committee on Rules, because that would have given this body a real choice, a choice to make a decision as to whether or not there will be a date certain as to when we can bring troops home, or we can have debate on a bipartisan, watered-down version of a nonbinding sense of Congress.

I will, though, stand here and give reluctant support to this. I am indifferent to the United States taking a role in nation-building. That is a mission of the United Nations, and I do not believe U.S. troops should participate in that.

Also, I am uncomfortable with the present megatrend, which is happening right now with the use of U.S. troops under the guise of what the President has now called the enlargement of responsibilities coming out of the United Nations.

It almost galls me now when I think of the new term called "peace enhancement." It is incredible. All of us have heard about peacemaking and peacekeeping, but now there is peace enhancement. It is almost as if those who are under control at the bottom of the Hill—if it has to do with the humanitarian effort, then we can use combat troops. But if it is protecting U.S. national interests, then it is making war and we should not do that because we should make peace, not war.

Now, wait a minute. Peace enhancement, how it is defined right now in the United Nations is: When I take an M-16 and I point it at someone to enhance his ability to seek peace. Then when he drops his AK-47, I walk over to that gentleman, I take his AK-47 because now I become a peacemaker. When I secure the environment, I then become a peacekeeper. And then when the mission is completed, I could get to go home, not as a war hero, but as a humanitarian.

Now, wait a minute. This is all combat environment; American lives are being placed in jeopardy. We should have a date certain as to when to send the troops home. I reluctantly support this bipartisan amendment, but we are coming back on this issue.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Missouri and the gentleman from New York.

Our commitment in Somalia has grown like topsy. First, our troops' mission was to feed starving people. Our forces succeeded admirably in stopping the famine. Then the United Nations decided to rebuild Somali society. Our troops are now the quick reaction force tasked with rescuing the other peacekeeping contingents when they get into trouble, and responsible for hunting down Mr. Aideed, who until only a few weeks ago, was being paid by the United Nations, even after his forces murdered U.N. peacekeepers and the United Nations ordered his arrest.

On Wednesday, the U.N. Security Council set a March 1995 target date for the end of its mission. The new plan is to first reestablish the Somali law enforcement and judicial systems. Admiral Howe has been quoted as saying that the Somali factions will not disarm until a law-and-order system is up and running. After a Somali police force has been created, then the United Nations will work on creating a Somali Government. So the United Nations would have us stay in Somalia for at least another year and a half.

Good policy dictates that we be guided by several precepts that should be established before American military forces are committed overseas. They include: First, do not commit combat forces overseas unless the engagement is deemed vital to our national interest; second, if combat forces are committed, do so wholeheartedly, with the clear intention of winning, and with clearly defined political and military objectives, so we will know what indeed constitutes "winning;" and, third, that such a commitment have the support of the Congress and the American people.

This Congress needs to know from the President why this commitment to Somalia is vital to our national interest. We also need to know what the objectives of our commitment are, and whether the forces sent—both American and foreign—are capable of attaining those objectives. Congress should also have the opportunity to share in the decision as to whether these interests mean Americans should stay in prolonged combat operations in Somalia. I would prefer to direct the President to provide this report, and require that congressional authorization be attained to allow United States troops to stay in Somalia. But I accept this sense of the Congress compromise in the hope that the President will recognize that obtaining the full support of Congress is vital to the success of this mission. And I hope the President will also recognize that if Congress will not give its support, then to continue this commitment would be folly.

□ 1700

Mr. GEPHARDT. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, before I speak, the gentleman from California [Mr. DELLUMS] has consented to yield me also his final 1 minute.

Mr. DELLUMS. Mr. Chairman, I am very pleased to yield 1 minute to my distinguished colleague, the gentleman from Florida.

The CHAIRMAN pro tempore. [Mr. DURBIN]. The gentleman from Florida [Mr. JOHNSTON] is recognized for a total of 3½ minutes.

Mr. JOHNSTON of Florida. Mr. Chairman, I am in the distinct minority here today, because I support the United States involvement with the United Nations in Somalia.

I visited the Horn of Africa in July, principally to go there to visit Ethiopia, the Sudan, and see what was happening with the Fundamentalists in the Sudan.

I made the obligatory trip to Mogadishu for 1 day. There I visited with 90 members of various clans in Mogadishu, all of whom told me that what you had to do before you ever restored peace to this country is to neutralize Mr. Aideed.

Before that, I visited a refugee camp in Mambasa where there were 45,000 Somalians from Kismayu and Mogadishu. To a person they came to me and said, "You're going to have to do something about Aideed because we cannot go back there. You cannot restore law and order in Mogadishu until this man has been captured."

In Mogadishu I visited also with General Bir, the Turkish general, the head of the United Nations Forces there.

I visited with General Montgomery and I visited with Admiral Howe. Each of them concurred with the same conclusion.

The balance of this country has been restored to stability. Ninety-five percent of this country is eating well. The infrastructure for the government is doing well. It is only in southern Mogadishu that we have an insurrection there by one clan leader.

I feel that this amendment is in error. The United Nations is not doing nation building here.

Mr. Chairman and Members of Congress, the stakes here are very high. This man, Aideed, is responsible for 300,000 people starving to death. There are over 20 countries here with the United Nations. If we leave, they will leave, the operation will collapse.

This is the test case in the world today, whether the United Nations can go into a country, feed them, and reestablish law and order, the rule of order there and the rule of law.

If we fail in Somalia, then where will we ever accomplish our mission for humanitarian purposes?

Mr. Chairman, I ask all of you to be very careful, to move very slowly, because we have to reestablish law and order here in order to have humanitarian care for this country.

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

Mr. Chairman, the American people generally supported our humanitarian efforts to bring relief to millions of starving Somalians, but they did not expect our troops to remain there after the mission was accomplished.

Now, the mission in Somalia has become ambiguous and seemingly indefinite.

Somalia is but one of many places in the world today where conflict rages.

Mr. Chairman, this is a test case which will determine not just our commitment to provide assistance to those in need, but more importantly, our ability to disengage our forces when that task is no longer in the national interest in putting their lives at risk.

We need to bring our troops home now. I urge a no vote on this sense-of-the-Congress resolution.

Mr. Chairman, I rise in opposition to this amendment as it represents one more attempt by Congress to evade the hard question by putting forth a nonbinding resolution that does nothing of consequence and allows the administration to continue floundering in search of a policy in Somalia.

Both Mr. GILMAN and Mr. MICA filed amendments with the Rules Committee that would have given this House real choices on whether we should continue supporting United States participation in the open-ended Somalia operation. But the Rules Committee instead chose to take the compromise reached between the Senate and the White House with no changes, no questions asked, no opportunity for the House to suggest its own views or concerns.

The result is that Members have only one choice before them; vote either for this watered-down compromise nonbinding resolution or vote to do nothing.

I will vote "no," but not because I believe we should do nothing. My vote reflects my opposition to the manner in which this issue was packaged and presented to the House thereby inhibiting our ability to express our growing concern and alarm over this administration's Somalia policy.

Mr. Chairman, the American people supported our humanitarian effort to bring relief to millions of starving Somalians, but they did not expect troops to remain after that mission was accomplished. Now the mission in Somalia has become ambiguous and seemingly indefinite. Somalia is but one of many places in the world today where conflict rages. This is a test case which will determine not just our commitment to provide assistance to those in need, but more importantly our ability to disengage our forces when there is no longer a national interest in putting their lives at risk.

Let's bring our troops home now.

Vote "no" on this nonbinding amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, have you noticed there is a distinct lack of enthusiasm for this amendment? That is because the majority of Members of this House understand that we should have ended our activities in Somalia late last winter.

The President in a seminal foreign policy address yesterday before the General Assembly of the United Nations laid down four criteria for involvement of our forces in peacekeeping activities.

The gentleman from Ohio [Mr. BROWN] and the gentleman from Wisconsin [Mr. ROTH] have already enumerated and discussed those criteria. I would lay down a fifth. It must be in our national interest before we become involved in international peacekeeping activities.

Those criteria should have been applied to Somalia and they still should be applied retroactively.

Mr. Chairman, these were precisely the questions that should have been asked—but apparently were not—before the United States signed on to the U.N.'s nation-building efforts in Somalia. With unclear objectives, spiraling costs, and no clear end point, the Somalia operation increasingly seems misguided and ill-conceived.

What began as a sharply limited, perfectly justifiable, and short-term humanitarian mission has suddenly become an adventure in nation building. We came to Somalia as heroes, but are now engaged in a brutal civil war where the United Nations is seen by Somalis in their capital city as an oppressive occupation force. And now, incredibly, because the current force is not able to pacify Mogadishu, the U.N. commander is asking for more troops. Another brigade is needed, we are now being told, and the Somalia capital can be pacified. Does that sound like Vietnam in the Johnson administration?

We ought to bring our forces out of Somalia rapidly and in an orderly fashion. It is not in our interest to continue our military presence in Somalia. It is inconsistent with our sole original purposes—to provide a secure environment for the delivery of humanitarian relief in an emergency effort to save hundreds of thousands of Somalia.

Senator BYRD's first instincts were right in attempting to gain an early withdrawal of American Armed Forces from Somalia.

As Senator NUNN said at Offutt Air Force Base in Nebraska a couple of weeks ago, "if our military presence is there to establish stability, I ask you, when was Somalia ever stable?"

Mr. Chairman, the question is not whether we should have our Armed Forces in Somalia until November 15, 1993. The question is whether or not this body was given a proper opportunity to formally express itself, to act, and to extract our troops from Somalia in a timely fashion. They ought

to be withdrawn rapidly and as soon as possible in an orderly fashion, and the leadership is manipulating the will of the Congress to avoid a straightforward vote, now, on the rapid and orderly withdrawal of our military personnel from Somalia. I believe they know how this House and the other body would vote. Where, too, I ask is the usual demand from across the aisle to invoke the War Powers Act.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN], a member of the Committee on Armed Services.

Mr. DORNAN. Mr. Chairman and my colleagues, let us go over the death toll in Somalia of our fine young men and U.N. forces.

I was up in an Intelligence Committee meeting just a little while ago, and just to give you an update on these figures, how many Americans were killed, with three men in a helicopter shot down by a rifle grenade, the total is now 11 Americans and 51 U.N. soldiers, 62 people total dead in Somalia as part of nation-building.

Yes, nation-building and hot combat with mined roads and now an American flying vehicle shot out of the sky.

Now, here is something that is rather sad. Two Pakistani forces are missing in action. Can you imagine if these were American boys how upset some people in this Chamber and the U.S. Senate should be?

Missing in action? Does that mean a lot in some dirty little garage off some Mogadishu street being tortured to death, or does it mean they are already dead and their bodies have been dumped down a well or are rotting behind some blown up building in Mogadishu?

This is not combat.

I want to take two lines from my colleague, the gentlewoman from Kansas [Mrs. MEYERS]. Yes, these words should not be called for, under the words of the gentleman from New York and the gentleman from Missouri. It should require a full accounting of our objectives. It should not be to ask the President to seek and receive authorization for deployment of our troops beyond November 15. It should direct such action. Unfortunately this is the best we can get out of the Rules Committee, the gentleman from New York [Mr. GILMAN] tells me.

Why are we afraid to save Mr. Clinton from himself, to give him direct orders?

Mr. Bush said he hoped to have these people out of Somalia by Inauguration Day so he would not be leaving this tar baby in Mr. Clinton's lap.

Mr. Chairman, I will put into the RECORD the words from a speech at the National Press Club by a great former Secretary who was there for 7 full years, my friend Cap Weinberger, when he outlined under the title, "The Uses of Military Power," six hard-core reasons that I want to see in the RECORD during this debate when we should deploy our men and women in harm's way in combat.

One, if it is deemed vital to our national interests, and I will put in his exact words, because Cap Weinberger flushes out each point.

Two, the clear intention of winning. What are we going to win when we have a country as stable as Ukraine, as stable as Estonia, as stable as Abkhazia, a brand new nation forming in blood on the east coast of the Black Sea?

I will only get in number three, Mr. Chairman. I will put the rest in the RECORD.

Clearly defined political and military objectives. I might vote for the Gilman-Gephardt amendment, only because it is the best we have, but it is not nearly sufficient when we have lost 62 U.N. forces, 11 of them our finest young heroes.

So, I rise in weak support of this amendment which calls for consultation with Congress on further United States military involvement in Somalia. I repeat, it should require consultation. Whether or not you supported the initial deployment of U.S. troops, there remains some very basic questions that must be answered before we decide to keep combat forces in this country, maybe as long as March 1995 according to a recent Washington Post article.

Is the situation vital to U.S. interests?

Are there clearly defined political and military objectives?

Will U.S. forces be under U.S. or U.N. command? And who will be accountable?

Will the resources necessary to support the operation be added to the defense budget or will the funds come from other military operations and maintenance accounts?

If we are going to commit United States troops into combat, and yes, Somalia now is definitely a combat zone, it should be for U.S. interests and U.S. military objectives, not U.N. interests and objectives. These troops must also serve under U.S. command and be accountable through Bill Clinton, not Boutros-Ghali.

Finally, it is utterly hypocritical today as we begin to gut the defense budget by over a hundred billion dollars to then turn around and start expanding the role of U.S. military operations overseas as part of questionable U.N. missions.

We in Congress must first ask the hard questions and demand the right answers before going any further in Somalia. So, specifically, I believe the six tests for committing combat forces, as outlined by former Secretary of Defense Caspar Weinberger in a November 28, 1984 speech, should be our guide. Basically, Secretary Weinberger indicated that the following tests should be used to determine whether or not U.S. troops should be sent into combat:

First, is the situation vital to U.S. or allied national interests?

Second, is there a clear commitment, including allocated resources, to achieving victory?

Third, are there clearly defined political and military objectives?

Fourth, will our commitment of forces change if our objectives change?

Fifth, will the American people and Congress support the action?

Sixth, have all other options already been considered or used?

There are many variations on each of these tests. However, these six seem to provide simple yet clear guidelines regarding the use of military force ranging from peacekeeping operations in Somalia to the liberation of Kuwait. Based upon our experience in Vietnam, and the cold hard fact that American lives are at stake every time we deploy United States military forces aboard, I find Secretary Weinberger's second and third tests most valuable. If it is decided that military force should be used, we must act quickly and decisively with clearcut military objectives and overwhelming force to ensure victory.

Operations in the Falklands and Grenada clearly demonstrated the resolve and effectiveness of small local forces against less than overwhelming invading forces. In response, we should heed the advice of General Ulysses S. Grant who claimed: "The art of war is simple enough. Find out where your enemy is. Get at him as soon as you can. Strike him as hard as you can and as often as you can, and keep moving on."

Likewise, the clear military objectives set forth in Desert Storm and Just Cause allowed our military leaders to plan and execute victory on the battlefield that also met the political objectives of those at home. As Napoleon warned: "An irresolute general who acts without principles and without plan, even though he lead an army numerically superior to that of the enemy, almost always finds himself inferior to the latter on the field of battle." My main concern is not about irresolute or vacillating generals, but instead about undecided leaders here in Washington. We must give the Powells and Schwarzkopfs of tomorrow not only the forces, but also the clear objectives necessary to achieve victory on the field of battle.

"THE USES OF MILITARY POWER"

(By Caspar W. Weinberger)

Thank you for inviting me to be here today with the members of the National Press Club, a group most important to our national security. I say that because a major point I intend to make in my remarks is that the single most critical element of a successful democracy is a strong consensus of support and agreement for our basic purposes. Policies formed without a clear understanding of what we hope to achieve will never work. And you help to build that understanding among our citizens.

Of all the many policies our citizens deserve—and need—to understand, none is so important as those related to our topic today—the uses of military power. Deterrence will work only if the Soviets understand our firm commitment to keeping the peace * * * and only from a well-informed public can we expect to have that national will and commitment.

So today, I want to discuss with you perhaps the most important question concerning keeping the peace. Under what circumstances, and by what means, does a great democracy such as ours reach the painful decision that the use of military force is necessary to protect our interests or to carry our national policy?

National power has many components, some tangible—like economic wealth, technical pre-eminence. Other components are intangible—such as moral force, or strong national will. Military forces, when they are strong and ready and modern, are a credible—and tangible—addition to a nation's power. When both the intangible national will and those forces are forced into one instrument, national power becomes effective.

In today's world, the line between peace and war is less clearly drawn than at any time in our history. When George Washington, in his farewell address, warned us, as a new democracy, to avoid foreign entanglements, Europe then lay 2–3 months by sea over the horizon. The United States was protected by the width of the oceans. Now in this nuclear age, we measure time in minutes rather than months.

Aware of the consequences of any misstep, yet convinced of the precious worth of the freedom we enjoy, we seek to avoid conflict, while maintaining strong defenses. Our policy has always been to work hard for peace, but to be prepared if war comes. Yet, so blurred have the lines become between open conflict and half-hidden hostile acts that we cannot confidently predict where, or how, or from what direction aggression may arrive. We must be prepared, at any moment, to meet threats ranging in intensity from isolated terrorist acts, to guerrilla action, to full-scale military confrontation.

Alexander Hamilton, writing in the Federalist Papers, said that "It is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." If it was true then, how much more true it is today, when we must remain ready to consider the means to meet such serious indirect challenges to the peace as proxy wars and individual terrorist action. And how much more important is it now, considering the consequences of failing to deter conflict at the lowest level possible. While the use of military force to defend territory has never been questioned when a democracy has been attacked and its very survival threatened, most democracies have rejected the unilateral aggressive use of force to invade, conquer or subjugate other nations. The extent to which the use of force is acceptable remains unresolved for the host of other situations which fall between these extremes of defensive and aggressive use of force.

We find ourselves, then, face to face with a modern paradox: The most likely challenge to the peace—the gray area conflicts—are precisely the most difficult challenges to which a democracy must respond. Yet, while the source and nature of today's challenges are uncertain, our response must be clear and understandable. Unless we are certain that force is essential, we run the risk of inadequate national will to apply the resources needed.

Because we face a spectrum of threats—from covert aggression, terrorism, and subversion, to overt intimidation, to use of brute force—choosing the appropriate level of our response is difficult. Flexible response does not mean just any response is appropriate. But once a decision to employ some degree of force has been made, and the purpose clarified, our Government must have the clear mandate to carry out, and continue to carry out, that decision until the purpose has been achieved. That, too, has been difficult to accomplish.

The issue of which branch of government has authority to define that mandate and make decisions on using force is now being strongly contended. Beginning in the 1970s Congress demanded, and assumed, a far more active role in the making of foreign policy and in the decisionmaking process for the employment of military forces abroad than had been thought appropriate and practical before. As a result, the centrality of decision-making authority in the executive branch has been compromised by the legislative branch to an extent that actively interferes with that process. At the same time, there has not been a corresponding acceptance of responsibility by Congress for the outcome of decisions concerning the employment of military forces.

Yet the outcome of decisions on whether—and when—and to what degree—to use combat forces abroad has never been more important than it is today. While we do not seek to deter or settle all the world's conflicts, we must recognize that, as a major power, our responsibilities and interests are now of such scope that there are few troubled areas we can afford to ignore. So we must be prepared to deal with a range of possibilities, a spectrum of crises, from local insurgency to global conflict. We prefer, of course, to limit any conflict in its early stages, to contain and control it—but to do that our military forces must be deployed in a timely manner, and be fully supported and prepared before they are engaged, because many of those difficult decisions must be made extremely quickly.

Some on the national scene think they can always avoid making tough decisions. Some reject entirely the question of whether any force can ever be used abroad. They want to avoid grappling with a complex issue because, despite clever rhetoric disguising their purpose, these people are in fact advocating a return to post-world war I isolationism. While they may maintain in principle that military force has a role in foreign policy, they are never willing to name the circumstance or the place where it would apply.

On the other side, some theorists argue that military force can be brought to bear in any crisis. Some of these proponents of force are eager to advocate its use even in limited amounts simply because they believe that if there are American forces of any size present they will somehow solve the problem.

Neither of these two extremes offers us any lasting or satisfactory solutions. The first—undue reserve—would lead us ultimately to withdraw from international events that require free nations to defend their interests from the aggressive use of force. We would be abdicating our responsibilities as the leader of the free world—responsibilities more or less thrust upon us in the aftermath of World War II—a war incidentally that isolationism did nothing to deter. These are responsibilities we must fulfill unless we desire the Soviet Union to keep expanding its influence unchecked throughout the world. In an international system raised on mutual interdependence among nations, and alliances between friends, stark isolationism quickly would lead to a far more dangerous situation for the United States: We would be without allies and faced by many hostile or indifferent nations.

The Second alternative—employing our forces almost indiscriminately and as a regular and customary part of our diplomatic efforts—would surely plunge us head-long into the sort of domestic turmoil we experienced during the Vietnam War, without accomplishing the goal for which we committed our forces. Such policies might very well tear at the fabric of our society, endangering the single most critical element of a successful democracy: A strong consensus of support and agreement for our basic purposes.

Policies formed without a clear understanding of what we hope to achieve would also earn us the scorn of our troops, who would have an understandable opposition to being used—in every sense of the word—casually and without intent to support them fully. Ultimately this course would reduce their morale and their effectiveness for engagements we must win. And if the military were to distrust its civilian leadership, recruitment would fall off and I fear an end to the all-volunteer system would be upon us, requiring a return to a draft, sowing the seeds of riot and discontent that so wracked the country in the '60s.

We have now restored high morale and pride in the uniform throughout the services. The all-volunteer system is working spectacularly well. Are we willing to forfeit what we have fought so hard to regain?

In maintaining our progress in strengthening America's military deterrent, we face difficult challenges. For we have entered an era where the dividing lines between peace and war are less clearly drawn, the identity of the foe is much less clear. In World Wars I and II, we not only knew who our enemies were, but we shared a clear sense of why the principles espoused by our enemies were unworthy.

Since these two wars threatened our very survival as a free Nation and the survival of our allies, they were total wars, involving every aspect of our society. All our means of production, all our resources were devoted to winning. Our policies had the unqualified support of the great majority of our people. Indeed, World Wars I and II ended with the unconditional surrender of our enemies . . . the only acceptable ending with the alternative was the loss of our freedom.

But in the aftermath of the second world war, we encountered a more subtle form of warfare—warfare in which, more often than not, the face of the enemy was masked. Territorial expansionism could be carried out indirectly by proxy powers, using surrogate forces aided and advised from afar. Some conflicts occurred under the name of "National Liberation," but far more frequently ideology or religion provided the spark to the tinder.

Our adversaries can also take advantage of our open society, and our freedom of speech and opinion to use alarming rhetoric and disinformation to divide and disrupt our unity of purpose. While they would never dare to allow such freedoms to their own people, they are quick to exploit ours by conducting simultaneous military and propaganda campaigns to achieve their ends.

They realize that if they can divide our national will at home, it will not be necessary to defeat our forces abroad. So by presenting issues in bellicose terms, they aim to intimidate western leaders and citizens, encouraging us to adopt conciliatory positions to their advantage. Meanwhile they remain sheltered from the force of public opinion in their countries, because public opinion there is simply prohibited and does not exist.

Our freedom presents both a challenge and an opportunity. It is true that until democratic nations have the support of the people, they are inevitably at a disadvantage in a conflict. But when they do have that support they cannot be defeated. For democracies have the power to send a compelling message to friend and foe alike by the vote of their citizens. And the American people have sent such a signal by re-electing a

strong Chief Executive. They know that President Reagan is willing to accept the responsibility for his actions and is able to lead us through these complex times by insisting that we regain both our military and our economic strength.

In today's world where minutes count, such decisive leadership is more important than ever before. Regardless of whether conflicts are limited, or threats are ill-defined, we must be capable of quickly determining that the threats and conflicts either do or do not affect the vital interests of the United States and our allies * * * and then responding appropriately.

Those threats may not entail an immediate, direct attack on our territory, and our response may not necessarily require the immediate or direct defense of our homeland. But when our vital national interests and those of our allies are at stake, we cannot ignore our safety, or forsake our allies.

At the same time, recent history has proven that we cannot assume unilaterally the role of the world's defender. We have learned that there are limits to how much of our spirit and blood and treasure we can afford to forfeit in meeting our responsibility to keep peace and freedom. So while we may and should offer substantial amounts of economic and military assistance to our allies in their time of need, and help them maintain forces to deter attacks against them—usually we cannot substitute our troops or our will for theirs.

We should only engage our troops if we must do so as a matter of our own vital national interest. We cannot assume for other sovereign nations the responsibility to defend their territory—without their strong invitation—when our own freedom is not threatened.

On the other hand, there have been recent cases where the United States has seen the need to join forces with other nations to try to preserve the peace by helping with negotiations, and by separating warring parties, and thus enabling those warring nations to withdraw from hostilities safely. In the Middle East, which has been torn by conflict for millennia, we have sent our troops in recent years both to the Sinai and to Lebanon, for just such a peacekeeping mission. But we did not configure or equip those forces for combat—they were armed only for their self-defense. Their mission required them to be—and to be recognized as—peacekeepers. We knew that if conditions deteriorated so they were in danger, or if because of the actions of the warring nations, their peacekeeping mission could not be realized, then it would be necessary either to add sufficiently to the number and arms of our troops—in short to equip them for combat, * * * or to withdraw them. And so in Lebanon, when we faced just such a choice, because the warring nations did not enter into withdrawal or peace agreements, the President probably withdrew forces equipped only for peacekeeping.

In those cases where our national interests require us to commit combat forces, we must never let there be doubt of our resolution. When it is necessary for our troops to be committed to combat, we must commit them, in sufficient numbers and we must support them, as effectively and resolutely as our strength permits. When we commit our troops to combat we must do so with the sole objective of winning.

Once it is clear our troops are required, because our vital interests are at stake, then we must have the firm national resolve to commit every ounce of strength necessary to win the fight to achieve our objectives. In Grenada we did just that.

Just as clearly, there are other situations where United States combat forces should not be used. I believe the postwar period has taught us several lessons, and from them I have developed six major tests to be applied when we are weighing the use of U.S. combat forces abroad. Let me now share them with you:

(1) First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

(2) Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces seized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the Holocaust of World War II.

(3) Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

(4) *Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary.* Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "*Is this conflict in our national interest?*" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes", then we *must* win. If the answers are "no", then we should not be in combat.

(5) *Fifth*, before the U.S. commits combat forces abroad, there must be some *reasonable assurance we will have the support of the American people and their elected representatives in Congress.* This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops *not* to win, but just to be there.

(6) *Finally*, the commitment of U.S. forces to combat should be "a last resort".

I believe that these tests can be helpful in deciding whether or not we should commit our troops to combat in the months and years ahead. The point we must all keep uppermost in our minds is that if we ever decide to commit forces to combat, we must support those forces to the *fullest* extent of our national will for as long as it takes to win. So we must have in mind objectives that are clearly defined and understood and supported by the widest possible number of our citizens. And those objectives must be vital to our survival as a free nation and to the fulfillment of our responsibilities as a world power. We must also be farsighted enough to sense when immediate and strong reactions to apparently small events can prevent lion-line responses that may be required later. We must never forget those isolationists in Europe who shrugged that "Danzig is Not Worth A War", and "Why should we fight to keep the Rhineland demilitarized?"

These tests I have just mentioned have been phrased negatively for a purpose—they are intended to sound a note of caution—caution that we must observe prior to committing forces to combat overseas. When we ask our military forces to risk their very lives in such situations, a note of caution is not only prudent, it is morally required.

In many situations we may apply these tests and conclude that a combatant role is not appropriate. Yet no one should interpret what I am saying here today as an abdication of America's responsibilities—either to its own citizens or to its allies. Nor should these remarks be misread as a signal that this country, or this administration, is unwilling to commit forces to combat overseas.

We have demonstrated in the past that, when our vital interests or those of our allies are threatened, we are ready to use force, and use it decisively, to protect those interests. Let no one entertain any illusions—if our vital interests are involved, we are prepared to fight. And we are resolved that if we must fight, we *must* win.

So, while these tests are drawn from lessons we have learned from the past, they also also can—and should—be applied to the future. For example, the problems confronting us in Central America today are difficult. The posssibility of more extensive Soviet and Soviet-proxy penetration into this hemisphere in months ahead is something we should recognize. If this happens we will clearly need more economic and military assistance and training to help those who want democracy.

The President will not allow our military forces to creep—or be drawn gradually—into a combat role in Central America or any other place in the world. And indeed our policy is designed to prevent the need for direct American involvement. This means we will need sustained Congressional support to back and give confidence to our friends in the region.

I believe that the tests I have enunciated here today can, if applied carefully, avoid the danger of this gradualist incremental approach which almost always means the use of insufficient force. These tests can help us to avoid being drawn inexorably into an endless morass, where it is not vital to our national interest to fight.

But policies and principles such as these require decisive leadership in both the executive and legislative branches of Government—and they also require strong and sustained public support. Most of all, these policies require national unity of purpose. I believe the United States now possesses the policies and leadership to gain that public support and unity. And I believe that the future will show we have the strength of character to protect peace with freedom.

In summary, we should all remember these are the policies—indeed the only policies—

that can preserve for ourselves, our friends, and our posterity, peace with freedom.

I believe we can continue to deter the Soviet Union and other potential adversaries from pursuing their designs around the world. We can enable our friends in Central America to defeat aggression and gain the breathing room to nurture democratic reforms. We can meet the challenge posed by the unfolding complexity of the 1980's.

We will then be poised to begin the last decade of this century amid a peace tempered by realism, and secured by firmness and strength. And it will be a peace that will enable all of us—ourselves at home, and our friends abroad—to achieve a quality of life, both spiritually and materially, far higher than man has even dared to dream.

□ 1710

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, we should pull out of Somalia now. Our humanitarian mission was over 4 months ago.

Last May, we voted to get out of Somalia by June 30, I supported the amendment, but it was defeated by more than a 2 to 1 margin.

Another amendment was offered by the respected Republican leader of the Foreign Affairs Committee, Mr. GILMAN, to remove our forces by the end of October. I also voted for the amendment, but it, too, was defeated.

Yet, what did the House adopt? A resolution to keep our troops for up to 2 years in Somalia. This only extends our unending commitment in Somalia.

My freshman classmate, Mr. MICA, introduced a resolution to withdraw all U.S. Armed Forces from Somalia, which I have cosponsored. Mr. GOODLING also circulated a letter, opposing the placement of U.S. troops under foreign command, which I also signed. I have done all that I can to protest the continued deployment of American forces in Somalia.

The Clinton administration is wrong in using American Armed Forces to rebuild the political life of Somalia for the indefinite future.

This amendment would require the Clinton administration to report to Congress by October 15 the mission, command arrangements, size, functions, location and anticipated length of stay of United States forces deployed in Somalia. It would also require congressional approval by November 15 for any troops deployed in Somalia beyond that date.

This amendment was adopted in the other body by an overwhelming vote of 90 to 7. The House should do likewise.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for his continuous fight to bring to the floor the issue of the open-ended United States deployment of forces in Somalia.

American troops are in harm's way, yet Congress has not voted on the issue. Even though the Constitution mandates it, the Congress is empowered to make the decision regarding war. If anything can be learned from Vietnam, it should be that continuous military involvement is contingent on the country's support. It is not there today. A vote by Congress demonstrates that support. We owe our troops no less.

Hard decisions about the U.S. role in the post-cold-war era and our military budget must be made. The money we are contemplating for the 1994 DOD authorization does not begin to match the rhetoric of the administration's proposed commitments.

Yesterday, I attended the Board of Visitors' meeting for the Naval Academy and discovered that last year very few civilian professors received even cost-of-living increases. I raise this to point out that we do not have enough money in our defense budget to fund commitments inside the United States—let alone to fund mediating the endless disputes that lie beyond our borders.

Mr. Chairman, I will support the efforts of the gentleman from New York [Mr. GILMAN], although I feel the Gephardt-Gilman amendment does not accomplish what is truly needed now.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I rise in support of the amendment, although I, too, would have preferred an amendment to bring our troops home immediately.

Earlier this year, this House passed a resolution which authorized United States involvement in Somalia for another year and contained language enabling the Congress to consider extending this commitment even longer. That resolution was not a detailed plan for resolving the situation in Somalia but rather a blueprint for chaos.

Mr. Chairman, this amendment sets realistic dates for the President to report to Congress on the nature of our mission in Somalia. Members should be aware that the amendment does not usurp the constitutional authority of the President to conduct foreign policy. Instead, the amendment simply sets a clear timetable for the President to submit a realistic plan of action for troops who have traveled in to harm's way.

No one can deny that our original mission in Somalia has been altered. Events of this past weekend demonstrate that our mission, which was first based on humanitarian virtues, has turned into a exercise in urban warfare. I urge my colleagues to support this amendment and address the open-ended nature of our Somalian policy as a first step toward bringing Americans home as quickly as possible.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH], our distinguished whip on the minority side.

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], my friend, for yielding this time to me, and I rise in strong support of this amendment.

I think that it is very important that Congress carry its full share of the responsibility for establishing the framework of foreign policy, and let me draw the distinction because I think it is important for every Republican to understand that for 12 long years, under Presidents Reagan and Bush, we argued that Presidents should manage on a day-to-day basis foreign policy, that Congress should not micromanage. I think that is still true, and yet at the same time it is very clear, just as it was under Presidents Reagan and Bush, that Congress should establish the framework both in terms of what it will pay for and in terms of what it will legally authorize, and that is a tradition which goes all the way back to the 1790's, when, for example, there was a major debate over whether or not to deal with the Algerian pirates and whether or not to negotiate with them. So, from the very beginning our Founding Fathers understood that it is legitimate for the Congress to discuss the framework of foreign policy while delegating to the President, as the Constitution does, the day-to-day executive nature of implementing that policy once established.

Mr. Chairman, I think that the Gephardt-Gilman amendment is very important because it does set a time frame, and it does say to the executive branch, "You need to account for what you're doing in Somali," and it does say to the executive branch, "If, in fact, you're going to change the mission, you need to explain that change, you need to get the country's support, and you need to get the Congress' authorization," and I think that is exactly right.

Back in the last administration, Mr. Chairman, Marlin Fitzwater, the President's spokesman said, and I quote:

> We want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that.

Mr. Chairman, that was Marlin Fitzwater speaking for President Bush as reported in the Washington Post on December 4, 1992.

Now the fact is the mission is changing. I could make a pretty good argument the mission should change. I am prepared to have the President explain to us why we cannot leave without establishing a framework, that he has the obligation to come to the Congress to do so.

I urge a "yes" vote for the Gephardt-Gilman amendment.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, in my opinion this debate is outrageous. This is a feel-good, CYA amendment for this body to go on record saying, "We'd like to have our troops back home at some time in the future, but don't give us any specifics right now."

Mr. Chairman, I was a reluctant supporter of President Bush and Secretary Cheney when they committed our troops to Somalia. I supported them because of their public statements, like in December 1992, when Dick Cheney said that Americans would not get bogged down in a guerrilla war or when he said in December 1992, "If you're looking for the U.S. to stay until Somalia's problems are solved, it's not going to happen," or when General Powell said in December 1992 to reporters that the United States military may take 2 to 3 months to accomplish the mission.

We made a group visit to Somalia, to Mogadishu, and Baidoa, in January of this year. The U.N. was not prepared then, and they are not prepared now, and our troops are still there. The U.N. is not in place. We have spent $2 billion. We have had 11 young people killed from our country, and we still do not know what our mission is.

Read the resolution, my colleagues. What it says is by October 15, 9 months after we went in there, we are going to ask the Secretary of Defense and the President to give us what our goals and objectives are, 9 months after our troops have been there, $2 billion later, 11 dead Americans. Now we are going to ask for the goals and objectives, and we give the President until November 15 to do something about it.

Mr. Chairman, this action today is outrageous. It is outrageous for those Americans who do not want to see our troops there.

I will quote Ambassador Bob Oakley and Brig. Gen. Tony Zinney, both of whom were involved in Vietnam and made the comparison of Somalia to Vietnam and to Beirut. They summed it up in three basic lessons. They said, "If you go in, go in quickly, avoid entanglement with one side or the other, and get out as quickly as possible."

□ 1720

We have done none of those things. David Shim, the United States special coordinator for Somalia, quoted recently, August 15, what he thought our position was going to be in terms of staying in Somalia. He left the door open that we would stay there through 1994, 1995, and possibly beyond.

Mr. Chairman, famine relief is one thing, and we have done that. Nation-building is another. If the U.N. wants to undertake what has never been done before in the history of the world, fine. The United States is not in that business. It is bad enough playing cop in the world; playing God is crazy.

This resolution is not enough. We should come to our senses, and we should get our troops out of Somalia now.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4½ minutes to close the debate.

Mr. GEPHARDT. Mr. Chairman, first, everyone here and all of the people in our country honor and respect and pray for the families of the young people who have been killed, who have lost their lives, trying to help Somalia be able to advance into the future with a bright future.

We respect and honor the lives of all of the young people, whether they are American, Pakistani, or of other countries, who have given their lives.

This is a very serious matter. President Bush was right when he came to Congress and said, just before he left office, that this should be done. I think it is very important as we consider this to remember what has been done and the facts that we were presented with when we started. Over 1,000 people a day were dying of starvation in Somalia. Over 1 million refugees had been forced into exile. The United Nations efforts to deliver food to starving people had virtually been halted and stopped. It was that that we faced.

Let us also remember what has been accomplished. Mass starvation in Somalia has ended. Schools and hospitals are reopening across this country. Police forces and court systems are rebuilding, and, in some parts, representative councils are functioning.

I have asked everybody who has been there what would happen if we pulled everybody out, and the answer universally is if we pull our people out, all of the advance, all of the progress, all of the help that has been accomplished, would be lost in a day. Let us keep those facts in our mind as we consider what to do.

Mr. Chairman, I think this resolution is sensible. It takes what we have accomplished and says, let us ask the administration now, by the middle of October, for an assessment. Let us call for an authorization of the Congress by the middle of November, to decide again if the course we are on is one we want to continue to follow. The truth is when we started, when President Bush started, when it was handed off to President Clinton, when we handed it off to the United Nations, we have entered into a new era and a new period and a new challenge. We are not sure yet how to do peacekeeping, or certainly, peacemaking. This is not the kind of a military assignment that we have been involved in for 50 years. It is new, it is different. We are feeling our way. We are learning. We are trying to figure it out.

Now is not the time to back off. This is our new challenge, and it will be our challenge, not only in Somalia, but in other places around the world.

Mr. Chairman, we have made great progress. Let us not stop that progress. Let us back up, let us look, let us assess, let us make further decisions. But now is not the time to lose our strength and our vision and our commitment.

Mr. Chairman, I urge Members to vote for this amendment. Give this effort a chance. Let us learn how to do this very important assignment and precedent for the future.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of this amendment, which requires that the President report to Congress on the goals, objectives, and anticipated duration of United States forces deployed in Somalia by October 15, 1993.

Although I would have preferred a stronger amendment, mandating that our troops be called home, I support this amendment on the basis that it is the first step toward this goal.

In June, I wrote the President to request that the troops be brought home since our original mission had been completed. At the time, my concerns focused on the fact that our mission had evolved from one of humanitarian concerns to the goal of disarming Mogadishu.

Since that time, our goals have become even more troubling. Apparently, our goal now is to establish democratic institutions in Somalia, a country whose democratic traditions are, at best, negligible.

Mr. Chairman, we are caught in an open-ended, ill-defined mission in Somalia. Aside from being foolhardy, it is also dangerous. It is dangerous for the thousands of young American men and women who are doing their best to make good, and yes, even survive this mission. I cannot, with a clear conscience, ask them to put their lives at risk for a mission such as this.

I urge my colleagues to support this amendment as a first step toward bringing our troops home from Somalia.

The CHAIRMAN pro tempore. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. GEPHARDT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 26, not voting 6, as follows:

[Roll No. 463]

AYES—406

Abercrombie	Armey	Barlow
Ackerman	Bacchus (FL)	Barrett (NE)
Allard	Baesler	Barrett (WI)
Andrews (ME)	Baker (CA)	Bartlett
Andrews (NJ)	Baker (LA)	Bateman
Andrews (TX)	Ballenger	Becerra
Applegate	Barca	Beilenson
Archer	Barcia	Bentley

Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—26

Bachus (AL)
Barton
Burton
Coble
Combest
Conyers
Dornan
Fields (TX)
Geren
Gonzalez
Hancock
Hunter
Inhofe
Johnston
McKinney
Obey
Parker
Payne (NJ)
Ridge
Roberts
Sensenbrenner
Stump
Taylor (MS)
Towns
Walker
Weldon

NOT VOTING—6

Cooper
de la Garza
Jefferson
McDade
Underwood (GU)
Whitten

□ 1746

Mr. BACHUS of Alabama, Ms. McKINNEY, Mr. TOWNS, and Mr. CONYERS changed their vote from "aye" to "no."

Messrs. LEACH, SMITH of Michigan, and ZELIFF changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1750

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 3 of House Resolution 254, I offer amendments en bloc consisting of amendment 7, as modified, amendment 8, as modified, amendment 10, printed in House Report 103-236, and amendments numbered 4, 5, 6, 7, 8, and 9, amendment 10, as modified, amendment 12, amendment 13, amendment 15, as modified, and amendment 17, as modified, printed in part 4 of House Report 103-252.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the modifications to the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The texts of amendment 7, as modified, amendment 8, as modified, amendment 10, printed in House Report 103-236, and amendments numbered 4, 5, 6, 7, 8, and 9, amendment 10, as modified, amendment 12, amendment 13, amendment 15, as modified, and amendment 17, as modified, printed in part 4 of House Report 103-252, are as follows:

AMENDMENT OFFERED BY MR. LEVY OR MR. PALLONE

At the end of title IX (page 325, after line 25), insert the following section:

SEC. 950. REINVESTIGATION BY DEFENSE INSPECTOR GENERAL OF CERTAIN CASES OF DEATH OF MEMBERS OF THE ARMED FORCES BY SELF-INFLICTED WOUNDS.

(a) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a reinvestigation of the death of any member of the Armed Forces who died while on active duty after January 1, 1982, from a wound determined to be self-inflicted (whether by accident or intention) in any case in which the immediate family members of the deceased servicemember request the reinvestigation based upon allegations grounded in new evidence or wellfounded suspicions of an incomplete or inadequate previous investigation.

(b) EXPERT SERVICES.—In carrying out any such reinvestigation, the Inspector General may obtain necessary expert services (such as the services of pathologists and ballistics experts) from sources outside the Department of Defense.

(c) FINDINGS AND RECOMMENDATIONS.—The Inspector General shall prepare a report on each case investigated under this section. Based upon the findings and conclusions in such report, the Secretary of the military department concerned shall take such actions as the Secretary determines to be appropriate, including actions to correct the record of the deceased servicemember and actions to institute disciplinary proceedings against other servicemembers relating to the circumstances of the death investigated or to the conduct of earlier investigations of the death.

(d) FURNISHING OF REPORT TO FAMILY.—In each case of an investigation under this section, the Inspector General shall furnish a copy of the report on the investigation to the family members of the individual whose death was investigated in accordance with section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2508).

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

At the end of title II (page 81, after line 23), add the following new section:

SEC. 266. LYME DISEASE PROGRAM.

(a) PROGRAM.—The Secretary of Defense shall carry out a program relating to Lyme disease. The program shall be carried out through the Environmental Hygiene Agency of the Department of the Army. The Secretary shall provide that information relating to prevention, detection, or treatment of Lyme disease that is developed under the program and that may be applicable to the general public shall be provided to the Secretary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

(b) FUNDING.—From funds made available to the Army for fiscal year 1994 for research, development, test, and evaluation pursuant

to section 201, the sum of $1,000,000 shall be available for the program under subsection (a), of which $500,000 shall be for one-time startup costs for equipment, facilities, and software development and $500,000 shall be for fiscal year 1994 labor and operating expenses.

AMENDMENT OFFERED BY MR. TORRICELLI

At the end of title VIII (page 293, before line 17), add the following new section:

SEC. 825. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.

(a) REPORT REQUIREMENT.—Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of $500,000 for the provision of goods or services to the Department of Defense, the Secretary shall require that person—

(1) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with any terrorist country during the preceding three years; and

(2) to report to the Secretary each commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (f)) with any terrorist country.

The requirement contained in paragraph (2) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year a report setting forth those persons conducting commercial transactions with terrorist countries as included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions.

(d) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the end of the 60-day period beginning on the date of the enactment of this Act.

(f) TERMINATION.—This section expires on September 30, 1996.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DELLUMS

The amendment as modified is as follows:

In section 1005(d), strike out "$48,000,000" and insert in lieu thereof "$58,000,000".

At the end of subtitle A of title X (page 329, after line 25), insert the following new sections:

SEC. 1008. INCREASE IN AMOUNT FOR CINC INITIATIVE FUND.

The amount provided in section 301 for Defense-wide activities for fiscal year 1994 is hereby increased by $5,000,000, to be an additional amount for the CINC Initiative Fund.

SEC. 1009. REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES

The Secretary of Defense shall include in the next annual report of the Secretary under section 113 of title 10, United States Code, a report on the activities of the Department of Defense under sections 401, 402, 2547, and 2551 of that title. The report shall describe activities under those sections that have been carried out during fiscal year 1994 to the date of the report and planned activities under those sections for the remainder of fiscal year 1994 and for fiscal year 1995.

AMENDMENT OFFERED BY MR. MC CLOSKEY, MR. STARK, OR MR. MC CURDY

At the end of subtitle C of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. NUCLEAR NONPROLIFERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continue strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) COMPREHENSIVE NUCLEAR NONPROLIFERATION POLICY.—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile materials;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguards reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) REQUIREMENTS FOR IMPLEMENTATION OF POLICY.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of no-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "IAEA" means the International Atomic Energy Agency.

(2) The term "IAEA safeguards" means the safeguards set forth in an agreement between a county and the IAEA, as authorized

by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term "non-nuclear weapon state" means any country that is not a nuclear weapon state.

(4) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term "nuclear weapons state" means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(6)The term "weapons-usable fissile materials" means highly enriched uranium and separated or reprocessed plutonium.

(7) The term "policy of no first use of nuclear weapons" means a commitment not to initiate the use of nuclear weapons.

(8) The term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

SEC. 1044. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missle" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) The Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

AMENDMENT OFFERED BY MS. FURSE

In section 3105(e)(4), strike out "yield less than the lowest yield nuclear weapon type in the nuclear weapons stockpile in existence on the date of the enactment of this Act." and insert in lieu thereof "yield of less than five kilotons."

AMENDMENT OFFERED BY MR. MOAKLEY

Page 104, strike out section 343 (line 12 through page 105, line 2) and insert in lieu thereof the following:

SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

The Secretary of Defense shall ensure that the percentage limitations on the performance of depot-level maintenance of material set forth in section 2466 of title 10, United States Code, are adhered to. The Secretary of Defense may not enter into a contract for the performance exclusively by non-Federal Government personnel of any depot-level maintenance that is not required to be performed by employees of the Department of Defense under such section unless, prior to selecting the entity to perform the depot-level maintenance—

(1) the Secretary uses competitive procedures for the selection; and

(2) where appropriate, depot-level activities of the Department of Defense are eligible to compete for the depot-level maintenance.

Page 108, after line 3, insert the following new section:

SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.

(a) DESCRIPTION OF THE CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by such individual as an employee of the Naval Aviation Depot, Norfolk, Virginia, after September 30, 1988, and before October 1, 1992.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO THE AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) DEFINITION.—For the purpose of this section, the term "productivity gainsharing program" means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order 12637 (31 U.S.C. 501 note).

AMENDMENT OFFERED BY MR. MOAKLEY

At the end of subtitle D of title XIII (page 481, after line 25), insert the following new section:

SEC. 1344. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, shall carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who have been terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATION ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials which have been prepared for the purpose of providing information to eligible persons regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to such educational institutions and other interested persons.

(d) FUNDING.—From funds made available under section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 29 U.S.C. 1662d-1 note) to carry out section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1), not more than $10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

MODIFICATION TO AMENDMENT OFFERED BY MR. HALL OF OHIO

The amendment as modified is as follows:

At the end of title XXXI (page 589, after line 17), insert the following section:

SEC. 3139. TRANSFER OR LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The termination or reconfiguration of weapon production activities at facilities of the Department of Energy within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A facility of the Department of Energy is a significant source of employment for many communities, and the closure or reconfiguration of such a facility may cause economic hardship for the workers and the communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as the result of the closure or reconfiguration of a Department of Energy facility and, where possible, prevent the occurrence of adverse economic circumstances.

(4) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure or reconfiguration of Department of Energy facilities to identify and implement means of reutilizing or redeveloping such facilities in a beneficial manner.

(5) The Federal Government may provide such assistance by closing or reconfiguring such facilities and conveying the real property in a manner that best ensures environmental protection and the beneficial reutilization or redevelopment of such facilities by such communities.

(6) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing or reconfigured Department of Energy facilities to communities affected by such closures or reconfiguration on a timely basis, and, if appropriate, at less than fair market value.

(7) Preservation of the national technology and industrial base could be assisted by the appropriate transfer, lease, or reutilization of property, facilities, and equipment which currently are not needed for the Department of Energy weapon production mission.

(8) A delay in the transfer, lease, or reutilization of such property, facilities, and equipment for commercial use will reduce the national technology and industrial base because of lost skilled personnel and lost business opportunities.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Energy, with respect to property covered under subsection (d)—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrator Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (C), the Secretary of Energy shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(c) ADDITIONAL AUTHORITY TO TRANSFER AND LEASE.—(1) The Secretary of Energy may transfer or lease any or all right, title, and interest of the United States in and to the property referred to in subsection (d) to any public agency if the Secretary determines that such transfer or lease will mitigate the adverse economic consequences that might otherwise arise from the closure or reconfiguration of a Department of Energy facility.

(2)(A) The consideration to be paid to the United States for any transfer or lease under paragraph (1) shall be for the estimated fair market value of such property or leasehold interest, as determined by the Secretary of Energy, except that the Secretary may accept consideration for an amount that is not less than 50 percent of the estimated fair market value of such property if the Secretary determines that—

(i) the discount is required to implement the plans established in the report under subsection (i); and

(ii) 30 days after published notice, no private or public party has made a bona fide offer for such property at the estimated fair market value.

(B) The instrument transferring or leasing property for less than the estimated fair market value under this paragraph—

(i) shall contain a condition that all such property shall be used and maintained for the purpose for which it was transferred in perpetuity in accordance with the plans described in the report under subsection (i) or, in the case of a lease, for the term of the lease; and

(ii) may contain such additional terms, conditions, reservations, and restrictions as the Secretary determines to be necessary to safeguard the interests of the United States.

(C) The Secretary may—

(i) determine compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which a transfer or lease of property is made;

(ii) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument where necessary to correct such instrument or to conform such transfer or lease to the requirements of applicable law; and

(iii)(I) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (II) convey, quitclaim, or release to the transferee any right or interest reserved to the United States by, any instrument by which such transfer or lease is made, if the Secretary determines that the property transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim will not prevent accomplishment of the purpose for which such property was so transferred.

Any such releases, conveyance, or quitclaim may be granted on, or made subject to, such terms and conditions as the Secretary considers necessary to protect or advance the interests of the United States.

(d) COVERED PROPERTY.—Property that may be transferred or leased under subsections (c) and (g) is the related personal property and acquired real property at a facility of the Department of Energy to be closed or reconfigured that the Secretary of Energy determines to be no longer necessary for weapon production or other missions of the Department.

(e) APPLICABILITY OF OTHER LAWS.—Property transferred or leased under subsections (c) and (g) shall be transferred or leased in accordance with—

(1) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to the extent not inconsistent with this section; and

(2) all applicable environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(f) LIMITATION ON RELOCATION OF EQUIPMENT.—The Secretary shall not relocate equipment from a facility, such as machine tools that could be useful in converting the facility, except in cases where buying new equipment would be significantly more costly or significantly more time-consuming than moving the equipment. The Secretary shall establish guidelines for determining costs under this subsection.

(g) REUTILIZATION.—To the extent practicable, the Secretary of Energy may make available for reutilization a facility or property of the Department of Energy that is not required for weapon production work in any case in which the Secretary determines that such reutilization will—

(1) reduce the long-term cost to the Government, including the cost of worker displacement and retraining in the community in which the facility or property is located;

(2) contribute to the preservation of the national technology and industrial base by using the equipment at the facility or property; or

(3) assist the economic development in the community in which the facility or property is located.

(h) OTHER TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to a transfer or lease of property under subsection (c) as the Secretary determines appropriate to protect the interests of the United States.

(i) REPORT.—Not later than February 1, 1994, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Government Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on the plans of the Secretary in accordance with applicable law for the reutilization of real property, facilities, equipment, and supplies at weapon production facilities of the Department of Energy that are planned or scheduled for the termination of weapon production activities.

(j) DEFINITION.—For purposes of this section, the term "reutilization" means the development of sites previously used in the nuclear weapons complex of the Department of Energy for private commercial work or nonweapon production-related Government work. Such development may consist of—

(1) conversion of the site or portions of it to exclusively private or local government use;

(2) leasing of facilities or equipment to non-Department of Energy sources;

(3) use of Department of Energy facilities to enhance the national technology and industrial base through technology transfer

and commercial work by Department of Energy contractors;

(4) development of a financial assistance arrangement with local communities to seek other uses for vacated or underutilized facilities;

(5) sale of all or portions of certain facilities to commercial concerns under terms that dictate economic development of the site; or

(6) any combination of paragraphs (1) through (5).

At the end of subtitle B of title XXVIII (page 516, after line 6), insert the following new section:

SEC. 2819. PILOT PROGRAM TO CONVEY CLOSED MILITARY INSTALLATIONS TO NEIGHBORING COMMUNITIES.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to develop, and evaluate the adequacy of, economic revitalization criteria to govern the conveyance of surplus real property and related personal property at closed military installations to local redevelopment authorities in order to assist the communities adjacent to these installations recover from the adverse consequences of the closure of military installations pursuant to the base closure laws.

(b) MILITARY INSTALLATIONS IN THE PILOT PROGRAM.—The pilot program required by this section shall be conducted at Naval Air Station Alameda, California, Naval Depot Alameda, California, Loring Air Force Base, Maine, Gentile Air Force Station, Ohio, and military installations in Charleston, South Carolina, to be closed.

(c) CONVEYANCE.—Subject to subsection (f), in the case of each military installation included in the pilot program, the Secretary shall convey all right, title, and interest of the United States in all surplus real property and related personal property at the installation to the local redevelopment authority for that installation. If a local redevelopment authority is in existence for such an installation on the date of the enactment of this Act, the conveyance shall be made to that local redevelopment authority.

(d) CONSIDERATION NOT TO BE REQUIRED.—No consideration may be required for a conveyance of property pursuant to this section.

(e) ECONOMIC REVITALIZATION CRITERIA.—As part of the pilot program, the Secretary shall develop economic revitalization criteria to be used as the basis for reviewing redevelopment plans submitted under subsection (f) to ensure that the plans promote the economic revitalization of areas within, and surrounding, closed military installations. Such criteria shall emphasize such factors as job creation, training, technology development, small business concerns, land use planning, and appropriate public purposes.

(f) REDEVELOPMENT PLAN REQUIRED.—To be eligible to receive property under subsection (c), the local redevelopment authority for a military installation included in the pilot project shall submit to the Secretary a redevelopment plan for the installation not later than 120 days after the date on which the installation is first included in the pilot program. Not later than 120 days after the submission of the redevelopment plan, the Secretary shall complete a review of the redevelopment plan using the economic revitalization criteria developed under subsection (e) and either approve the plan or reject the plan as incomplete or inadequate. If the Secretary determines that the redevelopment plan is incomplete or does not adequately address the redevelopment and reuse of the installation, the Secretary shall inform the local redevelopment authority involved of the reasons for the determination and shall give the local development authority a sufficient period within which to resubmit an adequate redevelopment plan.

(g) TIME FOR CONVEYANCE.—The conveyance of all surplus real property and related personal property at a military installation included in the pilot program shall be completed pursuant to the terms of the approved redevelopment plan for the installation, but not later than the date the Secretary officially closes the installation.

(h) RELATIONSHIP TO CERCLA.—Nothing in this section shall be construed as superseding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(i) REPORT.—Not later than three years after the date of enactment of this Act, the Secretary shall submit a report to Congress evaluating the success of the pilot program and containing such recommendations as the Secretary considers to be appropriate.

(j) DEFINITIONS.—For purposes of this section:

(1) The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MARKEY

The amendment as modified is as follows:

At the end of subtitle C of title X (page 346, after line 23), insert the following new section:

SEC. 1043. LIMITATION ON USE OF FUNDS FOR CERTAIN PLUTONIUM STORAGE BY RUSSIA.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act for any fiscal year may be obligated or expended for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons, unless the President certifies to the Congress—

(1) that Russia is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) that Russia is taking all practical steps to halt such separation at the earliest possible date.

(b) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of the Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will cease all production and separation of weapon-grade plutonium and halt chemical separation of plutonium produced in civil nuclear power reactors.

(c) REPORT.—Not later than June 1, 1994, the President shall submit to the Congress a report on the status of efforts by the United States to secure the commitments and achieve the objectives described in subsections (a) and (b), including the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.

AMENDMENT OFFERED BY MR. DELLUMS

At the end of subtitle C of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. COUNTERPROLIFERATION.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—
COUNTERPROLIFERATION

"Sec.
"415. International counterproliferation activities.
"416. Counterproliferation policy.
"417. Semiannual report.

"§ 415. International counterproliferation activities

"(a) ASSISTANCE FOR INTERNATIONAL COUNTERPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, in order to support international activities with respect to the nonproliferation of weapons of mass destruction and their delivery systems, the Secretary of Defense, under the guidance of the President, may provide the assistance specified in subsection (b).

"(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—The following activities are authorized under this section:

"(1) Support of nonproliferation monitoring programs, nonproliferation inspection programs, and nonproliferation compliance programs, to include—

"(A) support of the United Nations Special Commission on Iraq for its inspection and long-term monitoring activities; and

"(B) support of activities of the International Atomic Energy Agency that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968.

"(2) Monitoring and control of transfers of weapons of mass destruction, related technologies, and other sensitive goods and technologies.

"(3) Efforts to improve international cooperation in monitoring of nuclear weapons proliferation, nuclear security, and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, to include—

"(A) collaborative activities such as joint emergency response exercises, technical assistance, and training; and

"(B) joint technical projects and improved intelligence sharing.

"(4) Efforts to improve international capabilities and cooperation in deterring and responding to terrorism, theft, and proliferation involving weapons of mass destruction.

"(c) COORDINATION.—The President shall coordinate the activities described in subsection (b) with those authorized in section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act (Public Law 102-511; 22 U.S.C. 5854).

"(d) SOURCES OF ASSISTANCE.—Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

"(e) PRIOR NOTICE TO CONGRESS.—Not less than 15 days before providing assistance under this section, the Secretary of Defense shall transmit to the appropriate congressional committees a report on the proposed assistance. Each report shall specify—

"(1) the forms of assistance the Secretary of defense proposes to provide;

"(2) the recipient of the proposed assistance;

"(3) the proposed involvement of United States Government departments and agencies in providing such assistance; and

"(4) the amount of funds proposed to be obligated by the Department of Defense in order to provide such assistance.

"(f) DEFINITIONS.—In this section:

"(1) The term 'weapons of mass destruction' includes nuclear, radiological, chemical, and biological weapons.

"(2) The term 'delivery system' means a ballistic missile, manned or unmanned air vehicle, or cruise missile that (A) is capable of delivering a 500 kilograms payload to a range of 300 kilometers, or (B) is intended to deliver weapons of mass destruction regardless of range or payload.

"§ 416. Counterproliferation policy

"(a) PROGRAMS.—The Secretary of Defense may conduct counterproliferation policy research and analysis programs as described in subsection (b) to support the counterproliferation activities of the Department of Defense.

"(b) COUNTERPROLIFERATION EFFORTS.—Such counterproliferation policy research and analysis may include programs intended to explore defense policy issues that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

"(1) enhancing United States military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction;

"(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction; and

"(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor and respond to such terrorism, theft and proliferation involving weapons of mass destruction.

"(c) DESIGNATION OF COORDINATION.—The Secretary of Defense shall designate the Under Secretary of Defense for Policy to coordinate the research of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

"§ 417. Semiannual report

"(a) REPORT.—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the committees of Congress named in subsection (b) a report on the activities carried out under sections 415 and 416 of this title. Each report shall set forth for the preceding six-month period the following:

"(1) For activities carried out under section 415 of this title—

"(A) a description of the assistance provided;

"(B) the recipients of that assistance; and

"(C) a description of the participation of the Department of Defense and other Federal agencies in providing the assistance.

"(2) For activities carried out under section 416 of this title—

"(A) a description of the research and analysis carried out;

"(B) the amounts spent for such research and analysis;

"(C) the organizations that conducted the research and analysis;

"(D) an explanation of the extent to which such research and analysis contributes to enhancing United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

"(E) a description of the measures being taken to ensure that such research and analysis within the Department of Defense is effectively managed and comprehensively coordinated.

"(b) CONGRESSIONAL COMMITTEES.—The committees of Congress to which reports under subsection (a) are to be submitted are—

"(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

"(2) The Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Select Committee on Intelligence of the House of Representatives."

(b) FISCAL YEAR 1994 FUNDING.—(1) In addition to funds otherwise available, funds for assistance authorized under section 415 of title 10, United States Code (as added by subsection (a)), for fiscal year 1994 shall be derived from amounts authorized in section 301(5) and shall not exceed $25,000,000. None of such assistance for fiscal year 1994 may be provided in the form of cash contributions.

(2) Funds for counterproliferation policy research and analysis programs for fiscal year 1994 under section 416 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts appropriated in fiscal year 1994 for Defense-wide Activities and shall not exceed $6,000,000.

(c) RESTRICTION.—Note of the funds authorized in section 301(5) shall be available for the purposes stated in sections 415 or 416 of title 10, United States Code (as added by subsection (a)), until 15 days after the date on which the Secretary of Defense has submitted to the appropriate congressional committees a report setting forth—

(1) a description of all the activities within the Department of Defense that are being carried out or are to be carried out with the purposes described in section 415 and 416 of title 10, United States Code (as added by subsection (a));

(2) the plan for coordinating and integrating these activities within the Department of Defense; and

(3) the plan for coordinating and integrating these activities with those of other Federal agencies.

(d) CLERICAL AMENDMENTS.—The table of subchapters at the beginning of chapter 20 of title 10, United States Code, is amended by adding at the end the following new item:

"III. Counterproliferation ..... 415".

SEC. 1044. REPORT REQUIREMENT.

(a) EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) CONSULTATION.—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

AMENDMENT OFFERED BY MR. COOPERSMITH, MR. SHARP, OR MR. ZIMMER

At the end of subtitle C of title XXXI (page 589, after line 17), insert the following new section:

SEC. 3139. PROHIBITION ON USE OF FUNDS FOR ADVANCED LIQUID METAL REACTOR.

No funds authorized pursuant to this title or otherwise available for fiscal year 1994 or any previous fiscal year for the national security programs of the Department of Energy shall be used for the support of the advanced liquid metal reactor.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MEEHAN

The amendment as modified is as follows:

At the end of subtitle A of title II (page 42, after line 23), insert the following new section:

SEC. 203. REALLOCATION OF CERTAIN R&D FUNDS.

(a) INCREASE IN AMOUNT FOR ARMY.—The amount provided in section 201 for the Army is hereby increased by $10,000,000, of which—

(1) $2,000,000 is for a study of the requirements for the incorporation of an electronics software upgrade into the M1A2 tank; and

(2) $8,000,000 is for Horizontal Battlefield Integration to expand the demonstration of technology interfaces needed to verify the compatibility of digital electronics in various Army Combat Systems.

(b) LIMITATION.—None of the funds described in subsection (a)(2) or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated for Horizontal Battlefield Integration until the Secretary of the Army submits to the congressional defense committees a report containing a revised demonstration plan for that program. The revised plan shall include program milestones and funding requirements.

(c) REDUCTION IN AMOUNT FOR DEFENSE-WIDE ACTIVITIES.—The amount provided in section 201 for Defense-wide activities is hereby reduced by $10,000,000, to be derived from amounts for acquisition of foreign equipment for test and analysis purposes.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HALL OF TEXAS

The amendment as modified is as follows:

At the end of subtitle C of title VII (page 252, after line 13), insert the following new section:

SEC. 736. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL REPORTS REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing

"(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

"(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network

under this section to include all covered beneficiaries under chapter 55 of title 10, United States Code, including those persons currently excluded from participation in the military medical system by operation of section 1086(d)(1) of such title;

"(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

"(4) such recommendations as the Secretary considers to be appropriate."

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to a demand for a division of the question.

Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. MARKEY], the author of one of the amendments included in the en bloc amendments.

Mr. MARKEY. Mr. Chairman, I rise in support of an amendment to H.R. 2401, Defense authorization for fiscal year 1994. This amendment places a fence around $75 million in Department of Defense funding for construction of a long-term plutonium storage facility in Russia. The fence comes down if the President certifies to Congress that the Ministry of Atomic Energy in Russia is committed to halting chemical separation of weapon-grade plutonium, and that Russia is taking all practical steps to halt such separation at the earliest possible date.

The need for this amendment is clear even as the administration seeks to add another $400 million to the existing $800 million assistance budget for demilitarization of the independent States of the former Soviet Union, Russia continues to operate a vast complex of facilities to produce and separate plutonium, one of the key ingredients in nuclear weapons.

While the United States rejected civil plutonium use in the early 1980's as being uneconomical, environmentally damaging and an unacceptable proliferation risk, and while we ceased production and separation of weapon-grade plutonium in 1988, Russia continues to separate plutonium from spent fuel for both military and civil purposes. The Russian nuclear ministry continues to do this despite huge existing stockpiles of some 135 metric tons of weapon-grade plutonium, and 30 tons of reactor-grade civil material. Despite its nominal designation as civil, the reactor-grade plutonium can also be used to make nuclear weapons. All this material is produced under conditions that fail to meet current—much less truly adequate—international standards for nuclear materials accounting and control and environmentally responsible radioactive waste management.

On September 2, the Department of Defense signed an agreement with the Russian Ministry of Atomic Energy [MINATOM] that will provide this Ministry with $75 million in operating, construction equipment, and training assistance for a planned storage facility for fissile material derived from the destruction of nuclear weapons. Remember, this Ministry is the same outfit that brought the Russian people the Kyshtym nuclear disaster in the Urals, Chernobyl, the recent Tomsk reprocessing plant accident, billions of curies of routine radioactive releases to the environment, and an estimated 45,000 nuclear weapons.

We should not be in the business of subsidizing or encouraging—directly or indirectly—the development of a plutonium economy in Russia, or any other country. The recent activities of MINATOM are hardly encouraging from a nonproliferation perspective. The Ministry has announced ambitious plans for large-scale separation and use of plutonium in civil reactors, and is actively seeking agreements to extract additional plutonium contained in foreign spent fuel.

Even if the Russians insist that their antiquated production reactors must be kept in operation for electric power and district heating, either the spent fuel storage, the fuel cladding, or both can be upgraded to permit operation of the reactor without reprocessing of the spent fuel.

From a nonproliferation perspective, the real issue is not the future availability of gold-plated storage capacity—5 or more years from now—for whatever fraction of its warhead plutonium Russia ultimately declares is excess to its military needs. No, today the real urgent nonproliferation issue is the prompt declaration and continuing periodic verification of all retired weapons and weapons-usable-material stocks at current storage sites and nuclear production facilities in Russia, and in the other the independent states of the former USSR. In comparison with this task, the plutonium storage facility project is just not the core of the problem.

I have worked with the administration to satisfy their concerns with this amendment. The amendment is now in a form that the administration strongly supports. I strongly urge my colleagues to support this important amendment.

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

Mr. Chairman, I would like to engage the committee chairman in a colloquy. Mr. Chairman, on pages 186 to 189 of House Report 103–200, the report accompanying H.R. 2401, the Armed Services Committee summarized its action on the operations and maintenance budget requests for the four military services.

Under the section marked "increases," these tables show a Peacekeeping Disaster Relief transfer entry to each service O&M budget for an aggregate total of $350 million. Is it your understanding, Mr. Chairman, that these entries reflect additions back into the each of the service O&M budgets from the peacekeeping and disaster relief budget request and not an allocation of $350 million for peacekeeping and disaster relief activities as some have suggested?

Mr. DELLUMS. If the gentleman will yield. the gentleman is correct. The committee bill as reported contains no funds specifically earmarked for peacekeeping or disaster relief activities.

The administration request contained $350 million for those purposes. Instead, the committee chose to shift those funds to general operations and maintenance. Unfortunately, the committee report on the bill has confused some people on what we did. Mr. Chairman, the entries the gentleman mentions reflect increases to each military service's general O&M budget achieved by transferring money out of the administration request for peacekeeping and disaster relief, not into it as many have misconstrued.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for this important clarification.

Mr. Chairman, I want to express my support for the amendment entitled "Transfer or Lease of Property at Department of Energy Weapon Production Facilities," offered by Representative HALL from Ohio. The amendment makes available to local communities equipment or other property no longer needed at Department of Energy [DOE] weapons production facilities. For many communities, the shutdown or workforce realignment of a DOE facility will cause severe economic hardship. The Hall amendment seeks to ease the burden on these communities by allowing DOE to sell, at less than fair market value, equipment that can be beneficially reutilized by the community. At the Savannah River site in South Carolina, for example, DOE will be disposing of fire fighting equipment and trucks no longer needed to support the on-site fire station. Some local communities would like to purchase the equipment and trucks. One community in particular, Hollow Creek, desperately needs a replacement for its vintage 1952 pumper firetruck. I am pleased that passage of the Hall amendment will, at a minimum, give the citizens of Hollow Creek the opportunity to purchase a moderately priced firetruck which will be of benefit to the community at large. This is just one example of the kind of equipment that will be made available by passage of the Hall amendment; there are many others.

I strongly support initiatives to aid communities adversely affected by the downsizing of the DOD and DOE infrastructure. Through no

fault of their own, the citizens of these communities are faced with redirecting their careers after years and years of reliable employment. In some communities the DOE weapons production facility has been the sole source of employment for 45 years.

I thank Mr. HALL for working with me on this important amendment to ensure that communities like Hollow Creek all over the country have a chance to purchase surplus DOE property at a reasonable price. I intend to work with representatives from Hollow Creek and other South Carolina communities to assist them in fully utilizing the opportunities offered through passage of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON], for the purposes of entering into a colloquy with the gentleman from Massachusetts [Mr. MEEHAN].

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

Mr. SKELTON. I yield to my friend, the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I would ask the distinguished chairman of the Subcommittee on Military Forces and Personnel to engage in a colloquy regarding the extension of the Uniformed Services Treatment Facilities.

Mr. SKELTON. I would be happy to do so. Let me point out that the committee directed DOD to develop a managed care model as the basis for continued use of the USTF's in the military health care system.

Mr. MEEHAN. In light of DOD's continued efforts to kill the USTF's, I am still concerned that the Department of Defense may try to terminate them before performing an accurate assessment of their cost-effectiveness. As the gentleman is aware, they have 4-year contracts, and the retirees who elect to receive care from a USTF are relying on the facilities to provide care over a period of time greater than 1 or 2 years.

Mr. SKELTON. Let me reassure the gentleman that the committee always gives highest priority to the welfare of beneficiaries. The committee limited the extension to 2 years because there is simply a great deal going on in health care and the committee wanted to preserve the flexibility to oversee the future course of the entire military medical system and make adjustments, as we do with many other important personnel programs.

Mr. MEEHAN. As the gentleman knows, the other body has proposed to extend the USTF's for 5 years. Are you open to considering a longer extension as a compromise in conference, especially in light of the fact that DOD has signed 4-year participation agreements with these facilities and that the USTF's have invested resources based on the agreements?

Mr. SKELTON. Let me assure the gentleman that I am open to the Senate's arguments for a longer extension of the deemed status for the USTF's.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DORNAN] for the purposes of a colloquy.

Mr. DORNAN. Mr. Chairman, I thank my leader for yielding the time. I would like to engage in a colloquy with the distinguished gentleman from Missouri [Mr. SKELTON].

As the good chairman is aware, I had planned to offer an amendment on the floor today requiring the discharge from our military forces of HIV-positive servicemembers because they are not worldwide deployable and thereby pose a serious impediment to personnel readiness. In addition, once a member comes up HIV positive, their jet flying, paratrooper, helicopter, submarine, surface ship, fighting vehicle, artillery, rifle, and pistol days are instantly terminated. In a word, it is terribly unfair to the fit, the healthy men and women in service requiring your healthy to deploy more often. According to the Commandant of the Marine Corps, "This not only impacts readiness but also increases the deployment tempo of fully fit marines."

I understand, however, that the chairman plans hearings on this issue.

Mr. SKELTON. If the gentleman will yield, Mr. Chairman, the gentleman from California is correct. Let me reassure him that, as a result of earlier discussions within the committee, I intend to hold hearings as soon as possible on the readiness impact of nondeployables.

Mr. DORNAN. I thank the chairman for his reassurance and leadership on this important issue of readiness.

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Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, recently, many of my constituents and others could easily receive their pharmaceuticals at Carswell Air Force Base, and with very little notice, they were informed that a catchment area had been designated around Carswell. For those who do not know what a catchment area is, it is the legal boundary which surrounds a military treatment facility and is used to determine the requirement for nonavailability statements for CHAMPUS beneficiaries. In other words, it is an area where certain citizens are deemed eligible for pharmaceuticals, and those outside that area were given significantly different treatment.

Military retirees have been able to obtain pharmaceuticals at military facilities, and therefore, not having to rely on Medicare. But those who had easy access to pharmaceuticals in the Carswell area have had the door closed on them. Those retirees and other eligible persons who are fortunate enough to live within the 40-mile radius are indeed privileged as they still have pharmaceutical benefits, but now at designated drug stores in this catchment area.

Even though an eligible retiree might live across the street from one of these drug stores, he or she has been told they cannot partake of the pharmaceutical benefits because they do not have the right ZIP Codes.

With the assurance of Chairman MONTOGMERY and Chairman SKELTON, and as recommended by the National VFW and the American Legion, I am agreeing to this en bloc amendment for a study of 90 days. This is necessitated by what I consider an erroneous cost estimate by the Congressional Budget Office. At best the CBO estimate clouds the issue and puts a favorable vote on the amendment in jeopardy. The rights sought in my amendment are too important to risk an unfavorable vote and thereby delay indefinitely the relief I have sought for the veterans and retirees of our Nation.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LEVY].

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

Mr. Chairman, I rise in support of the en block amendment of H.R. 2401.

Included in the en bloc is an amendment which would direct the inspector general of the Department of Defense to reopen investigations of a number of cases in which members of our Armed Forces were alleged to have committed suicide. My interest in this issue stems from a case I inherited from my predecessor, former Congressman Raymond McGrath. A young marine from the district I now represent was killed by gunshot in a nightclub in San Salvador. The Naval Investigative Service called the incident a suicide, yet physical evidence and numerous accounts from members of the Marine Corps and other witnesses raise troubling questions.

The efforts of my constituents to get answers from the Departments of Navy and State have attracted nationwide publicity. Families of 72 other alleged suicide victims have come forward with stories that have disturbing parallels with that of the deceased young man from New York. Some of the lapses by Department of Defense investigators are incredible. Evidence was mishandled, witnesses were ignored, and other serious procedural failures have been noted. In some instances, photographs taken by investigators clearly conflict with official findings.

The amendment requires an independent review of these incidents by the inspector general of the Defense Department. The inspector general was established to provide an independent review of agency activities and operations. The sensitivity of these particular cases and repeated failures on

the part of the Defense Department investigative agencies cries out for the kind of review that can only be conducted by the IG.

One of the problems faced by the Office of Inspector General is the enormous caseload. The purpose of this amendment is to indicate the priority we place on members of our Armed Forces whose deaths have not been properly investigated.

Our goals are clear. We would like a better explanation for the cases at hand and an examination of the pattern of failure by Defense law enforcement agencies. Absent fundamental changes in these agencies, more families will live with terrible and nagging uncertainty over the death of a loved one.

I want to thank my colleague from New Jersey, Mr. PALLONE, who has joined me in this endeavor and Chairman DELLUMS for including the amendment in the en bloc.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the coauthor of that amendment, the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment being offered by Congressman LEVY and myself calls upon the inspector general of the Department of Defense to conduct a reinvestigation of any self-inflicted death, after January 1, 1982, while the serviceman was on active duty, if there are allegations of incomplete or inadequate initial investigation and if the family makes the request.

For the last several years our attention has been drawn to repeated stories of flawed criminal investigations within the armed services.

Story after story has appeared detailing those stories that have grabbed the attention of the American public: Tailhook, the USS *Iowa* explosion and others.

But what happens when an American family experiences a tragedy: The unexpected death of their son or daughter in the military—and compounding that tragedy, an investigation that results in a finding that the death was self-inflicted?

Then, as the family receives information from various sources, questions begin to arise. Why were there no fingerprints on the gun? Why was he bruised all over? Why was he bound? Why was there no nitrate on his hands? Why was the person with their son not immediately tested? Why were his wallet and personal belongings missing?

But no one answers the questions. No one acknowledges that the questions are bona fide. No one is able or willing to respond. Request after request is made by the family under various acts. First they are patronized, then they are ignored.

Finally the official reports are received, some including the photos of the death scene and the autopsy photos, if the family has requested them—only to discover there are even more questions.

These families develop suspicions, and over a long period of time they go back and forth between belief that there was a coverup of some sort or that the investigators were simply incompetent.

So far, the military investigators response to this is to say that the families are in denial. The military says that these families simply cannot accept the fact that their sons killed themselves. Go home, the families are told, and forget your questions.

Well, let me tell you that I have grave doubts about many of the cases brought to my attention—and two of them are from my congressional district. One constituent, a 27-year-old marine, had just come out of Officers Candidate School and finished No. 1 in his class. He died at Camp Pendleton, where nine young men have allegedly committed suicide in the last 18 months.

One of my questions is whether we are really having an increase in the number of suicides or whether these are homicides that are not properly investigated because of understaffing or inexperience? How will we know without looking at the cases where questions exist?

If no one at DOD is willing to look into each of the investigations where questions have been raised that most certainly are not frivolous, how do we know, how do the parents know, exactly what quality of investigation prevailed after these young people died?

Mrs. Jakovic, my constituent, has become one of several mothers across the country who are organizing the effort to obtain reinvestigations into the deaths of their children. These families need your support of this amendment, which does not require additional funding.

Certainly throughout DOD and the armed services there is the ability to absorb a reinvestigation of these cases. Further, other Departments, such as the Department of Justice, are well able to perform expert services in pathology and ballistics.

This amendment will provide assurance to families that their questions will be answered and further, provide immediate insight into the integrity of military investigations—the product of which may be of lasting benefit to future investigations.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in support of one particular aspect of the amendment offered by the gentleman from Indiana [Mr. MCCLOSKEY] which puts the Congress on record in support of the U.S. Government's longstanding policy of treating the export of space launch vehicle technology as restrictively as its identical military twin—ballistic missile-related exports. I firmly believe that passage of this amendment is the very least Congress should do given the misguided efforts of some State Department officials to have President Clinton loosen existing missile and nuclear nonproliferation controls.

Mr. Chairman, last week, in response to earlier congressional and press objections to relaxing existing controls on dangerous nuclear and rocket technology, Vice President GORE personally intervened and temporarily blocked any changes from being made to existing U.S. nonproliferation policy. However, this pause did not last long. Just yesterday, the President announced, during his speech to the United Nations General Assembly in New York, that he had approved the new policy recommendations being pushed by the State Department.

Passage of this amendment on space launch vehicle [SLV] controls, which is quite similar to an amendment sponsored by Senator BINGAMAN and added to the Senate version of the fiscal year 1994 Department of Defense authorization bill, is a modest, but useful step in the right direction. I should state, however, that since the administration has chosen to adopt these policy changes, despite the continued misgivings that I and other Members have expressed, I will seek, during the conference committee's deliberations on this bill, to add more restrictive provisions to guard against the clear dangers these changes threaten.

What am I talking about? Mr. Chairman, at the heart of U.S. missile and nuclear nonproliferation policy has been a recognition of the need to clearly differentiate between activities that are dangerous and those that are not, and activities that are profitable and those that are not. Unfortunately, the State Department's recommendations would fuzz up these distinctions with potentially disastrous consequences for United States and allied security.

U.S. nuclear cooperation, for example, has long emphasized activities relating to reactors that do not use weapons usable uranium or plutonium over activities relating to reactors that do. The reason why is simple: The mere possession of nuclear weapons usable materials brings a nation within days of having a nuclear bomb. Similarly, U.S. space cooperation has always drawn the line where the Missile Technology Control Regime [MTCR] does—in denying additional nations the means to deliver nuclear weapons over great distances.

Thus, it has been our policy not to increase the number of nations acquiring space launch vehicles or large sounding rockets since such rockets are indistinguishable from intermediate or intercontinental range ballistic missiles. Indeed, the only SLV cooperation the United States has engaged in to date was both before the MTCR's creation and with the People's Republic of China [PRC] or Russia, who are already recognized nuclear weapon states under the Nuclear Nonproliferation Treaty [NPT].

In both the rocket and nuclear cases, the safeguards logic of our existing nonproliferation policy has been clear. Because nuclear

activities associated with the production or use of weapons usable plutonium and uranium and rocket activities associated with SLVs or large sounding rockets brings nations so close to having nuclear weapons and ballistic missiles, neither are safe or safeguardable. Safeguards, after all, must provide time warning of a diversion of a safe activity to a dangerous one.

By this standard, monitoring only becomes a safeguard if it can detect a diversion in enough time to allow us to prevent the diversion from being completed. How much time is this? A useful definition was provided in the 1946 Acheson-Lilienthal report on the International Control of Atomic Energy, which estimated that "sufficient warning" meant at least a year or more. Judging from our slow response to Iraq's and North Korea's proliferation activities, a year's worth of warning seems the very minimum we need.

In the case of nuclear activities involving weapons usable uranium or plutonium or SLV's and large sounding rockets, diversions to nuclear weapons or long-range or intercontinental ballistic missiles [ICBM's] are measured in days, not years. By the time you detected a diversion, assuming you were luckily enough to do so, it would be too late to do anything effective to stop it. It would be a fait accomplis.

Reinforcing the safeguards logic of our current nonproliferation aversion to dangerous rocket and nuclear activities is simple economics. It turns out that both the production or use of nuclear weapons usable uranium and plutonium and starting a totally new SLV program are sure-fire money losers. As was noted in a recent editorial published in the Christian Science Monitor by a former senior Pentagon official:

> Studies last year by the Commerce Department and the RAND Corporation concluded that initiating new "peaceful" SLV programs is a sure-fire money loser for any nation not already launching commercial satellites. * * * Dangerous "civil" nuclear activities * * * are no different. * * * The world is already awash with civil uranium enrichment capacity and trying to use highly toxic plutonium instead of cheap, safe uranium as reactor fuel is like trying to make quick money fueling autos with high sulfur coal.

Brian Chow, the Rand author of a detailed study completed for the Defense Department entitled "Emerging National Space Launch Programs: Economics and Safeguards," drove this same point home concerning SLV exports in a recent editorial in the Wall Street Journal:

> Last month President Clinton persuaded Saudi Arabia to purchase $6 billion in new passenger jets from Boeing and McDonnell Douglas. The economic benefits of exporting space launch technology are not anywhere near as large. Considering the competition from Russia, the European Space Agency, Japan and others, the American share of space launch technology sales is unlikely to exceed $200 million a year. It would take 30 years of such sales to equal what we just achieved with that single aircraft sale. Furthermore, after other countries succeed in developing their own space launch capability, they will no longer ask the U.S. for launch services.

It is this economic and safeguards logic that the State Department, with the support of former State Department Under Secretary Frank Wisner, now at the Defense Department, would change. The State Department's efforts to modify the underlying logic of our missile and nuclear nonproliferation policy are hardly new. As was noted by Senator BINGAMAN when he introduced the Senate version of the SLV resolution now included in the MCCLOSKEY amendment, a State Department report to Congress in 1989 suggested the possibility of the United States aiding emerging space launch programs. It was opposition to this suggestion, the Senator noted, that encouraged him to author the missile technology control provisions that were ultimately adopted as part of the Defense Authorization Act for fiscal year 1991 (Public Law 101–510), which required the United States to treat exports of SLV technology as restrictively as those relating to ballistic missiles.

Apparently, the State Department bureaucracy did not get the message. Just last year, during the Bush administration, officials from State suggested some of the key relaxations of U.S. nonproliferation policy now having been adopted by President Clinton. Fortunately, the Defense Department resisted these ideas and they were put aside when National Security Directive 70, President Bush's directive on U.S. nonproliferation policy, was announced in July 1992.

But the State Department did not give up. In fact, I understand that in the fall after the election, the State Department again revised its nonproliferation ideas for consideration by the Clinton administration. And, with the nomination of Under Secretary of Defense Frank Wisner, unanimous interagency support was virtually guaranteed.

What precisely are these changes? In the missile technology area, instead of making it necessary for new members of the MTCR to give up any large missile or rocket development effort, the Clinton policy would allow nations to become members of the MTCR even if they pursued such programs so long as these programs were deemed not to be for offensive purposes. Second, and related, instead of discouraging nations from developing large sounding rockets and SLV programs, the new Clinton policy would ratchet U.S. concerns back to a skeptical attitude with case-by-case review of applications for U.S. assistance to such programs. Third, and finally, the proposed Clinton policy would offer cooperation with the United States on such large rocket programs as an incentive to get nations interested in joining the MTCR.

In the nuclear field, the changes to U.S. policy are no less significant. These were highlighted in a State Department paper handed to foreign governments several months ago and in a White House press release issued September 11 and later withdrawn but not contradicted as mistaken. First, the United States would no longer be concerned about other nations producing or using weapons usable uranium and plutonium for civilian purposes so long as these nations were located in regions deemed by the administration to be stable and the activities were monitored by the International Atomic Energy Agency [IAEA]. Second, the United States would commit up-front to hand over its excess weapons plutonium and highly enriched uranium along with its excess bomb components to the IAEA for safeguarding, even though the necessary technical measures to permit international safeguarding of this material has yet to be developed.

All of these changes are quite disturbing. First, as difficult as it is to safeguard weapons usable uranium and plutonium, it is incomprehensible that anyone would propose to have the IAEA safeguard U.S. nuclear materials in the form of nuclear weapon components, such as pits. This is reckless. In fact, critical nuclear weapon design information is visibly available simply by looking at how we shape our nuclear weapons materials to make nuclear weapon pits.

This is not the sort of information we want non-nuclear weapons state members of IAEA to have access to. Yet, it would be more difficult to keep this information from them in an organization that is so clearly dedicated to the principle of equal treatment of all members. Indeed, Iran, a nation that the Honorable James Woolsey, the Director of Central Intelligence, has publicly testified is working to develop nuclear weapons, is on the IAEA's Board of Governors.

Second, it makes no sense to indulge or allow our friends to engage in uneconomical civil nuclear activities involving the production or use of weapons usable uranium or plutonium when we are trying to get all the world's other nations to avoid these activities altogether. This is doubly so when there is no technical means to safeguard such activities. Trying to argue otherwise for our friends in stable regions is a delusion.

Finally, the administration's professed willingness to entrust so much to the IAEA belies any sound understanding of that organization's key weaknesses. It is far behind in meeting its safeguarding responsibilities for safe activities and yet is overly eager to educate Iranians and other questionable members in sensitive nuclear fuel cycle activities. Rather than get this agency into more dangerous duties, we ought to be disciplining it to live up to its current list of responsibilities.

As for the administration's missile recommendations, these too leave much to be desired. In fact, the Washington Post and the widely respected industry publications Space News and Jane's Defense Weekly have raised serious and legitimate questions about PRD–8 in recent editorials and analysis. The editorial that ran in Space News was most telling. As it noted:

> * * * those behind a policy shift want to show friendship to other nations as a means of encouraging democracy and convincing them to join in nonproliferation efforts. Selling launch technology as a friendly gesture reflects inexcusable naivete about defense matters on the part of these public servants.

The argument, of course, is that the United States will only help MTCR members on the development of ICBM-capable rockets who are truly trustworthy. The problem with this supposition is that other MTCR members likely will not share our views as to who is and isn't trustworthy; the PRC, Russia, and other MTCR countries will be free to adopt their own view of what constitutes a trustworthy nation and will follow our lead in establishing cooperative relationships with these nations to development SLV's.

There is also the problem of undermining what few clear successes we have had in the missile nonproliferation field. The Washington Post editorial rightly noted that United States policy succeeded in getting South Africa, Taiwan, and Argentina all to drop their plans for so-called peaceful SLV's and that only by sticking to our principles concerning the interchangeability of SLV's and ballistic missiles were we able to get the Russians to agree to drop, albeit rather late in the game, their SLV cooperation with India. The Indians have continued their program, of course, but just recently their program suffered a test-launch failure that clearly suggests just how important foreign rocket assistance is. What will happen when we bring Argentina, India, South Africa, and Brazil into the MTCR, as Clinton administration officials have claimed they want to do? Many officials in these countries still want to develop large rockets. Will the United States refuse to assist them because we consider them untrustworthy—after we support their entrance into the MTCR? And if we do, on what grounds will we be able to prevent other MTCR members from assisting these nations?

Mr. Chairman, these are important questions that the administration and Congress should answer before any change is made in existing nonproliferation policy. Adoption by the House of this modest amendment concerning SLV issues is, I believe, the best way to register congressional concerns about Presidential Review Directive No. 8 [PRD–8] and to encourage the administration to consult with interested members in earnest not only on the SLV dimensions of their proposed policy initiative, but the nuclear ones as well.

In an effort to help inform other Members of the House and the American public on this critical issue, I have included copies of various articles and other materials that I have found useful and insightful.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the chairman for yielding this time to me.

Mr. Chairman, I want to explain that I will not be offering the amendment for which I was given permission by the Committee on Rules regarding the ground wave emergency network. I think there is a waste of money there. But that amendment was dealt with by the Senate in a way that would affirm the vote. It did not seem to me it would be a productive use of the time of the House to take up that effort here, especially since I understand some people concerned with this are going to be dealing with it as a financial matter in the Committee on Appropriations.

So, therefore, I am explaining, albeit tersely, why I will not be offering that amendment.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM] for a colloquy.

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to engage the distinguished chairman of the Readiness Subcommittee in a brief colloquy concerning the provision of family advocacy services to military personnel.

Mr. HUTTO. Mr. Chairman, will be gentleman yield to me?

Mr. CUNNINGHAM. I yield to the gentleman from Florida [Mr. HUTTO], the chairman of the subcommittee.

Mr. HUTTO. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from California on a subject that is of such importance.

Mr. CUNNINGHAM. We are all aware of the tremendous pressures which are placed on military families today, and the need for programs to assist families to cope with such pressures. I want to discuss the value of just such a program which has been successfully implemented throughout the Marine Corps.

In fiscal year 1992, Congress appropriated funds to expand the new Parent Support Program, a 2-year-old pilot program aimed at preventing child and spouse abuse at Camp Pendleton. The Camp Pendleton program operated in direct collaboration with Children's Hospital of San Diego.

Today, the NPSP is fully operational at all 18 major Marine bases, reaching the families where child and spouse abuse are most likely to occur. The Commandant has indicated that the program's services have received high praise from Marine Corps commanders, active duty personnel, and family members. However, shrinking dollars and operating budgets make it difficult for the marines to continue funding this effort. In light of the program's continued demonstrated value and success, I would like to work with you and Mr. DELLUMS to ensure that the fiscal year 1995 authorization bill adequately supports the funding necessary for the program.

Mr. HUTTO. I agree with the gentleman from California about the importance of child abuse prevention programs to the Armed Forces, and I am also aware of the New Parent Support Program's implementation and success throughout the U.S. Marine Corps. However, I must point out that this type of program has applicability to the other branches of the military services. After all, more than 50 percent of the forces are now married. I would be happy to work with the gentleman from California to ensure this program is adequately supported.

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Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I do appreciate the gentleman yielding this time to me.

The Rules Committee has allowed an amendment that I requested that would strike section 942 beginning on page 311.

Now, I intend not to offer that amendment today, but let me tell you why the amendment is bad policy and why it is a bad thing.

The amendment provides, and I have a copy of the bill right here, that the U.S. Space Command, which is located in Colorado may not be merged with the U.S. Strategic Command for the rest of this year and for the rest of next year, and further that no element or component of the Space Command located in Colorado can be transferred to the Strategic Command.

Now, let me tell you the reason for that provision in the bill, inserted as I understand it by Members of the Colorado delegation, is in response to Gen. Colin Powell's report, the chairman of the Joint Chiefs of Staff report on "Roles, Missions and Functions in the Armed Forces," which recommends that there could be considerable economies saved by studying the possibility of merging the Space Command with the Strategic Command.

This report recommends that at least a study be made of that because there might be major economies associated with merging those two commands.

Now, the effect of this provision is to take away from the Pentagon the authority to change these command structures.

Now, I think that is bad policy. This response is made by the Colorado delegation in order to try to preserve in Colorado a command that has been there for a long time. It is understandable that the Colorado delegation should try to do that, but command decisions, where they are to be located, whether they are to be merged, what the size of them is to be, have traditionally been made by the Pentagon. They have never been made by this body or by the Senate. It has never been in statute. Command decisions have long been made by the Pentagon and I think they should stay there, because they are best able to evaluate the most economically way of organizing our armed services.

So the effect of this amendment is to yield segments of Congress that have a personal interest in maintaining a command in one place or another and to undermine the basic principles of our base closing strategy and philosophy, which is to vest with an impartial commission decisions of this sort, because they are more likely to be in the best interests of the country.

Now, let me emphasize that if this makes it all the way through into law, and I think it is not going to because of opposition in the Senate, this would create a new standard of congressional competence that all of us will be required to abide by. Each of us that has a command would be expected to put language in law prohibiting movement of that command anywhere else.

The CHAIRMAN pro tempore. (Mr. DURBIN). The time of the gentleman from Nebraska [Mr. HOAGLAND] has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman has the right under the rule to move to strike the last word for an additional 5 minutes of debate time.

Mr. DELLUMS. Mr. Chairman, I yield to the gentleman from Nebraska for the purpose of allowing the gentleman to conclude his remarks.

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

Now, the basic problem with this approach, as I indicated before, is that it erects a new standard of congressional competence. It would require all of us that have commands in our districts to insert language protecting those commands from transfer or shrinkage by the Pentagon.

It also would put all of us with bases in our districts under the standard of putting a moratorium on having any of the bases closed or moved anywhere else in the country. It is not good policy. Decisions of this sort should be left with the appropriate authority.

Now, this issue was dealt within the Senate extensively. Senator EXON and Senator BROWN debated this on the floor of the Senate, negotiated in private, and finally executed a letter signed by Senator BROWN and Senator CAMPBELL on behalf of Colorado and Senator EXON on behalf of Nebraska, a letter to Secretary ASPIN calling on the Pentagon before it makes a decision about the Space Command to consult thoroughly with Canada so that its interest can be represented.

I will insert a copy of this letter immediately following my remarks.

Now, it is my understanding that this is very likely to be deleted in conference. Rather than put this issue to a vote here and consume at least 30 additional minutes of time and with considerable confidence that this bad policy will not be adopted in conference, I thank the gentleman for yielding time to me, and I will not be offering the amendment allowed by the Rules Committee.

Mr. Chairman, I include the letter referred to earlier, as follows:

U.S. SENATE,
Washington, DC, September 14, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY ASPIN: As the Defense Department formulates its final report on a possible move or merger of U.S. Space Command and U.S. Strategic Forces Command, it is especially important that the government of Canada be thoroughly consulted. For thirty-five years, the bilateral agreement establishing the North American Aerospace Defense Command (NORAD) has served as the cornerstone of North American defense. As you know, plans for merger, without consultation, could cause significant disruption in this important relationship.

Consequently, we ask that Canada be consulted specifically on any proposed functional or operational transfers as well as the effect of any proposed merger of the two commands on existing agreements or practices of the two countries in defending the U.S. and Canada.

Furthermore, as you formulate a final report on the study, we ask that you include in it:

(a) all of the costs, including potential environmental costs, that would be incurred through relocation of U.S. Space Command or any of its elements, functions or missions; and

(b) the result of consultations with the government of Canada, and the effect of such a merger on the defense agreements and practices of the two countries.

Thanks in advance for your assistance in this effort.

Sincerely,

HANK BROWN,
U.S. Senator.
BEN NIGHTHORSE CAMPBELL,
U.S. Senator.
JIM EXON,
U.S. Senator.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I just would point out that one of the reasons we put this in is the basic difference between SPACECOM and STRATCOM. Obviously, they do have different functions, and there was some concern about that.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado has expired.

Mr. DELLUMS. Mr. Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman. I thank the gentleman for yielding this additional time to me.

This is not in my district and nobody was trying to pull a fast one.

Obviously where this came from was the Joint Chiefs review, as the gentleman pointed out.

But one of the great concerns is SPACECOM provides many benefits, such as Intelligence, navigation, weather communications, and STRATCOM consolidates all the strategic nuclear weapons.

Our real concern was do you want to mix the peaceful part of space with the nuclear part of space? For a very long time we wanted to keep a bright line between those two things that went back to the days when we all hoped that space would be a lot more peaceful and that it would be something we could all work together on as a planet to have eyes and ears there. We are not sure we want to put our eyes and ears in the peaceful part with the strategic nuclear weapons part. That is where the language came from, and we will be more than happy to work this out.

Mr. Chairman, I rise in opposition to the Hoagland amendment, which would strike section 942 of the bill. This section properly places a moratorium on the merger of Space Command with Strategic Command.

I am very troubled by a possible merger of Space Command [Spacecom] with Strategic Command [Stratcom], as suggested in the roles and missions study released earlier this year. Such a merger would raise a number of very basic policy issues which should be fully reviewed by the Congress.

By design, Spacecom and Stratcom have vastly different missions. Spacecom provides the many benefits from space systems, such as intelligence, navigation, weather, and communications, while Stratcom consolidates all strategic nuclear weapons. Should we be mixing these fundamentally different missions? What would be gained by such a merger?

Will a move of Spacecom to Stratcom, lessen the importance of space systems, to the benefit of Stratcom's main mission, strategic offensive nuclear programs? Isn't this like mixing gasoline with fire?

I am also concerned that a merger may turn future space funding into a cash cow for funding strategic offensive nuclear programs. Throughout this debate, speaker after speaker has noted how the world has changed, that the cold war is over. The need for strategic nuclear weapons is vastly diminished, despite the arguments of those still married to cold war thought and rhetoric. By combining these two commands, the strategic nuclear portion may be hidden under a space cloak, yet sucking money away from space programs.

In my mind, one would need a compelling reason to merge the two commands, and frankly, the risks do not appear to outweigh the benefits. In any event, this is an issue of major policy significance that should be fully reviewed and debated by the Congress. Section 942 merely places a moratorium on a possible merger and would allow the Congress to fully review such a proposal.

Finally, it is my understanding that the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, was quoted in "Defense News" on September 27 saying that this merger would not occur in the near future because of limited cost savings and the need to stimulate space operations. This amendment would not affect that decision.

Mr. Chairman, I urge our colleagues to vote against the Hoagland amendment.

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

Mr. SPENCE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman under the rule is entitled to make that request and will be granted an additional 5 minutes of debate time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, just in discussing the amendment, which I guess is not going to be offered right now, but as the amendment that the gentlewoman from Colorado [Mrs. SCHROEDER] and I put in the bill has been attacked somewhat here, I want you to know that our motivation was not as devious as the Senator from the

gentleman's State seemed to think it was.

Really, I would be opposed to this amendment because it simply calls for a 1-year moratorium on any merger of the Space Command and the Strategic Command, simply because if we were to do this we ought to think about it very, very carefully.

The gentlewoman from Colorado [Mrs. SCHROEDER] talked about some of the reasons not to do it, but we ought to go over it very, very carefully, and we ought to know the cost benefit analysis of any kind of a move such as that.

Chairman Powell in his annual report to Congress suggested that this ought to be studied.

Somehow the Senator from Nebraska seemed to think it was part of base closing. It had nothing to do with base closing. It simply said that it ought to be studied. They have studied it now, and in a letter received by Senator BROWN just a few days ago and recorded in the "Defense News" of September 27, the letter stated that he noted his review of interim results to the year-long study did not convince him that the proposed merger is a good idea, and in fact the headline of this article says, "DOD Nixes the Merger of U.S. Nuclear and Space Commands," and for many of the same reasons that the gentlewoman from Colorado [Mrs. SCHRODEDER] stated.

So I think that the amendment of the gentleman from Nebraska [Mr. HOAGLAND], were it offered, would not be appropriate at this point, and I am pleased.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, let me just say that another project in the great State of Colorado is $40 million for a breast cancer research facility at the Fitzsimmons Army Hospital, but if you looked at the bill you would not recognize it as being there because they have given six criteria that have to be used in order to place this facility someplace in the United States, but if you add up all six of the criteria, it is only one hospital.

□ 1820

One hospital, and that is the Fitzsimmons Hospital in the State of Colorado very close to the gentlewoman from Colorado's district, $40 million.

Now we had an amendment in the Committee on Rules which would say that we would allow this to go forward if the Defense Department thought it was necessary, and it would allow the Secretary of Defense to decide where it should be placed. But the people on the Committee on Rules, I suspect, under some pressure, would not allow my amendment to come to the floor so that the language in the bill will only allow this $40 million facility which was never approved by the Defense Department, never asked for by the administration, can only go closely to the gentlewoman from Colorado's district.

Now I would just like to say to my colleagues that we talk about pork around here all the time, but this is really ridiculous because she disguised it with six criteria instead of saying, "Let's put it into the Fitzsimmons Army Hospital." This is deviousness of the highest sort.

And I would like to say to my colleagues this is not the sort of thing that we ought to be doing around here, and I would say to the gentlewoman from Colorado, "If you want this facility, go to the Defense Department, get their approval. Ask the administration if they think it's necessary before you stick $40 million in here and disguise it with six criteria that the American people don't understand."

Let us put it someplace in this country, if it is necessary, and let the Defense Department decide where it goes instead of sticking it into her area.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from South Carolina for being a gentleman.

First of all, Mr. Chairman, I want to point out that the criteria in here fit the eight Army hospitals that are there. What the criteria are, are dealing with the building, dealing with the laboratory, to make sure these funds are not ripped off, and it also talks about having someone that is tied into the Indian health, the veterans and DOD health to try and be very efficient. These are not directing it to any hospital.

I assure people I know how to spell Colorado. It is not there, and I say, "If you don't believe it, read on pages 71 and 72; that's where it's laid out," and this is mainly to make sure that this money goes to catching up women's health which has long been neglected.

Mr. Chairman, women have twice the incidence of cancer that were in the military than those who were not. This has been ignored by DOD, by the Veterans' Administration and by Indian health, and this is trying to centralize it and put it in a catch-up. But it allows any of the Army hospitals to come forward, and, if anyone has any question, please come over. I will show it to them in the bill. It is written as generically as possible, and that is what I have always done. I have always been for women's health. It has never been in my district.

I must say I think what the issue is that nobody wants to say that they are against women's health. They are trying to make it another issue, and that saddens me. But I thank the gentleman from South Carolina [Mr. SPENCE] for being a gentleman and letting me answer.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I am going to insert in the RECORD material concerning the national defense authorization bill. In doing this I want to thank the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], thank the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the relevant subcommittee, for including in this legislation the law enforcement proposal whereby involuntarily retired members of the services would have an opportunity to work for local police and sheriffs' offices, especially in high crime areas.

Mr. Chairman, this is a defense conversion proposal. We have dedicated men and women of all races and ethnicities, and it is very important that this go through.

FEDERAL HELP TO FIGHT CRIME ON THE STREETS

Mr. HORN. Mr. Chairman, I rise today in strong support of H.R. 2401, the National Defense Authorization Act for Fiscal Year 1994. Section 1332 of this legislation expands on the Troops to Teachers Program contained in Fiscal Year 1993 National Defense Authorization Act to include support for the recruitment and hiring of law enforcement and health care workers. This language incorporates provisions from two bills, H.R. 1245 by the gentleman from Maryland [Mr. WYNN] and, my legislation, H.R. 2474, the Community Security Act in which I was joined in a bipartisan coalition by Mr. TOWNS, Mr. GILMAN, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. MCDADE, Mr. MCKEON, Mr. MOORHEAD, Mr. PASTOR, Mr. RANGEL, Mr. SHAYS, Mr. TORRES, Mr. TRAFICANT, Mr. UPTON, and Mr. WAXMAN.

We believe this section will expand on an already successful program to channel members of the Armed Forces who are being separated into areas that directly benefit our communities—namely law enforcement and health care. President Clinton's recently announced crime initiative contains a section to provide for the retraining of up to 1,500 veterans who are leaving the military for jobs with State and local police departments. Section 1332 begins this process.

I wish to thank the gentlewoman from Colorado [Mrs. SCHROEDER] the chairman of the Research and Technology Subcommittee and Mr. DELLUMS, the chairman of the House Committee on Armed Services, and the committee for including this needed program in this year's authorization bill.

Mr. Chairman, I ask consent to insert in the RECORD, the report language on the bill, a column from the Los Angeles Times on H.R. 2474, and various resolutions of endorsement from mayors and representatives of retired military personnel, veterans, and national and local police and sheriffs organizations.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(Report of the Committee on Armed Services, House of Representatives on H.R. 2401)

SECTION 1332—PROGRAMS TO PLACE SEPARATED MEMBERS OF THE ARMED FORCES IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS

This section would incorporate statutory language, based on H.R. 1245 and H.R. 2474, to expand the "troops to teachers" program to also include support for the recruitment and hiring of law enforcement and health care workers.

The committee directs the department to coordinate implementation of this program with the Justice Department and the President's Domestic Policy Council and recommends that emphasis be placed on placement of law enforcement officers recruited under this program in high-crime areas where a shortage of police officers exists.

[From the Los Angeles Times, Sept. 19, 1993]

TROOPS TO COPS: IMAGINATIVE PROPOSAL

The story is the same, be it set in the inner city or a suburb. Kids can't walk to school without fear. Their parents dare not use a bank ATM at night or drive a nice automobile that might tempt carjackers. Where are the police?

Most Americans want more cops, but few municipalities can afford to expand their police departments because of budget deficits, state funding cuts and a national economy that refuses to rebound strongly. Meanwhile, crime takes no vacation.

Congress can put more officers on patrol, and reduce unemployment, by encouraging military police officers who become casualties of defense cuts to go into civilian law enforcement. This novel "troops-to-cops" proposal, by Rep. Steve Horn (R-Long Beach), is now a part of the House defense authorization bill. The details—including the major hurdle, the cost—have yet to be worked out. But, in theory, the measure could remedy a couple of problems.

Thousands of dedicated men and women expect to be forced out of the armed services because the Clinton Administration has proposed drastic cuts in the 1994 military budget. They will need jobs at a time when cutbacks prevail in both the public and private sectors.

The troops-to-cops proposal would encourage military police officers and others with military law enforcement experience to work for state and local police departments. The feds wouldn't pay for training in local police academies (that training is an important element that would still be required), but Washington would subsidize the salaries of the new officers for five years. Clearly, those subsidies would help hard-pressed cities like Los Angeles.

The federal government would pay 50% of the new officers' salaries in the first year, 40% the second year, 30% the third, 20% the fourth and 10% the fifth. That's a bargain for the scared folks back home.

The program would also help military personnel who have health care experience. They could qualify for local public service jobs such as emergency medical technicians', and the federal government would subsidize their salaries.

The troops-to-cops program isn't the only worthy police proposal in Washington. The Clinton Administration's National Service Act will encourage young Americans to sign up for four-year stints at their local police departments in exchange for federal scholarships. Current funding will allow the hiring of several thousand police officers during the next four years.

Neither of these measures will provide enough cops to make a colossal difference; and officers by themselves cannot solve the manifold problem of crime in America. But as emblems of Washington's concern and of national priorities, these proposals are useful and imaginative tools that absolutely deserve support.

CITY OF LOS ANGELES,
July 29, 1993.

Hon. STEVE HORN,
House of Representatives, Washington, DC.

DEAR MR. HORN: I would like to offer my strong support for the early enactment of the Community Security Act of 1993 (H.R. 2474) which you have introduced in Congress. It addresses both the need to transition military personnel into civilian jobs as well as the public need to get more police officers on the streets of our cities.

As I stated in my campaign for Mayor of Los Angeles, there can be no economic recovery in our city without the promise of physical safety. Businesses will only locate and stay in Los Angeles if they can feel reasonably sure that their employees and customers will be safe. Residents will only live and conduct business in the City so long as they and their families can count on the same level of safety. And without new business activity, our tax base will continue to shrink and our citizens will continue to suffer.

That is why I have set a goal of putting 3,000 additional police officers on the streets of Los Angeles over the next four years. I believe that your legislation would help us accomplish this goal, and therefore I would urge others to support your initiative.

Sincerely,

RICHARD RIORDAN,
Mayor.

CITY OF LONG BEACH,
September 7, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The City of Long Beach is in support of your proposal, contained in the Fiscal Year 1994 National Defense Authorization Bill, to assist military personnel laid off due to defense cutbacks to obtain jobs in law enforcement and health care professions by providing financial assistance to local governments to hire these individuals.

It is critical for the Federal government to provide employment assistance to military personnel as they return to civilian life. By funding these opportunities through local government, your proposal will assist both local community and individual needs. In addition to this important proposal, the City of Long Beach also supports legislation to provide direct funding to cities to hire new police officers. We are currently pursuing a portion of the $150 million now available for officers and will actively pursue any additional federal funding made available for police. Providing additional police officers for our residents is a top priority. Any assistance from the Federal government in this effort will allow local resources to be used on other critical local services.

If the City of Long Beach can be of further assistance in this effort, please feel free to contact me at (310) 570-6812.

Sincerely,

JAMES C. HANKLA,
City Manager.

INTERGOVERNMENTAL RELATIONS COMMITTEE

To the Council of the City of Los Angeles:

Your Intergovernmental Relations Committee report as follows:

Your Committee recommends that the City include in its 1993-94 Legislative Program support of H.R. 2474, and seek amendment to H.R. 2401, the Defense Authorization bill section 1332 to reconcile it with H.R. 2474, which would provide a subsidy to communities to assist discharged members of the armed forces to obtain employment as local law enforcement officers, substantially as recommended by Motion (Hernandez-Ferraro).

SUMMARY

Council Motion (Hernandez-Ferraro) urges the City to support the Community Security Act of 1993, H.R. 2474 (Horn), which directs the Secretary of Defense to enter into agreements with local governments who are experiencing high crime, to hire honorably discharged armed forces personnel and train them to be law enforcement officers. The Department of Defense will subsidize the first five years of employment with a incremental reduction of funding. The Mayor also recommends support of H.R. 2474.

Seventy-five percent of program funding is based on a state's total percentage of the national population and a designation of high crime. There is an additional provision that twenty-five percent of funding shall be disbursed to local governments with an "especially high rate of violent crimes." In order to be eligible a community must agree to train and hire a member of the armed forces and offer full employment for a given number of years and treat the member as any other law enforcement officer. The first five years of employment, including training, is subsidized with funding incrementally reduced over that period.

The basic content of this bill has been included in H.R. 1401, the Defense Authorization bill. In all likelihood, the Authorization bill will be passed and approved before the bill proposed by Congressman Horn. There has been some distinct modifications to the original bill in its inclusion to the Authorization bill, that could impact local communities. For purposes of clarity, we would recommend a reconciliation of the two bills.

The first distinction is the amount of the subsidy. The Horn proposal allows a greater level of payment with 100 percent in the first year and a decrease to 80 percent the second year with a final fifth year subsidy of 20 percent. The Authorization bill sets limits of 50 percent or $25,000 for the first year, 40 percent or $10,000 the second year, to 10 percent or $2,500 in the final year.

The next distinction is the time period of participation. In the Horn bill, in order to receive full payment, an individual must serve at least two years. In the Authorization bill this period is set at five years.

The final distinction is the time period for hiring personnel. In the Horn bill, the period for hiring is from one year after the program is implemented with a caveat that any member of the armed forces discharged from October, 1990 to October, 1993 can be hired until October, 1994. The Authorization bill does not allow this stipulation and states that the program eligibility is from a four year period beginning in October, 1993. This would exclude anyone currently discharged.

The only other concern is the technical language used between the two bills. Whereas the Horn bill uses the term "agreement" between local communities and the Secretary of Defense, the Authorization bill uses the term "grant". This may be a difference

in jargon rather than terminology, but we would request that the issues be reconciled.

There has been a concern expressed that this legislation might require local communities will have to modify their existing selection and hiring procedures. Since the bill(s) are silent on this issue and contracts or grant provisions and requirements have not been developed, it is premature to speculate, that the City would be asked to modify its selection criteria.

Respectfully submitted,

INTERGOVERNMENTAL RELATIONS COMMITTEE.

CITY AND COUNTY OF DENVER,
July 23, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: Thank you for taking time to send materials to me on your bill, H.R. 2474, the Community Security Act of 1993. I am very interested in expanding the community-based policing program here in Denver. I am also committed to helping returning members of the Armed Forces train and find jobs in our post-Cold-War community. I believe our people are our "peace dividend."

Denver's own Congresswoman Pat Schroeder has been pursuing, in the House Armed Services Committee, an increase in a program turning troops into teachers, police and health care workers. It is a program I am supporting very enthusiastically. Some of the details differ from your bill, especially in the length of the support commitment to local governments by the Department of Defense, but I am hopeful that her work, your bill and others will be considered and a program forged from all of these ideas which benefit Denver and other cities.

Yours truly,

WELLINGTON E. WEBB,
Mayor.

CITY OF MIAMI, FLORIDA
July 23, 1993.

Congressman STEPHEN HORN,
Longworth House Office Building, Washington, DC.

Re Community Security Act of 1993.

DEAR CONGRESSMAN HORN: This letter is written is support of your efforts in bringing about the Community Security Act of 1993.

The proposed legislation would provide a great benefit to major cities throughout the United States and would put many qualified people who have served this country back to work.

I would certainly support any agreement between the Department of Defense and our local law enforcement agencies to train these individuals and hire them in order to create a safer environment for our citizens and visitors.

Please keep my office informed as to the implementation of this legislation.

Very truly yours,

XAVIER L. SUAREZ.

CITY OF VIRGINIA BEACH,
Virginia Beach, VA, August 12, 1993.

Hon. STEVE HORN,
U.S. Congress, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: Thank you for your letter concerning HR2474, the Community Security Act of 1993. After discussions with our Chief of Police, Charles Wall, I enthusiastically support this measure.

Virginia Beach, and all of Hampton Roads, has a large number of military personnel many of whom retire here. If the cities were able to receive some federal assistance in hiring these personnel as police officers, it would be a great benefit. Although Virginia Beach has an enviable low crime rate, our neighboring jurisdictions are not as fortunate. Furthermore, because of budget constraints the City has been unable to hire as many police officers as we would like in recent years.

By copy of this letter, I am informing our two Congressional representatives Owen B. Pickett and Norman Sisisky of my support of this measure. Please keep me informed on the progress of this measure, and I wish you success in having it enacted into law.

Sincerely,

MEYERA E. OBERNDORF,
Mayor.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, July 22, 1993.

Hon. STEPHEN HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. HORN: The Non Commissioned Officers Association of the USA (NCOA) appreciates your introduction of H.R. 2474, The Community Security Act, that would permit members of the armed forces who are discharged or released from active duty to obtain employment with law enforcement agencies.

NCOA fully supports H.R. 2474. The bill will extend employment opportunities to former members of the military services while at the same time providing a valuable contribution to the communities of this country. The high level of professionalism and ethical work habits of military members provide the best source of police manpower and promises the best results for the money spent.

Thank you for your efforts on behalf of military personnel. If the Association can be of any further assistance, do not hesitate to ask.

Sincerely,

RICHARD W. JOHNSON,
Executive Director of Government Affairs.

THE AMERICAN LEGION,
Washington, DC, June 24, 1993.

Hon. STEPHEN HORN,
House of Representatives, House Longworth Office Building, Washington, DC.

DEAR REPRESENTATIVE HORN: After a staff review of your draft bill to convert former military personnel into law enforcement officers, I am pleased to inform you that The American Legion agrees with the major provisions of this measure. As a "transitional benefit" for recently separated veterans, this measure would meet the "community service" needs for additional law enforcement personnel.

The only potential problem the Legion has with your proposal is the financial mandates levied against the Department of Defense. This program, like many other new initiatives, uses DoD dollars as a "cash cow." The Legion has a formal legislative mandate to maintain a strong national defense posture. If funding continues to be drawn from the defense budget to finance domestic programs, that mandate will become increasingly more difficult to achieve.

The Legion welcomes the opportunity to work with you and your staff to make this bill a reality.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

LOS ANGELES POLICE PROTECTIVE LEAGUE,
Los Angeles, CA, July 16, 1993.

For Immediate Release:

The Board of Directors of the Los Angeles Police Protective League has enthusiastically endorsed House Resolution Bill Number 2474 and referred to as The Community Security Act of 1993. This legislation was authored by Representative Steve Horn from Lakewood, California, and co-authored by 14 other Congressmen, seven from each party, making this a bi-partisan bill. The 14 cosponsors represent a combination of law-and-order Republicans and big city Democrats who usually are at odds.

The League supports this legislation because it will provide a source for recruiting quality individuals and also provide an initial source of monetary support.

Under this legislation, the Department of Defense would subsidize the salaries of involuntarily separated service members hired by local law enforcement agencies.

The first year a veteran is hired, their salary is paid by the Defense Department. The subsidy would then drop 20 percentage points per year so by the sixth year, the local jurisdiction would be responsible for their entire salary.

Since 1988, 530,000 active duty and civilian personnel have been cut from the rolls of the armed services, and that is an untapped resource for recruiting that most major police departments, including L.A.P.D., have failed to take advantage of.

The League supports HR #2474 and encourages all legislators to support its passage and all citizens to contact their Congressional representatives to ensure its approval.

CITY OF LONG BEACH
Long Beach, CA, September 7, 1993.

Hon. STEVEN HORN,
House of Representatives, Longworth House Office Building, Washington DC.

DEAR CONGRESSMAN HORN: The Long Beach Police Department is in support of your proposal, contained in the Fiscal Year 1994 National Defense Authorization Bill, to assist military personnel laid off due to defense cutbacks to obtain jobs in law enforcement and health care professions by providing financial assistance to local governments to hire these individuals.

It is critical for the Federal government to provide employment assistance to military personnel as they return to civilian life.

By funding these opportunities through local government, your Bill will assist both local community and individual needs. Allowing these skilled individuals to become law enforcement and health care providers will assist local government in meeting two of the most increasing demands on its limited resources.

If the Long Beach Police Department can be of further assistance in this effort, please contact this office at (310) 570-7301.

Sincerely,

WILLIAM C. ELLIS,
Chief of Police.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, September 8, 1993.

Hon. STEPHEN HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The National Sheriffs' Association, representing over 22,000 law enforcement professionals nationwide, would like to express our support and thanks for your introduction of H.R. 2474, the Community Security Act. Our legislative

committee has read your proposal and the majority were pleased with your recommendation to help integrate former military personnel to law enforcement jobs.

As always, NSA stands ready to support legislation in the best interest of law enforcement and the public. In the meantime, I would be grateful if you would keep me informed of any progress regarding this proposal.

Sincerely,

CHARLES B. MEEKS,
Executive Director.

LOS ANGELES COUNTY
PROFESSIONAL PEACE OFFICERS ASSOCIATION,
Monterey Park, CA, August 13, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The Los Angeles County Professional Peace Officers Association, representing over 4,600 members of the Sheriff's Department, Marshal's Department and District Office, wishes to go on record in support of your House Resolution bill 2474, referred to as the Community Security act of 1933.

We, in Los Angeles County, have for the past two years faced serious financial problems that have resulted in a hiring freeze of much needed Deputy Sheriffs and other law enforcement officers. This bill would go a long way in filling President Clinton's pledge to put more police officers on the streets of America's cities.

Please feel free to contact me if we can help you in any way. We wish you great success.

Sincerely,

ARTHUR J. REDDY,
President.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding this time to me.

Mr. Chairman, I would like to urge my colleagues to support this en bloc amendment including my Lyme disease amendment to H.R. 2401 requiring the armed services to do more to protect and aggressively screen soldiers in the field.

As my colleagues may know, Mr. Chairman, Lyme disease is a chronic infectious disease primarily spread by the bite of an infected arthropod, usually the deer tick. It is the No. 1 tick-borne disease and the second fastest growing infectious disease in the United States. Despite what the CDC considers underreporting due to widespread misdiagnosis and an elusive trail of symptoms, over 50,000 cases have been reported in 49 States since 1982.

Mr. Chairman, the U.S. Army Environmental Hygiene Agency [EHA] reports that military personnel risk exposure to the disease during field training exercises, contingency operations, and other military-related activities in woody and high-grassy areas. Furthermore, these men and women—who are on orders—do not have the option of avoiding high risk areas.

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Mr. Chairman, with only minimal surveillance in the last few years, the Army has discovered more than 700 cases of Lyme disease among its troops—a 300-percent increase over the last 2 years alone. Several of these affected soldiers have received medical discharges for problems associated with Lyme.

It would be unforgivable it seems to me, Mr. Chairman, to allow Lyme disease exposure. We cannot and must not allow this to happen. We can do more. I have contacted the Army. I asked them what it would take to construct a Lyme disease program, and they said very simply, Colonel Wiles, the commanding officer at the Environmental Hygiene Agency: a $500,000 start up cost and a $500,000 annual appropriation to do the job.

Mr. Chairman, it is a very modest amount of money that can help protect our soldiers. Hopefully this legislation will go forward and be approved in conference.

Mr. STARK. Mr. Chairman, I urge support for the en bloc amendment, which contains the McCloskey-Stark-McCurdy amendment on nuclear nonproliferation. If this amendment passes, it will be the strongest and most comprehensive policy statement ever made by the U.S. Government on stopping the spread of nuclear weapons.

The McCloskey-Stark-McCurdy amendment sets the following policy goals:

A comprehensive nuclear test ban,

A global ban on the production of weapons-usable fissile material for any purpose, military or civilian, with all stockpiles of material put under bilateral or international controls,

Strategic nuclear reductions below START II for the United States and Russia, with additional reductions by France, China, and Britain,

Stronger nuclear export controls and International Atomic Energy Agency [IAEA] safeguards,

A ban on the production of new nuclear warheads,

Reports on the possibility of eliminating all tactical nuclear weapons and adopting a policy of no-first-use.

Together these policies will close loopholes in the Nuclear Non-Proliferation Treaty [NPT], while helping build international support for a lengthy extension of the NPT when the treaty comes up for review and extension in 1995.

While many of these agreements have been elusive individually, they are easier to negotiate as part of a package in which all nations take on some additional restraints. By accepting restraints on nuclear testing and fissile material production, further reducing strategic arms, eliminating tactical nuclear weapons, and adopting a policy of nuclear no-first-use, the United States and the other nuclear weapon States—Russia, France, Britain, and China—can build support for a long-term and possible indefinite extension of the NPT, for a bolder and more aggressive IAEA—which could catch potential nuclear cheats like Iraq or North Korea, and for more stringent nuclear export controls to hinder would-be proliferators like Iran.

President Clinton's speech at the United Nations yesterday included many of these proposals. By passing the McCloskey-Stark-McCurdy amendment Congress will build on the President's foundation and create a truly comprehensive strategy to stop the spread of the bomb.

I wish to thank my distinguished colleagues and co-authors of this amendment, the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Oklahoma [Mr. MCCURDY]. In addition, I wish to express my great appreciation to the distinguished chairmen of the House Foreign Affairs and Armed Services Committees, Mr. HAMILTON and Mr. DELLUMS for their support of this legislation and for their outstanding and long time leadership in fighting proliferation.

I urge support for the amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the en bloc amendment to H.R. 2401, the Defense Authorization Act for fiscal 1994. The en bloc amendment contains an amendment I have offered which will make it easier for the Department of Energy to transfer or lease property and equipment no longer needed for national defense to local communities for technology preservation and economic development.

With the end of the cold war and the diminished need for expensive defense facilities, our Nation is now in the process of reducing the vast network of military bases, equipment, and buildings that were established when a war between the superpowers was a possibility. However, if we are not careful, the dismantling of this network could result in the loss of critical defense-related technologies that we may need again. Moreover, many of these critical technologies have non-defense commercial applications, and these too could be lost in the scramble for immediate defense savings by closing defense facilities. Finally, we also have to consider the needs of the defense workers, many of whom are highly skilled, and all who have served their country. It is the Government's responsibility to make sure that they are given every opportunity to remain employed with as little disruption as possible in their lives.

While most public attention has been focused on the reductions in military bases of the Department of Defense, the Department of Energy also maintains a sizable network of facilities which employs thousands of workers involved in the research, development, testing, production, and surveillance of our Nation's nuclear weapons. With the end of the cold war and a significantly reduced need for nuclear weapons, there is no longer a justification for all of these expensive facilities.

Earlier this year, the Secretary of Energy announced that all plants involved with the production of non-nuclear components for nuclear weapons would be consolidated into one site. That action will result in the closing of the defense missions of the Mound plant, in Miamisburg, OH, which is in my district. It will also result in the closings of the Pinellas plant in Florida and the Rocky Flats plant in Colorado. More plant closings and reconfigurations are inevitable throughout the Nation when the Department of Energy faces the task of consolidating the plants which manufacture nuclear components and materials for nuclear weapons.

With each closing and reconfiguration, unique and valuable equipment will become surplus to the Government's needs. The closings will result in laying off some of our most highly skilled defense workers, including scientists, engineers, and technicians. In some cases, the value of the equipment depends on maintaining the workers who are trained in the equipment's special application. It is within the combination of both the equipment and the workers that our technology resides.

The solution to our problem of maintaining technologies and preserving jobs is complex and will involve considerably more study on a site by site basis. However, it has become clear that any solution will involve the quick transfer of facilities from defense to commercial applications. Speed is necessary because highly trained, skilled workers whose jobs are slated for elimination will not wait for the day when they are notified of their last pay check. At the Mound plant, in my district, workers are already looking for new jobs which could result in the loss of the specialized technology in which they are trained.

Speed is also necessary for the communities which face an uncertain future with the loss of a major employer in the Department of Energy. Also, some of the weapons production facilities are located in the center of urban areas and take up valuable real estate—real estate which could be turned into income-producing showplaces of defense conversion. Or, if left fallow, real estate that could become eye sores and monuments to Government inaction. Our communities must make plans now so they can prepare for the day when the Government will finally turn over the keys and walk away.

Unfortunately, laws and regulations governing the transfer and lease of buildings, equipment, and land create a maze of complicated technicalities that can grind at a frustratingly slow pace. Moreover, there are no statutes which establish economic development as a justification for transferring or leasing property. Thus, the Department of Energy is stymied in its effort to maintain jobs, preserve technologies, and assist with economic development in the communities which have supported the department for so many years.

My amendment contains a series of findings that will give the Department of Energy a strong push to reutilize existing facilities in communities that experience adverse economic circumstances as the result of the closure or reconfiguration of those facilities. The findings also recognize the need to avoid delays in reutilization.

The amendment establishes specific statutory authority to the Secretary of Energy to transfer or lease property to mitigate the adverse economic consequences that might otherwise arise from the closure or reconfiguration of a Department of Energy facility. Such property may be transferred or leased to a public agency at 50 percent of fair market value under some circumstances.

The amendment requires a report, due February 1, 1994, on the Energy Department's future plans for reutilizing existing department property and equipment. The amendment also prohibits the Department of Energy from moving equipment from one site to another unless moving the equipment would be substantially less expensive or would cause substantial delays. This is important to give existing communities the benefit of the doubt when the Department of Energy decides what to do with equipment at sites in those communities.

The amendment does not override existing Federal environmental laws or property transfer policies.

There are already commercial uses for the buildings, equipment, and real estate at the Department of Energy facilities which are scheduled to be closed. Reutilization is not a theoretical goal but a practical reality if we can move quickly.

At the Mound plant, in my district, specific businesses have already been identified which have shown a strong interest in reutilizing the facilities. Seven buildings or parts of buildings, and the equipment contained within, have a high potential for reutilization based on discussions with interested businesses:

Building 105—parts machining building; Central operational support building—tape processing facility;

Building 28—ceramics production building;

Building 43—thermite machining facility;

Building 85—powder blending and processing facility;

Building 49—high explosive assembly facility;

Development and standards building—laser-fired detonator only.

In addition, a parcel of land of 102 acres on the south side of the complex has been identified as having high potential for development. This parcel was purchased as a buffer between the complex and the community and is expected to be certified soon as a clean parcel free of environmental problems.

With the appropriate statutory authority, the Department of Energy can move quickly on these sites at the Mound plant and other facilities scheduled to phase out defense production work. Defense conversion can work by preserving technologies, jobs, and communities associated with Department of Energy facilities that are no longer needed because of the end of the cold war.

Mr. SLATTERY. Mr. Chairman, I rise today in support of the amendment offered by Representatives LEVY and PALLONE which directs the Department of Defense inspector general to reinvestigate the deaths of servicemembers who allegedly died from self-inflicted injury. I am confident that passage of this amendment will open a new door for the families of those servicemembers. For example, the Air Force determined that Allen Shults died of a self-inflicted injury in July 1992, at Keesler AFB in Biloxi, MS. His parents, Linda and Royal Shults of Atchison, KS, have gone to great expense to conduct their own limited personal investigation into Allen's death. The results of their efforts to get some answers to their questions have raised even more questions regarding the circumstances of Allen's death. Linda and Royal have convinced me that the Air Force's investigation may have been designed to fit the conclusion the service desired. After reviewing some of the elements of this case as presented to me by Linda and Royal, I believe this case should be reviewed by some entity other than the Air Force. Linda and Royal Shults are proud of their son's service to our Nation and they deserve answers instead of denials. Mr. Chairman, I urge passage of this amendment.

Ms. FURSE. Mr. Chairman, I rise in support of the Furse-Spratt amendment to clarify the language in this authorization bill regarding banning further R&D on low-yield nuclear weapons, or mininukes. First, I want to thank the gentleman from South Carolina who chairs the DOE panel I serve on. He is extremely knowledgeable about these issues and I consider it a great honor that he agreed to cosponsor this amendment.

I want to emphasize that nothing we are doing here will interfere with maintenance of our existing nuclear weapons stockpile. Nor do we intend to impede the design of testing devices—we are only addressing the issue of weapons with deployable yields of 5 kilotons or less.

Mr. Chairman, we know work on mininukes is going on. The Department of Energy is spending $2 million this year on this R&D and they intend to spend the same amount next year. I realize this is only a minute portion of the $264 billion defense budget, but it is only in Washington, DC, that $2 million is considered insignificant.

More important than the money being expended is the symbolism of letting the nuclear genie out of the bottle again. As Less Aspin said when he was still chairman of the House Armed Services Committee, we have no higher national security goal than to do everything possible to discourage the spread of nuclear weapons and to delegitimize their role.

The new threat comes not from ICBM's searing across the ocean at us, but from small weapons such as these.

The reality is that we cannot contemplate ever using such weapons. Mininukes would be a new generation of tactical nuclear weapons. The President has continued the testing moratorium passed by the Congress last year so we cannot deploy new weapons. Simply put, we are out of the business of developing tactical nuclear weapons in this country.

So why are we wasting the taxpayers' money on studies of weapons we would never use? There are plenty of worthy projects for the nuclear weapons labs to work on: They provide valuable assistance to the International Atomic Energy Agency, their expertise is sorely needed in counterproliferation, and their continued maintenance of our nuclear weapons stockpile is extremely important.

Mr. Chairman, weapons such as these would blur the lines between nuclear and nonnuclear weapons. We have sufficient conventional weapons capability. Work on mininukes sends the wrong message to a world we are trying to convince not to develop nuclear weapons. And finally, if we had weapons such as these, it is conceivable we may consider using them.

The United States cannot break the taboo against nuclear weapons which has been in place since 1945. I urge your support for an effective ban on the development of mininukes. Please support the Furse-Spratt amendment to clarify their definition.

Mr. SPRATT. Mr. Chairman, I rise in strong support of the amendment offered by Ms. FURSE. For those of you not familiar with this issue, let me recap the committee's actions.

About the time the military application of nuclear energy panel, on which Ms. FURSE

serves and I chair, was completing its mark up of the Department of Energy Defense Budget, press reports surfaced that DOE labs had spent some $2 million in fiscal year 1993 on Phase I studies—conceptual, paper studies—for low-yield nuclear weapons, so-called mini-nukes. During the Acquisition Subcommittee mark up of the panel's work, Mr. DELLUMS offered an amendment on behalf of Ms. FURSE to prohibit future spending on the design of low-yield nuclear weapons. The amendment defined a low-yield weapon as one with a yield lower than the lowest existing yield weapon in the current stockpile. After full committee mark up, staff discovered that this yield was far lower than anyone on the committee anticipated because of a technical oversight. You see, many of our nuclear weapons have variable yields, and the low end of the spectrum of these dial-a-yield weapons is very, very low.

This amendment simply clarifies the definition of a low-yield nuclear weapon to realize the committee's intent. The amendment prohibits the design of a weapon with a yield of less than 5-kilotons. A 5-kiloton yield nuclear weapon is a very small nuclear weapon that is surely tactical; it has virtually no strategic value. The United States has wisely decided to retire our tactical nuclear weapons—this amendment is consistent with the policy.

Let me stress that this amendment will in no way interfere with maintaining any weapon currently in our inventory—even those with yields that can be set below 5-kilotons. If a problem develops with one of these weapons, our weapons designers can work to fix it. The amendment will also not prohibit the design of strategic weapons, and it will not impede the design of nuclear testing devices with a yield of less than 5-kilotons.

I urge my colleagues to support this amendment.

Mr. COPPERSMITH. Mr. Chairman, I rise in support of the en bloc group of amendments to H.R. 2401 now under consideration. In particular, I wish to express my strong support for the amendment I have offered together with my colleagues, PHIL SHARP and DICK ZIMMER, and to thank the Armed Services Committee for its support on this issue.

The amendment we offer is simple. It bars use of national security program funds of the Department of Energy to support a civilian program, the advanced liquid metal reactor [ALMR]. On June 24, the House voted decisively, by a bipartisan vote of 272–146, to eliminate funding for this program from the energy and water development appropriations bill.

The advanced liquid metal reactor [ALMR] program and associated work on actinide recycling raise numerous economic, environmental, and proliferation concerns. Development of ALMR technology will continue to require substantial Government funding for many years. However, ALMR's will continue to be less economical than new light water reactors for the foreseeable future. In addition, independent scientists believe that ALMR's and associated actinide recycling will not substantially decrease the environmental risks from a high-level radioactive waste repository and in fact will create large amounts of new hazardous waste. ALMR's also pose substantial proliferation risks because they both produce plutonium through reprocessing and can breed it from a reactor blanket. The proliferation risks, noted by the Office of Management and Budget in correspondence concerning the administration' initial decision to terminate the ALMR program, are critical national defense considerations. The House already has approved an amendment to H.R. 2401 condemning plutonium reprocessing by other countries as a potential national security threat.

Because the civilian funding for the program is threatened, ALMR proponents now seek new funding for their technology as a national defense program, especially for plutonium disposition. In the past, Congress has authorized the evaluation of two other kinds of nuclear reactors—advanced light water and modular high-temperature gas-cooled—as potential designs for a new military production reactor. Last year, because of concerns about plutonium stockpiles, Congress also authorized and funded a review of the potential use of these two reactor types for plutonium disposition. Congress has not authorized any funding for the ALMR for either of these missions, though, and no economic or national security incentive exists to do so now. The use of defense funds to support the ALMR is particularly unjustifiable given the Department of Energy's recent conclusion, in its own "Plutonium Disposition Study" dated July 2, that the ALMR is neither the least expensive nor the most practical technology for achieving the congressionally mandated objectives for plutonium disposition: plutonium burning, tritium production, and electricity generation. Furthermore, an Office of Technology Assessment report on dismantlement and disposition of nuclear weapons which was released just last week is critical of the concept of using ALMR's for plutonium disposition. The report notes that the necessary development process would be uncertain, expensive, and time-consuming and that more direct disposition is possible using existing technologies such as vitrification. OTA also notes that the plutonium reprocessing required for the ALMR system "could multiply the total volume of radioactive waste by 10, thereby driving up costs."

Despite the overwhelming rejection of the ALMR program by the House 3 months ago, and despite the fact that Congress has not authorized defense funding for the program, the House must now express more firmly its continued opposition to this program to prevent unjustified use of national defense funds. The amendment accomplishes several purposes. First, the amendment clarifies that language in the Armed Services Committee report accompanying H.R. 2401 does not include the ALMR. Second, the amendment directs the Department of Energy, which in fiscal year 1993 reprogrammed $1 million from prior year balances for the study of the ALMR without explicit authorization from Congress, that taxpayer dollars should not be used to support this program. Third, the amendment sends a clear signal to the other body, which has added $25 million in unrequested funds for the ALMR in its defense authorization bill for fiscal year 1994—(S. 1298)—that the House vigorously opposes attempts to continue this program no matter which side the DOE sends taxpayers the bill.

Given the previously expressed will of the House to terminate the ALMR program, the potential unwarranted use of national defense funds for the ALMR, and the clear support for the amendment from the majority and minority leadership of the committee of jurisdiction, the House should certainly seize this opportunity to reject again this expensive, unnecessary, and dangerous technology. I encourage my colleagues to support the en bloc group containing this amendment.

Mr. GOODLING. Mr. Chairman, this past February, I participated in a planning and strategy meeting in my district sponsored by the Northeast-Midwest Institute. This planning session brought community and business leaders together not only to discuss our communities' future with less defense spending, but also to offer suggestions on how to improve current Federal programs for defense conversion. The main focus of our conversation was community planning and the need for more information about Federal programs for defense conversion.

In that regard, my amendment to the National Defense Authorization Act would simply ask the Secretary of Defense to work to provide for the dissemination of services already available to communities, businesses, and workers. I believe this amendment would help communities, businesses, and workers by making clear concise information available so that they could understand all of the programs offered by the Federal Government.

Mr. Chairman, 2 months ago, I introduced the Defense Diversification and Community Adjustment Act of 1993 to help facilitate the diversification of defense dependent communities, businesses, and workers. The changes in the former Soviet Union, Eastern Europe, and throughout the world, have forced Members of Congress and President Clinton to reevaluate where the lines on defense spending will be drawn. There are Members of Congress who believe that all of the defense moneys that we save should be spent on domestic needs. They call this the peace dividend. Frankly, I believe there is no peace dividend for a worker who is handed a pink slip because of a base closure, canceled contract, or a closed plant.

Mr. Chairman, I understand the need to utilize some of the projected defense savings to offset the hardships that communities, businesses, and workers directly affected by reductions in defense spending will experience. This money should be utilized on these communities, businesses, and workers now, not later. If we continue to wait and address the need when these workers are unemployed, the economic and social costs will be extensive. The Congress should listen to what the communities and businesses are saying in regard to moving toward conversion.

Mr. Chairman, I believe the House conversion package has moved into the emphasizing community planning, however, we have much further to go. We have to act responsibly and constructively for our communities, our businesses, and our workers to provide appropriate diversification and adjustment assistance.

Mr. SHARP. Mr. Chairman, I rise in support of the en bloc amendment, especially the portion based on the Coppersmith-Sharp-Zimmer

amendment that would bar funding for the advanced liquid metal reactor [ALMR] from the national security programs of the Department of Energy [DOE]. The Coppersmith-Sharp-Zimmer amendment has been endorsed by taxpayer organizations, environmentalists, and arms control groups who contend that the ALMR is uneconomic, lacks environmental benefits, and poses a serious nuclear proliferation threat.

DOE is currently developing six kinds of advanced nuclear reactors for future civilian use—four light water, one gas-cooled, and the ALMR. In the past, DOE also has considered the advanced light water and gas-cooled reactors for potential use as new military production reactors.

The Clinton administration originally proposed termination of the ALMR program because of its lack of commercial applications, but supporters of the program persuaded the administration to partially restore funding. Nevertheless, because of problems with the technology, on June 24 the House voted 272–146 to end the civilian program as part of the fiscal year 1994 energy and water development appropriations bill.

Supporters of ALMR's are now seeking to continue funding for the technology as a DOE national security program for potential future production of trivium and use in the disposition of plutonium. However, ALMR's are not well-suited for either of these purposes, especially plutonium disposition.

First, ALMR's have such a slow plutonium transmutation rate that they could take over 100 years to consume current military stockpiles. In the meanwhile plutonium stockpiles would require dangerous and costly surface storage at some site. Furthermore, use of an ALMR system would cost billions of dollars more than other alternatives such as vitrification. As a result, even DOE's July 1993 plutonium disposition study rated the ALMR much lower than other reactor options.

Furthermore, the ALMR system poses a grave proliferation threat. Instead of being used to destroy plutonium, ALMR's could be used to produce plutonium either by reprocessing it from spent fuel rods or by using the reactor core as a breeder to produce more plutonium that it consumes.

A legislative amendment is necessary for several reasons. First, it would clarify language in the committee report to make clear that support for the ALMR would not be supported by expanded plutonium disposition activities. Second, in fiscal year 1993 DOE reprogrammed $1 million for the ALMR for defense funds without authorization from Congress, indicating the need for such clarifications. Third, the Senate has authorized $25 million as part of its defense authorization bill for fiscal year 1994 and is considering providing the full amount in the fiscal year 1994 energy and water development appropriations bill.

I would like to point out that the actions of the Senate create a new Government program to pay for ALMR development at a time when Congress should be considering cutting spending and ending Government programs instead. Therefore, for all of these reasons I urge my colleagues to support the en bloc amendment offered by the House Armed Services Committee.

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

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendments en bloc, as modified, offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in part 2 of House Report 103–352.

AMENDMENT OFFERED BY MR. FAZIO

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

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

The text of the amendment is as follows:

Amendment offered by Mr. FAZIO: At the end of subtitle B of title XXVIII (page 516, after line 6), insert the following new section:

SEC. 2819. BASE DISPOSAL MANAGEMENT COOPERATIVE AGREEMENT.

(a) USE OF INDEPENDENT SITE MANAGER.—(1) In order to fulfill the responsibilities of the Secretary of Defense under a base closure law, the Secretary may enter into not less than one and not more than 10 cooperative agreements described in section 6305 of title 31, United States Code, with independent entities (in this section referred to as a "Site Manager") to assist the Secretary in managing the site planning, approval, preparation, and disposal of excess and surplus real property under the authority delegated to the Secretary for military installations to be closed or realigned under a base closure law. The selection of a Site Manager under this subsection for a military installation shall be made by the Secretary, after suitable public notice, through the good faith exercise of the Secretary's discretion and in consultation with the affected local community in which the military installation is located.

(2) During the term of a cooperative agreement entered under this subsection and the five-year period beginning on the termination date of the cooperative agreement, the Site Manager subject to that cooperative agreement (and its affiliates) shall be barred from bidding for or acquiring any interest in real property or facilities located at any of the military installations to be managed by the Site Manager, unless such acquisition is necessary to execute the terms of the cooperative agreement.

(b) QUALIFICATIONS.—In selecting a Site Manager under subsection (a), the Secretary of Defense shall ensure that the Site Manager, either directly or through its principals, has had prior experience—

(1) in the site planning of properties located at Federal facilities;

(2) in dealing with local land use authorities in the States in which the military installations to be managed are located;

(3) in managing the cleanup of hazardous waste contamination;

(4) in resolving land use issues under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et. seq.); and

(5) in meeting such other qualifications as the Secretary considers to be necessary to perform the tasks set forth in this section.

(c) DUTIES GENERALLY.—Under the cooperative agreement entered into under subsection (a), a Site Manager shall—

(1) analyze the land use potential of the military installations to be managed by the Site Manager;

(2) coordinate with the applicable State and local authorities to develop reuse options and obtain necessary zoning and infrastructure approvals with respect to these installations;

(3) manage the remediation of any adverse environmental conditions on these installations in accordance with remediation plans prepared and approved pursuant to applicable laws;

(4) coordinate with State and Federal agencies to complete all reports and analyses required under applicable law with respect to these installations;

(5) initiate and coordinate the notices and consultations with Federal, State, regional, and local agencies contemplated under the authority delegated to the Secretary of Defense under a base closure law and the procedures contemplated under section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411);

(6) manage through the use of community assets the maintenance and interim use of these installations pending final disposition;

(7) prepare real property and facilities at these installations for disposal; and

(8) manage the competitive public sale of sale parcels in accordance with subsection (f).

(d) BUDGET AND SUBCONTRACTS.—(1) A Site Manager and the Secretary of Defense shall jointly develop a detailed budget for each phase of the site preparation and approval process for each military installation to be managed by the Site Manager.

(2) The cooperative agreement entered into under subsection (a) shall authorize the Site Manager, through the sole exercise of its reasonable business judgment and in accordance with the approved budget, to engage contractors and other professionals to complete all aspects of the site preparation and approval process, including environmental remediation. A Site Manager shall enter into such contracts in accordance with such contracting guidelines as the Secretary may reasonably require in the cooperative agreement to promote fair competition, fair labor practices, and good faith commercially reasonable efforts to afford contracting opportunities to small business concerns owned by socially- or economically-disadvantaged persons.

(3) The Secretary shall reimburse the Site Manager for the reasonable overhead costs incurred by the Site Manager and shall make funds available for the timely payment of amounts due under the contracts and subcontracts entered into in accordance with the cooperative agreement and the approved budget.

(e) CONTINUED LIABILITY FOR ENVIRONMENTAL REMEDIATION.—Nothing in this section shall be considered to diminish the liability of the Federal Government with respect to environmental conditions existing on a military installation managed by a Site Manager pursuant to a cooperative agreement entered into under subsection (a).

(f) SALE PROCEDURES.—After a sale parcel managed by a Site Manager has received all necessary approvals and is otherwise ready for competitive public sale, the Site Manager shall sell the parcel, as an agent for the Secretary of Defense, in one or more transactions. Each sale shall be on terms acceptable to the Secretary, determined in consultation with the Site Manager and appropriate local authorities.

(g) DISPOSITION OF PROCEEDS.—The proceeds from each sale under subsection (f) shall be divided among the Department of Defense, the Site Manager involved, and appropriate local authorities as follows:

(1) The Secretary of Defense shall receive an amount equal to—

(A) the costs incurred by the Secretary under the cooperative agreement with the Site Manager and under applicable contracts and subcontracts entered into by the Site Manager pursuant to the cooperative agreement (other than environmental analysis and remediation costs, costs of preparing or conducting reports, analyses, notices, and consultations required under applicable law, property maintenance costs, and all other costs that the Secretary would be required to incur if the cooperative agreement with the Site Manager did not exist) and the reasonable costs of conducting the sale; and

(B) ⅓ of the remainder of the proceeds.

(2) From amounts remaining after operation of paragraph (1), the applicable local authorities, as determined by the Secretary, shall receive ½ of the remainder. If the appropriate local authorities cannot be determined satisfactorily to the Secretary, the State in which the military installation involved is located shall receive the amount that would be distributed pursuant to this paragraph.

(3) From amounts remaining after operation of paragraph (1), the Site Manager involved shall receive ½ of the remainder.

(h) REPORTS.—(1) At such intervals as the Secretary of Defense may prescribe, each Site Manager shall submit to the Secretary reports describing the activities of the Site Manager under a cooperative agreement entered into under subsection (a) and such other information as the Secretary may require.

(2) Not later than May 31, 1994, and May 31, 1995, the Secretary of Defense shall submit to Congress a report regarding all military installations covered by a cooperative agreement under this section and the status of the site preparation and disposal process at the installations.

(i) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term "base closure law" means each of the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. FAZIO] will be recognized for 5 minutes and a Member in opposition, the gentleman from California [Mr. HUNTER], will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, the amendment I am offering in essence provides the Department of Defense with the opportunity to experiment with the privatization of the base reuse process.

It gives the Secretary of Defense the authority to enlist the services of qualified and experienced site management professionals to manage the reuse planning and development at base closure sites.

The site managers will work with local communities to develop reuse plans, work through land zoning and entitlement processes, and manage the environmental remediation on base.

The site managers would be selected in consultation with the affected local communities which will help foster better understanding and communication on reuse alternatives and community priorities.

Today, at site after site, differing objectives, bureaucratic decisionmaking processes, and poor understanding of community needs prevent the Defense Department and affected communities from reaching consensus on reuse options.

It is well known that the private sector cleans up and develops large tracts of land all the time. The private sector has the expertise and the ability to do the same for closing military bases. My amendment will demonstrate how the private sector, using market techniques and reasonable business practices, can expedite the reuse of military facilities.

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To help assign motivations, the amendment includes an economic incentive for all parties to maximize economic value of base property. The sale proceeds from these parcels of land that are sold at public sale would be divided equally between the Defense Department, the local community, and the site manager.

This amendment does not change the existing land disposal process. Rather, it gives the Secretary of Defense another tool to use in helping communities recover the economic loss associated with base closures.

So I urge my colleagues to give this their support. I believe the chairman of the subcommittee of jurisdiction and the ranking Republican have reviewed the matter and understand that we are flexible, in hopes that we can attain the support of the administration before the conclusion of the conference.

Mr. Chairman, since 1988, we have closed 56 major military installations and over 60 minor facilities. Under the 1993 round of base closures, we will close another 35 major installations and 95 smaller facilities nationwide.

We all know that base closures cause significant economic hardship for affected communities. We owe it to these communities to ensure they have an opportunity to recover the economic losses associated with a base closure. Unfortunately, the current base closure reuse process is just not getting the job done. Bureaucratic delays, differing objectives and poor understanding of community needs are severely restricting the ability of local communities to reuse the military sites. As a result, not one base has been successfully closed and redeveloped since 1988.

To help alleviate these problems, I am offering an amendment to establish a model program which seeks to create a partnership between the three key participants in base reuse activities—DOD, local communities and the private sector. This amendment gives the Secretary of Defense the authority to enlist the services of qualified and experienced site management professionals to manage the reuse planning and development at 10 base closure sites. Further, the amendment provides economic incentives to DOD, the affected community and the site manager to maximize the economic value Of base property.

Mr. Chairman, my amendment does not create a new base disposal program. Rather, it creates opportunities and incentives for predisposal cooperation and planning that do not currently exist. It streamlines the pre-disposal planning process and applies free-market techniques to land disposal preparation. It is well known that the private sector cleans up and develops large tracts of land all the time. The private sector has the expertise and the ability to do the same for closing military bases. My amendment will demonstrate how the private sector, using market techniques and reasonable business practices, can expedite the reuse of military facilities.

Closing bases is not an easy task. However, we all recognize that it is a necessary task. But, as we tell communities that have supported the military for decades that we no longer need their support, we should not at the same time condemn them to economic stagnation because the Federal bureaucracy impedes their ability to reuse base property.

My amendment attempts to eliminate the bureaucratic delays by using a more streamlined, private sector approach to land use development. it will give communities a chance to quickly reuse military bases and revitalize their local economies. The incentives contained in the bill will help ensure that the Government gets the best deal. And, finally, by keeping costs down and maximizing land values, the Defense Department, local communities and the site manager will all realize higher returns.

Mr. Chairman, I urge my colleagues to join me in supporting this important economic development initiative.

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

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

Mr. Chairman, let me just say on our side, we too want to see streamlining. We want to see if there are more efficient alternatives to the presently very slow base closing process and base disposing process. We want to see those given a chance to work.

Mr. Chairman, we do have a number of questions. The gentleman has made it clear that he is going to be working with DOD, and is working with them right now. We will get a chance to analyze this and work with it before we go to conference. Because of that, we are not going to oppose this amendment at this time.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. MCCURDY], the chairman of the Subcommittee on Military Construction.

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

Mr. Chairman, I too want to commend the gentleman from California [Mr. FAZIO] for his effort. I think it is important for Members to note that in this bill there is a bipartisan consensus that we need to accelerate the process of turning this land over to communities and to the private sector, that there has been too much bureaucratic redtape, that there has been confusion among agencies, and just the sheer time alone has been far in excess of what was ever anticipated.

Mr. Chairman, we have bases that were scheduled for closure that we cannot bring to that final stage. We seek maximum flexibility. The administration would like to have maximum flexibility.

Mr. Chairman, we were able to resolve a couple of amendments earlier in the day regarding the transfer of properties. The other body has included in their bill language which gives the discretion to the Secretary of Defense on a sliding scale to move from either transfer without consideration, all the way up to market value.

The gentleman from California [Mr. FAZIO], in addition to that, is trying to look at pilot programs wherein the private sector's talents and expertise might be brought to bear. I think we should consider all of these.

Mr. Chairman, based upon that, I am willing to work with the gentleman as we go through conference to see if we can come up with an agreement. For that reason, I would be inclined to support and accept the amendment offered by the gentleman from California [Mr. FAZIO].

Mr. HUNTER. Mr. Chairman, let me just say one thing that we are concerned about, is we want to see less bureaucracy. We want to see more speed and do not want this to turn into a bird's nest or wasp's nest of conflicting bureaucracies, where there are many, many players and a lot of confusion. If the gentleman can shape something that is efficient and does draw down government participation, we are interested in that.

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

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

Mr. Chairman, as many of us will recall from the debate in 1987 and 1988, the object of the whole base closing procedure was to enable the Defense Department to close bases, and to do so in such a way as to not inflict on the Members of Congress and the communities they represent partisan political benefits or harm, and, at the same time, to save costs, primarily in the operating revenues of the Defense Department.

Now, to a large extent, base closing has worked to achieve those objectives. We have kept politics out of the process.

My concern with this amendment is the possibility of interjecting politics again into the process, so that we would have a flexibility on the part of the administration, or even the Defense Department, to do favors or to decline from doing favors on a partisan basis, interjecting politics, once again, into the process of disposing of the properties.

Mr. Chairman, I must say I have a serious hesitation about this amendment. I am listening to this discussion very intently. If I can feel confident that there will be a cordial working out of this in conference, with full attention to the need to maintain the political aloofness of this process, I will refrain from calling a vote. But if I, at the point that that happens, have a fear that this is an avenue for the interjection of partisan politics in this disposal process, I will call for the vote.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO], the author of the amendment.

Mr. FAZIO. Mr. Chairman, I am not sure why the gentleman thinks we are about to inject partisan politics into this. I know I have the gentleman from California [Mr. PACKARD] about to speak in favor of this. The gentleman and I come from different places on the political scale.

What we are trying to do is put an experimental program into place so it could use the private sector, people who understand land use and how to develop it for higher and better purposes, put them in the position to make the transaction.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Chairman, as chairman of the committee that will assist in guiding this process in conference with the other body, I can assure my colleagues that this is not a partisan matter here. In fact, I just visited Members on your side of the aisle who are members of my committee, including the gentleman from South Carolina [Mr. SPENCE], who serves honorably as the ranking Republican member.

What we seek here simply is maximum flexibility. Give us an opportunity to work these matters out in conference.

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

Mr. DELLUMS. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, with all due respect, and I hope you all take this in good humor, I feel much more reassured by the chairman of the committee than the chairman of the DCCC.

Mr. DELLUMS. Mr. Chairman, I think I can thank the gentleman.

Mr. FAZIO. Mr. Chairman, reclaiming my time, I think I can understand how the gentleman feels. I think the fears of the gentleman from Texas [Mr. ARMEY] are misplaced. I think we have a bipartisan agreement here to do something the gentleman is in favor of, and that is to empower the private sector.

Mr. PACKARD. Mr. Chairman, I rise in support of the Fazio amendment. As the founding cochair of a California task force on defense conversion, I have spent a great deal of time dealing with this issue. One of the biggest problems I have seen is the need to streamline the base closure process.

Community and business leaders in my State have expressed their frustration over and over again as they try to deal with a base closure. Once a base is slated for closure, it's taking more than a decade for the base to finally close down. Local communities simply cannot afford to lose out on the potential economic windfall while they wait for a base to shut down.

This amendment seeks to help solve that problem. The amendment would not change current base closure laws. It would simply set up the framework to streamline the process.

By allowing the Secretary of Defense to contract with the private sector to manage a base closure, we can put the know-how and the experience of business leaders to good use. I encourage my colleagues to vote for the Fazio amendment. Let's help our communities turn a base closure into an economic success.

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

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REYNOLDS) having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

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APPOINTMENT OF CONFEREES ON H.R. 1268, INDIAN TRIBAL JUSTICE SYSTEMS ACT

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes,

with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. REYNOLDS). Is there objection to the request of the gentleman from New Mexico?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I probably will not object. Will the gentleman explain what we are doing here. This is unexpected.

Mr. RICHARDSON. Mr. Speaker, will the gentlemen yield?

Mr. YOUNG of Alaska. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, what we are doing here, I believe, first of all, has been cleared with the minority ranking member of the Subcommittee on Native American Affairs, the gentleman from Wyoming [Mr. THOMAS].

What we are simply doing is going to conference on the Indian Tribal Justice Act.

Mr. YOUNG of Alaska. Mr. Speaker, we are not agreeing to anything on the Senate side at this time?

Mr. RICHARDSON. Mr. Speaker, if the gentleman will continue to yield, that is correct.

Mr. YOUNG of Alaska. This is just so the Speaker can appoint conferees to this legislation?

Mr. RICHARDSON. Mr. Speaker, the gentleman is correct.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MILLER of California, RICHARDSON, and THOMAS of Wyoming.

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-259) on the resolution (H. Res. 259) waiving points of order against the conference report on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENTS TO H.R. 2493, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-260) on the resolution (H.Res. 260) relating to the consideration of Senate amendments to House amendments to Senate amendments to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-261) on the resolution (H.Res. 261) waiving points of order against the conference report on the bill (H.R. 2403) making appropriations for the Treasury Department the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1845, NATIONAL BIOLOGICAL SURVEY ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-262) on the resolution (H.Res. 262) providing for consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-263) on the resolution (H.Res. 263) waiving certain points of order against the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2351, ARTS, HUMANITIES AND MUSEUMS AMENDMENTS OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. 103-264) on the resolution (H. Res. 264) providing for consideration of the bill (H.R. 2351) to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and Humanities Act of 1965, and the Museum Services Act, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, September 27, 1993, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. Concurrent Resolution 4, de novo;

S. Concurrent Resolution 5, de novo; and

S. Concurrent Resolution 6, de novo.

PRINTING OF "SENATORS OF THE UNITED STATES: A HISTORICAL BIBLIOGRAPHY"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 4, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 4, as amended.

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

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Senators of the United States: A Historical Bibliography' as a Senate document.".

A motion to reconsider was laid on the table.

PRINTING OF "GUIDE TO RESEARCH COLLECTIONS OF FORMER UNITED STATES SENATORS"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 5, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 5, as amended.

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

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Guide to Research Collections of Former United States Senators' as a Senate document.".

A motion to reconsider was laid on the table.

PRINTING OF "SENATE ELECTION, EXPULSION, AND CENSURE CASES"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 6, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 6, as amended.

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

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Senate Election, Expulsion, and Censure Cases' as a Senate document.".

A motion to reconsider was laid on the table.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to the provisions of clause 5 of rule I the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 29, 1993.

RURAL ELECTRIFICATION LOAN RESTRUCTURING ACT OF 1993

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3123) to increase the interest rates electric and telephone borrowers pay under the lending programs administered by the Rural Electrification Administration and otherwise restructure the lending programs carried out by that Administration, as amended.

The Clerk read as follows:

H.R. 3123

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 "Rural Electrification Loan Restructuring Act of 1993".

SEC. 2. ELECTRIC AND TELEPHONE LOAN PROGRAMS.

(a) INSURED ELECTRIC AND TELEPHONE LOANS.—

(1) IN GENERAL.—Section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) is amended—

(A) by striking subsections (b) and (d);

(B) by redesignating subsection (c) as subsection (b); and

(C) by inserting after subsection (b) (as so redesignated) the following new subsections:

"(c) INSURED ELECTRIC LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan who meets each of the following requirements:

"(i) The average revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(ii) The average residential revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average residential revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(iii) The average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(B) SEVERE HARDSHIP LOANS.—In addition to hardship loans that are made under subparagraph (A), the Administrator may make an insured electric loan at an interest rate of 5 percent per year to an applicant for a loan if, in the sole discretion of the Administrator, the applicant has experienced a severe hardship.

"(C) LIMITATION.—Except as provided in subparagaph (D), the Administrator may not make a loan under this paragraph to an applicant for the purpose of furnishing or improving electric service to a consumer located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(D) EXTREMELY HIGH RATES.—In addition to hardship loans that are made under subparagraph (A) and (B), the Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan whose residential revenue exceeds 15.0 cents per kilowatt-hour sold. A qualifying application from such an applicant for the purpose of furnishing or improving electric service to a consumer located outside of an urban area shall not be subject to the conditions or limitation of subparagraph (A) or (C).".

"(2) MUNICIPAL RATE LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at the interest rate described in subparagraph (B) for the term or terms selected by the applicant pursuant to subparagraph (C).

"(B) INTEREST RATE.—

"(i) IN GENERAL.—Subject to clause (ii), the interest rate described in this subparagraph on a loan to a qualifying applicant shall be—

"(I) the interest rate determined by the Administrator to be equal to the current market yield on outstanding municipal obligations with remaining periods to maturity similar to the term selected by the applicant pursuant to subparagraph (C), but not greater than the rate determined under section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) that is based on the current market yield on outstanding municipal obligations; plus

"(II) if the applicant for the loan makes an election pursuant to subparagraph (D) to include in the loan agreement the right of the applicant to prepay the loan, a rate equal to the amount by which—

"(aa) the interest rate on commercial loans for a similar period that afford the borrower such a right; exceeds

"(bb) the interest rate on commercial loans for the period that do not afford the borrower such a right.

"(ii) MAXIMUM RATE.—The interest rate described in this subparagraph on a loan to an applicant for the loan shall not exceed 7 percent if—

"(I) the average number of consumers per mile of line of the total electric system of the applicant is less than 5.50; or

"(II)(aa) the average revenue per kilowatt-hour sold by the applicant is more than the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service; and

"(bb) the average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(iii) EXCEPTION.—Clause (ii) shall not apply to a loan to be made to an applicant for the purpose of furnishing or improving electric service to consumers located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(C) LOAN TERM.—

"(i) IN GENERAL.—Subject to clause (ii), the applicant for a loan under this paragraph may select the term for which an interest rate shall be determined pursuant to subparagraph (B), and, at the end of the term (and any succeeding term selected by the applicant under this subparagraph), may renew the loan for another term selected by the applicant.

"(ii) MAXIMUM TERM.—

"(I) APPLICANT.—The applicant may not select a term that ends more than 35 years after the beginning of the first term the applicant selects under clause (i).

"(II) ADMINISTRATOR.—The Administrator may prohibit an applicant from selecting a term that would result in the total term of the loan being greater than the expected useful life of the assets being financed.

"(D) CALL PROVISION.—The Administrator shall offer any applicant for a loan under this paragraph the option to include in the loan agreement the right of the applicant to prepay the loan on terms consistent with similar provisions of commercial loans.

"(3) OTHER SOURCE OF CREDIT NOT REQUIRED IN CERTAIN CASES.—The Administrator may not require any applicant for a loan made under this subsection who is eligible for a loan under paragraph (1) to obtain a loan from another source as a condition of approving the application for the loan or advancing any amount under the loan.

"(d) INSURED TELEPHONE LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured telephone loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year, to any applicant who meets each of the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 4.

"(ii) The applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 300 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(iii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(iv) The average number of subscribers per mile of line in the area included in the proposed loan is not more than 17.

"(B) AUTHORITY TO WAIVE TIER REQUIREMENT.—The Administrator may waive the requirement of subparagraph (A)(ii) in any case in which the Administrator determines (and sets forth the reasons for the waiver in writing) that the requirement would prevent emergency restoration of the telephone system of the applicant or result in severe hardship to the applicant.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan under title IV.

"(2) COST-OF-MONEY LOANS.—

"(A) IN GENERAL.—The Administrator may make insured telephone loans for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service, at an interest rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, but not more than 7 percent per year, to any applicant for a loan who meets the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(ii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(B) CONCURRENT LOAN AUTHORITY.—On request of any applicant for a loan under this paragraph during any fiscal year, the Administrator shall—

"(i) consider the application to be for a loan under this paragraph and a loan under section 408; and

"(ii) if the applicant is eligible for a loan, make a loan to the applicant under this paragraph in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this paragraph and under section 408, as the amount made available for loans under this paragraph for the fiscal year bears to the total amount made available for loans under this paragraph and under section 408 for the fiscal year.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan guarantee under section 306.

"(3) STATE TELECOMMUNICATIONS MODERNIZATION PLANS.—

"(A) APPROVAL.—If, not later than 1 year after final regulations are promulgated to carry out this paragraph, any State, either by statute or through the public utility commission of the State, develops a telecommunications modernization plan that meets the requirements of subparagraph (B), the Administrator shall approve the plan for the State. If a State does not develop a plan in accordance with the requirements of the preceding sentence, the Administrator shall approve any telecommunications modernization plan for the State that meets the requirements that is developed by a majority of the borrowers of telephone loans made under this title who are located in the State.

"(B) REQUIREMENTS.—For purposes of subparagraph (A), a telecommunications modernization plan must, at a minimum, meet the following objectives:

"(i) The plan must provide for the elimination of party line service.

"(ii) The plan must provide for the availability of telecommunications services for improved business, educational, and medical services.

"(iii) The plan must encourage and improve computer networks and information highways for subscribers in rural areas.

"(iv) The plan must provide for—

"(I) subscribers in rural areas to be able to receive through telephone lines—

"(aa) conference calling;

"(bb) video images; and

"(cc) data at a rate of at least 1,000,000 bits of information per second; and

"(II) the proper routing of information to subscribers.

"(v) The plan must provide for uniform deployment schedules to ensure that advanced services are deployed at the same time in rural and nonrural areas.

"(vi) The plan must provide for such additional requirements for service standards as may be required by the Administrator.

"(C) FINALITY OF APPROVAL.—A telecommunications modernization plan approved under subparagraph (A) may not subsequently be disapproved. Notwithstanding paragraphs (1)(A)(iii) and (2)(A)(iii), and section 408(b)(4)(C), the Administrator and the Governor of the telephone bank may make a loan to a borrower serving a State that does not have a telecommunication modernization plan approved by the Administrator if the loan is made less than 1 year after the Administrator has adopted final regulations implementing this paragraph.".

(2) RURAL TELEPHONE BANK LOAN PROGRAM.—Section 408 of such Act (7 U.S.C. 948) is amended—

(A) in subsection (a), by striking ", (2)" and all that follows through "408 of this Act," and inserting ", (2) for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service,";

(B) in subsection (b)—

(i) by striking paragraph (4) and inserting the following new paragraph:

"(4) The Governor of the telephone bank may make a loan under this section only to an applicant for the loan who meets the following requirements:

"(A) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(B) The Administrator has approved, under section 305(d)(3), a telecommunications modernization plan for the State in which the applicant is located and, if the plan was developed by telephone borrowers under title III, the applicant is a participant in the plan.";

(ii) in paragraph (8)—

(I) by inserting "(A)" after "(8)";

(II) by striking "if such prepayment is not made later than September 30, 1988" and inserting "except for any prepayment penalty provided for in a loan agreement entered into before the date of enactment of the Rural Electrifration Loan Restructuring Act of 1993"; and

(III) by adding at the end the following new subparagraph:

"(B) If a borrower prepays part or all of a loan made under this section, then, notwithstanding section 407(b), the Governor of the telephone bank shall—

"(i) use the full amount of the prepayment to repay obligations of the telephone bank issued pursuant to section 407(b) before October 1, 1991, to the extent any such obligations are outstanding; and

"(ii) in repaying the obligations, first repay the advances bearing the greatest rate of interest."; and

(iii) by adding at the end the following new paragraphs:

"(9) On request of any applicant for a loan under this section during any fiscal year, the Governor of the telephone bank shall—

"(A) consider the application to be for a loan under this section and a loan under section 305(d)(2); and

"(B) if the applicant is eligible for a loan, make a loan to the applicant under this section in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this section and under section 305(d)(2), as the amount made available for loans under this section for the fiscal year bears to the total amount made available for loans under this section and under section 305(d)(2) for the fiscal year.

"(10) On request of any applicant who is eligible for a loan under this section for which funds are not available, the applicant shall be considered to have applied for a loan under section 305(d)(2).''; and

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

"(e) Loans and advances made under this section on or after November 5, 1990, shall bear interest at a rate determined under this section, taking into account all assets and liabilities of the telephone bank. This subsection shall not apply to loans obligated before the date of enactment of this subsection. Funds are not authorized to be appropriated to carry out this subsection until the funds are appropriated in advance to carry out this subsection.''.

(b) FUNDING.—

(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 314 of such Act (7 U.S.C. 940d) is amended to read as follows:

"SEC. 314. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

"(a) DEFINITION OF ADJUSTMENT PERCENTAGE.—As used in this section, the term 'adjustment percentage' means, with respect to a fiscal year, the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 1-year period ending on July 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 1-year period ending on July 31, 1993.

"(b) FISCAL YEARS 1994 THROUGH 1998.—In the case of each of fiscal years 1994 through 1998, there are authorized to be appropriated to the Administrator such sums as may be necessary for the cost of loans in the following amounts, for the following purposes:

"(1) ELECTRIC HARDSHIP LOANS.—For loans under section 305(c)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(2) ELECTRIC MUNICIPAL RATE LOANS.—For loans under section 305(c)(2)—

"(A) for fiscal year 1994, $600,000,000; and

"(B) for each of fiscal years 1995 through 1998, $600,000,000, increased by the adjustment percentage for the fiscal year.

"(3) TELEPHONE HARDSHIP LOANS.—For loans under section 305(d)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(4) TELEPHONE COST-OF-MONEY LOANS.—For loans under section 305(d)(2)—

"(A) for fiscal year 1994, $198,000,000; and

"(B) for each of fiscal years 1995 through 1998, $198,000,000, increased by the adjustment percentage for the fiscal year.

"(c) FUNDING LEVELS.—The Administrator shall make insured loans under this title for the purposes, in the amounts, and for the periods of time specified in subsection (b), as provided in advance in appropriations Acts.

"(d) AVAILABILITY OF FUNDS FOR INSURED LOANS.—Amounts made available for loans under section 305 are authorized to remain available until expended.''.

(2) RULE OF INTERPRETATION.—Section 309(a) of such Act (7 U.S.C. 939(a)) is amended by adding at the end the following new sentence: "The preceding sentence shall not be construed to make section 408(b)(2) or 412 applicable to this title.''.

(c) MISCELLANEOUS AMENDMENTS.—

(1) LOANS FOR RURAL ELECTRIFICATION.—Section 2 of such Act (7 U.S.C. 902) is amended—

(A) by inserting "(a)" before "The Administrator";

(B) by striking "telephone service in rural areas, as hereinafter provided;" and inserting "electric and telephone service in rural areas, as provided in this Act, and for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems;"; and

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

"(b) By January 1, 1994, the Administrator shall issue interim regulations to implement the authority contained in subsection (a) to make loans for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. If the regulations are not issued by January 1, 1994, the Administrator shall consider any demand side management, energy conservation, or renewable energy program, system, or activity that is approved by a State agency to be eligible for the loans.''.

(2) LOANS FOR ELECTRICAL PLANTS AND TRANSMISSION LINES.—Section 4 of such Act (7 U.S.C. 904) is amended by inserting after "central station service" the following: "and for the furnishing and improving of electric service to persons in rural areas, including by assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems''.

(3) DEFINITIONS.—Section 13 of such Act (7 U.S.C. 913) is amended—

(A) by inserting ", except as provided in section 203(b)," before "shall be deemed to mean any area"; and

(B) by striking "city, village, or borough having a population in excess of fifteen hundred inhabitants" and inserting "urban area, as defined by the Bureau of the Census''.

(4) GENERAL PROHIBITIONS.—Section 18 of such Act (7 U.S.C. 918) is amended—

(A) by inserting "(a) NO CONSIDERATION OF BORROWER'S LEVEL OF GENERAL FUNDS.—" before "The Administrator"; and

(B) by adding at the end the following new subsections:

"(b) LOAN ORIGINATION FEES.—The Administrator and the Governor of the telephone bank may not charge any fee or charge not expressly provided in this Act in connection with any loan made or guaranteed under this Act.

"(c) CONSULTANTS.—

"(1) IN GENERAL.—To facilitate timely action on applications by borrowers for financial assistance under this Act and for approvals required of the Rural Electrification Administration pursuant to the terms of outstanding loan or security instruments or otherwise, the Administrator may use consultants funded by the borrower, paid for out of the general funds of the borrower, for financial, legal, engineering, and other technical advice and services in connection with the review of the application by the Rural Electrification Administration.

"(2) CONFLICTS OF INTEREST.—The Administrator shall establish procedures for the selection and the provision of technical services by consultants to ensure that the consultants have no financial or other conflicts of interest in the outcome of the application of the borrower.

"(3) PAYMENT OF COSTS.—The Administrator may not, without the consent of the borrower, require, as a condition of processing an application for approval, that the borrower agree to pay the costs, fees, and expenses of consultants hired to provide technical or advisory services to the Administrator.

"(4) CONTRACTS, GRANTS, AND AGREEMENTS.—The Administrator may enter into such contracts, grants, or cooperative agreements as are necessary to carry out this section.

"(5) USE OF CONSULTANTS.—Nothing in this subsection shall limit the authority of the Administrator to retain the services of consultants from funds made available to the Administrator or otherwise.''.

(5) DEFINITION OF RURAL AREA.—Section 203(b) of such Act (7 U.S.C. 924(b)) is amended by striking "one thousand five hundred" and inserting "5,000".

(6) INSURED LOANS.—Section 305 of such Act (7 U.S.C. 935) (as amended by subsection (a)(1)) is further amended—

(A) by striking "SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.—(a) The" and inserting the following:

"SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.

"(a) IN GENERAL.—The"; and

(B) in subsection (b), by striking "(b) Loans" and inserting "(b) INSURED LOANS.—Loans".

(7) ELIGIBILITY OF DISTRIBUTION BORROWERS; ADMINISTRATIVE PROHIBITIONS.—Title III of such Act is amended by inserting after section 306B (7 U.S.C. 936b) the following new sections:

"SEC. 306D. ELIGIBILITY OF DISTRIBUTION BORROWERS FOR LOANS, LOAN GUARANTEES, AND LIEN ACCOMMODATIONS.

"For the purpose of determining the eligibility of a distribution borrower not in default on the repayment of a loan made or guaranteed under this Act for a loan, loan guarantee, or lien accommodation under this title, a default by a borrower from which the distribution borrower purchases wholesale power shall not—

"(1) be considered a default by the distribution borrower;

"(2) reduce the eligibility of the distribution borrower for assistance under this Act; or

"(3) be the cause, directly or indirectly, of imposing any requirement or restriction on the borrower as a condition of the assistance, except such requirements or restrictions as are necessary to implement a debt restructuring agreed on by the power supply borrower and the Government.

"SEC. 306E. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO ELECTRIC BORROWERS.

"The Administrator may not require prior approval of, impose any requirement, restriction, or prohibition with respect to the operations of, or deny or delay the granting of a lien accommodation to, any electric borrower under this Act whose net worth exceeds 110 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator.''.

(8) LOANS FROM OTHER CREDIT SOURCES.—Section 307 of such Act (7 U.S.C. 937) is amended by adding at the end the following new sentence: "The Administrator may not request any applicant for an electric loan under this Act to apply for and accept a loan in an amount exceeding 30 percent of the credit needs of the applicant.".

(9) CAPITALIZATION.—Section 406 of such Act (7 U.S.C. 946) is amended by adding at the end the following new subsection:

"(i) The Governor of the telephone bank may invest in obligations of the United States the amounts in the account in the Treasury of the United States number 12X8139 (known as the 'RTB Equity Fund').".

(10) REFINANCING OF FFB LOANS.—Section 306C of such Act is amended by—

(A) inserting before the period at the end of subsection (c)(2) the following: ", except that such rate shall not be greater than 7 percent per year, subject to subsection (d)"; and

(B) adding at the end the following new subsection:

"(d) MAXIMUM RATE OPTION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), a borrower of a loan or loan advance, or any portion of the loan or advance, that is refinanced under this section shall have the option of ensuring that the interest rate on such loan, loan advance, or portion thereof does not exceed 7 percent per year.

"(2) LIMITATION.—A borrower may not exercise the option under paragraph (1) in the case of a loan or loan advance, or portion thereof, if the total amount of such loans for which such option would be exercised exceeds 50 percent of the outstanding principal balance of the loans made to such borrower and guaranteed under section 306.

"(3) FEE.—A borrower that exercises the maximum rate option under paragraph (1) shall, at the time of exercising such option, pay a fee equal to 1 percent of the outstanding principal balance of such loan or loan advance, or portion thereof, for which such option is exercised. Such fee shall be in addition to the penalties and other payments required under subsection (b).

"(4) SUNSET.—The option provided under paragraph (1) shall not be available in the case of any loan or loan advance, or portion thereof, unless a written request to exercise such option is sent to the Administrator not later than 1 year after the effective date of regulations issued to carry out the Rural Electrification Loan Restructuring Act of 1993.".

SEC. 3. EXPANDED ELIGIBILITY FOR LOANS FOR WATER AND WASTE DISPOSAL FACILITIES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting after the first sentence the following new sentence: "The Secretary may also make loans to any borrower to whom a loan has been made under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), for the conservation, development, use, and control of water, and the installation of drainage or waste disposal facilities, primarily serving farmers, ranchers, farm tenants, farm laborers, rural businesses, and other rural residents.".

SEC. 4. RURAL ECONOMIC DEVELOPMENT.

Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) is amended by adding at the end the following new subsection:

"(g) RURAL ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—A borrower of a loan or loan guarantee under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall be eligible for assistance under all programs administered by the Rural Development Administration.

"(2) PARTICIPATION.—The Administrator of the Rural Development Administration shall encourage and facilitate the full and equal participation of all entities to participate in programs administered by the Rural Development Administration.".

SEC. 5. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 370. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

"(a) PROHIBITION.—Assistance under any rural development program administered by the Rural Development Administration, the Farmers Home Administration, the Rural Electrification Administration, or any other agency of the Department of Agriculture shall not be conditioned on any requirement that the recipient of such assistance accept or receive electric service from any particular utility, supplier, or cooperative.

"(b) ENSURING COMPLIANCE.—The Secretary shall establish, by regulation, adequate safeguards to ensure that assistance under such rural development programs is not subject to such a condition. Such safeguards shall include periodic certifications and audits, and appropriate measures and sanctions against any person violating, or attempting to violate, the prohibition in subsection (a).

"(a) REGULATIONS.—Not later than six months after the enactment of this section, the Secretary shall issue interim final regulations to ensure compliance with subsection (a).".

SEC. 6. REGULATIONS.

Except as provided under section 2(b) of the Rural Electrification Act of 1936 and section 370 of the Consolidated Farm and Rural Development Act, as added by sections 2(c)(1)(C) and 5 of this Act, not later than 45 days after the date of enactment of this Act, interim final regulations shall be issued by—

(1) the Administrator of the Rural Electrification Administration to carry out the amendments made by this Act to programs administered by the Administrator;

(2) the Administrator of the Rural Development Administration to carry out the amendments made by this Act to programs administered by the Administrator; and

(3) the Secretary of Agriculture to carry out the amendments made by this Act to programs administered by the Farmers Home Administration.

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation that we bring to the floor today will restructure the loan programs and the authorities of the Rural Electrification Administration [REA] to meet today's fiscal realities and tomorrow's technology needs. H.R. 3123 has three basic goals:

First, the bill will eliminate REA's authority to make 2-percent loans. The purpose of the 2-percent Loan Program was to encourage electric and telephone cooperatives to provide service to high cost, less densely populated areas shunned by privately owned utilities. Our Nation's budget problems dictate that we find less costly ways to promote affordable, quality electric and telephone service for rural areas.

Second, the bill will better target the taxpayer-funded assistance that is made available through a restructured lending program. The bill establishes criteria for hardship lending that would make available Government-insured loans at 5 percent. Borrowers not meeting the hardship criteria would be eligible for Government-insured lending at a higher rate tied to the interest rate charged to municipal utilities or the Government's cost of borrowing.

Third, this bill will promote the delivery of modern telecommunications services to rural America. Today, rural residents are seeking access to emerging electronic technologies and the economic opportunities they provide. This legislation requires rural electric and rural telephone borrowers in all States to develop statewide telecommunications modernization plans as a prerequisite to further Government-insured lending through REA. This carrot approach will provide an added incentive to rural electric and telephone borrowers to upgrade their telecommunications systems.

Mr. Speaker, the basic intent of H.R. 3123 was approved by the House earlier this year as part of the House-passed reconciliation bill. The language here in H.R. 3123 is nearly identical to language agreed to by the conferees on the 1993 Budget Reconciliation Act. These REA provisions were stripped from the reconciliation conference report at the last minute because of the possible point of order that could have been raised in the other body under the so-called Byrd rule.

The one major difference between the reconciliation agreement and this bill is that H.R. 3123 does not contain any language shielding the service area of rural electric cooperatives from annexation procedures by a municipally owned utility.

Mr. Speaker, REA has helped bring affordable electric and telephone service to farms, ranches, and rural communities across our Nation since the 1930's. It is no exaggeration to say, quite simply, that REA has been the Federal Government's most successful effort at improving the quality of life in rural America.

If you doubt that statement, just ask any man or woman who lived on, or grew up on, a farm or ranch in the thirties, forties, and fifties what life was like before the electric cooperatives sank poles and strung up lines to their

house and barn. They know the difference the REA programs made in their lives.

Nevertheless, there are people today who say REA has outlived its usefulness. Nothing could be farther from the truth. Mr. Speaker, REA is needed now more than ever.

We hear about the need to build the information highway of the future. This is a part of the infrastructure that will lay the foundation to a high-technology, high-wage future for our economy.

Rural America wants to be a part of that revolution. People in our small towns, and on remote farms and ranches, see a whole host of information sources, educational advantages, and economic opportunities through the use of advanced telecommunications.

To take part in this telecommunications revolution, rural America needs affordable lending to build the necessary infrastructure and modernize its electric and telephone systems. The lack of modern telecommunications capability and reliable electric service puts rural residents and rural businesses at a distinct disadvantage.

With the help of the REA, rural electric cooperatives and rural telephone companies can give rural businesses an opportunity to compete in this new high-technology economy. With the help of the REA, rural electric cooperatives and rural telephone companies can provide people living in our small rural communities and in remote areas with the same level of residential service that urban America has come to take for granted.

This bill provides REA with the authority to promote statewide modernization of telecommunications services for rural areas.

Mr. Speaker, I want to commend Congressman GLENN ENGLISH of Oklahoma, the chairman of our Subcommittee on Environment, Credit and Rural Development, for his yeoman's work on this legislation earlier this year and his help in accommodating concerns from the other side of the aisle during committee consideration last week. I also want to thank our ranking minority members PAT ROBERTS, BOB SMITH of Oregon, and JOHN BOEHNER of Ohio for their help and their willingness to cosponsor this legislation.

Mr. Speaker, this legislation is made even more necessary and urgent by the fact the conferees on the agriculture appropriations bill, anticipating our reforms, have defunded the 2-Percent Loan Program and reallocated funds to the new accounts with the expectation that this authorizing language would be sent to the President.

Mr. Speaker, for all these reasons, I urge my colleagues to support passage of H.R. 3123.

Mr. Speaker, for the RECORD I include correspondence and a cost estimate from the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1993.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3123, the Rural Electrification Loan Restructuring Act of 1993.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill Number: H.R. 3123.

2. Bill Title: Rural Electrification Loan Restructuring Act of 1993.

3. Bill Status: As ordered reported by the House Committee on Agriculture on September 23, 1993.

4. Bill purpose: The bill would reauthorize and modify the insured loan program of the Rural Electrification Administration (REA) and would make changes in the direct loan program of the Rural Telephone Bank (RTB). The current insured loan program, consisting primarily of loans made at a statutory interest rate of 5 percent, would be replaced by a new multi-tiered program consisting of some 5 percent loans, some loans made at rate equal to the average rates paid by municipal utilities, and some loans made at a rate equal to the rate of new borrowing by the U.S. Treasury. The bill also would modify several provisions of the RTB loan program and would broaden eligibility requirements for assistance under programs administered by the Rural Development Administration.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Estimated authorization of appropriations:					
REA insured loans	116	116	118	122	124
RTB loans	15	15	16	16	17
Total estimated Authorizations	131	132	134	138	141
Estimated outlays	18	51	84	111	127

The costs of this bill fall within budget functions 270 and 450.

Basis of estimate:

REA Insured loans. CBO estimates that the bill would authorize $116 million for fiscal year 1994 and a total of $596 million for the 1994–1998 period of the subsidy costs of REA insured loans. These estimates represent the expected government subsidy required for the loan levels specified in the bill. For electric utilities borrowing from the REA, the bill would authorize 1994 loan levels of $125 million at the 5 percent interest rate and $600 million at the average rate paid by municipal utilities on their debt. For telephone utilities borrowing from REA, the bill would authorize 1994 loan levels of $125 million at the 5 percent rate and $198 million at a rate equal to the rate on new borrowing by the Treasury for debt of comparable maturity.

The bill authorizes REA loans for the 1995–1998 period at the 1994 levels adjusted for inflation. For 1994, CBO estimates that these loan levels would require subsidy appropriations of $91 million for loans to electric utilities and $25 million for loans to telephone utilities. These amounts would increase with inflation to match the increasing nominal loan levels over the following four years.

Relative to the CBO baseline, the REA loan authorizations would reduce the need for appropriations by $50 million in 1994 and by $276 million over the 1994–1998 period. If appropriations are reduced by these amounts, outlay savings from the CBO baseline would total $8 million in 1994 and $162 million over the five-year period.

RTB Direct loans. CBO estimates that it would cost about $15 million in fiscal year 1994 and about $80 million over the 1994–1998 period to cover the increased RTB subsidies, assuming baseline loan levels. H.R. 3123 would change the way interest rates charged to RTB borrowers are calculated. This change would result in a lower interest rate for the borrower, hence requiring additional subsidy budget authority to make the required amount of loans.

The bill also would make several changes to loan terms for REA borrowers, modify certain provisions of REA's Rural Telephone Bank loan program, and broaden the eligibility criteria for the Department of Agriculture's rural development loan program. CBO estimates that these additional provisions would have no budgetary impact.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. ENGLISH], who did yeoman's work on this endeavor.

Mr. ENGLISH of Oklahoma. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me say, as the chairman outlined, this is really a conference report. It was stricken from the reconciliation bill by the so-called Byrd rule in the other body, and it does bring a considerable savings, $123 million over the next 5 years. It also makes some major adjustments to the REA Program, adjustments that I think many have been look forward to for some time.

It eliminates, for instance, the 2-percent loan program that has been in existence for some period of time. It also restricts the so-called 5-percent loan program. It underscores for both telephone companies and electric borrowers that there are hardship eligibility requirements that are set out, these are the criteria for that, and also, it reduces the amount of the 5-percent loan program from the fiscal year 1993 level of $625 million to $125 million.

It also reduces the 5-percent loan program for telephone borrowers from $239 million to $125 million. The adjustments are made to make these loans identical to the tax-free municipal bond rate for other borrowers, and those apply both to electric borrowers as well as borrowers for telephone companies.

Let me also say that there are restrictions in this program for those borrowers who may be in heavily, densely populated areas. For those borrowers in those cases, for a 5-percent loan, there would have to be a density less than 17 consumers per line mile.

As the Members can see, we have before us a major reform in the REA Program, one that makes major improvements in the program, and also, equally important during these times, brings

about $123 million worth of savings. Also, it might be pointed out that this legislation does not have what became a very controversial provision; namely, the question of municipal annexation and hostile condemnation. That is a subject that the committee will have to deal with at a later date, at another time, but it is not in this legislation tonight.

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

Mr. Speaker, I would like to first associate myself with the remarks of the distinguished chairman of the Committee on Agriculture, and my friend and colleague, the distinguished chairman of the subcommittee that has worked so long and hard for this reform effort. I associate myself with their remarks.

Mr. Speaker, this bill has been described as being nearly identical to legislation the House adopted in its reconciliation package this summer, that is correct. This bill is a reform effort that will be followed up later this year with additional legislation that will come before the full committee. I support the adoption of H.R. 3123.

Mr. Speaker, I yield 2 minutes to my friend and distinguished colleague, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rural electric bill. I think it makes some necessary changes that we have been looking for and seeking to work on for some time, and yet continues the important program. If a person comes from a place like I do in Wyoming, where the average density for rural electric programs is somewhere below five, the necessity to have available capital is very, very important. Of course, if we are going to have a growing economy in the rural areas, and particularly in the West, this rural electric program is part of the element that is necessary to provide for that.

There have been changes. We no longer have the 2-percent program. The 5-percent program is available in certain circumstances, but generally this funding would be equal to that of municipal bonds, municipal paper. I think that is a fair proposition. I think that is the way it ought to be.

Mr. Speaker, I must say that I am pleased that the territorial question is not here. I happen to agree with the rural electric in terms of the territorial issue. I think when a city annexes into a rural area, that there is no reason why that co-op cannot continue to serve, but I really do not think it is a function of the Federal Government to do that.

Therefore, I rise very much in support of this issue. I certainly congratulate the chairman and the ranking Republican for their work that they have done here. The gentleman from Oklahoma [Mr. ENGLISH] has continued to be a very strong supporter of the rural electric program, as I am, and I appreciate the work. I urge support for the bill.

Mr. ROBERTS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I applaud this committee for its work on restructuring the REA loan program and basing it on merit and need, rather than on a first-come, first-served basis. I have got to confess that I believe that this is a program that is being reformed when it should be eliminated; that REA has accomplished its purpose of electrifying America and providing America with telephone service, and the time for the REA I believe is long past.

The President himself recognized the need to wind down this program and urged that the loan authority be reduced. That recommendation is not reflected in this legislation. I regret that. In fact, although the committee did reduce the hardship loan level, it created a brand new municipal rate loan program at $600 million. That means that there is a net result of additional funding, additional taxpayer subsidies, rather than less.

I am not insensitive to the needs of rural communities. I live in one. However, I do believe that this is a time when we have to reevaluate programs that seem to have taken on a life of their own. This is one of them.

There is a saying in Washington that "old government agencies never die. They don't even fade away." Although I commend the members of the Committee for doing a good job of reforming a program that was wildly out of date, the best thing to have done was to eliminate it and to recognize the fact that our taxpayers dollars could be spent much better elsewhere.

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

Mr. Speaker, I thank my friend, the gentleman from New Jersey [Mr. ZIMMER] for his confession. Perhaps if he believes that REA is outdated, perhaps we could have an amendment when we consider further reform to exempt the State of New Jersey from the REA and continue the program in Kansas, Oklahoma, Texas, Wyoming, and other areas.

I think my urban colleagues who really do a lot of complaining about REA having served its purpose need to understand that there are still areas of this country where party lines and analog switching systems, systems many of us would assume were long since gone, are still common.

In large metropolitan areas and in States like New Jersey, we enjoy being able to call numerous telephone exchanges in multi-county areas for all kinds of goods and services. In rural areas, a phone call to the town 15 miles down the road or maybe 30 miles may mean a toll charge.

□ 1900

So, if we want to do something for rural America and for the American economy, we certainly need to upgrade these services.

Mr. Speaker, this bill is nearly identical to legislation the House adopted in its budget reconciliation package this summer with the major exception that the controversial municipal annexation-condemnation provision is not included. I believe this bill is a reform effort that will be followed up later this year when the Committee on Agriculture fully reorganizes the Department of Agriculture. I support the adoption of H.R. 3123.

The legislation eliminates the current two-percent hardship and 5-percent direct electric and telephone loan programs and replaces them with a 5-percent hardship lending program at an authorized program level of $125 million each. Rural electric cooperatives may use a direct lending program with interest rates pegged to tax-exempt municipal bond rates with $600 million authorized; phone cooperatives and companies are eligible for direct loans at cost-of-money rates with a program authorization of $198 million. Both electric and telephone interest rates are capped at 7 percent depending on consumer densities, system revenues and costs, net income margin requirements of borrowers and per capita income of the areas served.

States or coalitions of telephone companies within States also would be required to develop and approve a telecommunications modernization plan that would upgrade services in rural areas, including the elimination of party line service. I believe my urban colleagues who grouse about REA having served its purpose need to understand there still are areas of this country where party lines and analog switching systems, systems many of us would assume were long since gone, are still common. In large metropolitan areas, we enjoy being able to call numerous telephone exchanges in multicounty areas for all kinds of goods and services; in rural areas, a phone call to the town 15 miles down the road may mean a toll charge. If we want to do something for rural Americans—and for the American economy—we need to upgrade rural telecommunications service.

In addition to the telecommunications provisions, the bill also makes important changes in program administration and loan making decisions within REA, including the prohibition of making a loan on assets whose useful life is less than the term of the loan. Electric co-ops with consumer densities in excess of 17 per mile would not be eligible for 5-percent loans or have the availability of a 7-percent interest cap on loans to serve or improve services in an urban area.

Finally, Mr. Speaker, the bill prohibits the packaging or tying of electric power service with some other utility service. For instance, it has been cited that on numerous occasions electric cooperatives have offered low-interest or no-interest loans for water and waste water facilities to businesses agreeing to buy the rural co-op's electric power. This practice

should not occur using low-interest, Government loans.

I would urge my colleagues to support passage of H.R. 3123.

Mr. GUNDERSON. Mr. Speaker, for almost 60 years, the Rural Electrification Administration [REA] has responded to the challenge of, first, providing universal electrical and telecommunication services to rural America and, now, of modernizing those services so that our farmers, ranchers, and rural businesses can remain competitive in the 21st Century.

Meeting this challenge is no small accomplishment given the budgetary climate facing our country as a whole and the desire of the Clinton Administration to make wholesale reductions in REA funding. Much work has gone into H.R. 3123 both during and after the reconciliation process to save Government outlays on the REA program while, at the same time, preserving the electric and telephone programs which are so vital to the future of rural America.

The result is a program providing loans to rural electric borrowers at an interest rate equal to that available on the market to municipal-owned utilities and loans to rural telephone companies at the cost of that money to the Government. While H.R. 3123 provides for a combined $250 million of 5 percent interest hardship loans to rural electric and telephone companies in low-density areas with below-average household incomes, these new terms represent a significant departure from the $864 million of time honored 2 percent hardship loans available currently. As noted, however, these changes are a necessary transition under our current budgetary conditions.

Most importantly, the legislation requires each State to develop a telecommunications modernization plan relating to improved computer and other services to farm operations, rural businesses, and educational and medical institutions.

The only thing missing from this legislation, Mr. Speaker, is language preserving the territorial integrity of the REA service areas. In a time when we are most concerned about the status of the Federal Treasury, it seems to me that we ought to be taking those steps necessary to insure the financial viability of our rural electric cooperatives [REC].

One of the greatest threats to the ability of our RECs to repay their Federal loans is the uncompensated loss of service territory to municipal annexation. How can we expect an REC to maintain its repayment schedule, to invest in the modernization of its facilities and services to its subscribers, or to plan for the future when it can lose some of its biggest and best customers overnight when an adjacent municipality and its utility annexes a portion of the service area of the REC?

Recognizing this inconsistency, we had language in the reconciliation package providing territorial protection for RECs. However, for whatever reason, it has been dropped from this legislation. It is incumbent upon me to warn my colleagues that, unless we address this growing problem of unrestricted municipal annexation in the very near future, we will be back here discussing the rising default rate among REA borrowers and the resulting increased cost of the rural electric program.

Despite this deficiency, Mr. Speaker, this is a good piece of legislation and urge my colleagues to vote for it.

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

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

The SPEAKER pro tempore (Mr. BARCIA of Michigan). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3123, 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.

The title of the bill was amended so as to read: "A bill to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.".

A motion to reconsider was laid on the table.

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2689) to amend Public Law 100–518 and the U.S. Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for the other purposes, as amended.

The Clerk read as follows:

H.R. 2689

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Limitation on administrative and supervisory costs.
Sec. 3. Authorization of appropriations.
Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.
Sec. 5. Inspection and weighing pilot program.
Sec. 6. Licensing of inspectors.
Sec. 7. Prohibited acts.
Sec. 8. Criminal penalties.
Sec. 9. Equipment testing and other services
Sec. 10. Violation of subpoena.
Sec. 11. Standardizing commercial inspections.
Sec. 12. Elimination of gender references.
Sec. 13. Repeal of temporary amendment language; technical amendments.
Sec. 14. Authority to collect fees; termination of advisory committee.
Sec. 15. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "1998".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) REAUTHORIZATION.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 1998".

(b) LIMITATION.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A of such Act (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. INSPECTION AND WEIGHING PILOT PROGRAM.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than one official agency to carry out inspections within a single geographical area without undermining such objectives".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) and of such Act (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than one official agency to carry out the weighing provisions within a single geographic area without undermining such objectives".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Section 13(a)(11) of the United States Grain Standards Act (7 U.S.C. 87b(a)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, or conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), The Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee that is established by regulation or contractual agreement and is sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(i) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) OFFICIAL COURTESIES.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered pursuant to this subsection shall exceed 20 dollars in value.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER REFERENCES.

(a) REFERENCES TO HIS.—(1) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(A) in subsection (a), by striking "his delegates" and inserting "a delegate of the Secretary"; and

(B) in subsection (z), by striking "his delegates" and inserting "a delegate of the Administrator".

(2) Sections 4(a), 7(b), 7(e)(2), 12(b), and 13(a)(2) of such Act (7 U.S.C. 76(a), 79(b), 79(e)(2), 87a(b), and 87b(a)(2)) are each amended by striking "his" and inserting "the Administrator's".

(3) Section 5(a)(1) of such Act (7 U.S.C. 77(a)(1)) is amended by striking "his agent" and inserting "the shipper's agent".

(4) Section 9 of such Act (7 U.S.C. 85) is amended in the first sentence by striking "his license" and inserting "the license".

(5) Sections 13(a)(7), 15, and 17(e) of such Act (7 U.S.C. 87b(a)(7), 87d, and 87f(e)) are each amended by striking "his" and inserting "the person's".

(6) Section 13(a)(8) of such Act (7 U.S.C. 87b(a)(8)) is amended by striking "his duties" and inserting "the duties of the officer, employee, or inspection personnel".

(b) REFERENCES TO HIM.—(1) Section 8(a) of such Act (7 U.S.C. 84(a)) is amended in the first sentence by striking "him" and inserting "the Administrator".

(2) Section 9 of such Act (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(c) REFERENCES TO HE.—(1) Sections 5(b), 7(a), 7(b), 7(e)(2), 7A(e), 7B(a), 8(c), 8(f), 10(a), 11(a), 11(b)(5), 12(c), and 14(b) of such Act (7 U.S.C. 77(b), 79(a), 79(b), 79(e)(2), 79a(e), 79b(a), 84(c), 84(f), 86(a), 87(a), 87(b)(5), 87a(c), and 87c(b)), are each amended by striking "he" each place it appears and inserting "the Administrator".

(2) Sections 10(b), 13(a)(9), 14(a), and 17A(c) of such Act (7 U.S.C. 86(b), 87b(a)(9), 87c(a), and 87f-1(c)) are each amended by striking "he" and inserting "the person".

(3) Sections 11(B)(1) and 17A(a)(2) of such Act (7 U.S.C. 87(b)(1) and 87f-1(a)(2)) are each amended by striking "he" and inserting "the producer".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(a) REPEAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

(b) TECHNICAL AMENDMENTS.—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87j(a)) is amended—

(A) by striking "(1)" and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 1998. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain.".

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 1998. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) TERMINATION OF ADVISORY COMMITTEE.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) TERMINATION.—The Advisory committee shall terminate on September 30, 1998.".

SEC. 15. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.—The amendments made by sections 2, 3, and 13(a) shall take effect as of the earlier of—

(1) September 30, 1993; and

(2) the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2689, as reported by the Committee on Agriculture, extends the authorization of appropriations for the Federal Grain Inspection Service [FGIS], an agency within the U.S. Department of Agriculture [USDA]. It

also extends the authority of that agency to recover administrative and supervisory costs through the user fees it charges for services.

Under the U.S. Grain Standards Act, the Federal Grain Inspection Service is responsible for setting standards that serve as a common language within the grain industry. FGIS oversees the official weighing and inspection of all grain destined for the export market. The agency also monitors the weighing and inspection system for our Nation's internal domestic markets.

Mr. Speaker, the U.S. grain inspection system serves as the standard and model for the world. An official inspection certificate issued by FGIS facilitates commerce by allowing both buyer and seller to have confidence in the identified quantity and quality of any shipment of American grain that is entered into trade. This legislation will make our current grain inspection system even better.

H.R. 2689, as reported and before the House, authorizes appropriations for the standardization and compliance activities of FGIS through fiscal year 1998. It also provides that user fees—which the agency collects to cover the cost of providing weighing and inspection services—may be calculated to include the recovery of administrative and supervisory costs through fiscal year 1998.

The committee bill also authorizes FGIS to conduct pilot programs that allow for competition among agencies, designated by the Service, to carry out official inspection and weighing services in the domestic market.

Under the current provisions of the Grain Standards Act, each designated agency is authorized to provide these services exclusively for a given geographical area. This exclusivity was mandated by Congress in an effort to prevent market participants from grade shopping at competing inspection agencies. The committee believes that FGIS has sufficient resources and expertise to prevent grade shopping. The purpose of the pilot programs authorized by the bill is to determine whether or not competition will benefit the industry through lower fees for the weighing and inspection services that designated private agencies provide.

This bill also continues our goal of eventually eliminating male-specific references, such as "he" and "his," that appear in many of our agricultural laws. The bill eliminates all gender-specific references from the U.S. Grain Standards Act.

Other provisions of the bill as reported would authorize FGIS to collect fees for the use of its equipment and services by entities not involved in the grain industry; allow FGIS to issue inspector licenses to individuals supervised under a contractual arrangement with official designated State agencies; reduce paperwork by eliminating the current quarterly report to Congress on official complaints; and limit the value of any mementos offered or received by any FGIS employee who meets with an official representative of a foreign government to no more than $20.

The bill increases the criminal penalties for first-time violators who knowingly engage in prohibited acts, such as deceptive loading and manipulation and falsification of weights. The bill makes these violations felonies rather than misdemeanors, and carries with it a sentence of up to 12 months imprisonment or a $10,000 fine, or both.

Mr. Speaker, the Committee on Agriculture considered proposals to regulate or prohibit grain handlers adding water to grain. The practice of adding water is ostensibly done to control accumulations of harmful, explosive grain dust. There are concerns within the industry, however, that some companies which use water as a dust-control method may be intentionally adding weight to the grain and thereby fraudulently misrepresenting its value.

The Committee on Agriculture is very concerned about these allegations and intends to investigate the practice. The issue is currently the subject of new rules being proposed by FGIS. The committee agreed to withhold taking legislative action to allow for the gathering of more information by both FGIS and the committee itself.

Mr. Speaker, it would appear that the simple solution to this controversy is to ban the addition of water. Yet there is ample evidence to suggest that the application of minute amounts of water is an effective method of controlling the accumulation of grain dust. Failure to control dust has led to massive explosions in grain elevators that cost workers their lives.

The committee has been assured that FGIS, through its rulemaking process, will give careful consideration to proposals that safeguard the lives and safety of industry employees while preserving the integrity of our grain marketing system. In the meantime, our committee will continue to conduct oversight and report our findings and any necessary legislation to the House.

Mr. Speaker, this bill is straightforward and necessary. The authority for the agency to collect sufficient user fees to cover weighing and inspection services expires on September 30, 1993, and that is why we bring the bill to the floor today. I urge my colleagues to support the passage of H.R. 2689.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from South Dakota [Mr. JOHNSON], chairman of the subcommittee, who has done a tremendous amount of work, and certainly produced an excellent compilation of the legislation in order that we might reauthorize it.

Mr. JOHNSON of South Dakota. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise today in support of H.R. 2689, which would extend the authorities of the Federal Grain Inspection Service [FGIS] through September 30, 1998. I am proud to come to the House floor as chairman of the Subcommittee on General Farm Commodities, and bring before my colleagues the first bill reported out of this subcommittee under my tenure.

The Federal Grain Inspection Service was mandated by Congress in 1976 to be the agency responsible for implementing and administering the official U.S. grain standards programs. The FGIS' primary responsibilities include the inspection of most of the grain exported from U.S. export facilities and designating State or private entities to perform inspection and weighing services at interior locations under the supervision of the FGIS.

Mr. Speaker, the FGIS came into existence because of fraud and corruption that overtook the private entities who have been carrying out inspections and weighing at U.S. export facilities. This wrongdoing led to lost sales and wary customers, with much of the impact being borne by U.S. grain farmers.

While the committee has given its consent to allowing pilot projects for competition at interior locations, the FGIS role as the official inspection agency for U.S. exports is maintained.

H.R. 2689, as amended by subcommittee and full committee action, contains several provisions which should help the FGIS continue to cut their operating costs and streamline agency operations. While the agency has undertaken a number of actions to decrease the cost of export inspections and reduce staff, these additional provisions will provide further flexibility to lessen the impact of decreasing export inspections.

It should be noted that the cost of FGIS export inspections has gone from 24 cents per metric ton in 1987 to 22 cents per metric ton in 1992. The FGIS work force has also dropped during that same time from nearly 1,000 employees, down to 600 individuals at the end of calendar year 1992.

The additional authorities given to the FGIS include expansion of FGIS grain licensing authority beyond only employees of official inspection agencies to include contract inspectors. FGIS would be able to take advantage of its unique capabilities and expertise in the weighing of commodities and other items. The agency would also be allowed to test weighing equipment used for purposes other than weighing grain and also to test grain inspection instruments used for commercial inspections on a fee basis. Other similar types of activities would be allowed on a fee basis if the need arises and the Administrator deems it appropriate.

Authority is expanded to allow the FGIS to work with the Canadian Government in carrying out official inspections in Canadian ports. This would

eliminate the need for FGIS personnel to be stationed in Canadian ports on a full-time basis.

H.R. 2689 increases the penalty for violations of the Grain Standards Act, making willful violations of the law, such as deceptive loading and manipulation and falsification of weights, felonies rather than misdemeanors. This could mean a penalty of up to 12 months imprisonment or a $10,000 fine, or both. However, violation of a subpoena would remain a misdemeanor under the Grain Standards Act.

Mr. Speaker, my colleagues will find no mention of the addition of water to grain in this legislation. It is my intention to hold hearings on this issue, and for the timeline in FGIS' proposed rule banning the addition of water to grain to go on as scheduled. I hope that some consensus on this issue can be reached within the grain growing and handling sector as well as among my colleagues, which is in the best interest of maintaining the quality of U.S. grain and workplace safety.

I am also pleased that this legislation makes the U.S. Grain Standards Act gender neutral with the deletion of all gender-specific language.

Mr. Speaker, I would urge my colleagues to join me in supporting this routine reauthorization.

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

Mr. Speaker, I rise in support of H.R. 2689, a bill to authorize the Federal Grain Inspection Service [FGIS] to collect fees to cover administrative and supervisory costs. It is essential that H.R. 2689 be enacted to ensure the integrity of the U.S. grain inspection programs.

H.R. 2689 extends the authority of FGIS to collect fees to cover the costs of administration and supervision of the official inspection system through 1998. This current authority expires on September 30, 1993.

The bill allows FGIS to contract with Canadians and eliminate the cost of FGIS employees stationed in Canada. Pilot projects to allow more than one official agency to perform inspections within the same geographical area are authorized and FGIS is authorized to issue licenses to contract employees.

Penalties are increased by making willful violations of the Act felonies rather than misdemeanors and the quarterly report to Congress on official complaints is eliminated.

FGIS is provided with the authority to test weighing equipment; test grain inspection instruments; and, to undertake other activities on a user fee basis. Additionally, FGIS is authorized to work with technical and scientific organizations to promote greater uniformity in commercial grain inspection.

The United States has the most advanced and reliable grain marketing system in the world and the official grain inspection program operated by USDA is a vital part of that process. I urge my colleagues to support H.R. 2689.

Mr. ALLARD. Mr. Speaker, I rise in support of H.R. 2689, a bill to extend the authority of the Federal Grain Inspection Service [FGIS] to collect fees to cover administrative and supervisory costs and for other purposes. H.R. 2689 was introduced at the request of the administration. It is essential to continue the authority of FGIS because it plays a critical role in the successful marketing of U.S. grain, both here at home and in foreign markets.

FGIS was established by the Congress to establish and maintain official standards for grains; perform weighing and inspecting services for all grain for export and, upon request, for domestic uses; and, supervising the official grain and weighing system.

H.R. 2689 continues several provisions of the U.S. Grain Standards Act, including the collection of inspection and weighing fees to recover administrative and supervisory costs, through 1998. I believe that 5 years is a sufficient length of time to provide this authority to FGIS. As we are all aware, we are in the midst of proposals to reinvent the Federal Government, as proposed by Vice President GORE, and a reorganization proposal for the Department of Agriculture. In fact, it is proposed that FGIS be combined with the Packers and Stockyards Administration to form the Grain Inspection, Packers and Stockyards Administration. Since there are several changes proposed that can affect FIGS, it is appropriate to continue its authority for a specific period of time.

Additionally, since FGIS performs official grain export inspections; supervises State-operated agencies that perform export inspections; and, supervises State and private agencies designated to perform inspection in the domestic market—all for user fees—it is essential to insure proper oversight of the activities and the fees charged. I realize that FGIS has instituted cost-effective operating procedures and will continue to look for new technology to improve the inspection process. Nevertheless, it is our responsibility to make sure that the actions of any agency and the fees charged to the users of its services are appropriate and reflect good management practices.

The Committee on Agriculture plans to continue its oversight of FGIS and to hold hearings on issues raised during consideration of this bill, including those issues related to the addition of water to grain for purposes of dust suppression.

I urge my colleagues to support H.R. 2689.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2689, 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.

The title of the bill was amended so as to read: "A bill to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.".

A motion to reconsider was laid on the table.

NATIONAL FOREST FOUNDATION ACT AMENDMENT ACT OF 1993

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1381) to improve administrative services and support provided to the National Forest Foundation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1381

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 National Forest Foundation Act Amendment Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act; and

(2) to extend the funding authorization for start-up expenses for 1 year.

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) IN GENERAL.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j-3) is amended—

(1) in subsection (a)—

(A) by inserting ", project," after "administrative"; and

(B) by striking "following the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(2) in subsection (b)—

(A) by striking "from the enactment of this title" and inserting "beginning October 1, 1992"; and

(B) by inserting "and project" after "administrative".

(b) TECHNICAL AMENDMENT.—Section 410(b) of such Act (16 U.S.C. 583j-8(b)) is amended by striking "following the date of enactment of this title," and inserting "beginning October 1, 1992,".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the three bills just passed, H.R. 3123, H.R. 2689, and S. 1381.

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

There was no objection.

GERMAN-AMERICAN DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 121) to designate October 6, 1993 and 1994 as "German-American Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

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Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not object, but I inform the House the minority has no objection to the legislation now being considered. I rise in strong support of Senate Joint Resolution 121.

Mr. Speaker, as a cosponsor of House Joint Resolution 155, I am delighted to speak in support of this resolution and commend my colleague, the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana, [Mr. HAMILTON], for introducing this bill recognizing German-American Day.

The United States has been greatly enriched through the contributions of her citizens of German heritage. From Carl Schurz to Albert Einstein, our history, our science, our art, our politics, and our diplomacy, even our cuisine, have benefited significantly from what German immigrants have brought to us from their homeland across the Atlantic.

Today, our recognition of the many and varied achievements of German-Americans serves as a reminder of the very close ties between this country and Germany. Germany is a pillar of Europe, its economic powerhouse, and a force for peace and stability. We salute the people of Germany for their steadfastness and courage and we commend them for their regained unity.

Further reserving the right to object, I am pleased to yield to one of the senior members of the Committee on Foreign Affairs, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, as chairman of the Congressional Study Group on Germany, this Member rises in strong support for House Joint Resolution 155.

In October 1683, 13 families from the community of Kerefeld in Central Europe set foot in the New World near Philadelphia, thus becoming the first German-American settlers. In the years that followed, as word of the Germans' prosperity and satisfaction in the New World filtered back home, the emigration flow continued. Looking for farmland and communities in which to sink their roots and ply their skills, German-Americans were among the largest ethnic groups to participate in the westward movement. Indeed, in this Member's home State of Nebraska, German-Americans constitute the largest single ethnic group. Today, almost one in four Americans can claim German heritage. German-American Friendship Day provides this body with an opportunity to celebrate the very positive relationship we today enjoy with the people of Germany and its Government.

Mr. Speaker, as we know, Germany now faces a large but welcomed challenge. From two countries with vastly different political, economic, and cultural environments, a single nation must be forged. Unification may have proven more difficult than anticipated, but the end result will surely be a stronger, more vibrant nation.

We in the United States, of course, support our German friends in this endeavor of unification. House Joint Resolution 155, designating German-American Day, provides this body an opportunity to voice that support.

This Member congratulates the chairman of the Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON], for introducing today's resolution. As a former and first chairman of the Congressional Study Group on Germany, he understands well the importance and value of German-American relations. This Member commends him for his initiative, and urges all Members to support House Joint Resolution 155.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, I also want to add that in the State of Texas, shortly after the Spaniards, came many middle European peoples, among those were the Germans, who now settled across central Texas and the upper part of my congressional district. They have made a major contribution. They came as farmers, and many of them are still on the land. Throughout central Texas, the music, the food, and other aspects of the Germans still prevail in some of the rural communities, and indeed in San Antonio there is a church that still conducts services in German on Sundays.

Mr. Speaker, I have the great pleasure and pride to inform my colleagues that I married into a German family, the Schunior family. So I share kinship with all of my German constituents in my congressional district.

Mr. Speaker, I commend the gentleman for bringing this resolution from the Committee on Foreign Affairs.

Mr. GILMAN. I thank the gentleman from Texas for his supportive remarks, as well as the gentleman from Nebraska [Mr. BEREUTER] for his supportive remarks.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BARCIA of Michigan). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 121

Whereas German Immigrants first arrived in America at Jamestown, Virginia, in October 1608, and the 400th anniversary of the arrival of these first Germans will be celebrated in 2008;

Whereas the first German settlement in America was founded on October 6th, 1683 at Germantown, Pennsylvania, and October 6, 1983, was designated as the German-American Tricentennial Celebration by Congressional Resolution and Presidential Proclamation;

Whereas the number of American citizens of German ancestry has grown to over 50 million since the first German immigrants arrived in this country;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States;

Whereas the German-American Friendship Garden in Washington, D.C., is evidence of this cooperation;

Whereas German-Americans support expansion of the existing friendship between Germany and the United States, and will continue to contribute to the culture of the United States, support its government and democratic principles, and help ensure the freedom of all people;

Whereas German unification stands as a symbol of greater international cooperation and has reemphasized the prominent position of Germany in the European community and between the East and the West;

Whereas Congress unanimously passed joint resolutions designating October 6th of 1987, 1988, 1989, 1990, 1991, and 1992, each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1993 and 1994, are each designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the days with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BIOMEDICAL RESEARCH DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on

Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 111) designating October 21, 1993, as "National Biomedical Research Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 111

Whereas the biomedical research community in the United States is recognized as the world leader in discovering knowledge that promotes the health and well-being of people throughout the world;

Whereas biomedical research offers the best hope for breakthroughs in the detection and treatment of diseases in the future;

Whereas since 1900 biomedical research has helped increase the lifespan of people in the United States by 25 years through the development of vaccines, antibiotics, and antiinfective drugs;

Whereas biomedical research has contributed to the virtual elimination of epidemic diseases such as cholera, smallpox, yellow fever, and bubonic plague, and in the United States biomedical research has helped to prevent such childhood killers such as polio, diphtheria, tetanus, pertussis, and Sudden Infant Death Syndrome;

Whereas biomedical researchers are working diligently toward cures for diseases such as Acquired Immune Deficiency Syndrome (AIDS), Alzheimer's disease, cancer, arthritis, diabetes, epilepsy, multiple sclerosis, heart and lung diseases, mental illness, and countless other diseases that afflict millions of people in the United States;

Whereas the Congress has consistently demonstrated a financial commitment to maintaining the preeminence of the United States in biomedical research through support of such agencies as the National Institutes of Health, the Alcohol, Drug Abuse and Mental Health Administration, the Centers for Disease Control, and the Veterans Administration;

Whereas the products and byproducts of biomedical research contribute to the health of the United States economy by reducing medical costs through prevention of various diseases and by furthering the success of the United States in international commerce and trade;

Whereas biomedical research has led to drugs and vaccines that safeguard the animals we raise and the food we consume, protecting the health of such animals as cattle, hogs, sheep, and chickens; and

Whereas biomedical research also has contributed to the health and well-being of animals through vaccines for parvovirus, infectious canine hepatitis, rabies, distemper, anthrax, tetanus, and feline leukemia, and has helped the prospects of endangered species by reducing disease and promoting reproduction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 21, 1993, is designated as "National Biomedical Research Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MENTAL ILLNESS AWARENESS WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 61) to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, I rise in strong support of House Joint Resolution 148, a measure to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week." I commend the gentleman from Oregon [Mr. WYDEN] for introducing this important measure.

Since 1973, Federal law has prohibited discrimination on the basis of mental illness in federally funded programs. Those provisions, however, have not removed all the barriers that have kept our Nation's mentally disabled people from participating fully on the job and in the activities of daily life.

Unfortunately, many of these remaining barriers result from ignorance and misunderstanding. Mental Illness Awareness Week is intended to help to dispel the basis of much of the discrimination against the mentally disabled by education and by recognition.

Mr. Speaker, I urge my colleagues to join in support of this measure, to provide the mentally disabled with the help and recognition they so richly deserve.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the chief sponsor of this legislation, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding and greatly appreciate his yielding to me.

I want to thank the gentleman from New York [Mr. GILMAN], the gentleman from Maryland [Mr. WYNN], and members of the committee for moving this legislation forward. I would just like to say that I saw some figures that I think illustrate well the importance of this legislation.

One out of five Americans at some time during the next 6 months will suffer from either an emotional disorder or substance abuse problem. Indeed, in our own State of West Virginia, a small State, 42,000 people receive direct assistance from mental health programs and many more, obviously, require it, as is the case across the country.

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Indeed, the very staggering statistic to me and the one that illustrates the need for all this is that at some time during our lives, one-third of us are going to have some sort of significant emotional disorder or abuse problem. So this becomes even more significant, particularly with both parties moving forward on national health legislation and the necessity to recognize that mental illness and illness are indeed one and the same and must be considered as such.

Mr. Speaker, I appreciate the time the gentleman has yielded to me.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from West Virginia [Mr. WISE] for his supporting comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. BARCIA of Michigan). Is there objection to the request of the gentleman from Maryland [Mr. WYNN]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 61

Whereas mental illness is a problem of grave concern and consequence in the United States and it is widely, but unnecessarily, feared and misunderstood;

Whereas on an annual basis 40,000,000 adults in the United States suffer from clearly diagnosable mental disorders, including mental illness, alcohol abuse, and drug abuse, which create significant disabilities with respect to employment, school attendance, and independent living;

Whereas more than 11,200,000 United States citizens are diagnosed with schizophrenia, manic depressive disorder, and major depression, and these individuals are often disabled for long periods of time;

Whereas 33 percent of homeless persons suffer serious, chronic forms of mental illness;

Whereas mental illness, alcohol abuse, and drug abuse affect almost 22 percent of adults in the United States in any 1-year period;

Whereas mental illness interferes with the development and maturation of at least 12,000,000 of our children;

Whereas a majority of the 30,000 American citizens who commit suicide each year suffer from a mental or an addictive disorder;

Whereas our growing population of elderly persons faces many obstacles to care for mental disorders;

Whereas 20 to 25 percent of persons with AIDS will develop AIDS-related cognitive dysfunction and as many as two-thirds of

persons with AIDS will show neuropsychiatric symptoms before they die;

Whereas mental illness, alcohol abuse, and drug abuse result in staggering costs to society, estimated to be in excess of $273,000,000 each year in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the National Institute of Mental Health, the National Institute of Alcoholism and Alcohol Abuse, and the National Institute of Drug Abuse represents only about 1 percent of the direct treatment and support costs of caring for persons with mental disorders, alcohol addiction, and drug addiction;

Whereas mental illnesses are increasingly treatable disorders with excellent prospects for amelioration when properly recognized;

Whereas persons with mental illness and their families have begun to join self-help groups seeking to combat the unfair stigma of mental illness, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (somatic, psychosocial, and service delivery) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 3, 1993, through October 9, 1993, is designated as "Mental Illness Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Joint Resolution 61, the Senate joint resolution just passed.

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

There was no objection.

TRANSFER OF SPECIAL ORDER TIME

Mr. HYDE. Mr. Speaker, I ask unanimous consent that today I may be permitted to take the 60-minute special order granted previously to the gentleman from Indiana [Mr. BURTON].

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

There was no objection.

CLINTON HEALTH CARE PLAN: KILL OR CURE—A EUROPEAN VIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member would like to call to his colleagues' attention a recent editorial and article in the September 25, 1993, issue of the distinguished magazine the Economist, which is published in London, England. Certainly there will be many views on the merits of President Clinton's health care proposals. This Member finds the Economist often has a fresher, less biased perspective to observe political events and issues in the United States. Sometimes they can better describe the American trees than those of us standing in the middle of the American forest. Their perspectives of the deficiencies of the Clinton plan certainly are worthy of consideration during the upcoming hearings and debate on health care reform.

The Economist editorial discusses three basic flaws in the Clinton proposal. These points are supported by an article in the same issue, "Kill or Cure."

The first problem the Economist sees with the Clinton approach is the employer-mandate, which requires employers to provide insurance for all employees and to pay 80 percent of the premium, while the employee pays the remaining 20 percent. According to the Economist, "like any extra tax on labour, this threatens to destroy jobs, especially in small firms that have been unable to afford health coverage in the past—and which have been the source of most of America's recent new jobs." The Economist contends that a "link between employment and health-care coverage has been bad for competitiveness and the mobility of the workers. It should be abandoned" they conclude.

The second concern presented by the Economist is that the plan does not adequately control costs. If there was no tax exemption for health insurance costs and if employers did not pay all or a portion of employee health care premiums, then employees would have more incentive to see that costs are kept down since they would be footing the bill for their own health care. Additionally, the tax exemption for health insurance costs for businesses is not an incentive to decrease costs, it only serves to hide health care costs. According to the Economist: "until the exemption is scrapped, health care will suck in resources that could have been put to better use elsewhere." They conclude that unless employers and employees have a financial stake in decreasing costs, health care costs will only increase.

It seems that the administration doesn't trust that the market will work to keep costs down and therefore has proposed caps on health care costs. The Economist notes that:

> The caps will soon be challenged by rising costs. And since no administration would be willing explicitly to ration care, the caps would soon lack credibility. That might be an incentive for providers to reach for the caps sooner rather than later.

The editorial states that the third problem with the Clinton proposal is "its outrageously dishonest claims concerning costs to taxpayers." It increases the number of people covered and the benefit package offered with only one excise tax increase. They conclude that this is unrealistic. Additionally, they point out that there is an assumption made by the administration of "enormous, but unspecified, savings in Medicare and Medicaid—savings that rely on an immediate slowing of health-care costs; and by assuming extra tax revenues from companies and individuals, on the ground that health-care reform will boost profits and pay."

Additionally, the Economist editorialists conclude that there are several concerns regarding the Medicare Program. While long-term care and prescription drug benefits are to be added to the Medicare Program, the administration has proposed a cap on growth in Medicare spending. Also, the Medicare Program will remain separate from the national health care system created thus keeping the Medicare recipients out of the market system where their presence could work to help keep prices down.

Moreover, according to the Economist, the administration makes assumptions regarding the supposed savings of the Clinton plan. The editorialists state the following: "What is improbable is that the savings reaped in one area can simply be applied to another. Barry Bosworth from the Brookings Institution, once the Director of Jimmy Carter's Council on Wage and Price Stability, says that if the savings come out as predicted, it will be one of the great accidents in history."

The Economist summarizes its concern regarding the costs to taxpayers as follows:

> Finance is often the Achilles heel of American public policy. Nowhere more so than in health care. Middle America now expects health reform, cost control and universal coverage without paying for it either in higher taxes or in reduced benefits. In the longer term, the combination of managed competition with controls on health insurance premiums should indeed mean that

America spends less on health care than it does today. But in the next few years, the Clinton plan is more likely to raise spending than to cut it.

Mr. Speaker, President Clinton has placed health care reform as the top domestic priority, as he should. However, the urgency that surrounds this issue should not preclude a national debate regarding health care priorities and the eventual decisions that must be made in light of limited resources.

The Economist editorial closes with a warning to Congress. If Congress does not carefully examine the financing of the health care plan eventually passed, if Congress takes the savings assumptions of the Clinton administration, and enacts new entitlements or broadens existing entitlements without making hard choices regarding new taxes or spending cuts, they conclude that "the reform may well collapse half-way through. Hard to believe, but America could then end up with a health-care system even sicker than today's."

[From the Economist, Sept. 25, 1993]

KILL OR CURE?

Not since Franklin Roosevelt's War Production Board has it been suggested that so large a part of the American economy should suddenly be brought under government control, nor, ever, has a usurping president so soothingly reassured a nation as did Bill Clinton in his address before Congress on the night of September 22nd. Armed with his plans for reforming health care and waving his "health security card", Mr. Clinton proposed nothing less than that government should seize the levers of an industry that accounts for one-seventh of the American economy.

A largely private market now exists for health care in the United States though one shot-through with reverse incentives. What the administration proposes is a government-directed bureaucracy through which almost all the money that is currently spent on health care will be funneled.

The body overseeing the process is to be called the National Health Board. The board will instruct each state to set up one or more "regional health alliances". Employers and employees will pay "premiums" into the alliance similar to the medical premiums that companies and individuals now pay to insurers. These premiums will allow the alliances to bargain with local health plans for the most competitive care. Consumers can choose from among a number of health plans offered by each alliance.

Each plan must offer at least a basic package of government-stipulated benefits. These are as generous as those currently offered by the biggest corporations, and probably more so. Mr. Clinton's plan includes drug abuse and hospice care; it also refers to a benefit called "pregnancy-related services", which can be taken to include abortion. No plan may refuse anybody enrolled with an alliance.

Every American not already part of a government plan must join a health alliance (companies with over 5,000 people may form their own alliances). The reward is not just the generosity of the benefits. It is the guarantee that everyone will be entitled to health coverage, whether they change their job, lose their job, or fall ill. This guarantee will provide coverage for the 37m who are currently uninsured.

Mr. Clinton is adamant that the uninsured—a largely young and constantly changing group—must be brought quickly into the fold. Only then can pressure be brought to bear upon rampant health costs. The administration's most basic assumption is that the supposed incentives in the new system will drive down costs—and that, where incentives are not relevant, fat will be ripped out by edict.

The administration says it is creating competition through the alliances, which will each offer an array of health plans. Consumers—and not their employers—will choose between the plans. True, employers will pay for at least four-fifths of an average employee's insurance, and employees just one-fifth. But if an employee opts for a cheaper plan, he will pocket the difference.

That is some incentive to see costs kept down, but there would be more if individuals had to pay for all their coverage. And there is an incentive pulling the other way: the tax exemption for employer-provided healthcare. The administration has not dared do away with the tax exemption for fear of angering labour unions, which are skilled at using it to negotiate health deals. Until the exemption is scrapped, health care will suck in resources that could have been put to better use elsewhere.

Actually, the Clinton plan destroys incentives. Hitherto, companies have been the main lobby pushing for lower health-care costs, and they have begun to do so effectively. Under the new proposals, companies will still have all the paperwork of health care, but little say over the plans.

The administration implicity admits these doubts about cost-cutting incentives, for it proposes a set of "hard" budget caps to be imposed if health costs exceed a preordained figure. Ira Magaziner, Mr. Clinton's main health-care adviser, insists that the caps are merely a "backstop" while the market is allowed to work. Paul Ellwood, the leader of the Jackson Hole group of health-care reformers, disagrees. He says that the president's plan "is very anticipatory in its sweep, yet leaves very little to the workings of the market." If that is so, the caps will soon be challenged by rising costs. And since no administration would be willing explicitly to ration care, the caps would soon lack credibility. That might be an incentive for providers to reach for the caps sooner rather than later.

More contentious even than the caps are savings from fat due to be cut out of the system. Five-year savings of $114 billion are said to lurk in the federal/state Medicaid programme for the poor, with another $124 billion in federal Medicare for the old. Some $47 billion of bloat lies in other federal programmes. And $51 billion is textbook Reaganomics: it represents the gain to the Treasury when the success of this plan translates into higher company profits and lower tax breaks.

On September 21st the president's budget director, his chief economist and the head of his National Economic Council were trooped out before the press to promise that all the numbers in the health-care reform were watertight. Since no reform on this scale has ever been undertaken, there is no way to test that. What is improbable is that the savings reaped in one area can simply be applied to another. Barry Bosworth from the Brookings Institution, once the director of Jimmy Carter's Council on Wage and Price Stability, says that if the savings come out as predicted, it will be "one of the great accidents in history."

Yet these savings (forecast to be $441 billion when $104 billion of new tobacco taxes are included) matter. For the Clinton plan mandates new subsidies and spending worth $350 billion. Some $80 billion is to be set aside for long-term care for the old; another $72 billion goes towards a new prescription-drug programme for Medicare. This is the price for buying off the pensioners' lobby. Despite that, Mr. Clinton does not dare bring Medicare into the regional alliances, as he proposes for Medicaid. This prevents the huge Medicare programme from acting as a useful lever upon the rest of the system: for instance, in using market clout to push drug prices down.

The biggest spending of all, however, goes on subsidies to the self-employed ($9 billion) and to small businesses and the working poor ($160 billion) who would be hurt by reforms. Bigger businesses will have to pay for the transfers, and even more if the predicted savings are not reaped. That is a huge economic distortion at the core of the reforms.

In essence, Mr. Clinton's health-care proposals pile a new but unstable superstructure on to an already rickety foundation. There are good parts to the structure. They include a push for a single claims form, and for greater information about the merits and performance of different health plans. More fundamentally, the proposals acknowledge the need for much of America's health care to be delivered through networks of providers with greater emphasis (as in Britian) on general practitioners rather than on specialists.

These good parts will now provide the basis for congressional haggling. Several members have proposed alternative plans. With the Clinton bill so dense that it will probably weigh in at around 1,000 pages, some of these alternatives might provide an easier starting point. That would be ironic, certainly; but the president wants health-care reform at almost any cost. Such haste no doubt has admirable motives. But it has precluded a national discussion about America's priorities in health care, and, notably, about where a finite amount of money and medical resources should be directed: in other words, a debate about who should live and who should die.

A CURE FOR HEALTH CARE

AMERICA'S HEALTH-CARE SYSTEM IS BROKE AND NEEDS FIXING. BILL CLINTON'S PLAN IS DANGEROUSLY FLAWED

The Clintons deserve praise for starting the surgery needed to mend America's health-care system. Since Truman failed to push national health insurance through Congress in 1949, successive presidents have tackled the issue timidly (Johnson, Nixon, Carter) or not at all (Reagan, Bush). Such nervousness is understandable. Health is a subject that alarms and excites; it resists rational analysis. Worthwhile reform will cost jobs. Dozens of congressional committees and hundreds of interest groups stand ready to tear any legislation to pieces.

Yet America's biggest public-policy mess of the past two decades cries out for wholesale reform. Mr. Clinton acknowledged this in a televised address to Congress on September 22nd (see page 31), and staked his political future on the outcome. That was admirably bold. Unfortunately, his planned reforms are not so admirable.

A SUITABLE CASE FOR TREATMENT

Mr. Clinton's starting-point, the result of those years of neglect, is a disgrace. America has a patchwork health-care system that

leaves 37m Americans, a quarter of them children, with no health insurance at all. Yet the system so lacks discipline over costs that, despite this appalling failure, spending on health gobbles up 14% of the country's GDP each year. (Most other rich countries spend 7-9%—a figure that is steady, unlike America's, which is still increasing.) Health spending is the single biggest contributor to federal and state budget deficits. Businesses are squealing too: soaring health-care bills wreck their best efforts to stay competitive.

Mr. Clinton's aims are right. He wants universal access to a standard health-care plan. To make that affordable, he understands that costs must be controlled. He therefore wants to encourage "managed competition", in which groups of hospitals and doctors, including health-maintenance organisations, would compete for flat-rate, prepaid contracts. That would reverse the fee-for-service incentive of health-care providers to spend as much as they can. As buyers of care, Mr. Clinton proposes big regional health alliances, to which most employers would have to belong. This would harness consumers' purchasing strength against the providers. Mr. Clinton would ban insurers from selecting only low-risk individuals. While rightly rejecting detailed price controls, he also proposes a ceiling on health-care contribution rates.

To economic conservatives, this sounds horribly interventionist. But in the 30 years in which America, alone among rich countries, left health care mainly to the market, it saw costs and the number of uninsured mushroom. Much else may be uncertain, but that policy is a proven failure. The task now is not to usurp market forces altogether, but rather the opposite: to make them work more effectively, by arranging the incentives in ways that exert discipline over costs. That is what managed competition, done correctly, can achieve. It would make America's system, more like that of countries which are making national health insurance more competitive, such as Holland. It would not mean government ownership of providers and insurers, still less state control of doctors.

The defects in the Clinton model lie elsewhere. Though its details will remain murky until draft legislation reaches Congress in October, the plan already has three life-threatening flaws. They are there not because Mr. And Mrs. Clinton have been foolish, but because they are trying to avoid upsetting those cosseted Americans (insured, in effect, at others' expense) who believe that the present system works very well indeed.

The first flaw is that the plan requires employers to provide insurance for all their workers, and to pay at least 80 percent of the bills. Like any extra tax on labour, this threatens to destroy jobs, especially in small firms that have been unable to afford health coverage in the past (and which have been the source of most of America's recent new jobs). This might be mitigated, but would not be cured, by Mr. Clinton's proposed small-business subsidies. America's link between employment and health-care coverage has been bad for competitiveness and the mobility of workers. It should be abandoned. Mr. Clinton should make health insurance compulsory for individuals rather than companies, as in most other countries, even if in practice most people continue to buy it through their employers.

The second flaw is that the plan does too litle to control costs. At the heart of America's cost problem is its employer-paid, tax-exempt private insurance that finances inflationary fee-for-service medicine. None of this is touched directly. Employer-paid insurance will continue, as will the tax exemption for it (costing the government nearly $50 billion a year). To please doctors, every health alliance will offer fee-for-service plans alongside managed care, though those who choose fee-for-service will have to pay more. Even this has been watered down: the extra charge will be the difference not over the cost of managed-care plans but over the average of all health plans.

A wiser course would be to scrap the tax exemption immediately. That would reduce the incentive for people to buy insurance through employers and increase their incentive to opt for cheaper health plans.

It would also help with the third big flaw in the Clinton plan—its outrageously dishonest claims concerning the costs to taxpayers. Mr. Clinton would have Congress believe that his proposals will provide universal coverage, subsidies for small employers, generous new commitments to cover prescription drugs, long-term nursing and mental-health care plus a big chunk of deficit reduction with virtually no new taxes (bar a small rise in cigarette duties)—and all by 1997. He hopes to do all that by reaping enormous, but unspecified, savings in Medicare and Medicaid—savings that rely on an immediate slowing of health-care costs; and by assuming extra tax revenues from companies and individuals, on the ground that health-care reform will boost profits and pay.

Finance is often the Achilles heel of American public policy. Nowhere more so than in health care. In 1989 a sensible expansion of Medicare to cover catastrophic illness and drugs fell apart because its elderly beneficiaries balked at paying for it. Middle America now expects health reform, cost control and universal coverage without paying for it either in higher taxes or in reduced benefits. In the longer term, the combination of managed competition with controls on health insurance premiums should indeed mean that America spends less on health care than it does today. But in the next few years, the Clinton plan is more likely to raise spending than to cut it.

The danger does not stop there. Congress may make Mr. Clinton's financing assumptions an excuse to enact new entitlements without the pain of paying for them through taxes or genuine savings. If it does, the reform may well collapse half-way through. Hard to believe, but America could then end up with a health-care system even sicker than today's.

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THE DEVIL WILL CERTAINLY BE IN THESE DETAILS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, a Washington Post story this morning reports that the House Ways and Means Subcommittee is possibly scheduled to vote on Thursday on implementing legislation for the North American Free-Trade Agreement [NAFTA].

This is very important information, Mr. Speaker, since the agreement itself cannot be altered and must be voted, without amendment, up or down. The only changes that can be possibly made will be in the committee-of-responsibility meetings over various sections of the NAFTA where the details of the enabling legislation will be worked out.

However, according to the Post, the Clinton administration's proposals for a worker retraining program, an environmental development fund, and a way to offset revenues lost from lowering the tariffs with Mexico are not drafted yet.

Now the exercise this week—the Trade Subcommittee of Ways and Means meeting with the White House to walk through the theory of these three sections of the agreement without any written proposals of how to do the funding, without the details to be discussed or hammered out—and the subcommittee planning to vote for this on Thursday is beyond belief.

How can this subcommittee sign off on such an important responsibility when this will be the one chance for the Congress to be heard before the final vote?

The history of these trade agreements has been of too much going on behind closed doors, made deliberately murky and difficult to understand to the point that I have had Members assure me that the dispute panels will have no power to change U.S. law.

I urge each one of you to get the history of the Canadian Free-Trade Agreement Dispute Panel behavior. Upon three occasions—since 1991—decisions of the International Trade Commission [ITC]—the leading U.S. trade court—have been overturned and over two-thirds of the challenges to U.S. law and regulations have been upheld. We have been losing big time. And I am assured, by some Members of this body, that the dispute panels do not "operate in the same manner as the courts which they replace." That quote is from the GAO report on the NAFTA.

The evidence is piling up with the Canadian Free-Trade Agreement—the model for the NAFTA and GATT dispute mechanisms. The dispute panels do indeed replace the courts of the United States in every area that can possibly be disputed as creating a threat to the free flow of goods and services across interstate borders, international boundaries.

Having, hopefully, signed off on this Canadian agreement with no awareness of the power being handed over, I am shocked that there is a consideration now of signing off on even a part of the NAFTA without having the details spelled out. Forewarned should be forearmed.

Additionally, this walk-through by the administration is going to be done behind closed doors. In like manner, the dispute panels meet behind closed doors.

I don't think these secret actions are going to fly with the American people, anymore. Nor do I think it will be sufficient—when the full impact of what we are doing becomes apparent—and

pray to God that never happens—for a Member of the Congress to stand before his or her constituents and say, "Well, I didn't know, or I didn't realize."

Mr. Speaker, we still have time to read every line of these proposed documents. The committees-of-concern are meeting to discuss the details and they should have the details to go over. This historic body has that right, it has been given that responsibility and it should rise to the occasion. The American people expect no less of us.

U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, I rise today in support of H.R. 2689, Grain Standards Act Amendments of 1993. I commend Mr. JOHNSON and Chairman DE LA GARZA for creating this bill, it is a good bill and ask my colleagues to support it.

In preparation for reauthorizing FGIS, the committee held a hearing and several briefings to discuss its performance, responsibilities and authorities with the Administration and users of the agency's services. To me, the most striking discovery was that FGIS had reduced its staff levels from 975 in 1982 to 646 today.

Ironically, these cutbacks happened during a decade marked by dramatic growth in employment at the Department of Agriculture. The same growth we are now trying to eliminate through a USDA reorganization process in which I have been actively involved. Therefore, I commend FGIS for restraining its employment during a time when no other agency had that objective in mind.

The idea of cost cutting still remains a primary objective of FGIS because it heavily relies on user fees. To improve its fee income, FGIS must maintain services at a low cost. It has done so by cutting overhead and implementing good managerial practices. Also, unlike grain for export, grain inspection for internal destinations is completely voluntary. Therefore, FGIS strives to create low-cost services for internally-used grain to generate income.

During the debate on this bill, FGIS asked the committee for new authorities to allow it even more opportunities to cut costs and improve services. Also, users of the agency offered similar suggestions to ensure that FGIS had the means to cut overhead and improve services. The committee responded to these requests by placing a number of provisions in H.R. 2689.

The bill allows the Administrator to hire contractually grain inspectors; to inspect and test, for a fee, weighing equipment other than equipment used to weigh grain; and to test and inspect, for a fee, grain inspection instruments used for commercial inspection.

The bill as reported out of the subcommittee contained an amendment that I had offered. The amendment prohibited the addition of water to grain with a few exceptions. Unfortunately, because Members of the full committee were unaware that a problem existed, they struck this provision at the full committee level. Fortunately, because FGIS recently published a proposed regulation prohibiting the addition of water to grain, there is still hope that adding water will eventually be prohibited. Adding water to soybeans, wheat, or corn, thereby increasing their weight, translates into a half cent, a full cent, or several cents more per bushel. If a grain handler unknowingly pays for added water and it subsequently evaporates, then to recapture the initial cost of the grain, the handler is forced to add more water. Since grain normally changes hands four to five times, this could mean several applications of water before the grain reaches its final destination.

Adding water to grain deteriorates its quality, especially if the grain is subsequently stored in hot, humid places, such as ocean vessels used for exporting grain, or grain elevators. No doubt poor quality affects purchasers' buying decisions. Can U.S. producers, suffering from low exports and low prices, afford being labeled in the world market "a poor quality supplier?"

Several overseas buyers have contacted FGIS to inform it of their concerns about the grain quality problems water creates. Recently, the South African corn importing agency notified FGIS that, because of possible water-related quality problems, it will no longer purchase corn from United States export ports where water is added.

Over the past decade, technology and new management practices in grain elevators have greatly minimized the threat of dust explosions. In addition, other means of controlling dust, such as adding a vegetable oil mixture to grain, especially corn, controls dust better and for a longer period of time than water. In fact, according to FGIS, it takes much less oil than water to control dust and an operator will not have to keep applying oil as it must if it uses solely water.

According to FGIS, adding water to grain could actually increase the chances of dust explosions occurring. Wet grain often cakes enclosures around belts and buckets. This increases the static electricity in these enclosed areas, which can become an ignition source for a dust explosion.

Most major grain companies strongly support the prohibition of adding water to grain and they presently do not add water to grain. However, if the playing field is not leveled, meaning if the prohibition does not take affect, the companies presently not adding water may be forced to begin doing so to remain economically competitive.

I strongly supported my amendment and believe that FGIS should not be hindered in implementing its regulation because of the committee's inaction. I believe the committee's inaction simply was a result of it not knowing the facts—a situation I hope will be resolved once the committee or subcommittee holds a hearing. Again, I thank the chairman and Mr. JOHNSON for creating this bill and strongly urge my colleagues to vote for it.

IN HONOR OF THE LATE JACKSON BETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, I want to thank my colleague from Ohio, MICHAEL OXLEY, for reserving this special order today to pay tribute to a former member of the Ohio congressional delegation, the late Jackson E. Betts. His recent passing is a loss to our State and the Nation. As dean of the Ohio congressional delegation, I am pleased to join MIKE OXLEY and others today in recognizing his many contributions to the Congress and the State of Ohio.

Jackson Betts was elected to the House of Representatives in 1951 and represented the northern Ohio region until his retirement in 1972. Prior to his election to Congress, from 1937 until 1947, he served in the Ohio House of Representatives, where he chaired the judiciary committee. He was elected speaker of the Ohio House in 1945.

Mr. Speaker, during his tenure in the U.S. Congress, Jackson E. Betts was respected and admired by his colleagues. As a senior Republican, he became his party's second-ranking member on the powerful Ways and Means Committee. In the obituary which appeared recently in the New York Times, Jackson Betts is remembered for his successful efforts to change the questions posed by the U.S. Census Bureau while conducting its surveys. His fight eventually led Congress to eliminate the jail term for failing to answer census questions.

Mr. Speaker, as we gather on the floor today, we pay tribute to Jackson Betts, a dedicated human being and respected legislator. I join my colleagues in expressing my deepest sympathy to his wife, Martha Neeley Betts, his family, and many friends.

REGARDING INTRODUCTION OF RENT-TO-OWN LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing legislation to regulate the multi-billion-dollar nationwide rent-to-own industry. Under rent-to-own contracts, consumers can acquire goods such as televisions, VCR's, and refrigerators through weekly or monthly payments, but usually at exorbitant cost. For the luxury of purchasing these goods over time, a consumer often pays two or three times their cash price. While the industry does serve the short-term needs of such transient people as military personnel, it also takes advantage of the low-income consumer whose primary objective is to purchase the rent-to-own product. Through rent-to-own, a poor woman pays $1,200 for a $400 television set that a rich man can buy on credit for $450. The industry has said it is providing opportunities to consumers who otherwise have no means to own these goods. But at what price the opportunity?

On March 31, the Committee on Banking, Finance, and Urban Affairs held a hearing in order to answer this question. We heard from rent-to-own customers, State attorneys general, legal aid attorneys, and consumer groups that the cost is much too high. Rent-to-own customers often pay the equivalent of 200 to 300 percent interest on common consumer goods.

The rent-to-own operators point to the services they provide their customers in defense of their stores' high prices. Yet, industry documents reveal that customer service is a major source of complaints. The rent-to-own industry claims that the majority of its customers return goods rather than purchasing them. However, industry documents indicate that the majority of customers intend to purchase the goods at the time they enter into the contract. The incredible weekly or monthly payments that rent-to-own customers must make may, in the end, prevent many of these customers from actual ownership.

Most unfortunate is that rent-to-own is targeted at low income and minority consumers. It is not rare to find rent-to-own stores in the same neighborhoods that check cashers and pawn shops inhabit. It is the very individuals who can least afford to pay the premiums charged by these predatory industries who must often rely on them for goods and credit. The all too common abusive practices of the rent-to-own industry have prompted the Better Business Bureau to issue warnings to consumers about rent-to-own transactions.

Despite the national and growing presence of the rent-to-own industry, it remains unregulated by the Federal Government. The industry has deliberately fashioned its transactions in such a way as to evade such consumer protection laws as the Truth in Lending Act, the Consumer Leasing Act, the Fair Debt Collection Practices Act and the Magnuson-Moss Act. In the absence of controlling Federal law, rent-to-own operators have been battling in courtrooms and State legislatures around the country to ensure their status as lessors, not retailers. They have prevailed in a majority of States, thus guaranteeing that rent-to-own arrangements are free from State usury ceilings.

Yet, attempting to have it both ways, a rent-to-own company is now arguing in a Kansas tax court that it is in the sales business in order to avoid paying State taxes on rental property. Drawing a distinction between the rent-to-rent business and rent-to-own, this dealer claims that when a customer contracts with a rent-to-own company, both parties anticipate that the customer may—and probably will—end up owning the merchandise. In litigation, consumers have also claimed that these arrangements are really sales contracts masquerading as leases to avoid limits on usurious interest. Some courts have agreed.

One thing is clear. The industry cannot have it both ways. Rent-to-own operators cannot be lessors in order to evade State usury ceilings and Federal disclosure laws, and yet be sellers in order to escape State property taxes.

On September 22, 1993, the Wall Street Journal featured an article about Rent-a-Center, the largest operator of rent-to-own stores. That front page article, entitled, "Peddling Dreams, A Marketing Giant Uses Its Sales Prowess To Profit on Poverty," provides a remarkable detailed account of that company's outrageous collection and repossession practices, high pressured sales pitches and outlandish marketing techniques aimed at welfare recipients. Among other accounts, the article describes how a Rent-a-Center employee repossessed the refrigerator of a diabetic customer and proceeded to throw her insulin on the floor. The article describes how a Rent-a-Center customer was intimidated into performing involuntary labor when he pawned a rent-to-own necklace. The horror stories go on and on. I am submitting this article for the RECORD.

It is clear that Congress must determine what measures are necessary to best arm consumers against these unscrupulous business practices. After studying this industry, I have concluded that the most effective way to protect consumers is to subject rent-to-own transactions to the same treatment as credit sales or retail installment sales under State and Federal laws. The bill that I am introducing today does just that, thereby outlawing 300 percent interest rates and mandating disclosures of key contract terms.

Nonetheless, my bill recognizes the unique feature of rent-to-own contracts—the consumer's ability to unilaterally terminate the contract. This bill would permit a rent-to-own operator to charge a reasonable termination fee and in return provide the consumer with this unique right to terminate the contract without penalty.

This bill also recognizes that rent-to-own operators may provide services that some customers find attractive. Under the bill, rent-to-own operators would be permitted to offer such services, but they would be required to disclose those services up front and estimate their value. By requiring such disclosure, the consumer will be able to determine the true cost of renting the product.

In short, my bill will provide rent-to-own consumers with the myriad safeguards extended to consumers of credit sales—limits on interest and other fees, mandated disclosures, warranty protections and prohibitions against abusive collection practices.

The poor pay more—and in rent-to-own, suffer at the hands of a sophisticated business whose practices all too often look more like racketeering than anything else. The legislation I offer today would correct abuses such as those detailed in committee hearings, investigative reports, and numerous court challenges. This business flourishes in the dark recesses between laws that protect more affluent consumers. Clearly, it is time to close the fault lines that today enable rent-to-own operators perfect freedom to prey on those who have little or no choice but to submit to outrageous, unconscionable practices.

PEDDLING DREAMS: A MARKETING GIANT USES ITS SALES PROWESS TO PROFIT ON POVERTY

(By Alix M. Freedman)

Recording stars Tina Turner, Frank Sinatra and the Beatles have made Thorn EMI PLC famous in entertainment circles. But a very different group of people is now making Thorn rich.

Though it doesn't advertise the fact, Thorn's most profitable subsidiary has nothing to do with the Superstars who record under its various music labels. Instead, the largest single contributor to Thorn's operating profit is its most obscure, and by far its least genteel, unit: Rent-A-Center, a chain that thrives by renting refrigerators, furniture, diamond pinkie rings and assorted other merchandise to America's urban and rural poor.

Since buying Rent-A-Center in 1987, London-based Thorn has expanded it briskly, using both acquisitions and aggressive marketing tactics introduced by the unit's top executive, a former Pizza Hut marketing whiz. Thorn now thoroughly dominates the industry, which is known as rent-to-own because renters who make every weekly payment, usually for 78 weeks, become owners. Rent-A-Center USA controls 25% of the $2.8 billion U.S. market; the chain has more outlets than its four biggest competitors combined.

HIGH-PRESSURE SALES

Along the way, through, its high-pressure methods have sometimes turned coercive and abusive, according to accounts by about 50 former store employees and company executives who have left within the past 18

months. Scrambling to meet ambitious sales targets set under Thorn, Rent-A-Center employees routinely encourage unsophisticated customers to rent more goods than they can afford, these people say. Then, when customers fall behind in payments, Rent-A-Center repossesses the goods and re-rents them.

Customers who manage to make every installment may end up paying several times the item's real value—at an effective annual interest rate, if the transaction is viewed as a credit sale, that can top 200%. In the Utah market, for example, Rent-A-Center customers pay a total of $1,003.56 over 18 months for a new Sanyo VCR with a suggested retail price of $289.98—for an effective annual interest rate of a breathtaking 231%.

While the rent-to-own business has always been gritty, Thorn has made it even tougher, many of those interviewed believe. Employees handling repossessions have been known to bring along members of a feared motorcycle gang as well as to vandalize customers' homes, extract sexual favors from strapped customers and even, in one instance, force a late payer to do involuntary labor.

Says Brian Baker, a former store manager in Cambridge, Md., "This is one of those jobs where if you have any kind of conscience you won't sleep well at night."

Now, a federal crackdown may be in the offing. House Banking Committee Chairman Henry Gonzalez, a Democrat from Texas, is expected next week to introduce a bill that would classify rent-to-own transactions as credit sales. Since some 30 states cap credit-sale interest rates at 21% or less, the bill would slash what Rent-A-Center and its rivals can charge. In addition, two class-action suits filed in Minnesota federal courts allege that Rent-A-Center charges usurious interest rates; one suit is pending and Rent-A-Center won the first round of the second suit, which has been appealed.

Rent-A-Center denies that its transactions are credit sales, because most customers don't end up buying the product and they can cancel at any time. Thus, it argues, it doesn't charge interest at all.

Rent-A-Center officials do concede that abuses occur and that the rent-to-own business has, in the past, been sleazier than most. But they say the company sees itself as part of the solution rather than as part of the problem. Rent-A-Center Chief Executive Walter E. "Bud" Gates points to his efforts to improve employee training, to spiff up stores and to enforce a "Respect All Customers" program that is trumpeted on wall posters in outlets. He says he is cracking down on dicey collection and repossession practices.

"The carnival industry was a down-and-dirty, nasty industry and along came Disney who rewrote the standard, and over time the whole industry came up," he says. "We're trying to do the same thing."

But former store manager Randy Richards, like many others interviewed, contends that the cleanup is in name only. "On paper, this company purified itself by introducing the new 'respect' concept," he says. But in reality, nothing changed." He says that in 1991—a full four years after Thorn took over—he himself picked an apartment lock with a credit card in order to retrieve a late payer's living-room furniture.

A number of former employees interviewed were fired, some for allegedly serious wrongdoing. But their accounts of working conditions and customer treatment at Rent-A-Center were remarkably uniform. Their accounts were also consistent with those of employees who quit and those of customers, even though the people interviewed came from many different parts of the country.

THE $5,000 VCR

For low-income customers, Rent-A-Center has tremendous appeal. The chain gives them immediate use of brand-name merchandise, and the weekly payments are usually less than $20. But while in theory customers can eventually own the goods outright, the company says three out of every four are unable to meet all their payments.

Their failure is partially responsible for Thorn's success. The company earns considerably more by renting, repossessing and then re-renting the same goods than it does if the first customer makes all the payments. Derrick Myers, who was fired as manager of the Rent-A-Center store in Victorville, Calif., recalls one particular Philco VCR, for example, that he says retailed for about $119—but that brought in more than $5,000 in a five-year period.

That means the most profitable customer are people like Minneapolis welfare mother Angela Adams, who says Rent-A-Center salespeople cajoled her into renting more than a dozen items as a monthly cost that reached about $325. Though the salespeople knew how little she earned, "they pushed it on me," she says. When she fell behind in her payments in late 1991, Rent-A-Center sued her and repossessed the goods, ranging from a bedroom set to two VCRs. Ms. Adams is now a named plaintiff in one of the two class-action suits, this one pending in Federal court in Minneapolis. Rent-A-Center declines comment.

"Even if a customer can't afford it and you know it and they know it, we'll rent to them any way," says Rod Comeaux, a former store manager from Onley, Va., who was fired a year ago for unrelated reasons. "We can always get it back" and re-rent it to others, he says.

Rent-A-Center's Mr. Gates denies that salespeople put excessive pressure on customers or intentionally overload them with goods. On average, customers rent 2.85 items a month, at a total monthly cost of $99.07, and they are able to cancel rentals at any time without a penalty, he points out. Store managers—who are required to obtain income and other financial information from customers—ideally should act as "financial planners" for customers, he says, adding that the "worst thing" employees can do is to rent to customers whose "eyes are bigger than their stomachs."

Rent-A-Center says its customer base is 25% to 30% black and 10% to 15% Hispanic, and just 15% are on welfare or government subsidies. But former store managers consistently maintain that the total on government assistance is more than 25%, with some claiming up to 70%. Indeed, they unanimously report that sales always spiked on "Mother's Day," as they call the day when welfare mothers get their checks.

How did Thorn come to enter such a harsh business? A predecessor company, Thorn Electronics, planted the seeds when it opened a rental store outside London in 1931 and then expanded the chain throughout Europe. Half a century later, after the 1979 merger that created Thorn EMI, the conglomerate was struggling with poor results from its hodgepodge of disparate businesses, and decided to try its luck in the rental market in the U.S.

To get a foot in the door, Sir Colin Southgate, Thorn's chief executive, contacted Goldman, Sachs & Co. in 1987. As it happened, Tom Devlin, the biggest player in the fragmented U.S. rent-to-own market, was looking for a buyer for Rent-A-Center, the 495-store chain he founded in 1973, and he too had approached Goldman Sachs. A deal was struck almost overnight, with Sir Colin paying a lavish $594 million, or 42 times earnings.

Mr. Devlin stepped aside and Mr. Gates—already at Rent-A-Center—became its new chief executive. He quickly began buying up small competitors. Rentals now account for almost a third of Thorn EMI's total revenue, while music—including Thorn's EMI, Chrysalis and Capitol labels—accounts for just a hair more.

A former senior vice president of marketing at Pizza Hut, Mr. Gates had migrated to Rent-A-Center in 1986, after failing to land the top job at the pizza chain. Despite his rookie status in rent-to-own, Mr. Gates had a marketing man's feel for demographics, psychographics and New Age notions of customer empowerment. Inspired by some company research indicating that his renters craved good treatment even more than low prices, he began to merchandise respect.

Defying industry wisdom that poor customers would be intimidated by snazzy stores, for example, Mr. Gates has spent $40 million to make each Rent-A-Center outlet seem an idealized version of home and hearth. "Happy family" lifestyle posters (in a store's choice of black, Hispanic or Caucasian) adorn the outlets' walls. Prop kits dispatched from the home office in Wichita, Kan., provide cozy touches like plants and print bedspreads.

Employees under Mr. Gates are required to greet customers, preferably by name, within 10 seconds of their entrance and to conduct payment disputes out of earshot of other renters. Stores are also encouraged to keep fresh coffee brewing. "The customer should feel like this is home, a place where I feel comfortable and that cares about me," he explains.

THE HARD SELL

Those soft touches are coupled with hard-core salesmanship. According to a thick training manual, salespeople are supposed to quote the weekly and monthly rental rates. The manual doesn't instruct employees to quote the total cost, and former store managers say they made sure they never did. In fact, in 40 stores, the total isn't even on the price tag. (Ten states require that it be listed on price tags, a rule Rent-A-Center says it will honor in all 50 states by next month.) Instead, the manual instructs employees to focus on "features and benefits," such as Rent-A-Center's free delivery and repair, and most of all, the low weekly price.

But the advertised weekly price is designed to yield each store about 3½ times its cost of purchasing the merchandise from Rent-A-Center headquarters. The total is jacked up further by a one-time processing fee (typically $7.50) and late fees (typically $5). The total price is usually revealed only in the rental agreement that customers sign at the end of the sales process, former store managers say.

To boost Rent-A-Center's profits, employees also push a "customer protection" plan that offers minimal benefits but that 95% of customers end up subscribing to. "It's better than insurance," saleswoman Laura Daupin of the Bloomfield, N.J., store was overheard telling an unemployed welfare mother recently. Yet unlike insurance, it doesn't replace stolen or destroyed items, or reimburse customers for their loss. It offers customers basically one benefit: It prevents Rent-A-Center from suing customers if goods are stolen or destroyed.

For Rent-A-Center, however, the benefit is considerably larger: The protection plan is a $39 million annual revenue booster, much of which drops to the bottom line, as does most of the $27 million racked up from the other fees, according to internal company financial documents.

For Rent-A-Center has long justified its high prices by citing customer defaults and the costs associated with its free repairs. But part of Rent-A-Center's secret of success is that those costs are minimal. Internal documents show its service expenses ran 3.3% of rental revenue in fiscal 1993, though Rent-A-Center says the actual figure is closer to 10%. And its total inventory losses—from junked merchandise and "skips and stolens" (as in customers who skip town)—run a bit over 2% of revenue.

Indeed, says Granville Quinton, Rent-A-Center's former director of budgets, forecasts and financial systems, "they have no higher skip or stolen rate than a conventional retailer." Rent-A-Center concedes that this is "technically true," but says the low rate is "misleading" because each lost item means the far greater loss of future rental income.

In part to beef up sales further, Rent-A-Center urges customers to pay their rental fees in person each week. That gives employees a chance, according to the training manual, to pitch added products. Employers are also supposed to try to "upsell," or trade up, renters to more expensive versions of the same product.

In some markets, employees are expected to hang fliers on hundreds of housing-project doors each week, in a drill known as blanket brochuring. "You would brochure the projects one week before the [welfare] checks came out so you already had that seed planted in their mind," recalls Gerald Defiore, who was fired as the store manager in Spartanburg, S.C. "Then the day the checks came out, you'd go back and knock on doors and fill out the work forms there. Corporate was in on it, the stores were in on it. These people didn't stand a chance." (Rent-A-Center says that blanket brochuring is optional and that targeting a project would be "logical" if it was in a store's territory.)

Complementing those tactics are an array of less savory techniques not sanctioned from above. Mr. Defiore says he scanned the obituary page, for instance, and sent cheap flower arrangements signed "from your friends at Rent-A-Center" to the bereaved. "At a funeral, everybody looks at who the flowers are from," he explains, "and when they drop by the store to thank you, you can hook them."

Rent-A-Center's Wichita headquarters staff backs up those efforts with an $18.5 million direct-mail program so sophisticated that it can tailor brochures to a single block. Much of the blitz focuses on new prospects, primarily the six references that customers must list on an application form. (Former employees say they typically called only two references, using the rest simply for marketing purposes.) A sample letter opens like this: "Wouldn't you rather watch a big screen TV than the one you have now?"

Other targets include former customers who had failed to make all their payments; even those who have had goods forcibly repossessed receive coupons blaring in bold type, "We Want You Back." Additional letters and coupons are aimed at customers who are on the verge of paying off a product they have been renting. Some get plastic gold cards, which look like credit cards and encourage additional rentals with perks like $1 to $2 off weekly rental charges.

If Rent-A-Center salespeople are unusually aggressive, they have good reason: Their jobs depend on it. Mr. Gates has honed a tough sales-quota system known internally simply as "the plan," which calls for every store to meet weekly and monthly targets that rivals say are far more ambitious than their own. The stores' results are monitored daily by zone managers, in charge of roughly 10 stores each.

As with many other companies that use sales targets, if Rent-A-Center managers and employees exceed their quotas, they are eligible for cars, promotions and bonuses. But at Rent-A-Center, if they fail to "make plan," they are fired with extraordinary speed. In Utah's six-outlet market of 28 employees, for example, more than a dozen people were fired, including seven store managers, during the 18 months ended in July, according to two of the former managers. They say falling short of plan was the major reason, though Rent-A-Center says there were numerous factors and that some departures were voluntary.

"Rent-A-Center's employee philosophy is burn and turn," contends former Las Vegas store manager Mr. Richards, who says he quit in May 1992 because his zone manager insisted he work 80 to 100 hours a week, something the zone manager denies. "It's bring them in and work them until they can't take it any more and send them on their way," Mr. Richards says.

Mr. Gates acknowledges that the company's "total turnover should be less than half" its current annual level of 56% company wide (excluding headquarters) and 25% at the store-manager level. The company is now working to retain its people by beefing up its training programs and by evaluating employees based on customer service and other factors rather than simply on numbers, he says.

In any case, Rent-A-Center's sales and marketing strategies have produced a huge payoff. For the fiscal year ended March 31, 1993, the 1,200 store unit racked up operating profit of about $90 million on revenue of $560.3 million—a 16% margin that is eye-popping by retail standards. For the first time, Rent-A-Center was also Thorn's single most profitable subsidiary, contributing 14% of Thorn EMI's operating profit. Where store-level profit margins average 15% to 20% when smaller operators run such stores, Thorn's outlets show profit margins of 20% to 30%. Conventional retailers' store profit margins run at about 2.5%, according to Management Horizons Inc.

No wonder Sir Colin recently told a Las Vegas meeting of store managers that their unit was "the closest company to my heart in Thorn EMI" and that "most businessmen would give an arm, a leg and probably half their body for its performance."

Thorn executives say there is nothing insidious about Rent-A-Center's strategy of courting customers who are of limited means, and of treating them well. Customers receive "fantastic" service, says Sir Colin, who professes to be "always puzzled" why the rent-to-own industry is "badly regarded." Rent-A-Center, he adds, "treats them like kings and queens."

Customers like Carol Baker, a waitress at a resort hotel in Bolton Landing, N.Y., are appreciative. "The prices could be cheaper," says Ms. Baker, whose home is almost completely furnished by Rent-A-Center, "but they treat me like I'm a somebody.

Former employees and other customers see things differently. "The Rent-A-Center philosophy," says Mr. Comeaux, the former store manager in Virginia, "is that if you treat the customer like they're royalty, you can bleed them through the nose.

REPO MAN

In the end, it isn't unusual for flattered customers to sign up for three or more rental agreements at a time. And some rent far more. For instance, Robert Ball, an unemployed Hunt-Wesson factory worker in Toledo, Ohio, says he is currently handing over all of his unemployment checks to pay for 13 different agreements totaling almost $900 a month.

Inevitably, some customers take on more than they can handle. So it is that behind every Rent-A-Center salesman lurks his doppelganger: Repo man.

Repossessions are never pretty, and the pre-Thorn era was no exception. But because of the ambitious targets, people who have worked under both regimes say, employees now push harder than ever. Customers typically make their payments every Saturday and, throughout the morning, store employees work the phones exacting promises from the tardy. In these conversations, former customers say, they have been harassed, intimidated and even threatened with violence. Robert Keeling, a former manager in Gasden, Ala., who was fired in March in part for carrying a gun, says that a favorite ploy is falsely informing customers or their relatives that a warrant for arrest has been issued for the theft of rental property.

The telephonic onslaught resumes on Monday mornings, when 30% of customers are generally past due. If employees haven't reached a customer by Tuesday, they hit the road. Although it is against company rules, they often make a "milk run"—picking up payments from customers personally. Or they leave a message on the door, instructing the customer to contact them. This process is repeated all week long. If they still don't get results, it's repo time.

In the company's vans, employees comb neighborhoods looking for slightly past-due customers and the more elusive "skips." In theory, Rent-A-Center employees hew to the Fair Debt Collection Practices Act, a federal law that doesn't apply to Rent-A-Center (it covers only third-party debt collectors), but that Rent-A-Center says it voluntarily complies with. Under these rules, debt collectors can't harass customers, for example, or engage in violent or criminal acts.

Mr. Gates cites such measures as proof that he is doing his utmost to make Rent-A-Center's collection operation squeaky-clean. The CEO says his quest to transform Rent-A-Center's "profit-driven, entrepreneurial culture into a service-driven, entrepreneurial culture" is "the hardest thing I have ever done. . . . I haven't gotten everyone drinking the Kool-Aid yet."

But former employees contend that Mr. Gates' strict enforcement of payment collections has in some cases actually stymied reform. Before Thorn, Rent-A-Center focused solely on the number of accounts past due, not the amount of "delinquent dollars"—or uncollected revenue. Early on, Mr. Gates decreed that only 5.7% (and currently 5.5%) of a store's total monthly rental payments can go uncollected—and zone managers have tended to set even more ambitious goals. In contrast, smaller rent-to-own businesses generally leave 8% to 10% of bills uncollected each month.

Failure to control delinquent debts "will be your downfall, so you do as much as you conscience permits," says Gary Schiefer, a former store manager in Columbus, Ohio, who was abruptly fired in May 1992 when his

delinquent dollars topped 9%. (His former zone manager says he was fired for other reasons.) Mr. Baker, the former store manager in Maryland, characterizes repossessions as "the dirtiest part of the whole business."

It is unquestionably the most creative. On Halloween night in 1991, three Rent-A-Center employees in Utica, N.Y., dressed up, respectively, as the Cookie Monster, a gorilla and an alien life form and knocked on a customer's door. Once inside, they successfully repossessed a home-entertainment system on which payments hadn't been made in almost three months. Gary Gerhardt, the store manager who blessed this plan, calls the ruse "a last-ditch effort," adding, "it was the only way we could think to get someone in the door."

At the crack of dawn one Sunday, Mr. Myers, the store manager in Victorville, Calif., until March 1992, pulled off a particularly tough repossession by enlisting three burly Hell's Angels. He adds that in other instances he vented his spleen on delinquent customers who wouldn't come to the door by slathering superglue all over their deadbolts and doorknob. (Messrs. Gerhardt and Myers both were fired, but over unrelated matters.)

The grueling routine grates on some Rent-A-Center employees. Mr. Baker, the former Maryland store manager, quite in disgust in 1991 after one of his employees repossessed a refrigerator from a welfare mother with an infant, plunking her meat and milk on the kitchen table.

Yet abuses continue. Anthony Chapman, a Tyson Foods worker in Gasden, Ala., says that when he fell behind paying for a gold herringbone necklace, Rent-A-Center employee John Horton repeatedly showed up on his doorstep, brandishing two guns. The harassment climaxed, Mr. Chapman maintains, after he confessed that he had pawned the necklace. Mr. Horton promptly took Mr. Chapman's company-issue thermal uniform and a gold ring, forced him to the back of his van, and left him there during Mr. Horton's leisurely lunch break, Mr. Chapman says. He says he was then presented, in tears to Mr. Keeling, the Rent-A-Center store manager at the time.

On several occasions after that, Mr. Chapman says, Mr. Horton ordered him to ride in the back of his van to deliver heavy items to customers. Feeling he had "done wrong and didn't want to make a fuss," Mr. Chapman complied. The intimidation stopped after Mr. Chapman managed to pay up, he says, adding: "This was the worst thing that ever happened to me in my life, period." One postscript: His gold ring, he says, was never returned.

Mr. Horton, who was fired from Rent-A-Center in July for unrelated reasons, declines comment. Mr. Keeling, the former store manager, confirms the account and says such harrowing scenarios are commonplace. Around Christmas in 1990, he says, he carted away the refrigerator of a diabetic customer after dumping her insulin on the floor.

"COUCH PAYMENTS"

Yet another tactic in Rent-A-Center's repo repertoire is the "couch payment"—sexual favors exacted by employees in lieu of cash. Of 28 former store managers interviewed, six said the practice had occurred in their areas.

Some store employees have boasted that they "have gone out to the customers' homes, had sex with them, and then repo-ed the merchandise anyway," says Ken Dube, who spent time at a number of outlets as a field auditor. He later became an accountant at headquarters until he was fired in December for reasons Rent-A-Center declines to divulge.

Mr. Gates acknowledges that abuses such as couch payments occurred in the past and "are probably going on today." There are simply "more control problems" in a business where much of the activity takes place out of the store, he says. But the company stresses that such abuses are "few and far between" and not "in any way condoned by Rent-A-Center."

Rent-A-Center says it is doing its best to clean up remaining problems. It set up a customer hot line that in July receive some 2,300 calls, of which only 300 were complaints, the company says. In a given month, 99% of these complaints are resolved in the customer's favor, according to company officials. Some late payers say they have been allowed to skip payments. Rent-A-Center also sometimes rewrites rental agreements. stretching out the payment term to stave off a repossession.

But Rent-A-Center employees are sometimes willing to take the risk of getting caught, since the stakes are so high. In May at the annual meeting held at Bally's in Las Vegas, scores of managers clambered on stage to collect bonus checks at a festive final gala. As the champagne flowed, the store manager of the year was awarded a year's use of a new red Corvette, a trip to the Ritz Carlton in Maui and bonus of $24,200. Rent-A-Center estimates that the average store manager currently earns a salary of $30,000, and more than 80% received bonuses last year.

As for Rent-A-Center's future, chances are it won't be quite so freewheeling. Aside from the lawsuits and the House bill, the Senate is drafting legislation. The Internal Revenue Service is also examining the rent-to-own industry. And Pennsylvania's attorney general has concluded that Rent-A-Center is violating a state law capping annual interest rates at 18%; it is asking the firm to give refunds. The state also is examining reports that Rent-A-Center engages in illegal collection practices, including threatening to break into late payers' homes.

Despite the proliferating challenges, Mr. Gates remains optimistic. He is hard at work on his latest pet project, "Rent-A-Center 2000." This store of the future, being tested in Kansas City, Kan., features a play area for children, a "wall of fame" with photos of star customers and a "troubled times" program that enables renters to skip or defer payments temporarily.

Rent-A-Center is also branching out into new rental areas. One of its most successful has been jewelry; Rent-A-Center is now among the largest customers of Harry Winston Inc., the famed jeweler to such clients as Imelda Marcos and the late Duchess of Windsor, which supplies lower-end baubles to the chain.

It its new ventures, Rent-A-Center will surely be able to count on its current customers, a loyal lot: Most feel they can't get quality goods any other way.

Nancy Thornley, an Ogden, Utah, housewife, for example, was diligently handing over about $261 a month in rental payments to Rent-A-Center in 1991 when she lost a leg to diabetes. Faced with a $1,000 bill for a prosthetic limb, she arranged to defer part of her rental tab, she says. But shortly after she returned home from the hospital, she was shocked when two store employees showed up without notice on a Saturday afternoon, accused her of being three months behind in payments and carted away all the goods, primarily basics such as a refrigerator and a couch.

"It was a total humiliation," she says. "All my neighbors were watching."

A year later, though, Ms. Thornley was back, having been inundated by Rent-A-Center letters and "We Want You Back" coupons. She was reluctant to return, she says. But "I needed the item," a microwave oven, and could not afford to buy it. Says Ms. Thornley: "I felt like there was nowhere else to go."

PITCHING BY THE SCRIPT—EXCERPTS FROM RENT-A-CENTER'S SALES AND SERVICE MANUAL DATED FEBRUARY 1993

Closing: Closing is helping the customer to make up his/her mind. Many customers will be prepared to rent immediately after looking at merchandise. Attempt to close early in the sales track if you sense the customer wants to rent. Make at least 5 attempts to close with every customer. Closing methods include:

Payment Close. "Will you be paying monthly, or is weekly more convenient?"

Assumptive Close. "Let's get the order started."

Delivery Close. "You can have that delivered by 4:00 p.m. today, or will 5:00 be more convenient?"

Choice Close. "This comes in beige or brown. which would you prefer?"

Last Chance Close. "The sale ends tomorrow and I can't guarantee there will be any left if you wait. * * * Shall we start the order?"

Summary Close. "Well * * * you agree it's an excellent price, you like the fabric, and we can deliver by 3:00 p.m. today. Do you want to fill out an order?"

Upselling: While using the sales track, be aware of and take opportunities to upsell the customer. Upselling means becoming aware of a customer need and satisfying it. Many times, a customer might not even be aware of his/her own needs. Opportunities to upsell include: 7 piece suites instead of 5 piece furniture suites; an electronic tune TV instead of a standard tune; a remote control TV instead of one with standard or electronic tuning only; a higher wattage stereo; a larger capacity refrigerator, freezer, or washer/dryer.

Whenever attempting to upsell, explain to the customer why the upscale merchandise is a better value and how it will satisfy their needs.

TRIBUTE TO FORMER PRESIDENT GEORGE BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, we are here on this special order to honor former President George Bush, and there are several Members present that I would like to recognize.

First, Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN] because he told me he had to go accept a sword somewhere.

Mr. DORNAN. I need another sword, I say to the gentleman from Illinois, like I need more red hair.

Come to think of it, Mr. Speaker, I could use more red hair.

Mr. HYDE. I did not want to ask the gentleman where the sword was going to be placed.

Mr. DORNAN. It is from Toledo, Spain, the American Society for the

Preservation of Tradition, Family and Property. It is over at the Mayflower Hotel, but they can wait for this moment and this special order that the gentleman has taken out tonight for a truly wonderful American who has been, not only a great example to his own family, I think, but to all people in public service.

I say to the gentleman, "Mr. HYDE, I'm going to leave to you to discuss the career of your fellow Navy World War II veteran, George Bush, and his outstanding Naval career that began on his 18th birthday when his father drove him to a recruiting station, and he signed up in the tradition of everybody in his family, more than noblesse oblige, but the burning desire to serve and to be part of history. I'm going to leave to you what you said to me when I asked you what's the main thing that you think of when you think of George Bush, and you said to me, 'character.' I'm going to leave that to you because that's certainly a fact."

I just want to announce a special order way ahead of time. I am going to do an hour that I hope my colleagues will join me for on George Bush on his 70th birthday next June 12, God willing that we are here.

But what I would like to talk about briefly tonight is friendship.

□ 1940

In the 12 years that we all got to know George Bush, the man and the public servant, serving as Ronald Reagan's Vice President, and then 4 years as the great leader of this Nation, I never once saw this distinguished American where he was not upbeat, in a good mood, and thinking about ways to help people.

I think you can learn an awful lot about a man or a woman by observing their children. You can certainly observe a lot about Barbara Bush and the kind of wife and mother she has been by looking at their lovely, smart daughter, Dorothy, and those four stalwart sons, who I think we are going to hear a lot from in the politics of this country.

But you can also learn a lot about a father, and about a grandfather, from the clan that he has built around him.

George Bush is, to me, the very essence of the word "friend" and the word "friendship." I have never known in my life, and probably never will know in my life, anybody who can never let a moment go by, if someone did him a kindness or said something to him that he thought was beneficial to this country, where he would not sign, handwrite a note. This involved hours and hours out of every month of his life to thank people for their friendship, to reward people with a personal little note if they were doing something good for their fellow man or for their country.

I think as the years go by, in the next few coming years, I want to say very positively here, we will come as American citizens with each passing day to more and more and more appreciate not only what a fine man George Bush is, that is a given, but what a great President he was.

I would only hope that a World War II veteran like yourself, HENRY, will find time, with your Illinois primaries behind you, to go to the Normandy beaches on June 6 of next year for the 50th anniversary, and that whoever else goes in delegations from the U.S. Government, I would hope that George Bush would find time to go there with a few friends. Because it was in 1944, as one of the youngest aviators in the Navy, that he first entered combat and began his 58 missions and very close brushes with death.

I hope that Americans who did not get to know George Bush personally will observe over the coming years, because I think he is going to be around a long, long time, that they will observe the great dignity with which he will conduct himself and has already conducted himself as a former President. And that as time goes by, they will come to appreciate that it is awfully hard for someone who has spent his life in service and his life respecting the truth, and who put together such an amazing coalition of nations, 28 of them, in Desert Storm, to liberate a small country that had been run over by a thug, Saddam Hussein, that people will come to reevaluate a fine presidency that was shredded during the election campaign last year.

I think that history is not going to be, as some of the newspaper folks say, kind to George Bush. No, it is not that soft. History is going to be excellent to George Bush. And when they look at year after year of his presidency, 1989, you think of that year, you think of the Berlin Wall coming down. 1990, you think of Russian citizens voting for freedom. Going into a ballot box and voting for Yeltsin. And, by sheer coincidence, that took place on his birthday, June 12th. It was Christmas when the bloody hammer and sickle flag came down over the Kremlin and that beautiful light blue, white, and red banner of Russia, the State of Russia, went up.

So many great things happened so fast that it was the very gentlemanness of the man, of George Bush, that kept him from actually celebrating with his fellow citizens the collapse of what John F. Kennedy had called a long twilight struggle, this evil of communism, that killed more human beings than Hitler ever could have murdered in his 12 years, this nightmare ended. And it was the decency of George Bush to not celebrate, but to do what he could to try and help further the process, rather than cause any more consternation in the agony of a nation that had thrown off three quarters of a century of the yoke of tyranny.

So, HENRY, I am so pleased you have taken out this special order. Go for it. Try to let that 1 million audience that is out there, with cameras panning this House, stupidly, as though no one is listening, there are a million, a million and a quarter people out there who want to hear good things about this great American.

I apologize for not being able to spend more time with you. Join me on his 70th birthday next June 12. I am going to look it up. I hope it is a workday.

Mr. HYDE. I certainly want to thank the gentleman from California [Mr. DORNAN], who was a very early and enthusiastic supporter of George Bush.

I now am very pleased to recognize the gentleman from the great State of Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding.

I am very glad to have a chance to join with our colleagues in paying tribute, a much deserved one, to our President.

I want to especially thank you, HENRY, for taking this time for this special order so a number of us could speak about a man's extraordinary career and his public service.

I was a little nonplussed to really determine in my mind which George Bush to praise here or which career to reflect upon. Our colleague from California [Mr. DORNAN] so eloquently touched on the personal friendship, I guess a tribute that all of us here in the House hold so dear.

I thought about George Bush, the Navy veteran; George Bush, the Congressman; George Bush, the national chairman of the Republican Party during very, very difficult times. I have a special affinity in regard to that position, because my father was national chairman of the Republican Party. I thought about George Bush when he was the Director of the CIA; about George Bush, who was a representative to the People's Republic of China; when he was Ambassador to the United Nations; when he was Vice President; or when he was President. A personal friend, say, to maybe Helen Sewell, who is a lady who is in the Republican cloakroom. When we would have a Republican conference and there would be many leaders of the Republican Party anxious to tell the President their No. 1 issue of the day or to give him some advice, he was right over there talking to Helen, who is a personal friend, and taking time to do that. He never forgot all of his friends, and, more especially, all the employees of the House. So that really tells you a lot about the man.

But I think we are far enough removed from the controversies of the past to see things in perspective, and yet maybe close enough in time to recall very vividly the personal accomplishments that are his real legacy.

Mr. Speaker, I have some comments here by our leader, the Honorable BOB

MICHEL. There is just an excerpt that I would like to read. BOB will be saying this later when we revise and extend our comments and when we continue, which I think is an excellent idea that was raised by our colleague from California, on the President's 70th birthday as of next June.

BOB MICHEL has said this:

I believe history will record that George Bush ably, even at times heroically, led our Nation during a time of great unprecedented transition from one age to another, one of the most difficult periods for leadership in our history. In such a time when so many ideas and events are undergoing rapid change, a leader cannot bring to bear the sharply focused power of his abilities on just one big problem.

Now, there have been more critical times in our history and more desperate times, perhaps. But, to my knowledge, there never has been a time in which suddenly the certainties of decades, even generations, really crumbled before our very eyes. And, if you think about it, we are talking about the Berlin Wall, Soviet communism died, Eastern Europe emerged from the communist dark ages. The economy, and we are talking about the global economy, underwent various convulsions. Great moral upheavals were taking place in our country and around the world. Incredibly, savage ethnic conflicts flared up. A dictator tried to capture the energy sources of the free world, upon which we all depend. And,. ironically, the very benefit of the Cold War's end resulted in new problems by eliminating many of the military bases and the jobs we have in this country.

□ 1950

Each administration has its mixture of successes and failures, and I would guess that the Bush Presidency is no exception to this ironclad rule. But one fact is inescapable. Today Saddam Hussein does not control the oil of Saudi Arabia and Kuwait. He does not stand like a Mideast colossus rallying to his victorious cause the enemies of Western democracy all over the world. And the reason he is not in that position is that George Bush formed and led a world coalition against his attempts to impose one-man rule on the Middle East and to impose a real economic stranglehold on the industrial democracies—not only democracies, but the farmers and ranchers in my district, the citizens of your district and the constituents of everybody's district who has the privilege to serve in the House.

Make no mistake about it, if President Bush had not done this, the Israeli-PLO agreement never would have happened. Israel would now be facing, grave, grave danger. And we might be faced with a war whose nature would be far different than that of Desert Storm. And in our own domestic agenda, we would not be taking on issues like health care, if the entire attention of the Nation and world was still riveted upon what a totalitarian dictator simply would do next.

President Bush's very historic initiative did more than liberate Kuwait. It liberated our Nation and the world from a problem that would have dominated the international politics for a long time to come and, perhaps, in the long view of history, that really inescapable fact which we take so much for granted, as if it had been really inevitable, will be seen for what it is. It was the result of a great leader's magnificent, bold and daring leadership in a time of crisis.

I personally can remember during those times watching on television as every American and going to many of the briefings that we had here in the Congress and watching our President and Jim Baker and Colin Powell and Dick Cheney. What a magnificent team, plus all of our military.

Such leadership does not just happen. It cannot be artificially generated. It cannot be learned from books. It has to be the product of a lifetime's exercise of character and courage. There is no other way.

I hope we never forget that. And if we do not we will certainly remember the legacy of a great man and a great President and a personal friend.

Mr. Speaker, I thank the gentleman from Illinois for yielding to me and for my participation.

Mr. HYDE. Mr. Speaker, I thank the gentleman for a very fine presentation.

Mr. Speaker, it is now a pleasure and an honor to yield to the distinguished whip of the Republican Party, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

I thank him for taking the time tonight to give us our first opportunity to look back with a little more perspective on the Presidency of George Bush and on the public service of President Bush.

This is a man who first began serving his country at 19, when he was the youngest carrier pilot in the U.S. Navy in World War II, a man who I first encountered as a college professor watching him on television in the early 1970's when he was the U.N. Ambassador of his country. And then in 1974, when I first ran for Congress. I met him when he was the Republican National Committee chairman, crisscrossing the country trying to help candidates out there trying to represent our values and our beliefs.

As whip, I had the privilege and honor of working with him for over 3½ years in a leadership position. I would simply say that as historians look back on the Bush Presidency, there are three or four things that are going to stand out.

First of all, the transition from the Soviet Empire to the post-Soviet period, the beginning of freedom across Eastern Europe and across the former Soviet States which is a transition which I think people will look at as an extraordinary marvel of diplomacy.

Thirty or forty years from now, when the memoirs have been written, when the secret files are opened, I think people will be astonished at the numerous opportunities for civil war, for the danger of nuclear confrontation, for the danger of genuinely bloody repression again and again and again with the President's leadership and help and with the team he assembled, including Colin Powell, Dick Cheney, and Jim Baker and Brent Scowcroft and Larry Eagleburger, an entire team on foreign policy.

Historians will look back and see that there were literally dozens of occasions where the Bush foreign policy assisted the transition to freedom in a way which minimized human bloodshed and which maximized human freedom. I think that transition will be seen as an extraordinary account of global statesmanship in a manner which ranks, I think, among the best of the 20th century.

Second, the assembly of the 28-nation alliance to protect the rights of the country of Kuwait to survive, to protect the world's oil supply and to contain the aggression and defeat the aggression of Saddam Hussein, bringing together countries as diverse as Syria, Morocco, Saudi Arabia, France, the United States, Britain, all into one coalition, fielding an army that has to be, I guess, the most diverse in history in terms of its various backgrounds, and then working through the United Nations, working with the People's Republic of China and the rapidly changing Soviet State to guarantee that we could, in fact, move with the United Nations' approval in a way that I think 2 or 3 years earlier would have been seen as just impossible, inconceivable. And finally, working with the American people to ensure that the U.S. Congress voted its approval so that at the decisive moment, the President of the United States had arranged world opinion through the United Nations, had arranged a genuine diplomatic alliance and had arranged for the American people, through their elected representatives, to approve what turned out to be a masterful campaign in Desert Storm, one of the most decisive and one-sided military victories in history.

At each of these steps, I think President Bush showed an ability to manage and lead not just his own country but to manage and lead most of the organized world in a way which will truly be seen as remarkable.

Finally, let me say, I think as historians begin to read about the 1992 campaign for new perspectives, I am particularly struck by Larry Sabato's new book, which outlines in some detail what he describes as the war of the news media against the Bush administration, in which he says that the various networks were so totally one-sided that it could have been described as the

National Broadcasting for Clinton, the Clinton Broadcasting System, and the American Broadcasters for Clinton. And Sabato's analysis in item after item after item of the level of one-sided, negative publicity masquerading as news. I think people will look back and see the entire history of the 1992 campaign in a very different light as that kind of information becomes available.

Finally, let me say, after a lifetime of public service, a lifetime of genuinely risking his life, risking his good name, taking a time out that he did not need to, pursuing an office that he did not need in terms of family standing or personal fortune, I think for those of us who have known George and Barbara Bush personally, the thing that is most stunning is the genuine decency, the genuine civility, and the genuine commitment to patriotism of this couple.

I know of no couple I have ever had the opportunity and the privilege to be engaged with at a personal level who are as decent and as kind and as thoughtful, given the total scale of their activity.

As recently as 8 days ago, when Mary Anne and I had a chance to be with President Bush in the process of the Israeli-PLO signing and to realize that it was his courage, it was his determination, it was his willingness, frankly, to risk reelection and to recognize that he was losing some support in some key States in the country. He was losing some potential support for his campaign, but he believed so deeply in the process he was following to attempt to create an opportunity for a genuine peace settlement in the Middle East that he was prepared to stake his reputation in history on doing the right thing, even if it increased the risk of not getting reelected.

I think that night at the White House he had to have some satisfaction in knowing that when history looks back on his contributions to the rise of civilization across the planet that he will have been a very major definer and a very major manager of the process of beginning to bring together the democratic states in a way which has never before been seen.

I think all of us can say of him that he is a man of whom much has been expected, much has been given, and I think in the coming decade we will see even more contributions, as he continues to remain active as an important citizen of his country and as he and Barbara give to their country as I think they have to because it is who they are. As patriots, they could not walk away, because they truly love America. And they will want to serve in many ways.

I thank my good friend for giving us this time.

□ 2000

Mr. HYDE. Mr. Speaker, I thank the gentleman from Georgia for a moving presentation.

Mr. Speaker, it is a pleasure to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. HYDE] for arranging this special order and for giving us an opportunity to pay tribute to an outstanding figure in American history, George Bush. I welcome this opportunity to take part in this special order.

Mr. Speaker, George Bush served only 4 years as President, but the historians of future decades will look back on those 4 Bush Presidential years as among the most pivotal in the history of our Nation and of the world.

It was during George Bush's watch that the cold war finally ended in total and complete victory for the forces of democracy and freedom. The hard-nosed pro-defense, pro-human rights policies of the Reagan and Bush administrations were the determining factor in the decision of the Soviet Union to throw in the towel, and were the inspiration for the universal demands from freedom by the captive peoples of Eastern Europe.

It was while George Bush was President that a new world order was formed. In this post-cold-war world, it was George Bush's responsibility to show that aggression would not be tolerated. George Bush's personal diplomacy put together the gulf war coalition—a coalition that experts said was impossible—and led us to the far-reaching victory that discouraged aggression for our generation and future generations to come.

It was the prodding and diligent diplomacy of the Bush administration that paved the way for the recent culmination of the peace negotiations between the Palestinians and the Israelis.

George Bush was historically significant not only for his global leadership, but also he was (one of) the last of our Presidents to serve during World War II. Like so many of us who shared in that experience, George Bush lived with vivid memories of the horrors of war as well as the memory that appeasement invariably leads to war.

A hero of World War II, a survivor of personal tragedy in the untimely death of his little girl from leukemia, a man born to wealth, but who chose to earn his own wealth instead, and a man who compiled one of the most impressive political resumes in American history, George Bush is an inspiration for Americans forever.

A Member of Congress, our Ambassador to the UN, chairman of the Republican National Committee, Director of the C.I.A., Vice President of the United States, a successful businessperson—George Bush brought experience and leadership in all of these significant tasks with him to the White House.

Mr. Speaker, I was pleased and considered it an honor to serve as a Bush delegate to our National Republican Convention, to be able to campaign for our good friend and candidate Bush in the snowy streets of New Hampshire, along with a number of our other colleagues.

Mr. Speaker, I am proud to associate myself with the remarks of our colleagues praising one of the most remarkable countrymen of all time. To President Bush and to his lovely, gracious First Lady, Barbara, I extend my wishes and hopes for many years of good health and happiness in the years ahead, and I thank the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for an excellent presentation.

It is now a pleasure to yield to the distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding to me, and I want to thank him again, as others have, for taking out this special order time to give some of us the opportunity to pay tribute to a great President, President George Bush.

I think a lot of the American people did not have the opportunity that some of us did to get to know him individually. On the other hand, I think most Americans have had the opportunity to see him in action, understood him well in Desert Storm, but perhaps did not recognize the full dimension of the man.

Today I see bumper stickers that say, "Don't blame me, I voted for George Bush." I suspect if the election were held again today it would be a reelection for President Bush, but that is not the way politics went for him.

History is going to be kind to him for lots of reasons, as has been said before today. I want to comment on just a few of those. Before I do that, though, I cannot help but think of what my good friend, the gentleman from California [Mr. DORNAN], said about him as a man.

George Bush I knew as a very compassionate individual, an individual who took the time to spend with individual Members of Congress, to spend with individuals along the way, who cared deeply about Americans, who cared deeply about people. He was a family man, a man who cared about his family, but he also cared about families of Americans. He still does, of course.

Barbara Bush, it has been said, was one of the great First Ladies who will go down in history as someone who really, really cared, and does to this day, about people, and cares about families.

I remember a very sad occasion in his Presidency not too many months ago when his mother died. I remember

writing him a personal note, because I had had the privilege of meeting his mother on one occasion, and I felt very compassionate about him at the time, because it was a very tough period for President Bush. I did not write a very long note, but I wrote a genuine note to him.

He did not have to respond. I would not have expected the President of the United States to respond, but in his own way he sent me a personal thank-you note for sending him that note of condolence, something that is touching, something that is typical of the President, something that I do not think very many people would expect of their President. That was the way he was during the time I got to know him.

I knew him best during his Presidency. I served in leadership during that time, all 4 years of our Republican leadership. We used to go down to the White House and have meetings. He always inquired about things that were on the agenda, went around the room, paid attention, cared a lot. He will be known in history primarily because he did serve during a time when his great leadership allowed much of what happened to break down the cold war to occur, and to end the situation in the great embattlement between the United States and the Soviet Union.

He will be remembered because of Desert Storm and tremendous leadership. I know of no President in my lifetime, and I doubt that I will see one in my lifetime, who has been more respected and admired by other world leaders than George Bush, for a reason, because George Bush had a sense of presence, a sense of history and understanding of the world, an understanding of the problems of the great nations and the small nations of this world.

For that reason, he really could be a President of peace through strength. Understanding that, he carried us through a very difficult time with a minimum loss of life and casualty to a victory in Desert Storm that I do not think any other figure in the White House at that time could have done. As a result of that, I believe that he will be long remembered in the history books and by the American public for the strength that he conveyed and the representation of our Nation.

Having said that, I think part of George Bush has been neglected so far this evening. That is the part on the domestic side. Domestic issues were often considered to be issues he was weak on. That is really not true. The fact of the matter is that President Bush was very concerned about issues that I spoke with him on. I spent a lot of time working on domestic issues with him.

The biggest problem he had, as opposed to President Reagan, there was no time during his Presidency when we had a Senate that was in control of our party, the Republican Party, this party. He did not have one body that was Democrat, he had both bodies, the House and the Senate, so it became extremely difficult, especially in the later years of his 4-year term, to get his programs through, to get even compromises agreed upon that would have been reasonable and responsible.

One of his great achievements, one that he believed was very great, and I think it will go down in history as being that, was the passage of the Americans With Disabilities Act. Some businessmen today are still grumbling about the paperwork they have to do with that, but I can assure the American public that it would have been a far more difficult course had a different President with a different mindset been there.

George Bush was very aware of two things: One, the difficulty of the disabled and the handicapped in being employed in the work place, and the problems they had and the need for legislation to assure that they had their civil rights.

On the other hand, he was also very concerned about the businessman, particularly the small businessman, and the fact that government can be overburdensome, and already has been in so many ways. He worked long and hard to reconcile those two conflicting important policy issues, and produced a product that is now the law, and one which we will have on the books for many years to come.

In other areas, he was not as fortunate to get compromise through. One area that I worked with him on, and the gentleman from Illinois [Mr. HYDE] had worked with the President so much on, was the crime area. George Bush I do not recall having been more forceful in any speech that I ever heard him give than the one I once heard him give on the subject of crime. I think he realized, and does to this day, that there is an inevitable necessity for us to control violent crime in this country if we are going to put the families back together again, if we are going to be able to do other things domestically and economically that are important in this Nation. We cannot have runaway lawlessness and have a society that has order in it and that can work.

We tried, with his leadership, to produce legislation during his 4 years that really would have ended many of the problems we have today in the law enforcement area, to give police officers more power and influence, to provide an opportunity to really put deterrence and swiftness and certainty back in our punishment system, to end the endless appeals of the death row inmates that the gentleman from Illinois has worked so hard to do, to change the rules of evidence to allow more convictions to occur, to stop some of these folks from getting out of prison as easily as they do today around the country, and to stop the activities of the criminal mind that is so much at work out there by really making our laws work.

We spent a lot of time working on that, but unfortunately, there are those who are in the other party who did not want to see him succeed, and blocked the path, and who had other ideas.

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Consequently, that legislation, like many of his other initiatives on the domestic side, did not get through. And it was unfortunate.

Today, the low interest rates we have, the relatively low inflation rate, very low inflation rate is very much attributable to his economic policies. They have been maligned, but the fact of the matter is, as the gentleman from Illinois knows, the economic policies that make a difference in the long run, which were policies that shape things like inflation and low interest rates, occur over time. The fact that the current President sitting in the White House has done certain things did not do anything relative to this issue. And yet, during the campaign the President did not get credit for that, and George Bush should have.

I could go on listing them, but there were lots of other things that happened on his watch in the domestic agenda that history will be kind to him about, and that we know about personally. It is not my place to take more time up this evening. But I want to thank the gentleman for yielding. I want to again thank him for taking out this time that I might contribute a small portion to this tribute to George Bush, one of our truly great Presidents.

Mr. HYDE. I certainly thank the gentleman from Florida for a very luminating and moving presentation.

It is now a pleasure to yield to the gentleman from Ohio [Mr. KASICH], the ranking member on the House Budget Committee and one of the bright stars of the Republican Party. And as in the wedding feast at Cana, we saved the best to last. We have two gentleman from Ohio who will precede myself. So I am pleased to yield to JOHN KASICH of Ohio.

Mr. KASICH. Mr. Speaker, I want to thank the gentleman for taking this special order. And it is really appropriate that he would take it to talk about a great President, particularly having to do with foreign policy. And I just want to spend a second to say that the Reagan-Bush partnership is what really changed the world. And you cannot exclude HENRY HYDE when you also talk about Republican contributions to foreign policy successes, starting all the way back in 1981 with Ronald Reagan and Peace through Strength which George Bush carried through.

I think it would be fair to say that there has not been an American President who understood world leaders, had

a better relationship with world leaders than George Bush. His work in terms of assembling the coalition on Kuwait, of course, there will never be another time in history where anybody will do better than what George Bush did when it came to our actions in Kuwait.

But, of course, he continued the policies of Ronald Reagan. And we saw so many wonderful changes happen in the world. And I would say to the gentleman from Illinois tonight, a gentleman who fought for many years during the Reagan and Bush years for Peace through Strength, it would be very interesting to have George Bush now involved in terms of commentary in terms of what we are watching at the present moment on CNN, and what his communications would be to Mr. Yeltsin. And I would say that President Clinton would not have anybody better to call in this country than George Bush and to get his advice in terms of U.S. response.

But the changes in terms of his ability to use and work with Jim Baker, the changes that came about through Gorbachev, Shevardnadze, the way in which they operated to bring about a tremendous arms control agreement, and an end of the Soviet empire, his work in Eastern Europe in terms of his vision as to what he thought we would need to do in order to assist Eastern Europe.

And of course, we saw Arafat and Rabin down at the White House in that ceremony along with President Clinton. And if there is anybody who deserved to be there between those two guys along with President Clinton, our current President, it was George Bush. He took a lot of risks when it came to the Middle East, and he took a lot of heat, I say to the gentleman from Illinois, in his policy affecting the Middle East. But I think we can see that those risks have paid off, and that we may actually see us enter a period of some stability in the Middle East and peace for people of all philosophies and beliefs. And George Bush, in my judgment, is the major factor as to why we have seen things improve over there in recent time.

Just one word about economic growth. The fourth quarter. This has got to be one of the most frustrating things for George Bush to sit at home and think about at times. I do not know the exact figures, but as I was saying to my colleague, Mr. PORTMAN, it was 4½-percent growth in that fourth quarter of 1992. You might remember that George Bush kept saying to the media, "Hey, we don't have to do anything up here on Capitol Hill right now. Washington ought to keep its hands off the economy. We are coming out of this; in fact, we are growing." And I would say to the gentleman from Illinois, when we are experiencing now 2-percent growth economically at the current time, which means to Americans across the country no jobs, and if you are unemployed you are not going to be employed because we do not have a job-producing economy, we are going to long for the days of 4½-percent economic growth, because we were providing jobs to unemployed Americans. And George Bush was trying to tell America that, and he could not get his message out. And I will bet you that he is as frustrated, it is probably the most frustrating thing or one of the most frustrating things that happened to him in his career, that the economy was picking up steam, Americans were getting jobs and he knew it, and he tried to tell people, but the message just did not get through.

But when you take a look at that economic growth in that fourth quarter, when you take a look at the gains in the Middle East, in Eastern Europe, in the former Soviet Union, we owe a big debt to George Bush in this country. And HENRY, I am glad you took this special order, because there is no one more appropriate to talk about these successes in this administration than you. And I wish former President Bush and the First Lady the best of health, and Godspeed, and God bless them, and thank you, HENRY, for this special order.

Mr. HYDE. Thank you, JOHN, for a very moving presentation.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER], the deputy whip on the floor, and the heart and soul and spirit of our party on this side of the aisle.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for yielding. Let me also congratulate him for taking this special order. You were there in the Reagan Revolution from the very beginning. And some of the rest of us got a chance to participate too.

Mr. HYDE. So were you.

Mr. WALKER. But the one thing I do remember in those early days is that as we were choosing a Vice Presidential candidate out in Detroit there in 1980, one of the strong recommendations for putting George Bush on the ticket was that he brought so much to the ticket with his depth of foreign policy experience, something where there was some suspicion that Ronald Reagan would not have the kind of credentials to convince America that he could handle the world at that very critical time. It turned out that Ronald Reagan had some very clear ideas of where he wanted the world to go, but he had a strong and energetic partner in George Bush, who helped formulate those policies throughout the Reagan era, and then brought that depth of experience into his own administration.

I think the changes that we have seen in the world are a tribute, of course, to Ronald Reagan for his vision of what the world could be. But also to George Bush for being the guy who, in many instances, went around the world to talk to the foreign leaders and move the process forward. And then throughout his administration changed the world in such remarkable ways that people, even thinking back on it, cannot imagine all that was accomplished.

What strikes me about that is that he did it so well that by the time we got to the 1992 election, America was ready to forget foreign policy. They thought the world had been made so safe that we could ignore what was going on in the world, turn to someone with a total lack of experience in world affairs for leadership, because now was the time to focus on the domestic side of things, and particularly on the domestic economy. And I think we are now beginning to realize that having someone who understood the world, could pick up the phone and call world leaders by their first names, who had a longstanding relationship with them was, in fact, a major asset to this country, and one that is terribly missed at the present time.

But it also seems to me that we do a disservice not to also mention that George Bush showed tremendous courage in the management of domestic affairs. And I am reminded of that over the last few weeks as I have been reading the stories in the newspaper about how the cable bill, the cable regulation bill is beginning to come apart, that all of the things that were predicted for it here on the House floor when it was passed are not coming true, that in fact cable rates are going up, and that the regulation by the Government has turned out to be at least a mini- disaster.

That was a case where George Bush stood against the current of what he knew was going to happen on Capitol Hill. A lot of us fought with him time after time to maintain his vetoes on Capitol Hill, because we knew the way in which he was working to control the growth of Government, to control deficits, and a lot of these kinds of things was through the power of his veto.

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And time after time with our minimum numbers on Capitol Hill we were able to sustain those vetoes. And President Bush was very proud of that record of vetoes sustained. And when we went to him and told him that on the cable bill he was likely to lose, the easy thing for President Bush to have done at that point would have been to say, "Let's preserve the perfect record of vetoes. I will go ahead. I will hold my nose and I will sign that bill," because the votes simply were not there. We did not have enough votes to do something about the cable bill. But he vetoed it anyway because he did believe that this would come back as something that would not serve the best interests of the American people.

At the time, he was heavily criticized. Consumer groups criticized him,

a lot of other people criticized him. But it turns out he was more right than wrong, and today a lot of people I think would think that that veto was the wise thing to do.

Mr. HYDE. Let me say to the gentleman I regret that we are getting near the end of our time, and I want the gentleman from Ohio [Mr. PORTMAN] to get a word. But the contribution of the gentleman from Pennsylvania [Mr. WALKER] has been immense, as always. The gentleman and I will get to elaborate on the President's 70th birthday that the gentleman from California [Mr. DORNAN] will take a special order on. I thank the gentleman for his comments.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. HYDE. Mr. Speaker, it is a pleasure to yield to Mr. ROB PORTMAN from the great State of Ohio, who is a dear friend of former President Bush's and one of the rising stars of our party.

Mr. PORTMAN. I thank my colleague and thank him for taking this special order tonight. I had not planned to defend the Reagan-Bush years, but I must add one note. And that is that in fact during those 4 years of the Bush administration we did have a lot of domestic successes from the Republican point of view. Frankly, a lot of them were in sustaining vetoes, as the gentleman from Pennsylvania [Mr. WALKER] so aptly noted. I think there was a record of 32 vetoes having been sustained, with only 176 Republicans rather than 192 in the House that Ronald Reagan was lucky enough to have. That is quite a record, quite an accomplishment.

But let me add a little personal perspective. I would like to say that I really echo all of the heartfelt sentiment I have heard tonight from all of the other speakers. But my perspective is a little different because I do not think I would be standing here right now, in fact I know I would not be, if it were not for George Bush. And it is not because George Bush campaigned for me or raised money for me, although Mrs. Bush did write a beautiful letter on my behalf. It is because George Bush inspired me. He inspired me in a number of ways; he inspired me by his own commitment to public service. Frankly, he inspired me by his ability to have a very healthy and happy family life in conjunction with politics, something some people would think is mutually exclusive. George Bush managed to do it and he is a model for me in that respect.

George Bush was also able to show me how much gratification someone could get from public life. For all the sacrifices and all the negatives, there really is a lot of gratification, and George Bush exemplified that for me. And I hope young people tonight are watching this, and I hope that George Bush will continue to serve as a model for young people who are interested in getting into public service.

I first met George Bush in 1979 in this very complex. He was then running for President. I started to volunteer for him in his campaigns. I helped coordinate his campaign in Cincinnati two times, I was the national delegate for him to the conventions, a couple of national conventions. But I really got to know George Bush the man, serving with him on the White House staff where I spent 2 years, first as associate counsel for President Bush and then as director of his legislative affairs.

There I saw beyond the public image. It was working with the President closely at the White House where I got to know George Bush the man well. There what I found was a man of tremendous character. People tonight have talked about some of those attributes. I just thought I would talk about them briefly.

I think they served him well as a World War II hero, a businessman—some people forget George Bush was a very successful businessman before getting into politics; certainly as a Congressman, as an adviser to three or four Presidents and then as President of the United States.

The first of these I call code of honor, stability, something sorely lacking I think in the political discourse today. George Bush had that code of honor indelibly in his soul. Boundless energy; whether it is on the athletic field or in the field of public policy, George Bush had incredible and has incredible energy.

Empathy for people and their problems: People talked tonight about him knowing many people up here on the Hill today from his days as a Congressman. He is a people person, loves people. And they are the same with him.

Empathy with people is one of the characteristics of George Bush.

Judgment based on experience and, of course, family values, real family values, the sense of loyalty to his family, love for his country, and he has a very strong family life as a result.

I believe in the annals of history that George Bush will be counted as one of America's great public servants and really a gift that America has given to the world.

I think, though, in the near term that George Bush also should be someone who this country and this President, President Clinton, turn to for guidance and advice. Someone said earlier they would hope the President is now picking up the phone and calling George Bush to get his view on world leaders and some of the difficult areas of foreign policy we are now encountering.

I hope the country will, and I hope that this President will, because George Bush's judgment, energy, strength, and commitment to serve is something we sorely need today.

I thank the gentleman again for letting me take the time.

Mr. HYDE. I thank the gentleman from Ohio [Mr. PORTMAN] for a memorable presentation. I am pleased to yield, Mr. Speaker, to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank the gentleman from Illinois [Mr. HYDE].

I want to compliment the gentleman on this special order.

My remarks will be brief.

I came in 1988, into Congress with that election. It was a good deal because of the election of President Bush. I want to acknowledge that.

I had the opportunity to see him during the campaign and also had the opportunity to meet him many times either at the White House or perhaps at different functions.

It just became apparent to me that here was a genuine American, not only the patriot, as has been mentioned, but an unpretentious and loyal American.

I just tonight saw, back in my office, what the gentleman from Illinois was doing here, and I thought I would go on record to give my sentiments as to what an outstanding American he is.

I hope special orders like this will continue in the following year or two.

Mr. HYDE. I thank the gentleman from Florida [Mr. STEARNS].

Mr. Speaker, the Quaker poet, John Greenleaf Whittier, once referred to "the safe appeal of Truth to Time." Those of us with a few years on our shoulders know what he meant, for we have seen for ourselves how the passage of time brings the past into clearer focus.

Today, I and several of our colleagues want to participate in that process of clarification. We want to give appropriate credit to a man who served his country in war and in peace, in the ranks and in the Presidency, always with decency, and honor, and courage.

George Bush left the White House less than 1 year ago. But he left behind an example, a standard, a benchmark for those who will come after him.

That was true, not just with regard to the conduct of international affairs or the handling of domestic issues. It was especially true with regard to that essential element of a successful human being, character.

If you worked with George Bush in times of trouble or crisis, you sensed how that character had been forged. You saw something of the teenager who, decades earlier, had gone off to war, fresh out of high school, to become the youngest carrier pilot in the U.S. Navy. You were reminded, by his quiet determination, of the young man who rejoined his squadron on the *San Jacinto* only days after his *Avenger* was shot down over the Pacific.

As President, he was no armchair theorist of national security. When he talked about his country's safety, he spoke as the recipient of the Distinguished Flying Cross and three air

medals. When he faced the need to use force against his country's foes, he led with the cautious strength of a man who had known the loss of buddies against an earlier deadly enemy.

Here was a man who, by training and by taste, did not wear his heart on his sleeve. His opinions were public currency; his emotions were not. And yet, to know him, was to know how deeply he felt about the vital matters he addressed with firmness, forbearance, and restraint.

We're all familiar with the impressive positions he held: Member of this House, Ambassador to the United Nations, chairman of his party, America's representative to the People's Republic of China, Director of the CIA, and Vice President before becoming Commander in Chief.

Those achievements say much about the man's character. But far more eloquent are his informal titles. For example, loving husband, and father of six, one who died in early childhood.

Speaking of attainments, he and Barbara have been married for 48 years. In an era when change is worshipped and impermanence the rule, they have adhered to the ideals that endure. Their example of mutual love and support has been a living lesson in the values that keep families together and make society strong.

Those of us who have been blessed with spouses far better than we deserve know that a career in politics and government is a shared enterprise. This has nothing to do with trendy theories of status or liberation. It has everything to do with "for better or worse." It is the way things are supposed to be when caring is at the heart of living.

That is something George and Barbara reflected with unfailing grace, even when the nastier side of politics intruded. The world will never know how many times advisors of all sorts, including Members of Congress in those closed-door meetings in the Cabinet room, advised President Bush to get down, get mean, get rough with his opponents. He would make clear how much the unfair criticism—sometimes it was outright slander—hurt him. But, he would remind his listeners, he had the responsibility his critics did not have; to keep government working, to maintain the dignity of the Presidency, to open the channels of cooperation and compromise.

That approach, at home and abroad, made it possible for him to assemble the great coalition that, in retrospect, became the turning point for peace in the Middle East. Operation Desert Storm did more than expel Saddam Hussein from Kuwait and secure the petroleum lifeline of the industrial world. It brought Arab and Israeli together in common defense, and uncommon cooperation. It opened the door to what we all hope and pray will be a season of healing in the lands three faiths call holy.

Many of us have special reason to appreciate George Bush's adherence to principle. Throughout his Presidency, he was nothing less than heroic for the right to life of children before birth. He repeatedly vetoed legislation that would have violated that right. He asserted the value of their lives in his policies both domestic and foreign by opposing taxpayer funding for abortion.

Even when a national campaign was launched to pressure him into abandoning those defenseless little ones to barbaric experimentation, he refused to bend. In the interest of humane scientific research, he established, with the cooperation of hospitals and researchers, a fetal tissue bank. He showed that we could have progress and compassion at the same time.

Tragically, that initiative has now withered from neglect, though the responsibility rests with others. And others, too, have sought to reverse the protections President Bush sought to extend to the most helpless, most vulnerable Americans. But that will change in time. And when it does, when our laws again protect the lives of our children waiting to be born, George Bush will be vindicated on that too.

Mr. Speaker, there are many other points to be made about the record of the Bush Presidency. Several of our colleagues are awaiting a chance to do exactly that. For myself, I want to conclude with an expression of both admiration and gratitude.

Admiration for George Bush both as a man and as a leader. And gratitude for the way he has sought the path of justice, and humanity, not for advantage or approval, but because it was the right thing to do for the country he loves.

Mr. MICHEL. Mr. Speaker, I am glad to have the chance to join with our colleagues in paying tribute to President George Bush.

I want to especially thank our good friend and Illinois colleague, HENRY HYDE, for taking this special order, so a number of us could speak about President Bush's extraordinary career in public service.

It is now 8 months since the last days of the Bush Presidency, which is just about the right amount of time to begin placing President Bush in some historic context.

We are far enough removed from the controversies of the past to see things in perspective, yet still close enough in time to recall vividly the great personal accomplishments that are his legacy.

Others will be talking about specific aspects of his illustrious career, but I would like to say a few words about George Bush, the man and the leader.

I believe his life typifies a certain kind of American experience that, sadly, is fast becoming a memory.

I refer to the experience of his generation—my generation—who grew up in the late 1930's, fought in World War II, and then entered government in the 1950's or early 1960's.

This generation of Americans took for granted that serving your country in the Armed Forces and then spending a life in public service was an honorable calling.

To put it mildly, this view is not universally shared today. It is, in fact, quite unfashionable in some quarters. But that was the way many of us felt.

Those who had seen—and somehow survived—war in its most savage and direct forms were not about to forget the lessons they had learned.

There was a sense of mission involved. We could not guarantee that what we went through would never happen again—but we could dedicate ourselves to doing all that was possible to keep America strong and free.

To serve as an elected official, or as an appointed official in positions of high responsibility, was seen by many members of this generation as not only desirable, but almost mandatory.

If we were to fulfill the promises we made to ourselves about building a better world after the war, we knew we had to put ourselves on the political front lines.

We believed we owed this not only to our country, but to posterity.

Saying it like this makes it sound naive or a bit corny in this age of instant skepticism and suspicion about government and those who serve in it.

But if we are to understand the accomplishments of George Bush, they must be seen in this context.

From the moment he proudly donned his country's uniform as a teenager, until the moment he left the Presidency, George Bush never doubted that public service is a serious and responsible calling. And he does not doubt it today.

He never doubted that the United States of America has a leading role to play in world affairs.

He never doubted that when your country calls, you heed that call.

So, as President, in moments of crisis, he always knew he could call upon the spirit of young George Bush, the Navy pilot who risked his life in the Pacific in World War II: brave, eager to carry out the dangerous mission, confident about his country's cause.

This kind of spirit has to come from within, from a proven capacity to sacrifice, from devoted service, from a willingness to die, if necessary, to preserve freedom.

I believe George Bush's ability to call upon these reserves of character and courage was among his greatest gifts as a leader.

When he ordered the American military into action in Operation Desert Shield, and, later, led them in the tremendous sweeping victory of Operation Desert Storm, he did so as someone who had come to that time of crisis magnificently equipped with exactly the right virtues.

I believe history will record that George Bush ably, even at times heroically, led our Nation during a time of great and unprecedented transition from one age to another, one of the most difficult periods for leadership in our history.

When a nation faces one big problem—depression, war, national unity—a leader can focus all his energies on that one urgent problem and count upon the support of his nation.

But what about a time of great transition, when, as they say, one age is dying and another waits to be born?

In such a time, when so many ideas and events are undergoing rapid change, a leader cannot bring to bear the sharply focused power of his abilities on just one big problem.

As President Vaclev Havel of the Czech Republic said a few years ago: "Things are happening so fast we have no time to be astonished."

This is the kind of challenge George Bush faced. Typically, he didn't complain and he didn't lose hope and he accomplished a lot that needed to be done. I think history will give him credit for that.

There have been more critical times in our history, and more desperate times.

But to my knowledge there has never been a time in which, suddenly, the certainties of decades and even generations suddenly crumbled before our very eyes.

Think of it: the Berlin Wall fell, Soviet communism died, Eastern Europe emerged from the Communist dark ages, the global economy underwent various convulsions, great cultural and moral upheavals were taking place in our own country and around the world, incredibly savage ethnic conflicts flared up, a dictator tried to capture the energy sources upon which democracies depend, and, ironically, the very benefits of the cold war's end resulted in new problems by eliminating so many military bases and jobs.

In the midst of this upheaval, when the conventional wisdom of 40 years was being swept away in every area, the United States of America was fortunate enough to be led by a leader of character and courage.

Each administration has its mixture of successes and failures. The Bush Presidency is no exception to this ironclad rule.

But one fact is inescapable:

Today, Saddam Hussein does not control the oil of Saudi Arabia and Kuwait. He does not stand like a Mideast colossus, rallying to his victorious cause the enemies of western democracy all over the world.

And the reason he is not in that position is that George Bush formed and led a world coalition against his attempt to impose one-man rule on the Middle East—and to impose an economic stranglehold on the industrial democracies.

And make no mistake about it: if President Bush had not done this, the Israeli-PLO agreement never would have happened. Israel would now be facing grave danger—and we might be faced with a war whose nature would be far different from that of Desert Storm.

And in our own domestic agenda, we could not be taking on issues like health care if the entire attention of the Nation and the world was riveted upon what Saddam would do next.

President Bush's historic initiative did more than liberate Kuwait—it liberated our Nation and the world from a problem that would have dominated international politics for a long time to come.

And perhaps, in the long view of history, that incontrovertible fact, which we take so much for granted, as if it had been inevitable, will be seen for what it is: the result of a great leader's magnificent, bold, daring leadership in a time of crisis.

Such leadership doesn't just happen. It can't be artificially generated.

It can't be learned from books.

It has to be the product of a lifetime's exercise of character and courage. There is no other way, and I hope we never forget that.

Mr. FISH. Mr. Speaker, I join my colleagues this evening to pay tribute to George Bush, a dedicated man, American, and President. I met George and Barbara Bush as a freshman Congressman. Barbara was paired with my late wife Julia as a mentor through what was known at the time as the Congressional Wives Club. Julia took to Barbara right away; she was wonderful and provided a warm welcoming transition for my family to Washington. And I liked George Bush at first sight.

I understood why. Over the many years I watched him, listened to him, and worked with him during his changes in careers, both official and private.

It was his constant ability to reach out in a very individual way, to so many that caused positive domestic and international changes in our world. I do not know if it was his notorious self-typed letters, with their curious spellings and special syntax or his gracefully determined telephone calls but there can be no doubt George Bush got results that mattered. I remember when he reached out to me when he was Vice President when the fair housing amendments were floundering in the Congress. It is not well known how deeply committed he was to their passage. George Bush wanted them and he encouraged me in a very personal way to work with him to reach a compromise and break a stalemate for their passage. He set us on the track toward fair trade, an amazing departure from our party's legacy of protectionism; presided over the reawakening of democracy in Eastern Europe and the former Soviet Union; and met with determination the onslaught of aggression by the despot of Iraq; to a significant degree because of his broad range of personal relationships with world leaders. George Bush capitalized on these relationships to make better law, to encourage democracy, and mobilize coalitions for freedom.

The country and much of our world is indebted to you, Mr. President.

Mr. GOODLING. Mr. Speaker, I take this opportunity to pay tribute to a truly great American, our Nation's 41st President.

George Bush has dedicated all of his adult life to the service of the United States of America. He distinguished himself as a member of the Armed Forces in World War II and has done nothing less than build upon that foundation and reputation as a caring and dedicated leader.

President Bush has dedicated his adult life to the betterment of the United States as a Nation and as a people. He has promoted the interests of the United States throughout the world in his capacity as Ambassador to the United Nations, Vice-President, and President of the United States. In these endeavors, he has focused on fostering democracy abroad and strengthening the democratic process here at home. Time and time again, George Bush has shown himself to be an outstanding world leader, whether in creating a strong alliance to halt the aggressive atrocities of Sadam Hussein, or in his role in helping to tear down world communism and the iron curtain.

George Bush has tried to improve the life of all Americans by proposing reform of American education, health care, the crime and criminal justice system, as well as tax and budget policy. The goal of making life better for all Americans guided him as a Congressman and also as President of the United States.

George Bush also believes that the Government cannot solve all of our peoples' problems, but many solutions require individual and family solutions. Promoting a strong and caring family unit was the goal of many of George Bush's proposals.

Of course, he did not have to look very far for his inspiration for this. George Bush was blessed with a beautiful wife and family. No one could have been more supportive of his efforts than Barbara. The two of them worked together to help children understand the importance of a good education and of staying away from drugs and alcohol. George and Barbara were blessed with a happy and healthy family and believe all Americans should have the opportunity to receive such blessings. Though the task was monumental, they did their best to help America move closer to that realization.

While many of the challenges faced by George Bush in his public life still face the Nation today, it is through no fault or of lack of trying by George Bush. George Bush firmly believes in the American democratic process and has dedicated his life to the success of this great experiment in democracy.

I am very proud to have known George Bush and to consider him among my friends. I have worked for and worked with George Bush and have always found him to be an extremely caring and dedicated individual, both to his family and his country.

As a nation, we should be proud to have had George Bush as our President and appreciative for his service throughout his career. The citizens of this great Nation were able to go to sleep at night knowing their President had their best interests at heart and was capable of successfully addressing any challenge which may come before him and us. There is no greater tribute than to simply say thank you.

Mr. SOLOMON. Mr. Speaker, our great Nation is now a better place today because George Herbert Walker Bush served it so well and so long.

His distinguished career started when he became the youngest Naval pilot in World War II. Surviving a crash into the Pacific Ocean, he went on to become a Congressman, Director of the CIA, Ambassador to the United Nations, twice Vice President of the United States and then the 41st President of our Nation. No man was better prepared to assume that highest position than George Bush. No man gave more of his life and talent to his country than George Bush.

Despite his enormous contributions to our Government, I believe I will remember George Bush mostly for the quality and the integrity of the man. He is a wonderful, loving family man. When you meet him, no matter how many times, you are always left with an impression of his great personal warmth. He is down to

earth. You feel you have known him all your life. He is honest and straightforward and has lived an exemplary life.

Since his departure from the White House I have missed him very much but more importantly, I think the United States and the world community of nations have also missed him dearly.

Thank you, Mr. President. We will never forget you.

Mr. CASTLE. Mr. Speaker, I believe George Bush is one of the greatest U.S. Presidents and world leaders of the post World War II era. Under his steady, strong stewardship, the cold war ended, communism crumbled, and democracy spread to countries across the globe.

As Governor of Delaware, I had the opportunity to meet and work with President Bush and members of his administration on numerous occasions. He called on the Governors to help draft America 2000, which has provided the spark for States to improve our education system. President Bush also empowered the States with the flexibility to initiate reforms in their health care and welfare systems. He and members of his cabinet sought State input on issues ranging from the environment to social and agricultural programs.

President and Mrs. Bush visited the First State several times to seek the views of Delawareans. He gave a very inspirational speech to graduates of an adult high school and went crabbing in the Delaware River. Everytime I had the privilege of being in his company I found George Bush to be an extremely sincere, friendly, honest person.

George Bush served the United States of America with honor in World War II, and he led the international community in driving the bully from Baghdad out of Kuwait during the Persian Gulf war. I believe the United States and the world are a better, safer place to live, thanks to the leadership of President George Bush.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Illinois for the chance to pay tribute to President George Bush. I can truly say it is an honor for me to have this opportunity to talk about a man I know, respect, and consider not only a personal friend, but one of the 20th century's most outstanding leaders.

In many ways, I regret not having had the privilege of serving in the House of Representatives with George Bush, as many of my colleagues did. However, I have been fortunate enough to know him both as Vice President and President of this great country. His leadership has been and will remain a model in shaping my views here as a Member of the U.S. House of Representatives.

I first met the then-Vice President when he came to Mobile to campaign on my behalf in 1984. What a thrill it was to stand there on the podium at the Mobile Hilton, in a room filled with hundreds of friends and supporters, and have the Vice President of the United States tell everyone why it was so important that they elect Sonny Callahan to a seat in the U.S. Congress.

I'll never forget looking out in the audience and seeing my mother looking up there at us; to say there was pride in her eyes and smile would be one of the world's greatest understatements.

Before the rally began, the Vice President's staff informed us he would go directly from the podium to his suite. There didn't appear to be any time in his schedule for a little personal time together, away from the lights, cameras, and excitement.

But no sooner had he proclaimed the Reagan-Bush appeal for electing another good conservative Republican to Congress, then he turned to me and asked where Karen and I wanted to go to dinner. Five hours later, you would have thought the Bush's and Callahan's had been the best of friends. That's just the kind of people the Bush's are—warm, friendly, and caring, and that was the beginning of a solid friendship which has lasted.

Aside from the personal reflections about our 41st President, and there are enough to write volumes, there is almost an endless list of accomplishments attained by George Bush, both as a private citizen and a public servant.

By now, we all know some of the highlights. A decorated Navy pilot during World War II, a successful businessman, a Member of Congress, Ambassador to the United Nations, Chairman of the Republican National Committee, Director of the Central Intelligence Agency, Vice President of the United States and, of course, President of the United States of America. Certainly a long and distinguished career of public service for which we, as a nation, will remain deeply indebted to him as well as his family.

Leadership is a word which exemplifies the entire life of President George Bush. Historians will look upon the Bush Presidency very kindly for the world leadership he provided during very difficult times. His leadership abilities put together a coalition of 28 nations in Operations Desert Shield and Desert Storm to oust Saddam Hussein from Kuwait. Leadership earned President George Bush the admiration and respect of other world leaders. It was during the Bush Presidency that we witnessed the fall of the Iron Curtain and the end of the cold war. And President Bush set into action the necessary steps which led to the unprecedented Israeli-PLO agreement recently signed on the White House lawn.

And yet, both his political opponents as well as the national press were successful in creating the impression that President Bush, the foreign policy expert, was President Bush, the domestic blunder. While those of us who know him knew better, the images that were cast were just too hard to erase from the voters' minds last November. It's a saying as old as the hills but so very applicable to this point and that is while George Bush might have lost the Presidency, the American people were the real losers. We will feel this loss for a long, long time.

In 1722, Ben Franklin wrote in a letter to Joseph Galloway that:

> We must not in the course of public life expect immediate approbation and immediate grateful acknowledgement of our services. But let us persevere through abuse and even injury. The internal satisfaction of a good conscience is always present, and time will do us justice in the minds of the people, even those at present the most prejudiced against us.

Mr. Speaker, there is no question in my mind that the man we are honoring here today has the internal satisfaction of good conscience in knowing that his was a job well done and time has already underscored that point even to the harshest critic.

Mr. SKEEN. Mr. Speaker, it gives me great pleasure to add my comments to the RECORD regarding the long and distinguished public service career of our former President, George Bush. As a politician, a statesman, and a world leader, George Bush has provided leadership to the United States of America at a transitional time in our world history. Thanks to his leadership—as Vice President, then President, for a combined 12-year total—the United States still stands at the pinnacle of world leadership.

I am delighted to have been able to serve in the Congress during George Bush's 12-year service as Vice President and President of this great Nation. And I am proud of all the accomplishments that the President, with Congress' help, achieved. But I would be remiss if I focused only on George Bush's 12 years at the top of our Government. His long and extensive career, leading up to that service is, perhaps, what makes up the "real" George Bush.

As a Navy veteran, Ambassador to China, Director of the Central Intelligence Agency and chairman of the National Republican Party, George Bush left his indelible mark of professionalism and skill on every assignment he undertook. Many of the successes that we are celebrating in these areas today can be attributed to George Bush's tireless work some years ago.

As for George Bush's service in the White House, I can say that I didn't always agree with every decision the President made or with his priorities. But I can tell you I slept well at night knowing George Bush was in charge. During the Persian Gulf war, I often turned on the television to find George Bush at a news conference or speaking engagement, calmly, rationally explaining the events going on so many miles away. And I knew that our country and our Nation's fighting men were in good hands and that George Bush would lead us out of this conflict in his capable and calm manner.

It is a charming reminder of the respect and admiration that men and women, from around the world, hold for George Bush when young Kuwaiti babies are named after our Commander in Chief. And I understand he received some write-in votes in a recent election there.

I have appreciated the opportunity to know George Bush in many capacities, as a fellow lawmaker, as our Commander in Chief, and as a kind, caring human being. His wife, Barbara and his five children, as well as his grandchildren all know George Bush as a loving father, husband, grandfather, and family man. The entire country is grateful to George Bush for his leadership, his dedication and his professionalism. I join my colleagues in the House in saluting President George Bush.

Mr. CRANE. Mr. Speaker it is a pleasure to have this opportunity to pay a most deserved tribute to a man who served his country so well—President George Bush.

Few can look back upon a career so devoted to his Nation and his fellow citizens as President Bush can.

He fought for his country as a young man as a naval aviator and as a senior citizen as

President of the United States. Those are the two jobs most of the Nation remembers him for.

But there were many other tasks that he performed for the United States. He served as a Member of this Chamber over two decades ago. At that time I had the pleasure to serve with him as a member of the House Banking Committee.

He gave other years of his life for his fellow citizens as this Nation's representative on the mainland of China. And he was entrusted with that most sensitive position as Director of the Central Intelligence Agency.

While almost always we knew him as one who joined us in common efforts, there was a brief period when we stood toe to toe as foes.

That was 1980, when we joined battle with others for the Republican presidential nomination. Even then, we had something in common—we both lost. Although I hasten to add that he did take home the second prize in that 1980 contest.

His 8 years of service as Vice President to President Ronald Reagan were followed, of course, by his own presidency.

What a great 12 years this Nation experienced under the team of Reagan and Bush.

And when it was his time to take over the helm, George Bush displayed the leadership ability we expected of him.

He brought a dictatorship to an end in the Western Hemisphere, and he directed the United Nations to a truly historic victory in the Eastern Hemisphere as our troops destroyed the war machine of another dictator at the loss of the fewest of casualties.

On the domestic front, he was one-half of the team of Reagan and Bush which created some 20 million jobs—an unequalled domestic victory.

The calendar did not treat him well. The Nation was emerging from an economic setback by pursuing his policies. Had the election been held a short time after its November date in 1992, the voters of this country would have seen his policies had successfully brought recovery to our economic machine, and they would have happily kept him at that famous Pennsylvania Avenue address.

He was most ably assisted throughout his distinguished career by his lovely wife, Barbara, and as I am sure he would readily concede, a man's success in life is predicated upon those qualities of loyalty and devotion that Barbara has provided him.

George Bush dedicated his life to his country. He fought well and he served well. We are a better nation for the efforts of George Bush.

Mr. REGULA. Mr. Speaker, history will record President George Bush as a leader with integrity, compassion, and vision.

Whether called upon to defend or to lead our Nation with many assignments in between, he always measured up to the task and deserved the "Well done, thou good and faithful servant . . ." as set forth in Matthew 25:21.

How different the world would be today had not George Bush, as President, been courageous and resolute in the face of challenges throughout the world.

Events in the Middle East would be far more threatening absent the strong leadership President Bush provided for a disparate group of nations to band together in squelching the ruthless ambitions of a modern-day despot.

Had Europe had the leadership with the courage and vision of George Bush in the 1930's, history would have been far different and millions of lives would have been saved.

His role as part of the Reagan-Bush team brought the wall down and changed the face of Europe and Asia for the better—a feat none of us ever dreamed could happen.

Domestically this team brought us 21 million new jobs, throttled inflation and dramatically lowered interest rates. Young people that can afford homes will be indebted to the leadership of George Bush without being aware of their debt to Bush Presidential economic policy.

On a personal note, my wife Mary and I greatly cherish the friendship of President Bush and First Lady Barbara. They are a team that all Americans can respect with pride and affection.

Mr. OXLEY. Mr. Speaker, I extend remarks today to honor President George Bush.

George Bush began his political career as one of our colleagues. This House fondly remembers him when he represented his Texas district and was a young member on the House Ways and Means Committee. Many here followed his remarkable career and stayed in close touch with George Bush during his rise in the Republican Party to the offices of Vice President and President.

I will remember him as a forthright President and a constant friend.

He visited the Fourth District of Ohio frequently, and the people of our area still hold a great affection for George Bush. I believe the first time he came to my hometown of Findlay was as a speaker for my predecessor and mentor, Jackson Betts. He spoke at the Allen County barbecue twice. He came to Findlay in 1988 during his first Presidential campaign to recognize our hometown's distinction as Flag City, U.S.A. During the 1992 campaign, he visited the Tall Timbers industrial park in Findlay, and stopped in the county once again during a whistle-stop campaign swing through the heartland of Ohio.

George Bush worked to keep taxes low, to control the Federal deficit, and to further a growing economy. He led the free world during a critical period and formulated U.S. policy immediately after the cold war. The Berlin Wall fell during George Bush's Presidency. I believe that George Bush will be treated well by history, because he deserves to be.

All of us wish George and Barbara Bush a happy, productive, and well-deserved retirement after a lifetime of service to the Nation.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay strong tribute to a great Republican and a good friend to many of us, former President George Bush.

Many of our colleagues have risen to speak on the distinguished career of George Bush. They've told the stories of his service to his country. From his Naval to his political career, George Bush has given back far more to his country through his long career in public service than anyone I know.

I am particularly honored that Mr. Bush was President when I first came to Congress in 1990. It was helpful and reassuring to have his competent leadership as I assumed my new office representing Minnesota's Third District.

At that time, the country was on the brink of war. My first vote was an affirmation of President Bush's policy toward the international outlaw Saddam Hussein.

With Mr. Bush in the Oval Office, there was never any doubt about our aims and goals in the Middle East and throughout the world.

I heartily applaud George Bush for his tireless dedication to the best interests of the United States, a quality plainly evident throughout his long and distinguished career in public service.

His public service and obvious devotion to his family are excellent examples for all of us to follow.

Mr. CLINGER. Mr. Speaker, I'm with Mary Matalin who was recently quoted as saying that there is a line one does not cross with her. She will not accept attacks on the administration of George Bush which it has become politically chic to do by both right and left wing zealots. I won't accept them, not because George Bush needs people like me or Mary Matalin to defend him but simply because his detractors—diehard reactionaries on the right and oh so politically correct liberals on the left—are smug, didactic, and just plain wrong.

George Bush was a President of intelligence, grace—particularly under pressure—and great ability. History, I am convinced, will recognize that he was a strong and principled leader who commanded the ship of state with great skill through some difficult times despite the sustained and implacable opposition of the Democratically controlled U.S. Congress.

Consider these facts: throughout the 4 years of his Presidency, George Bush never had more than 176 Republicans in the House of Representatives or 45 Republicans in the U.S. Senate. By contrast, the major accomplishments of the Reagan Presidency were achieved during the first 2 years of his first term when there were 192 Republicans in the House and a majority of Republicans in the Senate. With the Bush administration the Democrats were so desperate to regain the White House that they were unwilling to give any quarter to a Republican President. On domestic issues he was thwarted at almost every turn despite a solid series of proposals for deficit reduction, welfare reform, crime control, and others.

In international affairs, however, a politically biased Congress had less control and it was here that President Bush could and did control the agenda with remarkable results. From planting the seeds for the flowering of the peace process between Israel and the PLO to hammering out a free trade agreement in this hemisphere, his was a sure hand on the tiller.

But it was in the confrontation with the tyrant Saddam Hussein that President Bush proved his mettle as a great leader. Despite having to deal with a hostile, politically belligerent Congress and a timorous international community, George Bush, through skill, experience and force of will, fashioned an alliance that brought the tyrant to heel and established an invaluable precedent for the future. It was a magnificent achievement. All the more so because even the Congress had to grudgingly support the effort.

I am, of course, a very biased, far from objective observer of the Bush Presidency. President Bush was of enormous assistance

to me. He even campaigned for me in my district, on two occasions, together with a truly great First Lady, Barbara Bush. The point is that he did this for me but that he did it for so many of us. He was selfless with his time in helping build the Republican Party over the years.

I suppose everyone in public life gripes about his or her treatment by the media but no one has greater cause to complain than George Bush. The media's portrait of the man, is of a bumbling, humorless, somewhat effete technocrat. The reality is a self-confident, funny, loyal, effective leader to whom this country will, in time, be very grateful. I only wish the electorate had known him as well as some of us did. If they had he would still be President.

Mr. COBLE. Mr. Speaker, in 1985, some three years before he would receive the Republican nomination for President, I endorsed George Bush. This was not the most politically expedient thing for me to do at the time. BOB DOLE and Jack Kemp were both viable candidates for the nomination, and I liked and admired both men very much. In fact, BOB DOLE's mother-in-law continues to live just a stone's throw from the Sixth District of North Carolina. So, my best bet would have been to keep my powder dry and wait to see who would emerge as the front-runner. But I couldn't do that.

It is the measure of the admiration and respect I had and continue to have for George Bush that I went out on a limb and endorsed him for President. I can honestly say, to this day, it is a decision I have never regretted. No one in my lifetime was more qualified to be President than George Bush. No on the job training was needed. His eight years as Vice President, his tenure as Ambassador to China, his service in Congress, and even his war-hero military record all combined to make him supremely capable of leading our nation.

Let me cite one example of the respect and admiration George Bush engendered throughout the United States and the world. In 1985, then-Vice President Bush came to High Point, North Carolina, to attend an event for us. As we drove from the airport, we passed a teenaged boy standing along the side of the road. As the Vice President's car passed, the solitary youth came to attention and saluted Mr. Bush. He held that salute until the car had completely left his sight. Both Vice President Bush and I were deeply moved by the action of that young, patriotic American. Mr. Bush told the hundreds gathered in High Point that the vision of that young man would stay with him for a very long time. I can confirm that the respect that the teenager showed George Bush has remained with me to this day.

All Presidents wonder how history will treat them. I think George Bush can rest easy because history will properly cast his 12 years in the executive branch favorably. George Bush can rightfully lay claim to his role in the fall of communism in the former Soviet Union and to the longest sustained period of growth in the domestic economy in our nation's history. While there were stumbles and missteps along the way, George Bush can be truly proud of his dedication and commitment to America.

The last time George Bush and I were together was late in the 1992 campaign. I had the honor of riding a train through North Carolina's Piedmont with him and watching large, adoring crowds appear at every stop. Even though the election results were disappointing, I was proud that North Carolina was in the Bush column again in 1992. I will always remember the time we spent together on that train. I have spoken to him on the phone since then, but that is the last face-to-face meeting we had.

It would be impossible to recognize and salute the public career of George Bush without mentioning Barbara Bush. I like to refer to Mrs. Bush as America's Grandma. I say this not to note her age, but to show the deep affection bestowed upon her by Americans of all walks of life. Once you met Barbara Bush, you felt an instant rapport with her, as if you had known her all of your life. Mrs. Bush was a partner—in the best sense of that word—in everything her husband accomplished. I dare say that George Bush would not have been as great a President as he was without the strong support of Barbara Bush.

As George Bush begins his new life as a private citizen, I hope he will continue to share his wisdom and experience with our future leaders. He has every right to spend his retirement years relaxing with his family and friends, but for the good of our country, I hope George Bush will continue offering his skills and talents in some form of public service. For all that he has done, America owes George Bush a debt of eternal gratitude.

Mr. WELDON. Mr. Speaker, I rise today to pay special tribute to the 41st President of the United States, George Bush.

I first met George Bush when he was Vice President and I was the executive of a large county government in Pennsylvania. Mr. Bush developed strong ties with our region and returned to Delaware County several times, earning the admiration and respect of our residents.

George Bush achieved the most powerful position in the world, yet he remained unchanged as a person. When I was elected to Congress, I recognized him as the same, decent, honorable man that I met years ago in Delaware County—an experienced, steady leader with the confidence and skill to unite the Nation and lead it through challenging times. He is a great American patriot, whose love of country led him to the White House. Despite his greatness and achievements, we still know him as the humble and unpretentious man who, to a fault, balked at self-promotion.

George Bush was born into privilege but throughout his life he took every opportunity to give back to society. He served heroically during World War II, and after going out on his own in the business world, came back to a life of service in the Government. First in Congress, then at the United Nations and the Central Intelligence Agency, then as Ronald Reagan's second in command, he always put America first. He was equally at home among the company of world leaders and our troops in the field. I am sure that all individuals who met President Bush would use the same words to describe him—genuine, loyal, and compassionate. An avid sports fan and outdoorsman, he embodied the American frontier spirit.

Long before it was an issue at the Federal level, President Bush took a keen interest in fire awareness and more important, the significant contributions of our Nation's firefighters. It was his appearance at the first annual dinner recognizing the fire and emergency service providers that put life safety issues on the front burner in Congress. As the original Chairman of the Congressional Fire and Emergency Services Caucus, I will long be indebted to the President for his initiative, and for coming to Delaware County to sign the Firefighters' Bill of Rights into law. This sentiment is shared by firefighters all across America, who knew that they had a friend in the White House.

My respect for this great world leader grew each day I served under him. Even in the rough and tumble of a campaign, I was surprised by the tenacity of the press in tearing down the reputation of this outstanding man. It is still hard for me to understand the media's distortion of President Bush's image and record.

Now, we face another crisis involving American troops across the world. The stark contrast between the handling of this crisis and that which we faced in the Gulf cannot be missed. But the Nation can only reminisce. Perhaps the press will now recognize George Bush for the truly great leader he was and give him his due place in history. With any luck, his successor will take notes.

Mr. SMITH of Texas. Mr. Speaker, I am delighted and honored to have this opportunity to recognize the great contributions that George Bush has made to his country. There is neither the time nor the eloquence available here, to do this as well as it should be done. I will nonetheless try, because I know him as a fellow-Texan, as a fellow-Republican, as a President, and most important to me, as a friend.

He has accomplished so much in his life, any one of which would have formed an entire career for most of us. His service to his country has literally extended throughout his entire adult life. It began when he enlisted in the Army Air Corps. He became the Nation's youngest fighter pilot and a hero.

After the war, he moved to Texas—a highpoint in any life. He was successful in the oil industry. He ran for Congress and won. He was Ambassador to the United Nations. He was Director of the Central Intelligence Agency. He was half of one of the most successful administrations in this Republic's history, as Vice President for Ronald Reagan.

He ran and won his own term as President. As large as his accomplishments as President seem now, they will loom even larger as time goes on: through his direct efforts the most pervasively oppressive political system in the world's history collapsed. He stopped and then defeated a brutal tyrant in the world's most volatile region. He set the stage for an unprecedented flowering of peace between Arab and Jew and unfettered trade between nations.

While he accomplished this and more, he remained an exemplar of personal integrity and of unassuming dignity and decency. Mr. Speaker and my colleagues, it has been an honor to have known George Bush as both President and friend.

Mr. SOLOMON. Mr. Speaker, our great Nation is now a better place today because

George Herbert Walker Bush served it so well and so long.

His distinguished career started when he became the youngest Naval pilot in World War II. Surviving a crash into the Pacific Ocean, he went on to become a Congressman, Director of the CIA, Ambassador to the United Nations, twice Vice President of the United States and then the 41st President of our Nation. No man was better prepared to assume that highest position than George Bush. No man gave more of his life and talent to his country than George Bush.

Despite his enormous contributions to our Government I believe I will remember George Bush mostly for the quality and the integrity of the man. He is a wonderful, loving family man. When you meet him, no matter how many times, you are always left with an impression of his great personal warmth. He is down to earth. You feel you have known him all your life. He is honest and straightforward and has lived an exemplary life.

Since his departure from the White House I have missed him very much, but more importantly, I think the United States and the world community of nations have also missed him dearly.

Thank you, Mr. President. We will never forget you.

Ms. ROS-LEHTINEN. Mr. Speaker, it can be said that George Bush lived the values of America more eloquently than anyone could have spoken them. His life reflects both love of country and love of family.

A half century ago, this country was embroiled in the Second World War and a young George Bush volunteered for the demanding and dangerous job of a naval aviator. George Bush went into combat as the youngest commissioned Navy pilot of that war. As a torpedo bomber pilot, his job was to hold a steady course through withering fire in 58 combat missions, an ability he displayed all the rest of his career.

In 1945, he married Barbara Pierce and, after the war, made the decision to strike out for the oil industry in Texas. With Barbara at his side, he created a successful business and, more importantly, raised a wonderful family.

After providing security for his family, George Bush once again devoted himself to the service of his country. His service in the Congress and the Executive branch showed the same calm steady resolve that marked his military service.

As Director of Central Intelligence, he steadied a damaged organization and restored the Agency's effectiveness. George Bush set into motion a review by outside experts of the Agency's evaluation of the Soviet Union. His "Team B" review of the available intelligence on the Soviet Union will be seen by historians as laying the foundation for the restoration of the military power of the United States and for our ultimate victory in the cold war.

Over the years, as Vice-President and as President, George Bush was a frequent visitor to my congressional district—to see his grandchildren—I had the chance to see the other George Bush, a devoted father and grandfather—and to talk to south Floridians about the issues of crime, foreign affairs and the future for the coming generations.

To see George Bush with his grandchildren is to see the guiding star of his career. His love of country is an extension of his love of family. His career was focused on a better America at home and a strong America abroad. The legacy he has given to his grandchildren, and to all our children, is a world in which the nuclear nightmare has receded and the idea of communism lies on the ash heap of history. His has been a job well done and he deserves the thanks and affection of his country.

Ms. DUNN. Mr. Speaker, it has long been a goal of the United States of America to pursue the goals of peace and global freedom. Perhaps no one has understood that pursuit better than the President responsible for leading us into the post-cold-war era, George Herbert Walker Bush.

The nations of this world owe a debt to our former President for his role in making the world safe for democracy. President Bush is a man of judgment, and a man of character. He provided bold leadership by taking a stand against a totalitarian regime in Iraq, and displayed his understanding of our Nation's humanitarian responsibilities when he sent troops to Somalia to ensure that the hungry could be fed. As one of a myriad of his admirers, let me add that it was an honor to serve under President Bush as the chairman of all State Republican Party Chairmen, and by his request, as a delegate to the U.N. Conference on the Status of Women held in Vienna, Austria.

Our Nation, as it carries out its responsibilities as the world's leader in democracy and in peace, is right to honor George Bush for the legacy of freedom he has left behind.

Mr. SCHIFF. Mr. Speaker, I rise today to honor a great American who has given his adult life to serving our country, former President George Bush.

When recalling the living history that George Bush embodies, we are imbued with fond memories. Remember the fearless young Navy aviator who was shot down during WW II, the brazen young entrepreneur who moved his family from the east coast to Texas. Then there was George Bush the Congressman, the National Republican Party chairman, the Director of the CIA, the Ambassador to both the People's Republic of China and the United Nations, and ultimately Vice President of the United States and Commander in Chief George Bush.

George Bush served in all of these capacities with great distinction, each at a very difficult time in American history. What made him successful in each of his endeavors is his outstanding dedication and character. The character demanded of one who must lead and make the tough choices that have faced our country over the years.

As President, it was this character coupled with his respect for his fellow man that made the world unite to face an aggressor in the Middle East. During this crisis, leaders of other countries, like the citizens of ours, felt secure in knowing that George Bush's friendship and pledges were not just rhetoric. The alliance stood because of this man's character and courage, and because he was held in the highest respect by the world community.

The recent signing of the peace accord between Israel and the Palestine Liberation Organization was a direct result of George Bush's strong leadership in the Middle East. The dismantling of the Berlin Wall, the fall of the Soviet Union and spread of democracy around the world were but a few of the many events that occurred during his distinguished career of service.

George Bush still conducts himself as a gentleman. He does not boast of his accomplishments, rather allowing Americans to benefit as a whole. He is the epitome of a statesman.

President Bush—I want to thank you and Mrs. Bush for all that you have done for our Nation. I know that as time goes on, history is going to record the actions of George Herbert Walker Bush, and all of his service to this country, as remarkable.

Mr. QUINN. Mr. Speaker, I rise to pay a special tribute to our country's 41st President, George Herbert Walker Bush.

I wanted to take a few minutes to express my appreciation for all that President and Mrs. Bush did for our great Nation. It is an honor and a privilege for me to know, in a small way, such accomplished public servants.

I was fortunate to have a very memorable experience on inauguration day 1993, amid all the ceremonies and festivities that occurred. I had the opportunity to witness the actual transfer of power when President Bush left the Capitol and spoke his last words as President. I believe it was a very emotional moment for everyone present. From that experience, I know how great a debt of gratitude and thanks all Americans owe George and Barbara Bush for their service to our country as the President and First Lady. They served our country well and with dedication and distinction.

George Bush is truly a great leader, a great leader who brought to the Presidency outstanding credentials from his days as Director of Central Intelligence, Ambassador to China, and Vice President. It was this experience and these leadership traits which enabled George Bush to assemble an international coalition to liberate Kuwait. George Bush's understanding of the complex and changing world around him are unparalleled. I commend President Bush for his courage and thank him for his dedication to our country. Thank you, Mr. Speaker.

Ms. SNOWE. Mr. Speaker, it is my sincere pleasure to have this opportunity to pay a special tribute to a man who served his country and our allies with honor and distinction as a U.S. Congressman in the 1960's, as an Ambassador in the 1970's, and as Vice President and President in the 1980's and 1990's—George Herbert Walker Bush.

His patriotism and love for his country are reflected not only in his dedication to public service, but in his love for his wonderful family, and in his military service to his country in World War II and as Commander in Chief.

George Bush's commitment to public service, his integrity, his honesty to the American people, his leadership, and his loyalty will forever be an inspiration to me, many of my colleagues in Congress and the American people.

Mr. Speaker, I remember fondly when George and Barbara Bush and the Bush family traveled back home to Maine and brought joy to the State of Maine. George Bush always

brought a new vitality and vigor back to Maine for the summer—and usually sent the fish scrambling for cover upon his arrival. The Bush family summer vacation continues to be a famous and much celebrated tradition in Maine, and I look forward to many more summers of the Bush family summer vacation in Kennebunkport. George and Barbara Bush personify in so many ways our American traditions and values.

So, on this day in Washington, we celebrate a great American patriot, George Bush. We salute the Bush family, and we salute George Bush's many contributions to public service over the past 40 years, both at home and abroad. George and Barbara have on many occasions opened their hearts, opened their home, and brought joy to many Mainers, many Americans across the Nation, and to all those who have met the Bushes at the White House as well. George Bush's overall dedication to Maine and the Nation is a tribute to the kind of American and the kind of leader he is.

During these difficult and uncertain times in Russia, Bosnia and Somalia, we continue to remember George Bush's steadfastness, his steady hand guiding the affairs of state, his reassuring leadership in times of crisis. Whether it was Panama, the Persian Gulf, the coup in Moscow, or our efforts to unite Europe and sow the seeds of peace and freedom, we Americans and those of us in Congress knew we could rely on his steady and experienced judgment to guide us through the storm. On the domestic front, he worked to keep taxes low, build consensus and work with all members of Congress, and recognize the disabled and the efforts of millions of Americans who gave their time and love in the name of volunteerism.

Mr. President, we miss your presence more than you can imagine, but future generations will celebrate the freedoms you helped to secure. And these freedoms and liberties are the best, most everlasting legacies a leader can leave behind. We will never forget George Bush—an American patriot, a visionary leader, a caring family man, and a true friend to Maine.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1993

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of spending and revenues for fiscal year 1993.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 28, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of spending and revenues for FY 1993.

The term "current level" refers to the amounts of spending and revenues estimated for the fiscal year based on laws enacted as of September 21, 1993.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 287 (102d Congress), the concurrent resolution on the budget for fiscal year 1993. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's overall limits.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 287. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discretionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The 602(a) allocations for FY 1993 were printed in House Report No. 102-529.

The third table compares the current levels of discretionary appropriations for FY 1993 with the "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The current 602(b) suballocations for FY 1993 were filed by the House Appropriations Committee on May 13, 1993 (H. Rept. 103-90).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1993 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 287

REFLECTING COMPLETED ACTION AS OF SEPT. 21, 1993

[On-budget amounts, in millions of dollars]

	Fiscal year 1993	Fiscal years 1993–97
Appropriate level (as set by H. Con. Res. 287):		
Budget authority	1,246,400	6,669,200
Outlays	1,238,700	6,472,700
Revenues	845,300	4,812,900
Current level:		
Budget authority	1,248,361	(1)
Outlays	1,242,935	(1)
Revenues	849,333	4,807,168
Current level over(+)/under(−) appropriate level:		
Budget authority	+1,961	(1)
Outlays	+4,235	(1)
Revenues	+4,033	−5,732

[1] Not applicable because annual appropriations acts for fiscal years 1995 through 1997 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing any new budget authority for Fiscal Year 1993 (if not already included in the current level estimate) would cause Fiscal Year 1993 budget authority to exceed the appropriate level set forth by H. Con. Res. 287.

OUTLAYS

Enactment of any measure providing new budget or entitlement authority with any Fiscal Year 1993 outlay effects (if not already included in the current level estimate) would cause Fiscal Year 1993 outlays to exceed the appropriate level set by H. Con. Res. 287.

REVENUES

Enactment of measures producing a revenue loss of more than $4.033 billion in Fiscal Year 1993 (if not already included in the current level estimate) would cause Fiscal Year 1993 revenues to fall below the appropriate level set by H. Con. Res. 287.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House Committee:						
Agriculture:						
Allocation	0	0	0	13,656	12,806	15,190
Current level	1	1	0	3	3	0
Difference	1	1	0	−13,653	−12,803	−15,190
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	26	−41	26	313	−330	311

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	26	−41	26	313	−330	311
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−60	−59	0	−118	−45	0
Difference	−60	−59	0	−118	−45	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	1,472	0	0	21,564
Current level	−128	−148	1,347	−132	−177	21,384
Difference	−128	−148	−125	−132	−177	−180
Energy and commerce:						
Allocation	35	35	0	187	187	0
Current level	−166	−166	−25	−601	−601	−51
Difference	−201	−201	−25	−788	−788	−51
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−8	−8	0	−20	−20	0
Difference	−8	−8	0	−20	−20	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	−8	37	−8	−20	−20	−20
Difference	−8	37	−8	−20	−20	−20
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Interior and Insular Affairs:						
Allocation	0	0	0	0	0	0
Current level	−38	−38	0	2	2	0
Difference	−38	−38	0	2	2	0
Judiciary:						
Allocation:	251	251	251	251	139	251
Current level:	210	210	260	244	244	300
Difference:	−41	−41	9	−7	105	49
Merchant Marine and Fisheries:						
Allocation:	0	0	0	0	0	0
Current level:	4	4	0	−366	−366	0
Difference:	4	4	0	−366	−366	0
Post Office and Civil Service:						
Allocation:	0	0	0	0	0	0
Current level:	0	0	0	0	0	0
Difference:	0	0	0	0	0	0
Public Works and Transportation:						
Allocation:	2,000	22	0	10,596	22	0
Current level:	2,050	28	0	2,050	−44	0
Difference:	50	6	0	−8,546	−66	0
Science, Space, and Technology:						
Allocation:	0	0	0	0	0	0
Current level:	0	0	0	0	0	0
Difference:	0	0	0	0	0	0
Small Business:						
Allocation:	0	0	0	0	0	0
Current level:	−12	−12	0	−12	−12	0
Difference:	−12	−12	0	−12	−12	0
Veterans' Affairs:						
Allocation:	0	0	339	0	0	6,566
Current level:	170	170	341	−76	−76	2,239
Difference:	170	170	2	−76	−76	−4,327
Ways and Means:						
Allocation:	0	0	0	352	352	1,213
Current level:	3,590	3,590	3,475	5,719	5,719	5,564
Difference:	3,590	3,590	3,475	5,367	5,367	4,351
Permanent Select Committee on Intelligence:						
Allocation:	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Current level:	1	1	1	14	14	14
Difference:	1	1	1	14	14	14

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1993—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In million of dollars]

	Revised 602(b) suballocations		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, rural development	13,874	13,413	13,876	13,314	2	−99
Commerce, State, Judiciary	22,865	21,972	22,451	22,052	−414	80
Defense	255,677	267,021	253,944	265,874	−1,733	−1,147
District of Columbia	688	698	688	698	0	0
Energy and water development	22,080	21,409	22,080	21,409	0	0
Foreign Operations	14,701	13,301	14,071	13,300	−630	−1
Interior	12,934	12,617	12,516	12,622	−418	5
Labor, Health and Human Services and Education	62,309	62393	62,389	62,358	80	−35
Legislative	2,328	2,274	2,275	2,275	−53	1
Military construction	8,397	9,370	8,396	9,365	−1	−5
Transportation	12,815	33,555	12,606	33,555	−209	0
Treasury-Postal Service	11,288	12,008	11,248	11,986	−40	−22
VA–HUD–Independent agencies	66,172	65,309	66,021	65,298	−151	−11
Grand total	506,128	535,340	502,561	534,106	−3,567	−1,234

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1993.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1993 in comparison with the appropriate levels for those items contained in the 1993 Concurrent Resolution on the Budget (H. Con. Res. 287). This report is tabulated as of close of business September 21, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 287)	Current level +/− resolution
Budget authority	1,248,361	1,246,400	+1,961
Outlays	1,242,935	1,238,700	+4,235
Revenues:			
1993	849,333	845,300	+4,033
1993–97	4,807,168	4,812,900	−5,732

Since my last report, dated July 14, 1993, Congress approved and the President signed an act to transfer naval vessels to foreign countries (P.L. 103–54) and the small Business Guaranteed Credit Enhancement Act (P.L. 103–81). These actions changed the current level of budget authority and outlays. In addition, Congress approved and the President signed the Emergency Supplemental for Flood Assistance (P.L. 103–75). Funds made available in this bill are designated emergencies and have no effect on the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPT. 21, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,333
Permanents and other spending legislation	764,101	737,205	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,638	1,240,625	849,333
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	
Unclaimed Deposits Amendments Act (Public Law 103–44)		1	
1993 Spring Supplemental (Public Law 103–50)	1,003	1,199	
Transfer naval vessels to foreign countries (Public Law 103–54)	(8)	(8)	
Small Business Guaranteed Credit Enhancement Act (Public Law 103–81)	(12)	(12)	
Total enacted this session	984	1,181	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [1]	(8,261)	1,130	
Total current level [2]	1,248,361	1,242,935	849,333
Total budget resolution	1,246,400	1,238,700	845,300
Amount remaining:			
Under budget resolution			
Over budget resolution	1,961	4,235	4,033

[1] Includes changes to the baseline estimate for appropriated mandatories due to the following legislation: Technical Correction to the Food Stamp Act (Public Law 102–265); Higher education amendments (Public Law 103–325); prevent annual food stamp price adjustment (Public Law 102–351); Veterans' Compensation COLA Act (Public Law 102–510); preventive health amendments (Public Law 102–531); Veterans' Benefits Act (Public Law 102–568); Veterans' radiation exposure amendments (Public Law 102–578); and, Veterans' Health Care Act (Public Law 102–585).

[2] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	1,059	5,873
102–381	218	13
103–6	3,322	3,322
103–50		(30)
103–75	4,190	141
Total	8,790	10,444

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1994–98

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of spending and revenues for fiscal year 1994 and for the 5-year period fiscal year 1994 through fiscal year 1998.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of spending and revenues for FY 1994 and for the five-year period FY 1994 through FY 1998.

The term "current level" refers to the amount of spending and revenues estimated for each fiscal year based on laws enacted as of September 21, 1993.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of

order against measures that would breach the budget resolution's overall limits. The table does not show budget authority and outlays for years after FY 1994 because appropriations for those years will not be considered until future sessions of Congress.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 64 for FY 1994 and for FY 1994 through FY 1998. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discretionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The 602(a) allocations were printed in the Congressional Record for March 31, 1993 on pages H 1784–87.

The third table compares the current levels of discretionary appropriations for FY 1994 with the "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The 602(b) suballocations were filed by the Appropriations Committee on May 27, 1993 (H. Rept. 103–113).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64

REFLECTING ACTION COMPLETED AS OF SEPT. 21, 1993

[On-budget amounts, in millions of dollars]

	Fiscal year 1994	Fiscal years 1994–98
Appropriate level (as set by H. Con. Res. 64):		
Budget authority	1,223,400	6,744,900
Outlays	1,218,300	6,629,300
Revenues	905,500	5,153,400
Current level:		
Budget authority	725,906	[1]
Outlays	917,099	[1]
Revenues	905,588	5,106,150
Current level over(+)/under(−) appropriate level:		
Budget authority	−497,494	NA
Outlays	−301,201	NA
Revenues	+88	−47,250

[1] Not applicable because annual appropriations acts for fiscal years 1995 through 1998 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $497.494 billion in new budget authority for Fiscal Year 1994 (if not already included in the current level estimate) would cause Fiscal Year 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority with Fiscal Year 1994 outlay effects of more than $301.201 billion (if not already included in the current level estimate) would cause Fiscal Year 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of measures producing a revenue loss of more than $88 million in Fiscal Year 1994 (if not already included in the current level estimate) would cause Fiscal Year 1994 revenues to fall below the appropriate level set by H. Con. Res. 64.

Enactment of any measure producing any net revenue loss for the period Fiscal Year 1994 through Fiscal Year 1998 (if not already included in the current level estimate) would cause revenues for that period to fall below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Allocation	−65	−66	−60	−2725	−2727	888
Current level	−99	−106	−402	−1880	−1906	−3054
Difference	−34	−40	−342	845	821	−3942
Armed Services:						
Allocation	−128	−128	−128	−2365	−2357	−2357
Current level	−176	−176	−180	−2310	−2310	−2357
Difference	−48	−48	−52	55	47	0
Banking, Finance and Urban Affairs:						
Allocation	0	−338	0	0	−2792	0
Current level	0	−498	0	0	−2831	0
Difference	0	−160	0	0	−39	0
Distric of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	118	0	0	−4048
Current level	−150	−158	−795	−150	−150	−5180
Difference	−150	−158	−913	−150	−150	−1132
Energy and Commerce:						
Allocation	0	−1700	−180	−1169	−8369	−7798
Current level	2	−2398	42	−1159	−11359	−7059
Difference	2	−698	222	10	−2990	739
Foreign Affairs:						
Allocation	0	0	0	−5	−5	−5
Current level	−6	−6	−3	−75	−75	−60
Difference	−6	−6	−3	−70	−70	−55
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	1	1	0	8	8	0
Difference	1	1	0	8	8	0
Judiciary:						
Allocation	0	0	0	0	−472	0
Current level	0	0	0	0	−345	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	0	0	0	0	127	0
Marchant Marine and Fisheries:						
Allocation	0	0	0	−205	−205	−4
Current level	0	0	0	−205	−205	0
Difference	0	0	0	0	0	4
Natural Resources:						
Allocation	−117	−112	0	−709	−693	0
Current level	−74	−78	0	−478	−481	0
Difference	43	34	0	231	212	0
Post Office and Civil Service:						
Allocation	−66	−66	−77	−10199	−10547	−9597
Current level	−266	−266	−266	−10258	−10606	−9451
Difference	−200	−200	−189	−59	−59	146
Public Works and Transportation:						
Allocation	2092	−13	0	37458	−85	0
Current level	−13	−13	0	−85	−85	0
Difference	−2105	0	0	−37543	0	0
Science, Space, and Technology						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−11	−11	70	−1356	−1352	3447
Current level	−11	−11	−233	−1356	−1352	−1880
Difference	0	0	−303	0	0	−5327
Ways and Means:						
Allocation	−2876	−2054	−2036	−29669	−24422	−12596
Current level	−2134	−1742	−755	−41279	−38945	−35917
Difference	742	312	1281	−11610	−14523	−23321
Permanent Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	7	7	7	15	15	15
Difference	7	7	7	15	15	15

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Filed 602(b) suballocations—May 27, 1993		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,629	14,340	0	3,577	−14,629	−10,763
Commerce, State, Judiciary	22,969	23,156	20	6,369	−22,949	−16,787
Defense	240,746	255,615	10	94,206	−240,736	−161,409
District of Columbia	700	698	0	0	−700	−698
Energy and Water Development	22,017	21,702	0	8,775	−22,017	−12,927
Foreign Operations	13,783	13,918	0	8,302	−13,783	−5,616
Interior	13,736	13,731	400	4,957	−13,336	−8,774
Labor, Health and Human Services, and Education	66,983	68,290	1,716	38,062	−65,267	−30,228
Legislative	2,300	2,289	2,270	2,267	−30	−22
Military Construction	10,337	8,784	0	6,380	−10,337	−2,404
Transportation	13,134	34,739	0	22,784	−13,134	−11,955
Treasury–Postal Service	11,319	11,522	0	2,740	−11,319	−8,782
VA–HUD–Independent Agencies	68,311	69,973	720	40,472	−67,591	−29,501
Grand total	500,946	538,757	5,136	238,891	−495,828	−299,866

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1993.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through September 21, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	725,906	1,223,400	−497,494
Outlays	917,099	1,218,300	−301,201
Revenues:			
1994	905,588	905,500	+88
1994–98	5,106,150	5,153,400	−47,250

Since my last report, dated July 14, 1993, Congress approved and the President signed an act to transfer naval vessels to foreign

countries (P.L. 103-54), the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66), an act extending chapter 12 of the bankruptcy code (P.L. 103-65), and the 1994 Legislative Branch appropriations bill (P.L. 103-69). Congress has also approved the National Service Trust Act (H.R. 2010). These actions changed the current level of budget authority, outlays, and revenues. In addition, Congress approved and the President signed the Emergency Supplemental for Flood Assistance (P.L. 103-75). Funds made available in this bill are designated emergencies and have no effect on the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER.

PARLIAMENTARIAN STATUS REPORT 103D CONG. 1ST SESS. HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS SEPT. 21, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			878,100
Permanents and other spending legislation	740,893	699,501	
Appropriation legislation		241,770	
Offsetting receipts	(183,477)	(183,477)	
Total previously enacted	557,415	757,794	878,100
Enacted this session—Appropriation legislation			
1993 Spring Supplemental (Public Law 103-50)	10	(292)	
Legislative Branch (Public Law 103-69)	2,270	2,063	
Authorizing Legislation			
Authorize Construction of World War II Memorial (Public Law 103-32)	1	1	
CIA Voluntary Separation Incentive Act (Public Law 103-36)	7	7	
Unclaimed Deposit Amendments Act (Public Law 103-44)		17	
Transfer Naval Vessels to Foreign Countries (Public Law 103-54)	(3)	(3)	
Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) [1]	(2,944)	(5,478)	27,489
Extending Chapter 12 of Bankruptcy Code (Public Law 103-65)			(1)
Total enacted this session	(659)	(3,685)	27,488
Pending Signature			
National Service Trust Act (H.R. 2010)	20	12	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	169,130	162,978	
Total current level [3 4]	725,906	917,099	905,588
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	497,494	301,201	
Over budget resolution			88

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to the baseline estimate for appropriated mandatories due to enactment of Public Law 103-66.

[3] In accordance with the budget Enforcement Act, the total does not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Laws		
102-368		100
103-6	2,340	2,340
103-50	12	7
103-75	900	3,214
Total	3,252	5,661

[4] At the request of Committee staff, current level does not include scoring of section 601 of Public Law 102-391.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

CONFERENCE REPORT ON H.R. 2295

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-267)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) "making appropriations for the Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 6, 8, 9, 10, 11, 16, 19, 22, 23, 26, 27, 28, 30, 44, 48, 59, 60, 62, 65, 70, 72, 78, 80, 81, 84, 86, 88, 95, 103, 107, 108, 109, 110, 113, 114, 116, 117, 118, 119, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 12, 13, 14, 18, 20, 21, 31, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 64, 66, 69, 71, 74, 75, 76, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That one quarter of such funds may be obligated only after April 1, 1994: Provided further, That one quarter of such funds may be obligated only after September 1, 1994: Provided further, That no more than 21 days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1993, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That such funds shall be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility implementing agencies have: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; and (2) have developed or are in the process of developing clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects and associated projects of the Facility implementing agencies: Provided further, That in the event the Secretary of the Treasury has not made such determinations by September 30, 1994, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That the Secretary of the Treasury shall instruct the United States Executive Director to each of the international financial institutions (IFIs) to use the voice and vote of the United States to urge that each of the IFIs establish an independent entity appointed by and reporting to the executive board, with the authority and functions of an inspector general; Provided further, That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the process being made towards establishing such entities: Provided further, That the Secretary of the Treasury shall consult and work with appropriate international fora to establish and independent commission to review the operations and management structure of the IFIs: Provided further, That the commission, which should be funded from the budgets of the IFIs, would be comprised of members of various nationalities who are familiar with the management and operations of the IFIs: Provided further, That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the progress being made towards establishing the commission*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 516 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1994*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agreed to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $40,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1994, and that no later than February 15, 1994, the Secretary of State*

shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1994: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1994 above $10,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1994: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "$2,000,000" named in said amendment, insert: *$1,000,000*, and

In lieu of $50,000,000" named in said amendment, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$501,760,000: Provided, That none of the funds appropriated by title II of this Act may be obligated after March 31, 1994 unless the Administration has acted to implement those recommendations of the Report of the National Performance Review which can be accomplished without legislation and has submitted the necessary package of proposed legislation to accomplish the following remaining recommendations:*

(1) reform of foreign assistance programs and rewriting of the Foreign Assistance Act of 1961,

(2) reform of the personnel systems of the Agency for International Development aimed at integrating the multiple personnel systems and reviewing benefits under each system,

(3) lifting of some current Agency personnel restrictions and giving managers authority to manage staff resources more efficiently and effectively,

(4) reengineering of project and program management processes to emphasize innovation, flexibility, beneficiary participation, pilot and experimental programs, incentive systems linked to project and program performance, processes for continuing critical review and evaluation, and improved coordination systems with other donors, and

(5) a planned reduction of a specific number of Agency missions during the next three years, of which at least twelve shall be terminated during the first year.

For additional expenses only to carry out the provisions of section 667 related to termination or phasing down of overseas missions of the Agency of International Development and related to improving the information and financial management systems and customer service of the Agency for International Development as recommended by the Report of the National Performance Review, $3,000,000 to remain available until expended: Provided, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, shall not be transferred or utilized for any other purpose, and shall be in addition to amounts otherwise available for such purposes; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions, and promote peace and cooperation between the two communities on Cyprus*; and the Senate agree to the same

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of "$19,600,000," insert: *up to $19,600,000*, ; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$390,000,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,149,279,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

After the words "necessary appropriations" in said amendment, insert: *: Provided further, That pursuant to the tenth replenishment of the resources of the International Development Association, $2,500,000,000 is authorized, to be appropriated*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *and up to $20,000,000 may be made available for stockpiles in Thailand*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

RESCISSIONS

SEC. 545. (a). Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $203,000,000 are rescinded.

(b) Of the unexpended balances of funds (including earmarked funds) appropriated for fiscal year 1993 and prior fiscal years to carry out the provisions of sections of sections 103 through 106 of the Foreign Assistance Act of 1961, $5,100,000 are rescinded.

And the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "$10,000,000" named in said amendment, insert: *$6,000,000*, and

In lieu of "$5,000,000" named in said amendment, insert: *$3,000,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

EXCESS DEFENSE ARTICLES

SEC. 555. The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

And the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 557." named in said amendment, insert: *SEC. 556.* ; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 560." named in said amendment, insert: *SEC. 557.* ; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 561." named in said amendment, insert: *SEC. 558.*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 563." named in said amendment, insert: *SEC. 559.*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 560. (a) Funds appropriated by this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", and funds appropriated by the Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993, should be allocated for economic assistance and for related programs as follows:

(1) $893,820,000 for the purpose of private sector development, including through the support of bilateral and multilateral enterprise funds, technical assistance and training, agribusiness programs and agricultural credit, financing and technical assistance for small and medium private enterprises, and privatization efforts.

(2) $125,000,000 for the purpose of a special privatization and restructuring fund: Provided, That the United States' contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries.

(3) $185,000,000 for the purpose of enhancing trade with and investment in the New Independent States of the former Soviet Union, including through energy and environment commodity import assistance, costs of loans and loan guarantees and the provision of trade and investment technical assistance.

(4) $295,000,000 for the purpose of enhancing democratic initiatives, including through the support of a comprehensive program of exchanges and training, assistance designed to foster the rule of law, and encouragement of independent media.

(5) $190,000,000 for the purpose of supporting troop withdrawal, including through the support of an officer resettlement program, and technical assistance for the housing sector.

(6) $285,000,000 for the purpose of supporting the energy and environment sectors, including such programs as nuclear reactor safety, and technical assistance to foster the efficiency and privatization of the energy sector and making that sector more environmentally responsible.

(7) $239,000,000 for humanitarian assistance purposes, including to provide vaccines and medicines for vulnerable populations, to assist in the establishment of a sustainable pharmaceutical industry, to provide food assistance, and to meet other urgent humanitarian needs.

(b) With respect to funds allocated under subsection (a) of this section, notifications provided under section 515 of this Act shall reflect the categories listed in subsection (a): Provided, That the Committees on Appropriations shall be consulted with respect to the submission of notifications which would cause any category to exceed the allocation reflected in subsection (a).

(c) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the New Independent States.

(d) Of the funds appropriated by this or any other Act, not less than $300,000,000 should be made available for Ukraine.

(e) None of the funds appropriated by this Act shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(f) Funds may be furnished without regard to subsection (e) if the President determines that to do so is in the national interest.

And the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(g) None of the funds appropriated by this Act shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refuge relief: Provided further, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: Provided further, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.

(h) None of the funds appropriated by this Act for the New Independent States of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs conducted under subsection (a)(5) of this section.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 566." named in said amendment, insert: *SEC. 561.*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 567." named in said amendment, insert: *SEC. 562.*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 568." named in said amendment, insert: *SEC. 563.*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 569." named in said amendment, insert: *SEC. 564.*, and

In lieu of "$50,000,000 shall" named in said amendment, insert: *up to $50,000,000 should*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

HUMANITARIAN ASSISTANCE FOR ARMENIA

SEC. 565. Of the funds appropriated by titles II and VI of this Act (1) to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and (2) under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $18,000,000 should be made available for urgent humanitarian assistance for Armenia.; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 572." named in said amendment, insert: *SEC. 566.*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 573." named in said amendment, insert: *SEC. 567.*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 574." named in said amendment, insert: *SEC. 568.*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 575." named in said amendment, insert: *SEC. 569.*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570. (a)(1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(B) credits extended or guarantees issued under the Arms Export Control Act.

(2) LIMITATIONS.—

(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements,

commonly referred to as "Paris Club Agreed Minutes".

(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(3) CONDITIONS.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

(A) does not have an excessive level of military expenditures;

(B) has not repeatedly provided support for acts of international terrorism;

(C) is not failing to cooperate on international narcotics control matters; and

(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(4) AVAILABILITY OF FUNDS.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(5) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(b) SPECIAL DEBT RELIEF FOR THE POOREST, MOST HEAVILY INDEBTED COUNTRIES.—The Export-Import Bank Act of 1945 (12 U.S.C. 635–635i-3) is amended by adding at the end the following:

"SEC. 11. SPECIAL DEBT RELIEF FOR THE POOREST, MOST HEAVILY INDEBTED COUNTRIES.

"(a) DEBT REDUCTION AUTHORITY.—The President may reduce amounts of principle and interest owed by any eligible country to the Bank as a result of loans or guarantees made under this Act.

"(b) LIMITATIONS.—

"(1) TYPES OF DEBT REDUCTION.—The authority provided by subsection (a) may be exercised only to implement multilateral agreements to reduce the burden of official bilateral debt as set forth in the minutes of the so-called 'Paris Club' (also known as 'Paris Club Agreed Minutes').

"(2) ELIGIBLE COUNTRIES.—

"(A) DEFINITION.—As used in subsection (a), the term "eligible country" means any country that—

"(i) has excessively burdensome external debt;

"(ii) is eligible to borrow from the International Development Association; and

"(iii) is not eligible to borrow from the International Bank for Reconstruction and Development.

"(B) DETERMINATIONS.—Subject to subparagraph (A), the President may determine whether a country is an eligible country for purposes of subsection (a).

"(c) CONDITIONS.—The authority provided by this section may be exercised only with respect to a country whose government—

"(1) does not have an excessive level of military expenditures;

"(2) has not repeatedly provided support for acts of international terrorism;

"(3) is not failing to cooperate on international narcotics control matters; and

"(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(d) APPROPRIATIONS.—The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance in appropriations Acts.".

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should seriously consider requesting debt reduction funds sufficient to provide debt reduction to eligible countries in accordance with the so-called "Trinidad Terms".

And the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 577." named in said amendment, insert: *SEC. 571.* ; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

SEC. 572. The Secretary of Defense shall not implement changes in longstanding policy allowing use of Foreign Military Financing for direct commercial sales unless and until all parties affected by any such changes have been fully consulted and given opportunity for input into any such policy changes.

In this process the Secretary of Defense shall also consult with the Committees on Appropriations, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the Committees on Armed Services, and the relevant agencies or departments of the Executive Branch.

And the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "SEC. 580." named in said amendment, insert: *SEC. 573.* and

In lieu of subsection (c) of said amendment, insert:

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests. And the Senate agree to the Same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 574. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

And the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

SEC. 575. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", and allocated under section 560(a) paragraphs (1) and (6), $35,000,000 should be made available for a program of cooperation between scientific and engineering institutes in the New Independent States of the Former Soviet Union and national laboratories and other qualified academic institutions in the United States designed to stabilize the technology base in the cooperating states as each strives to convert defense industries to civilian applications: Provided, That priority be assigned to programs in support of international agreements that prevent and reduce proliferation of weapons of mass destruction: Provided further, That the President may enter into agreements involving private United States industry that include cost share arrangements where feasible: Provided further, That the President may participate in programs that enhance the safety of power reactors: Provided further, That the intellectual property rights of all parties to a program of cooperation be protected: Provided further, That funds made available by this section may be reallocated in accordance with the authority of section 560(b) of this Act.

And the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RUSSIAN ASSISTANCE TO CUBA

SEC. 576. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $380,000,000 shall not be available for obligation for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months: Provided, That funds may be furnished without regard to the provisions of this section if the President determines that to do so is in the national interest. And the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to he amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 588." named in said amendment, insert: *SEC. 577.* ; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "SEC. 591." named in said amendment, insert: *SEC. 578.* , and

In lieu of "January 1, 1994," in subsection (a) of said amendment, insert: *February 15, 1994.* , and

In lieu of January 1, 1994," in subsection (b) of said amendment, insert: *February 15, 1994,* ; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RUSSIAN REFORM

Sec. 579. (a) Findings.—The Congress finds that—

(1) President Yeltsin has consistently tried to push forward economic and political reform:

(2) President Yeltsin was given a mandate by the Russian people to hold elections and continue the process of economic reform:

(3) Boris Yeltsin is the first and only popularly elected president of Russia, and the parliament of Russia is a holdover from the Soviet regime;

(4) the conservative parliament has consistently impeded political and economic progress in Russia;

(5) slow progress on economic reform has prompted the IMF to review its disbursement of Russia's second tranche from the Systemic Transformation Facility;

(6) political and economic reform has been impeded by the actions of the hardline parliament; and

(7) corruption is rampant and is impeding economic and political reform and must be vigorously and effectively combated.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) the Congress supports President Yeltsin in his effort to continue the reform process in Russia, including his call for new parliamentary elections consistent with the results of the April 25, 1993 referendum; and

(2) further United States Government economic assistance should be provided in accordance with President Yeltsin's call for and holding of free, fair, and democratic parliamentary elections.

And the Senate agree to the same.

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSÉ E. SERRANO,
WILLIAM H. NATCHER,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JOSEPH M. MCDADE,
Managers on the Part of the House.

MITCH MCCONNELL,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
DON NICKLES,
CONNIE MACK,
PHIL GRAMM,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H.R. 2295) making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993 and for other purposes submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amendment No. 1: Appropriates $55,821,000 as proposed by the House instead of $27,910,500 as proposed by the Senate.

The conferees' agreement on the reduction in paid-in and callable capital funds for the World Bank directly reflects a reduction of the amount of funds that the World Bank has lent to Iran during 1993. The reduction also reflects the conferees' strong belief that additional progress needs to be made by the World Bank in promulgating and implementing environmental reforms.

Amendment No. 2: Inserts language permitting the Secretary of Treasury to obligate 1) one-half of the funds made available for paid-in capital of the World Bank on October 1, 1993, 2) one-quarter of the funds after April 1, 1994, and 3) one-quarter of the funds after September 1, 1994. Not more than twenty-one days prior to the April and September obligations, the Secretary of the Treasury must submit a certification that the World Bank has approved no loans to Iran since October 1, 1993 or the President must certify that withholding of the funds is contrary to the national interest

Amendment No. 3: Inserts language conditioning funds for the Global Environment Facility. The conferees agree that the Secretary of Treasury is to consult with the appropriate committees of Congress prior to obligation of funds to the Global Environment Facility.

The conferees continue to believe that the GEF must establish procedures ensuring public availability of information on GEF projects and associated projects of the GEF implementing agencies. Without broad, timely access to technical information, the public is unable to have meaningful input regarding GEF activities. The Conferees also believe that the participation of affected peoples in the identification, preparations, and implementation of GEF projects is essential.

The conferees are concerned that the World Bank's new information disclosure policy, as written, does not provide adequate public access to relevant technical documents. The conferees are also concerned that existing procedures do not adequately ensure public participation throughout the project cycle. The conferees recognize that the World Bank is making efforts to address these problems, and that the sufficiency of the Bank's procedures on information disclosure and public participation will depend,in part, on the manner in which they are implemented.

Amendment No. 4: Permits subscription for callable capital portion of the United States share of increases in the capital stock of the International Bank for Reconstruction and Development totalling $1,804,979,000, as proposed by the House instead of $902,439,500 as proposed by the Senate.

Amendment No. 5: The conferees strongly support the international financial institutions and recognize their continuing contribution to world stability and economic and political development. Because of this strong commitment, because these institutions are facing unprecedented challenges, and because growing public criticism has resulted in declining political support for the IFIs in the United States and elsewhere, the conferees believe that it is imperative that IFIs undergo a thorough review of their operations and procedures.

The most public criticisms have focused on containing executive travel, pay and benefit excesses, and office building construction and maintenance costs. These criticisms have created an image of IFI employees enjoying exceptionally generous salaries and prerequisites while in the employ of institutions funded with public monies, even while poverty and misery in the countries they are supposed to be helping worsen. This image is not one that will sustain support for the IFIs in the United States Congress in future years.

Of even greater concern to the conferees is the apparent declining quality of the loan portfolios of at least several of the IFIs. The conferees find the reported institutional emphasis on "moving money" as opposed to quality implementation of projects to be totally inappropriate. The conferees believe that program and project quality, including compliance with loan conditionality, could be enhanced by shifting a significant number of personnel of these institutions into the field to work closely with recipient governments and local peoples. A reverse "brain drain" should have many benefits. The conferees also are concerned about the capacity of the executive boards to provide oversight and direction, and about the ability of the office of the president to run these institutions rather than being captured by entrenched bureaucracies.

Therefore, in order to stop waste, fraud and abuse, identify improvements in economy and efficiency, and thereby prevent further erosion of public support for the IFIs, the conferees believe that each IFI should immediately establish an independent entity with the authority and functions of an inspector general. The conferees are aware that the World Bank currently has an Operations Evaluation Department, and Internal Auditor, and recently announced the creation of an independent inspection panel. However, none of these appears to have the full authority and functions of an inspector general. The conferees believe that the authority and functions of one or more of these entities should be expanded, or a new entity created, to review the performance of the institution in achieving the goals and objectives as set forth in the institution's own policy guidelines; provide recommendations for improving the economy, efficiency, and effectiveness of operational programs; and detect and prevent waste, fraud and abuse in programs and functions. Such an entity should be established for each IFI. The Conferees have instructed the Secretary of the Treasury to pursue this matter within each IFI and to submit a report on progress being made.

Furthermore, if the IFIs are to perform effectively as the engines of economic growth in the developing countries, substantial reforms will be required. In order to develop a

reform agenda, an independent review of IFI operations and management is urgently needed. The conferees have instructed the Secretary of the Treasury to consult and work with appropriate international fora, to establish an independent commission to examine and report on operations and management within the IFIs. The administrative and other costs of the commission, which should be comprised of members of various nationalities supported by staff, would be paid with funds from the budgets of each of the IFIs. At a minimum, the commission should examine and consider, for each IFI, the following:

—Substantial decentralization of IFI personnel and activities to the countries to which loans are made;

—Current administrative policies and cost structures, including those related to salaries, benefits, travel expenses, building and building maintenance costs;

—Changes in structure, terms and procedures that would strengthen the ability of the executive boards to monitor policy and program results and to hold the managers of these institutions accountable for the same, including the addition of secretariats to assist the executive boards;

—Changes in staffing and procedures which would strengthen the office of the presidency of these institutions in setting policy, program and administrative direction and in ensuring proper implementation of such direction.

In conducting this review, the commission should consult with the executive directors and managements of the IFI's, in addition to donor and recipient governments and nongovernmental organizations. The commission should report its findings and recommendations to the executive boards of each IFI. The Conferees have instructed the Secretary of the Treasury to submit a report on progress being made toward establishing the commission.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Amendment No. 6: Appropriates $1,024,332,000 for the International Development Association proposed by the House instead of $957,142,857 as proposed by the Senate.

Amendment No. 7: Deletes House language making monies provided for International Development Association subject to authorization.

Amendment No. 8: Deletes Senate language calling for an inspector general in the International Development Association. The inspector general issue is included in Amendment No. 5.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

Amendment No. 9: Appropriates $35,761,500 for the International Finance Corporation proposed by the House instead of $17,880,750 as proposed by the Senate.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

Amendment No. 10: Appropriates $75,000,000 for the United States contribution to the Multilateral Investment Fund as proposed by the House instead of $50,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

Amendment No. 11: Appropriates $13,026,366 for the paid-in capital of the Asian Development Bank as proposed by the House instead of $2,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

Amendment No. 12: Deletes House language making the funds for the Fund subject to authorization.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

Amendment No. 13: Appropriates $135,000,000 for the United States contribution to the African Development Fund as proposed by the Senate instead of $132,300,000 as proposed by the House.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 14: Appropriates $360,628,000 for the International Organizations and Programs as proposed by the Senate instead of $339,500,000 as proposed by the House.

UNICEF

Amendment No. 15: Deletes Senate language earmarking funds for UNICEF. The conferees recommend and expect that $100,000,000 will be provided for UNICEF in fiscal year 1994. The Conferees believe that the United Nations Children's Fund continues to be one of the highest priorities in the foreign assistance program. Few other programs have such widespread and bipartisan support both in Congress and with the American people.

Given this support, the conferees welcome the Administration's request level of $100,000,000 for UNICEF in fiscal year 1994. As UNICEF'S role expands in addressing crisis situations throughout the world, the conferees urge that future budget requests reflect that reality.

The conferees also include bill language that requires disbursement of UNICEF funds on a specific timetable.

WORLD FOOD PROGRAM

Amendment No. 16: Deletes Senate language earmarking funds for the World Food Program. The conferees urge AID to make every effort to provide $3,000,000 for the World Food Program in fiscal year 1994. The conferees recognize that the World Food Program plays an essential role in providing food and other aid to the neediest people in the world. The World Food Program faces unprecedented demands for food aid and emergency humanitarian assistance in conflict zones, particularly in the former Yugoslavia and sub-Saharan Africa.

UNFPA

Amendment No. 17: Insert language requiring that no funds made available for a U.S. contribution to the United Nations Population Fund (UNFPA) may be used for activities in China. The conferees also recommend that no more than $40,000,000 be made available to the UNFPA in fiscal year 1994. This represents a $10,000,000 reduction from the $50,000,000 requested by the President and recommended in the Senate report, and is equal to the amount the conferees believe UNFPA plans to spend in the People's Republic of China in 1994.

The conferees have further required that not more than one-half of these funds may be provided to UNFPA before March 1, 1994, and that no later than February 15, 1994, the Secretary of State is to provide to the Appropriations Committees a report indicating the amount UNFPA is budgeting for China in 1994. Any amount UNFPA plans to spend in China above $10,000,000 shall be deducted from the amount of funds provided to UNFPA after March 1, 1994.

In addition, none of the funds made available to UNFPA may be used in China, and any funds made available to UNFPA must be maintained in a separate account and not commingled with any other funds.

TITLE II—BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT DEVELOPMENT ASSISTANCE FUND

Amendment No. 18: Inserts language proposed by the Senate which permits funds provided under the Development Assistance Fund to be available for obligation for two years. The conferees agree that this authority will not be continued in the future if the extended obligation authority results in delays in program implementation.

The conferees urge AID to consider funding requests from the Hadassah Medical Organization. Hadassah uses grants to purchase American medical equipment and technology for use in its programs in areas of the world that are in need.

The conferees agree that programs such as the University Development Linkages Project (UDLP) are a valuable tool to strengthen development cooperation among United States institutions of higher education and those in the Agency for International Development's partner countries. The conferees urge support for this program which would enable continuation of ongoing programs as well as new cooperative agreements to be awarded in fiscal year 1994.

COOPERATIVE DEVELOPMENT PROGRAM

Amendment No. 19: Deletes Senate language earmarking funds for various projects. The Conferees recommend that $10,000,000 be made available for cooperative projects among the United States, Israel, and developing countries. Of these funds $5,000,000 should be used for the Cooperative Development Program, $2,500,000 for cooperative research projects, and $2,500,000 for cooperative projects among the United States and Israel and the countries of Eastern Europe, the Baltic states, and the NIS.

POPULATION, DEVELOPMENT ASSISTANCE

Amendment No. 20: Inserts language proposed by the Senate which permits funds provided under the Population account to be available for two years. The conferees agree that this authority will not be continued in the future if the extended obligation authority results in delays in the program.

DEVELOPMENT FUND FOR AFRICA

Amendment No. 21: Inserts language proposed by the Senate which provides a waiver for activities supported by the Southern Africa Development Community.

WOMEN IN DEVELOPMENT

Amendment No. 22: Deletes Senate language earmarking funds for Women in Development. The conferees recognize that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries. The conferees believe that AID should expand its efforts to achieve these goals. The conferees therefore recommend and intend that $11,000,000 of development assistance funds, in addition to funds otherwise made available for such purposes, be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries. Of these funds, $6,000,000 should be made available as matching funds to support activities of AID's field missions to integrate women into their programs. AID should seek to ensure that country strategies, projects, and programs are designed so the percentage

of women participants will be demonstrably increased.

INTERNATIONAL DISASTER ASSISTANCE

Amendment No. 23: Appropriates $145,985,000 as proposed by the House instead of $48,965,000 as proposed by the Senate. The conferees agree that the House level of funding will be needed to meet disaster related problems in the former Yugoslavia, Somalia and other situations in Africa, and around the world.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

Amendment No. 24: Appropriates $1,000,000 for the Micro and Small Enterprise Development Program Account, instead of $2,000,000 as proposed by the Senate. The House did not include any language for the Micro and Small Enterprise Development Program.

The Amendment also provides a limitation of $25,000,000 for loan guarantees for this program, instead of $50,000,000 as proposed by the Senate.

The conferees agree that the Administration is to provide notification to the Committees on Appropriations prior to obligation of funds for the Micro and Small Enterprise Development Program.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Amendment No. 25: Appropriates $501,760,000 for Operating Expenses of the Agency for International Development as proposed by the House instead of $494,080.000 as proposed by the Senate.

The conferees insert language prohibiting the obligation of funds in title II of the bill after March 31, 1994 unless the Administration has acted to implement those recommendations of the Report of the National Performance Review which can be accomplished without legislation and has submitted the necessary package of proposed legislation to accomplish the remaining recommendations. These are:

1. Reform of foreign assistance programs and rewriting of the Foreign Assistance Act of 1961.

2. Reform of the personnel systems of the Agency for International Development aimed at integrating the multiple personnel systems and reviewing benefits under each system.

3. Lifting of some current Agency for International Development personnel restrictions and giving managers authority to manage staff resources more efficiently and effectively.

4. Reengineering of project and program management processes to emphasize innovation, flexibility, beneficiary participation, pilot and experimental programs, incentive systems linked to project and program performance, processes for continuing critical review and evaluation, and improved coordination systems with other donors.

5. A planned reduction of a specific number of Agency for International Development missions during the next three years, of which at least twelve are to be terminated during the first year.

The provision also appropriates an additional $3,000,000 to carry out functions related to the termination or phasing down of overseas missions for the Agency for International Development. The funding is also intended to provide resources for improving the information and financial management systems and customer service of the Agency for International Development. The funding has been provided in order to help implement the recommendations in the Report of the National Performance Review.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

Amendment No. 26: Appropriates $39,118,000 for Operating Expenses of the Agency for International Development Office of Inspector General as proposed by the House instead of $38,518,940 as proposed by the Senate.

Amendment No. 27: Deletes language proposed by the Senate relating to prohibitions on relocating overseas regional offices and authorized position floors.

HOUSING GUARANTY PROGRAM ACCOUNT

Amendment No. 28: Deletes Senate language which allows funds provided in the bill for the Housing Guaranty Program to be used to subsidize loan principal and interest.

Amendment No. 29: Inserts language extending for one year the authorization for the Housing Guaranty Program. The provision also waives the program ceiling, and median income requirements for housing programs in Eastern Europe, and South Africa.

ECONOMIC SUPPORT FUND

FUNDING LEVEL

Amendment No. 30: Appropriates $2,364,562,000 for the Economic Support Fund as proposed by the House instead of $2,280,500,000 as proposed by the Senate.

WEST BANK/GAZA

The conferees are encouraged by the commitments made on September 9, 1993 as well as the declaration of principles signed on September 13, 1993 regarding Israel and the Palestine Liberation Organization.

The conferees understand that additional levels of assistance for the West Bank and Gaza may be necessary to help implement these undertakings. The conferees note that an international donors conference will be held to discuss assistance for the West Bank and Gaza. It is expected that European countries, Japan, the Gulf states, the World Bank and others will provide most of the financing required.

This year both the House and Senate have indicated strong support for the $25,000,000 in Economic Support Funds requested by the Administration for the West Bank and Gaza. The conferees have provided the higher level of funding in conference for the Economic Support Fund account and expect that this could be used to provide additional funding to assist Palestinians in support of the peace process underway.

JORDAN

The conferees recognize the critical role Jordan plays in the Middle East peace process. At the same time, the Jordanian record of compliance with United Nations sanctions has been of concern in the past, but has improved progressively. The President is requested to continue monitoring Jordan's record in this regard and to continue to consult with the Congress on Jordan's efforts to comply with United Nations sanctions, any activities of concern, and U.S. efforts to ensure improved compliance on the part of Jordan.

ISRAEL AND EGYPT

Amendment No. 31: Inserts Senate language earmarking $1,200,000,000 for Israel and $815,000,000 for Egypt. The conferees also agree to include language requiring early disbursal on a grant basis for Israel, and a requirement that $200,000,000 be provided to Egypt as a Commodity Import Program.

CYPRUS/MIDDLE EAST REGIONAL COOPERATION PROGRAM

Amendment No. 32: Inserts language earmarking $15,000,000 in Economic Support Funds for Cyprus for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities in Cyprus. This is the same amount requested by the administration for fiscal year 1994, and the same amount recommended by both the Senate and House.

The conferees recommend that $7,000,000 in Economic Support Funds be provided for the Middle East Regional Cooperation Program. This program complements the ongoing Middle East multilateral peace talks on regional issues such as water, the environment, and economic cooperation. The conferees believe the recent progress towards peace between Israel and its Arab neighbors makes this program particularly relevant. It can help demonstrate that peaceful cooperation can yield tangible benefits for all involved.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 33: Restores language stricken by the Senate and appropriates up to $19,600,000 for the International Fund for Ireland.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

Amendment No. 34: Appropriates $390,000,000 for assistance for Eastern Europe and the Baltic States instead of $400,000,000 as proposed by the House and $380,000,000 as proposed by the Senate.

The conferees recommend that development assistance and SEED Act funds be made available for humanitarian assistance and for technical training in Albania, including activities in agriculture and in health. The conferees, in providing funding for graduate students from the former Soviet Union, also recommend $3,000,000 for the extension of similar activities in the countries of Central and Eastern Europe. In particular, the conferees recommend implementation of a program modelled after the Muskie Fellowship Program, for graduate students from Central and Eastern Europe interested in pursuing programs of study in American universities.

The conferees are aware of a program operated by the Milwaukee County Training Center for Local Democracy which is training Polish local government officials in decentralized management. The conferees urge AID to consider support of this project.

Amendment No. 35: Inserts Senate language allowing expenditure of funds for Eastern Europe and the Baltic States through related programs as well as for direct economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 36: Appropriates $603,820,000, for assistance for the New Independent States of the former Soviet Union as proposed by the Senate instead of $903,820,000 as proposed by the House. The conferees agree to provide the $300,000,000 originally approved by the House in this account as an increase to the subsidy appropriation of the Export Import Bank of the United States.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

Amendment No. 37: Inserts Senate language allowing the Board of Directors of the African Development Foundation to waive the project level dollar limitation. A report to the Committees on Appropriations is required each time the waiver is exercised.

INTER-AMERICAN FOUNDATION

Amendment No. 38: Appropriates $30,960,000 for the Inter-American Foundation as proposed by the Senate instead of $30,340,000 as proposed by the House.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

Amendment No. 39: Inserts Senate language allowing the transfer of excess non-lethal property from an agency of the United States government to a foreign country for use in narcotics control programs. The exercise of this authority is subject to notification.

MIGRATION AND REFUGEE ASSISTANCE

Amendment No. 40: Inserts Senate language earmarking $80,000,000 for Soviet, Eastern European and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

Amendment No. 41: Appropriates $49,261,000 for the United States Emergency Refugee and Migration Assistance Fund as proposed by the Senate instead of $19,261,000 as proposed by the House.

TITLE III—MILITARY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

GRANTS

Amendment No. 42: Appropriates $3,149,279,000 for Foreign Military Financing Program grants instead of $3,175,000,000 as proposed by the House and $3,123,558,000 as proposed by the Senate.

ISRAEL AND EGYPT

Amendment No. 43: Inserts Senate language earmarking $1,800,000,000 for Israel and $1,300,000,000 for Egypt. The conferees also agree to early disbursal of funds for Israel and various provisions related to research and development and procurement.

WITHHOLDING PROVISION

Amendment No. 44: Deletes Senate language relating to Foreign Military Financing for Egypt.

GREECE, PORTUGAL, AND TURKEY

Amendment No. 45: Deletes language proposed by the House. Inserts language proposed by the Senate which stipulates that funds made available under this heading shall be made available for Greece, Turkey, and Portugal only on a loan basis, and not to exceed the following; $283,500,000 only for Greece, $81,000,000 only for Portugal, and $405,000,000 only for Turkey. Authority to extend loans to Greece and Turkey is at a 7 to 10 ratio.

USE OF LOAN SUBSIDY FOR GRANTS

Amendment No. 46: Inserts language allowing use of the subsidy appropriations for Foreign Military Financing Grants, if countries eligible to receive loans decline to utilize such loans.

SPECIAL DEFENSE ACQUISITION FUND

Amendment No. 47: Inserts Senate language limiting the fiscal year 1993 obligational authority of the Special Defense Acquisition Fund to $160,000,000.

PEACEKEEPING OPERATIONS

Amendment No. 48: Appropriates $75,623,000 for Peacekeeping Operations as proposed by the House instead of $62,500,000 as proposed by the Senate.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

Amendment No. 49: Appropriates $1,000,000,000 for the subsidy appropriations for the Export-Import Bank as proposed by the Senate instead of $700,000,000 as proposed by the House.

The conferees encourage the Export-Import Bank to give particular attention to expanding participation by small and mid-sized businesses including women and minority-owned businesses in its programs. The Bank should do so by giving special emphasis to outreach efforts about its programs and services aimed at such firms. Furthermore, Bank policies should be evaluated to determine what modifications are feasible that would facilitate broader utilization by small and mid-sized firms.

The conferees agree to shift $30,000,000 from the New Independent States program funding to the Export-Import Bank to fund their programs in the New Independent States.

Amendment No. 50: Inserts Senate language allowing funds to remain available for two years.

Amendment No. 51: Inserts Senate language clarifying that funds are to remain available for two years.

TITLE V—GENERAL PROVISIONS

AVAILABILITY OF FUNDS

Amendment No. 52: Inserts Senate language which extends the period of availability for funds provided under the International Narcotics Control account.

The Administration is to provide the Committees on Appropriations a notification each time this authority is used.

NOTIFICATION REQUIREMENTS

Amendment No. 53: Deletes House language which strikes the American Schools and Hospitals Abroad account from the accounts listed under the notification provision as proposed by the Senate. No funding has been provided for this account for fiscal year 1994.

Amendment No. 54: Inserts Senate language adding Eastern Europe and the Baltic States and the New Independent States of the Former Soviet Union to the accounts from which the Administration may reprogram funds through the notification process.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 55: Inserts language proposed by the Senate which adds a new subsection to the limitation of funds to International Organizations and programs. The new subsection allows an exception to the limitation with respect to the Palestine Liberation Organization for fiscal year 1994 if the President determines and notifies Congress that it is in the national interest to do so. The exception will cease to be in effect if the President, or the Congress by joint resolution, determines that the Palestine Liberation Organization has ceased to comply with the commitments made on September 9, 1993.

The conferees have included this language in support of those commitments and the declaration of principles agreement signed between Israel and the Palestine Liberation Organization on September 13, 1993.

SPECIAL NOTIFICATION REQUIREMENTS

Amendment No. 56: Inserts Senate language adding Colombia to the countries requiring special notification procedures.

Amendment No. 57: Inserts Senate language adding Nicaragua to the countries requiring special notification procedures.

Amendment No. 58: Inserts Senate language exempting notifications for development assistance for El Salvador and Nicaragua from the special notification requirements.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

Amendment No. 59: Deletes Senate language regarding Syrian emigration.

AUTHORIZATION REQUIREMENTS

Amendment No. 60: Restores House language citing titles I through V into the waiver of authorization.

Amendment No. 61: Inserts language waiving authorization requirement as proposed by the Senate. The House provided funds subject to authorization.

Amendment No. 62: Restores House language waiving authorization for programs under section 15 of the State Department Basic Authorities Act of 1956 for funds in this bill.

The Conferees have waived section 15 of the State Department Basic Authorities Act. Failure to waive this provision would have disastrous consequences for United States refugee assistance programs worldwide, effective October 1, 1993, including:

—precluding payment for salaries and administrative expenses for employees in the Bureau of Refugee programs;

—precluding the Bureau from providing essential funding for humanitarian aid for refugees, displaced persons and conflict victims;

—precluding funding to the UN High Commissioner for Refugees and other relief organizations' operations in the former Yugoslavia and elsewhere; and

—stopping the processing and admission of refugees to the United States.

Amendment No. 63: Inserts language authorizing an appropriation of $2,500,000,000 for the United States participation in the tenth replenishment of the International Development Association (IDA), the fifth replenishment of the Asian Development Fund and the replenishment of the permanent Global Environment Facility, subject to obtaining the necessary appropriations.

The conferees recognize the central role IDA plays in financing development in the poorest countries. However, over the years the conferees have concluded that the World Bank's policies and procedures fail to adequately protect the environment, or to ensure broad and timely public access to information about Bank activities and consultation with affected peoples. Also they do not provide adequate public recourse for violations of Bank loan and credit agreements, and Bank policies, procedures and guidelines. The conferees believe that these deficiencies have reduced the quality of World Bank and IDA lending, and eroded public support for these institutions.

While the conferees recognize that the World Bank has adopted new procedures in these areas and recently issued a resolution on an independent inspection panel, the reforms, as written, do not adequately address the conferees' concerns. Therefore, the conferees have authorized the equivalent of only two-thirds of the United States' three year contribution to IDA-ten. It is the conferees' strong belief that the World Bank needs to progress further in these areas, and that additional funding in support of IDA-ten will depend on the manner in which these new procedures are implemented and, where necessary, broadened. The conferees urge the Secretary of the Treasury to continue to vigorously pursue these goals.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

Amendment No. 64: Inserts Senate language instructing the United States Executive Director of the International Fund for Agriculture Development to oppose any loan or use of funds to a country for which the Secretary has made a determination under section 6(j) of the Export Administration Act of 1979.

DEBT-FOR-DEVELOPMENT

Amendment No. 65: Deletes Senate language extending Debt-for-Development authority to subsequent acts.

LOCATION OF STOCKPILES

Amendment No. 66: Inserts Senate language allowing up to $72,000,000 to be made available for stockpiles in the Republic of Korea.

Amendment No. 67: Inserts language allowing up to $20,000,000 to be made available for stockpiles in Thailand. The Senate had provided for $20,000,000 to be made available.

RESCISSIONS

Amendment No. 68: Inserts language rescinding $203,000,000 from unexpended balances of Economic Support Funds made available for fiscal years 1987 through 1993. Also inserts Senate language rescinding $5,100,000 from unexpended development assistance funds appropriated for fiscal year 1993 and prior fiscal years.

The House had included a rescission of $185,000,000 for fiscal years 1993 and prior Economic Support Funds. The Senate had included a rescission of $250,000,000 for fiscal year 1993 and prior Economic Support Funds.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

Amendment No. 69: Inserts Senate language allowing use of up to $25,000,000 of United States commodities and services for the United Nations War Crimes Tribunal regarding genocide or other violations of international law in the former Yugoslavia.

Amendment No. 70: Deletes Senate language earmarking funds for the United Nations War Crimes Tribunal.

The conferees urge that every effort be made to obtain contributions from our allies and other U.N. member countries for this vital effort. The conferees also strongly urge the Administration to provide a one-time voluntary contribution of $3,000,000 to help the war crimes tribunal for the former Yugoslavia to become operational. The conferees understand that the remainder of the funding for the tribunal will be met through assessed contributions from United Nations members.

SPECIAL AUTHORITIES

Amendment No. 71: Inserts Senate language allowing use of up to $50,000,000 in transfer authority of section 451 of the Foreign Assistance Act of 1961. The current limitation is $25,000,000.

Amendment No. 72: Deletes Senate language requiring that of the funds provided to Afghanistan and Lebanon not more than fifty percent come from development assistance funds.

ANTI-NARCOTICS ACTIVITIES

Amendment No. 73: Inserts language allowing for the continuation of Administration of Justice programs in Latin America and the Caribbean. It also allows up to $6,000,000 for police training in Panama of which not more than $3,000,000 may be used for procurement of non-lethal law enforcement equipment. It also provides for continuation of various Administration of Justice programs for Bolivia, Colombia and Peru.

ELIGIBILITY FOR ASSISTANCE

Amendment No. 74: Inserts Senate language allowing development assistance and development funds for Africa to be provided through non-governmental organizations notwithstanding aid restrictions in this or any other Act. The provision also allows aid restrictions to be waived for Titles I and II of Public Law 480. Use of the authority for Title I is subject to notification. Before using this authority the President must notify the appropriate committees of Congress. The authority of this section may not be used for countries that support international terrorism and countries that violate internationally recognized human rights. This authority shall not be construed to alter any existing statutory prohibitions against abortion or involuntary sterilization contained in this or any other Act.

EARMARKS

Amendment No. 75: Inserts Senate language on earmarks. The conferees desire to give maximum flexibility to the Administration to carry out its foreign policy reforms. That is why the conferees have reduced the number of earmarks. But, within that understanding, the conferees expect the Administration, to the greatest extent possible given changing circumstances, to adhere to the recommendations in the Committee Reports accompanying the Bill. To the extent the Administration is not able to follow the recommendations in the Committee Reports, the conferees expect the Administration to consult with the committees.

CEILINGS AND EARMARKS

Amendment No. 76: Inserts Senate language restricting the applicability of ceilings and earmarks.

EXCESS DEFENSE ARTICLES

Amendment No. 77: Inserts language allowing the provision of non-lethal excess defense articles to countries for which United States foreign assistance was justified for the fiscal year. The conferees agree that a separate justification for countries proposed to receive non-lethal excess defense articles is also required. The provision of non-lethal excess defense articles remains subject to notification as in current law.

TERMINATION

Amendment No. 78: Deletes Senate language allowing a special contractual authority for countries whose assistance has been terminated. The conferees agree that this issue should be addressed in future authorizing legislation.

REAL PROPERTY MANAGEMENT

Amendment No. 79: Inserts Senate language allowing transfer of funds remaining in AID's Acquisition of Property Revolving Fund to the Property Management Fund. The provision is amended to include a new section number 556.

UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NON-RACIAL DEMOCRACY IN SOUTH AFRICA

Amendment No. 80: Deletes Senate language revising current law on South Africa. The Conferees agreed not to include a provision on the transition to democracy in South Africa. It is the understanding of the conferees that the Congress will be considering comprehensive authorization legislation on this issue and therefore felt it more appropriate not to address this issue in this bill.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

Amendment No. 81: Deletes Senate language prohibiting use of funds to pay pensions, annuities or retirement for any person serving in the armed forces of any country receiving foreign assistance. The conferees expect that foreign assistance will not to be used for this purpose.

PROHIBITION ON PUBLICITY OR PROPAGANDA

Amendment No. 82: Inserts Senate language prohibiting the use of funds for publicity or propaganda purposes within the United States. The provision is amended to include a new section number 557.

DISADVANTAGED ENTERPRISES

Amendment No. 83: Inserts Senate language on Agency for International Development policies for disadvantaged enterprises. The provision is amended to include a new section number 558.

HUMAN RIGHTS REPORT

Amendment No. 84: Deletes Senate language on the Human Rights Report. A central goal of United States foreign policy is the promotion of democracy and human rights. The conferees commend the State Department for its efforts to document human rights practices throughout the world in its annual Country Reports on Human Rights Practices. These reports have contributed to the protection of human rights.

The conferees request that in addition to the items currently discussed in the State Department report, the report should contain (1) a review of each country's commitment to children's rights and welfare; (2) a description of the extent to which indigenous people are able to participate in decisions affecting their lands, cultures and natural resources, and assess the extent of protection of their civil and political rights; and (3) an examination of discrimination toward people with disabilities.

The conferees are concerned that military expenditures by some developing countries which receive United States assistance may exceed legitimate security needs. Curbing the proliferation of unnecessary weapons in these countries should be a foreign policy goal. The conferees recommend and intend that a separate report, entitled "Annual Report on Military Expenditures," should be submitted (at the same time as the report required by section 116(d) of the Foreign Assistance Act of 1961) which contains for each country which receives U.S. assistance:

—an updated estimate of current military spending and a description of trends in spending in real terms;

—a description of the size and political role of the armed forces, including an assessment of the ability of civilian authorities to appoint and remove military officers;

—an assessment of the feasibility of reducing military spending;

—a description of efforts by the United States to encourage such reductions, including collaborative efforts with other donors and arms suppliers; and

—a description of the country's efforts to make such reductions, including its willingness to provide accurate military spending data to relevant international organizations and to the United Nations Register of Conventional Arms, and to participate in regional talks aimed at reducing military spending.

USE OF AMERICAN RESOURCES

Amendment No. 85: Inserts Senate language on the use of American resources. The provision is amended to include a new section number 559.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 86: Deletes Senate language providing up to $19,600,000 from development assistance funds for the United States Contribution to the International Fund for Ireland. Funds for the United States Contribution have been provided under Amendment No. 33.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 87: Inserts language which recommends allocations of all the funds provided to the New Independent States among

seven categories of assistance and describes examples of the activities which may be funded from within each category. The amendment requires consultation with the Appropriations Committees of both Houses of Congress before the amount recommended for allocation to any of the seven categories may be initially exceeded. The language requires that the normal notification process as provided for in Section 515 of this Act apply to these funds, and that each such required notification shall include a statement as to which of the seven fund categories, or how much from mix of the seven categories, is proposed to be used to fund the project or program in the notification. The conferees intend that a further notification is required if the Administration desires to change the category or mix of categories from which a previously notified project or program would be funded.

The conferees urge the Administration to provide $4,000,000 for the purpose of identifying, retrieving, preserving, and analyzing existing scientific environmental data stored in Russia, including data on northern region contamination, key environmental parameters related to contaminant transport processes (ice, wind, water, and biota), North Pacific and Bering Sea fisheries, marine mammals and sea birds, and northern human ecology.

The conferees agree that not less than $300,000,000 should be provided to Ukraine from this or any other Act.

The conferees agree that none of the funds in this Act should be transferred to Russia unless the Government is making progress in private sector and market reforms, in negotiating repayment of commercial debt, and in providing for fair and equitable treatment of foreign private investment, or if the Government transfers assistance for the purpose of expropriating ownership or control of assets, investments, or ventures, unless the President certifies that to provide the funds is in the national interest.

The conferees urge that at least one-third of the funds made available by this Act for the New Independent States be available for States other than Russia.

The conferees strongly encourage the participation of qualified businesses in the United States with expertise in nuclear engineering and nuclear safety to participate in assisting any of the New Independent States in the establishment of designs and procedures to increase the safety of nuclear power plants operating in the NIS countries. While the conferees do not intend to control the manner in which the NIS countries provide for the implementation of programs for improved nuclear safety, they encourage where appropriate awarding of program funds to United States companies qualifying as small business—especially those which are located in areas affected by the decline in defense-related industries in the United States.

The conferees intend that the energy and environment category in the bill includes the use of funds for cooperative efforts involving Department of Energy cooperative agreement participants, such as the National Institute for Environmental Renewal, to assist in the recycling, reuse, and reclamation of industrial sites, including education and training programs.

The conferees recommend $5,000,000 for exchanges involving postdoctoral scholars in the social sciences and humanities. Such a program should be administered through USIA's existing Regional Scholars Exchange, which currently offers such opportunities on a competitive basis to qualified non-profit organizations. This program provides an important component to a balanced program of exchanges at various age and professional levels that is provided by this legislation.

The conferees support the efforts of Project Orbis, a medical charity that teaches doctors in developing countries to perform sight-saving surgery to obtain funding for its work in Eastern Europe, the Baltics, and the republics of the former Soviet Union.

Amendment No. 88: Deletes Senate language earmarking $40,000,000 for a Russian Far East Enterprise Fund. The conferees urge that $40,000,000 be provided for enterprise fund activities in the Russian Far East.

Amendment No. 89: Inserts language conditioning assistance to New independent States on their respecting each others' national sovereignty and territorial integrity. A Presidential national interest waiver and exemptions for humanitarian, refugee and disaster assistance are included. There is a reporting requirement on violations and on efforts to comply with the restriction.

Also, inserts language prohibiting the use of assistance for enhancement of the military capacity of any New Independent State with exemptions for demilitarization, defense conversion, non-proliferation programs, or programs conducted under section 560(a)(5) of this Act.

ANDEAN NARCOTICS INITIATIVE

Amendment No. 90: Inserts Senate language providing that no Economic Support Funds or Foreign Military Financing Program Funds may be made available for the Andean Narcotics Initiative until the Secretary of State consults with, and provides a new Andean counter-narcotics strategy (including budget estimates) to, the Committees on Appropriations. The provision is amended to include a new section number 561.

LIMITATION ON ASSISTANCE FOR NICARAGUA

Amendment No. 91: Inserts Senate language placing conditions on Economic Support Funds for Nicaragua. The conferees urge the Nicaraguan Government to move ahead rapidly with the investigation of the arms cache explosion of last May now being conducted by the Nicaraguan Government with the participation of a number of international investigative agencies, including the FBI. The conferees expect that the Government will prosecute vigorously any violation of Nicaraguan or international law. The provision is amended to include a new section number 562.

LIMITATIONS ON ASSISTANCE FOR HAITI

Amendment No. 92: Inserts Senate language restricting funds to Haiti under certain conditions.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 93: Inserts language providing that out of the funds made available for the New Independent States up to $50,000,000, inclusive of transportation costs, for agricultural commodities is available for food and nutritional needs of children and women.

HUMANITARIAN ASSISTANCE FOR ARMENIA

Amendment No. 94: Inserts language providing that $18,000,000 should be available for Armenia from funds made available for Development Assistance, Economic Support Funds, and the New Independent States, for winterization needs including winter seeds and home heating oil. The conferees are strongly supportive of substantial levels of humanitarian assistance for the people of Armenia who for several years now have been suffering severely from both natural and man-made disasters. The conferees note that in past years Armenia has received more than $18,000,000 in assistance and believe that that level will be too low to meet Armenian needs in 1994. The conferees support amounts necessary above $18,000,000 to address the Armenian crisis.

HUMANITARIAN AND REFUGEE ASSISTANCE IN CROATIA, SLOVENIA, BOSNIA, AND KOSOVA

Amendment No. 95: Deletes language proposed by the Senate which would have earmarked not less than $35,000,000 in Migration and Refugee Assistance funds for Croatia, Slovenia and Bosnia, and $30,000,000 in humanitarian assistance for Bosnia, Croatia, and Kosova. The Senate amendment also included a sub-earmark of $10,000,000 for Kosova.

The conferees agree that funding in at least the amounts proposed by the Senate will be required in fiscal year 1994 and urge the Administration to take steps to meet the emergency needs in Bosnia, Croatia and Kosova. The conferees also agree that there is an immediate need to fund programs relative to the winter, and urge the Administration to take the lead in participating in the United Nations High Commissioner for Refugee's donor request for a winterization program.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

Amendment No. 96: Inserts Senate language prohibiting the use of foreign assistance funds to pay assessments, arrearages or dues of any member of the United Nations. The provision is amended to include a new section number 566.

CONSULTING SERVICES

Amendment No. 97: Inserts Senate language prohibiting the use of funds for consulting contracts unless contracts are a matter of public record and available for inspection with certain exceptions. The provision is amended to include a new section number 567.

PRIVATE VOLUNTARY ORGANIZATIONS-DOCUMENTATION

Amendment No. 98: Inserts Senate language prohibiting funds for private voluntary organizations which do not provide materials to the Agency for International Development for audit purposes in a timely manner or which are not registered with the Agency for International Development. The provision has been amended to include a new section number 568.

CHEMCIAL WEAPONS PROLIFERATION

Amendment No. 99: Inserts Senate language prohibiting the use of funds to finance procurement of chemicals or chemical agents that are used for chemical weapons production. The provision has been amended to include a new section number 569.

SPECIAL DEBT RELIEF FOR THE POOREST

Amendment No. 100: Inserts language granting authority for debt reduction actions only for poor countries eligible only for lending from the International Development Association. The authority permits, subject to appropriation, Export-Import Bank credits, military loans and guarantees, and housing program loans and guarantees to be reduced in the context of official multilateral debt relief agreements so long as the recipient country does not 1) have excessive military expenditures, 2) repeatedly provide support for acts of international terrorism, 3) fail to cooperate on international narcotics control matters, and does not, 4) engage in a

consistent pattern of gross violations of internationally recognized human rights. Also, inserts a Sense of Congress statement that the President should consider requesting debt reduction funds corresponding to "Trinidad Terms".

GUARANTEES

Amendment No. 101: Inserts Senate Language addressing net guarantee costs for fiscal year 1994. The provision has been amended to include a new section number 571.

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

Amendment No. 102: Inserts revised language relating to the policy on Foreign Military Financing of direct commercial sales. The new language requires the Secretary of Defense to not implement changes in the long-standing policy allowing the use of Foreign Military Financing funds for direct commercial sales unless and until all parties affected by any such change have been fully consulted and given opportunity for input into any such policy changes. The language also requires the Secretary of Defense to consult with the Committees on Appropriations, the House Foreign Affairs Committee, the Senate Foreign Relations Committee, the Armed Services Committees and the relevant agencies or departments of the Executive Branch.

The conferees are aware that changes may be needed in the policy concerning direct commercial sales, since the General Accounting Office has raised this as an area potentially subject to abuse. The GAO found that many of the purchasing problems for Foreign Military Sales exist under both the direct and Department of Defense procurement programs, however in a majority of cases direct sales are actually costing recipient countries more to procure directly with defense contractors than through the Department of Defense. The GAO also found that there are cases where direct purchasing is less expensive. The Department of Defense in developing a new policy needs to assure that the program addresses both of these situations.

The conferees are concerned that the Department's original intention to terminate direct commercial contracts effective January 1, 1994 did not afford sufficient time to restructure defense acquisition programs in a way that would not adversely impact ongoing programs. The conferees are particularly concerned that the Department proceeded to change the direct sales policy without consulting the Congress and those affected by the change. The conferees therefore welcome the Department's decision to delay the effective termination date. The language included in the bill is intended to assure that all parties are consulted prior to issuing a final determination.

RESTRICTION ON ASSISTANCE TO PERU

Amendment No. 103: Deletes Senate language restricting assistance to Peru. The conferees expect the Peruvian Government to provide fair, prompt and equitable payment to the widow and children of Master Sergeant Joseph Beard, Jr., United States Air Force, whose plane was shot down by Peruvian military forces on April 24, 1992. Fair and equitable payment should approximate the loss to the family due to Sergeant Beard's death. The parties have sought to resolve this matter but have not yet reached agreement. The conferees request the Secretary of State to use his influence with the Peruvian Government to resolve this tragic and complex matter in a manner he deems fair and equitable. The conferees urge that an appropriate amount of U.S. assistance to Peru be withheld until the Secretary determines that there has been a satisfactory resolution of this matter.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

Amendment No. 104: Inserts language prohibiting funds in this Act to any country which provides lethal military equipment to a terrorist government as defined in section 40(d) of the Arms Export Control Act. The provision applies to contracts entered into after the date of enactment. The provisions of this section may be waived, if the President determines that furnishing assistance is in the national interest of the United States.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

Amendment No. 105: Inserts language withholding from obligation foreign assistance in the amount of 110 percent of fully adjudicated parking fines and penalties due the District of Columbia as of enactment of this Act on diplomats from countries receiving foreign assistance until the Secretary of State certifies that the parking tickets have been paid to the District of Columbia in full.

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

Amendment No. 106: Inserts language which states that $35,000,000 should be provided for cooperative scientific and engineering programs between institutes in the New Independent States and the United States including the national laboratories and other qualified academic institutions. The program should be in support of programs which prevent and reduce proliferation of weapons of mass destruction.

USED OIL EQUIPMENT

Amendment No. 107: Deletes language proposed by the Senate which would have amended the Foreign Assistance Act concerning the purchase of used oil equipment. The conferees agree that current authority exists within the commodity import program to purchase used oil equipment, including arctic oil equipment, for the former Soviet Union and Eastern Europe countries, and encourage the Agency for International Development to use this authority when appropriate.

FISHING IN THE CENTRAL BERING SEA

Amendment No. 108: Deletes Senate language regarding fishing in the Central Bering Sea. The conferees understand that—

(1) the Central Bering Sea Fisheries Enforcement Act of 1992 (title III of Public Law 102-582) prohibits United States nationals and vessels from conducting fishing operations in the Central Bering Sea, in an area known as "the Doughnut", except when such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties;

(2) the Central Bering Sea Fishery Enforcement Act also prohibits the entry into United States ports of any fishing vessel from a nation whose vessels or nationals conduct fishing operations in the Doughnut in the absence of such an international fishery agreement;

(3) the United States and the Russian Federation have participated in seven multilateral meetings among nations whose vessels or nationals fish in the Doughnut to discuss an international fishery agreement;

(4) a moratorium on fishing in the Doughnut for 1993 and 1994 was agreed to by the United States, the Russian Federation, Japan, Korea, Poland, and the People's Republic of China as part of these discussions, in order to facilitate negotiations on an international fishery agreement;

(5) at the Vancouver Summit on April 4, 1993, Presidents Clinton and Yeltsin committed to developing further bilateral cooperation on fishery matters in the Bering Sea;

(6) an international fishery agreement has not yet been reached despite the best efforts of the United States and the Russian Federation; and

(7) the cooperation of nations which receive aid through monies provided by this Act is needed in order for an international fishery agreement to be reached.

In light of the findings above, the Conferees agreed that the cooperation of nations whose vessels and nationals conduct fishing operations in the Central Bering Sea should be carefully considered in making appropriations for programs from which those nations will receive aid monies in fiscal year 1995.

KENYA

Amendment No. 109: Deletes Senate language restricting assistance to Kenya. The conferees commend Kenya for its constructive role in humanitarian relief operations in Somalia and for assistance to Somali refugees. The conferees also recognize steps taken by Kenya recently toward a more open and democratic political system. However, the conferees remain concerned about continuing human rights abuses, government corruption and economic mismanagement. Therefore, the conferees intend that in determining what levels and types of economic and development assistance to provide Kenya, the President should consider the extent of Kenya's progress towards increasing respect for human rights, freedom of expression, cooperation and dialogue with the democratic political opposition, as well as reducing corruption and improving management of the economy. The conferees intend that no military assistance is to be provided to Kenya unless the President first consults with Congress and determines that such assistance is in the national interest.

The conferees expect the long term framework for United States assistance policy towards Kenya to be addressed in foreign aid reform legislation.

PROHIBITION ON ASSISTANCE TO COUNTRIES EXPROPRIATING UNITED STATES PROPERTY

Amendment No. 110: Deletes language regarding the expropriation of property of United States persons.

RUSSIAN ASSISTANCE TO CUBA

Amendment No. 111: Inserts language withholding $380,000,000 of the funds for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months. The President may waive this requirement, if he determines that it is in the national interest to do so.

RESTRICTION ON ASSISTANCE FOR RUSSIA

Amendment No. 112: Inserts Senate language restricting assistance to Russia regarding making substantial progress toward the withdrawal of Russian armed forces from Latvia and Estonia. The provision has been amended to include a new section number 577.

POLICY WITH RESPECT TO RESTORATION OF DEMOCRACY IN HAITI

Amendment No. 113: Deletes Senate language regarding findings on Haiti.

STATEMENT OF POLICY ON THE UNITED NATIONS

Amendment No. 114: Deletes Senate language regarding the United Nations.

MIDDLE EAST PEACE FACILITATION ACT

Amendment No. 115: Inserts language allowing the President, until February 15, 1994 to waive section 307 of the Foreign Assistance Act with respect to the Palestine Liberation Organization, programs for the PLO, and programs for the benefit of entities associated with it, which accept the commitments made by the PLO on September 9, 1993. The President is to consult with the relevant Committees of Congress prior to exercising this waiver, and to determine that to do so is in the national interest. The waiver shall cease to be in effect if the President notifies Congress that the PLO has ceased to comply with the September 9, 1993 commitments, or if Congress, by joint resolution, makes a similar determination.

POLICY CONCERNING HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

Amendment No. 116: Deletes Senate language regarding human rights and democracy in Vietnam.

SENSE OF THE SENATE REGARDING IMPORTATION OF PRODUCTS MADE WITH CHILD LABOR

Amendment No. 117: Deletes Senate language regarding importation of products made with child labor.

DEFINITION AND APPROPRIATE CONGRESSIONAL COMMITTEES

Amendment No. 118: Deletes Senate language defining appropriate congressional committees.

WORLD BANK GROUP

Amendment No. 119: Deletes Senate language regarding the World Bank Independent Inspection Panel.

RUSSIAN REFORM

Amendment No. 120: Inserts Sense of the Congress language in support of President Yeltsin's efforts to bring about economic and political reform in Russia.

TITLE VI—FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS

FUNDS APPROPRIATED TO THE PRESIDENT ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 121: Restores House language making available not to exceed $500,000,000 for a special privatization and restructuring fund.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1993 amount, the 1994 budget estimates, and the House and Senate bills for 1994 follow:

New budget (obligational) authority, fiscal year 1993	$26,257,377,903
Budget estimates of new (obligational) authority, fiscal year 1994	14,425,993,066
House bill, fiscal year 1994	12,983,038,866
Senate bill, fiscal year 1994	12,526,854,047
Conference agreement, fiscal year 1994	12,982,665,866
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993	−13,274,712,037
Budget estimates of new (obligational) authority, fiscal year 1994	−1,443,327,200
House bill, fiscal year 1994	−373,000
Senate bill, fiscal year 1994	+455,811,819

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSÉ E. SERRANO,
WILLIAM H. NATCHER,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JOSEPH M. MCDADE,
Managers on the Part of the House.

MITCH MCCONNELL,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
DON NICKLES,
CONNIE MACK,
PHIL GRAMM,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

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 Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. CRAPO, for 30 minutes, today.

Mr. THOMAS, of California, for 30 minutes, today.

Mr. OXLEY, for 5 minutes, on September 30.

Mr. BEREUTER, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes today, in lieu of previously approved 60 minutes.

(The following Members (at the request of Mr. WYNN) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. COYNE, , for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SOLOMON and to include tabular material following his remarks on House Resolution 134.

(The following Members (at the request of Mr. HYDE) and to include extraneous matter:)

Mr. RIDGE.
Mr. ARMEY.
Mr. HUNTER.
Mr. MICHEL.
Mr. GOODLING, in two instances.
Mr. SOLOMON, in three instances.
Mr. CLINGER.
Mrs. VUCANOVICH.
Mr. CRAPO.
Mr. ROTH.
Mr. FISH.
Mr. PACKARD.
Mr. GILMAN, in two instances.
Mr. MCKEON.
Mr. BEREUTER, in three instances.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. HOLDEN.
Mr. PENNY.
Mr. BERMAN, in two instances.
Mr. HAMILTON, in two instances.
Mrs. MALONEY.
Mr. MAZZOLI.
Mr. LAFALCE.
Mr. ENGEL.
Mr. MANTON.
Mr. STARK.
Mr. DELLUMS.
Mr. BEILENSON.
Mr. BECERRA.
Mr. GONZALEZ.
Mr. WISE.
Mr. WAXMAN.
Mr. SANGMEISTER, in two instances.
Mr. COYNE, in two instances.
Mr. MINETA.
Mr. SLATTERY.
Mr. TORRES.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. GLICKMAN.
Mr. FILNER.
Mr. LANTOS.
Mr. SKAGGS.
Mr. LEWIS of Georgia.
Mr. WASHINGTON.
Mr. EDWARDS of Texas.
Mr. KOPETSKI.
Ms. BROWN of Florida.
Mr. KENNEDY.
Mr. DEUTSCH.
Mr. DICKS.
Mr. ACKERMAN in four instances.
Mr. EDWARDS of California.
Mr. JACOBS.
Mr. SPRATT.
Mr. NADLER.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995.

H.R. 3051. An act to provide that certain property located in the State of Oklahoma

owned by an Indian housing authority for the purpose of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills, and a joint resolution of the House of the following titles:

On September 21:

H.J. Res. 220. A joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range.

On September 23:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse."

On September 24:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 1513. An act to designate the United States courthouse located at 10th and Main Street in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

H.R. 2431. An act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

H.R. 3019. An act to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

ADJOURNMENT

Mr. HYDE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 29, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1952. A letter from the Director, Office of Management and Budget, transmitting OMB's projections of the direct spending targets for fiscal years 1994 through 1997; to the Committee on the Budget.

1953. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Theresa Anne Tull, of New Jersey, to be Ambassador to Brunei Darussalam, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1954. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Victor L. Tomseth, of Oregon, to be Ambassador to the Lao People's Democratic Republic, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1955. A letter from the Attorney General, Department of Justice, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar years 1990 and 1991, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

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. DINGELL: Committee on Energy and Commerce. H.R. 1919. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes, with an amendment (Rept. 103-258). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 259. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103-259). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 260. Resolution relating to the consideration of Senate amendments to House amendments to Senate amendments to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-260). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 261. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-261). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 262. Resolution providing for the consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior (Rept. 103-262). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 263. Resolution waiving certain points of order against the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-263). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 264. Resolution providing for the consideration of the bill (H.R. 2351) to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act (Rept. 103-264). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2689. A bill to amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes, with an amendment (Rept. 13-265). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3085. A bill to improve administrative services and support provided to the National Forest Foundation, and for other purposes (Rept. 103-266). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee of Conference. Conference report on H.R. 2295. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-267). Ordered to be printed.

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. COYNE (for himself, Mr. MURPHY, Mr. SANTORUM, and Mr. KLINK):

H.R. 3144. A bill to authorize funding within the Department of the Interior to implement the plan of the Steel Industry Heritage project, and for other purposes; to the Committee on Natural Resources.

By Mr. CRAPO (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. KASICH, Mr. INGLIS of South Carolina, Mr. GRAMS, Mr. INHOFE, Mr. RAMSTAD, Mr. HOKE, Mr. BACHUS of Alabama, Mr. HUFFINGTON, Mr. COX, Mr. BAKER of California, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. DELAY, Mr. GOSS, Mr. HANSEN, Mr. HEFLEY, Mr. HUNTER, Mr. HUTCHINSON, Mr. KINGSTON, Mr. MANZULLO, Mr. POMBO, Mr. SOLOMON, Mr. KYL, Mr. GOODLATTE, Mrs. MEYERS of Kansas, Mr. DICKEY, Mr. HANCOCK, Mr. GREENWOOD, Mr. PORTMAN, Mr. BALLENGER, Mr. EWING, Mr. KIM, Mr. ROHRABACHER, Mr. THOMAS of Wyoming, Mr. WALKER, Mr. SMITH of Texas, Mr. ANDREWS of New Jersey, Mr. KLUG, Mr. MCHUGH, Mr. MCINNIS, Mr. CANADY, Mr. BLILEY, Mr. ARMEY, Mr. SAM JOHNSON, Mr. DUNCAN, Mr. CASTLE, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCRERY, Mrs. MORELLA, Mr. RAVENEL, Mr. SHAYS, Mr. CONDIT, Mr. ZIMMER, Mr. COLLINS of Georgia, Mr. HOEKSTRA, Mr. HERGER, Mr. TALENT, Mr. FRANKS of New Jersey, Mr. KNOLLENBERG, Mr. LEVY, Mr. ZELIFF, Mr. SAXTON, Mr. BAKER of Louisiana,

Mr. PARKER, Mr. PENNY, Mr. DOOLITTLE, Mr. STEARNS, Mr. HOBSON, Mr. MICA and Ms. DUNN):

H.R. 3145. A bill to amend the Congressional Budget Act of 1974 to provide for downward adjustments in section 602 and section 302 Appropriations Committees allocations and suballocations, and for other purposes; to the Committee on Rules.

By Mr. DORNAN:

H.R. 3146. A bill to amend the Clean Air Act to provide greater State flexibility in automobile inspection and maintenance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Texas (for himself, Mr. MCCRERY, Mr. JEFFERSON, Mr. MCCLOSKEY, Mr. FISH, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HAYES, Mr. CHAPMAN, Mr. SARPALIUS, Mr. LANCASTER, Mr. BAKER of Louisiana, Mr. FILNER, and Mr. LEVY):

H.R. 3147. A bill to amend the Internal Revenue Code of 1986 to make the targeted jobs credit permanent and to treat as a member of a targeted group every individual who has received a Department of Defense campaign ribbon, liberation ribbon, or national defense service medal; to the Committee on Ways and Means.

By Mr. EMERSON:

H.R. 3148. A bill to extend the duty reduction on certain unwrought lead for a period of 2 years; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3149. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to extend the matching fund waiver for projects approved under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. HASTINGS (for himself and Mrs. MEEK):

H.R. 3150. A bill to designate the Federal Justice Building in Miami, FL, as the "James Lawrence King Federal Justice Building"; to the Committee on Public Works and Transportation.

By Mr. HOEKSTRA:

H.R. 3151. A bill to revive and extend until January 1, 1997, the suspension of duty on bendiocarb; to the Committee on Ways and Means.

H.R. 3152. A bill to suspend, until January 1, 1997, the duty on N,N-dimethyl-N'-(3-((methylamino)carbonyl)oxy)phenyl) methanimidamide monohydrochloride; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. GONZALEZ, Mr. MOAKLEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. FLAKE, Ms. WATERS, Mr. HINCHEY, Mr. KLEIN, Mr. WATT, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. WYNN, Ms. BROWN of Florida, Mr. FILNER, Mr. HAMBURG, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. COYNE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. LANTOS, and Mr. DEFAZIO):

H.R. 3153. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETERSON of Minnesota (for himself and Mr. POMEROY):

H.R. 3154. A bill to require official inspection and testing of all grain imported into the United States; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3155. A bill to repeal the increase in tax on social security benefits made by the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mrs. UNSOELD (for herself, Mr. DICKS, Mr. KREIDLER Mr. MCDERMOTT, and Mr. SWIFT):

H.R. 3156. A bill to authorize the Secretary of Transportation to convey for scrapping by the Virginia V Foundation (a nonprofit organization) a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Merchant Marine and Fisheries.

By Mr. BARTON of Texas:

H.R. 3157. A bill to repeal the Cable Television Consumer Protection and Competition Act of 1992; to the Committee on Energy and Commerce.

By Ms. BYRNE:

H.R. 3158. A bill to amend the Export-Import Bank Act of 1945 to authorize the Bank to finance the export of certain defense articles and services to certain countries for a limited period, and to provide funds for the exercise of such authority by amending the Foreign Assistance Act of 1961 to repeal the international military education and training program; jointly, to the Committee on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. EVANS (for himself, Mr. KENNEDY, and Mr. FILNER):

H.R. 3159. A bill to amend title 38, United States Code, to codify the addition by the Secretary of Veterans Affairs of certain additional diseases to the list of diseases occurring in veterans that are considered to be service-connected; to the Committee on Veterans' Affairs.

By Mr. MARTINEZ (for himself and Ms. MOLINARI):

H.R. 3160. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102-586; and for other purposes; to the Committee on Education and Labor.

H.R. 3161. A bill to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992; and for other purposes; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. NADLER (for himself and Mr. BECERRA):

H.R. 3162. A bill to provide for expedited asylum and exclusion procedures for certain aliens and to provide for enhanced penalties for alien smuggling and asylum abuse; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. GORDON, Mr. DEAL, Mr. CANADY, Mr. HUGHES, and Mr. PORTER):

H.R. 3163. A bill to improve the ability of the United States Government to collect debts owed to it, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. TALENT:

H.J. Res. 269. Joint resolution designating October 23, 1993, through October 31, 1993, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on Post Office and Civil Service.

By Mr. BARCA of Wisconsin:

H. Con. Res. 156. Concurrent resolution expressing the sense of Congress regarding the coverage of members of Congress under health care reform legislation; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. By the Speaker: Memorial of the Senate of the State of Alaska, relative to the minimum Federal criteria for municipal solid waste landfills; to the Committee on Energy and Commerce.

246. Also, memorial of the House of Representatives of the State of Michigan, relative to the desecration of our Nation's flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY:

H.R. 3164. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel MV *Viking*; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN:

H.R. 3165. A bill to authorize a foreign-built launch barge to transport an offshore drilling platform jacket in the coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 3166. A bill to authorize the sale and reregistration of certain vessels; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. BROWN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MINK, Mr. PASTOR, and Mr. WASHINGTON.

H.R. 31: Mrs. LOWEY, Mr. FISH, and Ms. DELAURO.

H.R. 54: Mr. GUNDERSON.

H.R. 55: Mr. SMITH of New Jersey, Mr. SHAYS, Mrs. MORELLA, and Mr. FRANKS of New Jersey.

H.R. 156: Mr. EVANS.

H.R. 166: Mr. PORTMAN.

H.R. 302: Ms. BYRNE, Mr. LIPINSKI, Mr. SKEEN, and Mr. PETE GEREN of Texas.

H.R. 304: Mr. COMBEST.

H.R. 349: Mr. ANDREWS of Texas.

H.R. 551: Mr. LEWIS of Florida and Mr. PALLONE.

H.R. 558: Mr. PALLONE.

H.R. 624: Mr. DELAY, Mr. JOHNSON of Georgia, Ms. LONG, Mr. KOLBE, and Mr. PORTMAN.

H.R. 636: Mr. LIVINGSTON.

H.R. 656: Mr. DELLUMS.

H.R. 739: Mr. LEWIS of Florida, Mr. KNOLLENBERG, and Mr. COX.

H.R. 767: Mr. ROWLAND.

H.R. 786: Mr. KOPETSKI.

H.R. 794: Mr. SHAYS and Mr. BAKER of Louisiana.

H.R. 827: Ms. FURSE, Mr. KINGSTON, Mr. FARR, Mr. CRANE, Mr. CAMP, Mr. INSLEE, Mr. DELLUMS, Mr. BAKER of Louisiana, Mr. DE LA GARZA, Mr. BILBRAY, Mr. GEJDENSON, Mr. BILIRAKIS, and Mr. RUSH.

H.R. 830: Mr. SMITH of Michigan, Mr. BROWDER, Mr. GEKAS, and Mr. MCMILLAN.

H.R. 886: Mr. COX and Mr. COLLINS of Georgia.

H.R. 911: Mr. ZIMMER.

H.R. 937: Mr. JOHNSTON of Florida.

H.R. 1086: Mr. GUNDERSON.

H.R. 1130: Mr. PORTER.

H.R. 1182: Mr. CLYBURN and Mr. DEAL.
H.R. 1276: Mr. KOPETSKI.
H.R. 1408: Mr. SHAYS and Mr. KLINK.
H.R. 1500: Mr. MINETA, Mr. BEILENSON, Mr. SKAGGS, and Mr. SANDERS.
H.R. 1504: Mr. WYDEN and Mr. COOPER.
H.R. 1529: Mr. MCMILLAN.
H.R. 1534: Mrs. ROUKEMA, Mr. JACOBS, Mr. DE LUGO, Mr. MURPHY, and Mr. BERMAN.
H.R. 1552: Mrs. THURMAN, Mr. WALKER, Mr. PORTMAN, and Mrs. LLOYD.
H.R. 1595: Mrs. THURMAN.
H.R. 1697: Mr. BONIOR.
H.R. 1738: Mr. KYL and Mr. REED.
H.R. 1886: Mr. GEJDENSON and Mr. UNDERWOOD.
H.R. 2012: Mr. GEPHARDT, Mr. WYDEN, Ms. VELAZQUEZ, Mr. SERRANO, Mr. HAMILTON, Mr. BOEHLERT, and Mr. BUYER.
H.R. 2159: Mr. SANDERS, Ms. DANNER, and Mr. PARKER.
H.R. 2292: Mr. WYNN and Mr. BARRETT of Wisconsin.
H.R. 2319: Mr. BAESLER and Mr. BARCA of Wisconsin.
H.R. 2443: Mr. ANDREWS of New Jersey, Mr. PACKARD, Ms. PRYCE of Ohio, Mr. CLINGER, Mr. BACHUS of Alabama, Mr. KANJORSKI, Mr. EVANS, Mr. LIVINGSTON, Mr. TALENT, Mr. BRYANT, Mr. DICKS, Mr. BORSKI, Mr. MILLER of California, Mr. BREWSTER, Mrs. COLLINS of Illinois, Mr. WHEAT, Mr. NUSSLE, Mr. BROWN of Ohio, and Mr. SAM JOHNSON.
H.R. 2456: Mr. DELLUMS.
H.R. 2462: Mr. MONTGOMERY.
H.R. 2500: Mr. MINGE.
H.R. 2573: Ms. VELAZQUEZ, Mrs. MALONEY, and Mr. RUSH.
H.R. 2583: Mr. DELLUMS.
H.R. 2599: Mr. COPPERSMITH.
H.R. 2606: Mr. WISE.
H.R. 2612: Mr. FILNER.
H.R. 2623: Mr. DARDEN.
H.R. 2641: Mr. DELLUMS.
H.R. 2662: Mr. CLYBURN, Mr. DARDEN, Mr. DICKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MORELLA, Mr. DICKEY, Mr. WILLIAMS, Mr. TEJEDA, Mr. RAHALL, Mr. CLAY, Mr. KENNEDY, and Ms. NORTON.
H.R. 2720: Mr. SHAYS, Mr. MANZULLO, Mr. HORN, Mr. MANTON, Mr. SMITH of New Jersey, Mr. CALVERT, Mr. EVERETT, Mr. BOEHLERT, Mr. BARTLETT of Maryland, Mr. HOUGHTON, Mr. MCKEON, Mr. BARCA of Wisconsin, Mr. BACHUS of Alabama, and Mr. GREENWOOD.
H.R. 2787: Mr. TOWNS, Mr. HUGHES, and Ms. ROYBAL-ALLARD.
H.R. 2788: Mr. MCDERMOTT and Mr. MILLER of California.
H.R. 2831: Mr. GALLEGLY, Mr. DORNAN, Mr. HORN, Mr. DIXON, Mr. MCHUGH, Mr. LEHMAN, and Mr. FILNER.
H.R. 2863: Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. SANDERS, Ms. VELAZQUEZ, Mr. FILNER, Ms. SLAUGHTER, Mrs. ROUKEMA, Mr. CLINGER, Mr. ROHRABACHER, Mr. DORNAN, and Mr. ZIMMER.
H.R. 2873: Mr. HUTTO, Mr. CANADY, Mr. KNOLLENBERG, Mr. LIPINSKI, Mr. EWING, and Mr. DEUTSCH.
H.R. 2884: Mr. MENENDEZ and Mr. SCOTT.
H.R. 2896: Mr. LIGHTFOOT and Mr. BAKER of Louisiana.
H.R. 2921: Mr. COSTELLO.
H.R. 2950: Mr. DEUTSCH and Mr. PASTOR.
H.R. 2971: Ms. DANNER, Mr. DORNAN, Mr. HINCHEY, Mr. LEVY, Mr. TORKILDSEN, Mr. SHAYS, and Ms. NORTON.
H.R. 3005: Mr. HANCOCK, Mr. PETE GEREN of Texas, Mr. KINGSTON, and Mr. DICKEY.
H.R. 3021: Mr. STEARNS.
H.R. 3024: Mr. KINGSTON.
H.R. 3030: Mr. PACKARD.
H.R. 3031: Mr. PACKARD.
H.R. 3032: Mr. DIAZ-BALART.
H.R. 3038: Mr. DORNAN.
H.R. 3066: Mr. FRANK of Massachusetts and Mr. SOLOMON.
H.R. 3077: Mr. BOEHNER.
H.R. 3087: Mr. CAMP, Mr. MCINNIS, Mr. TORRES, Mr. BATEMAN, Mr. BREWSTER, Mr. BROWN of Ohio, and Mr. FINGERHUT.
H.R. 3088: Mr. GORDON, Ms. SHEPHERD, and Mrs. LLOYD.
H.R. 3125: Mr. HOLDEN.
H.J. Res. 38: Mr. SMITH of Texas and Mr. DORNAN.
H.J. Res. 79: Mr. ROMERO-BARCELO, Mr. HINCHEY, and Mr. SHARP.
H.J. Res. 106: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILBRAY, Mr. BLACKWELL, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Mr. BRYANT, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CHAPMAN, Mr. CLAY, Mrs. CLAYTON, Mr. CLINGER, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONDIT, Mr. COPPERSMITH, Mr. COSTELLO, Mr. COX, Mr. CRANE, Mr. DARDEN, Mr. DEAL, Mr. DEFAZIO, Ms. DELAURO, Mr. DELAY, Mr. DE LUGO, Mr. DOOLEY, Mr. DURBIN, Mr. EMERSON, Mr. ENGEL, Mr. ENGLISH of Oklahoma, Ms. ESHOO, Mr. EVANS, Mr. GEJDENSON, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILCHREST, Mr. GLICKMAN, Mr. HALL of Texas, Mr. HANCOCK, Mr. HAYES, Mr. HERGER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HORN, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. JOHNSON of Georgia, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Ms. LAMBERT, Mr. LANTOS, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Ms. LOWEY, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCNULTY, Ms. MARGOLIES-MEZVINSKY, Mr. MAZZOLI, Mrs. MEEK, Mr. MFUME, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MORAN, Mr. NADLER, Mr. NATCHER, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. PETERSON of Florida, Mr. PICKLE, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROEMER, Mr. ROSE, Mr. ROWLAND, Mr. RUSH, Mr. SANDERS, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SISISKY, Mr. SKELTON, Mr. SLATTERY, Mr. SPRATT, Mr. STARK, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. THOMPSON, Mr. THORNTON, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, Mr. VISCLOSKY, Mr. WALSH, Mr. WASHINGTON, Mr. WAXMAN, Mr. WELDON, Mr. WHEAT, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, and Mr. YOUNG of Alaska.
H.J. Res. 113: Mr. CALLAHAN and Mr. HAMILTON.
H.J. Res. 139: Mr. SLATTERY, Mr. COLLINS of Georgia, and Mr. BLILEY.
H.J. Res. 194: Mr. MAZZOLI, Mr. WISE, Mr. BECERRA, and Mr. WATT.
H.J. Res. 206: Mr. ARMEY, Mr. BARLOW, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BUNNING, Mr. BUYER, Mr. CALLAHAN, Mr. COSTELLO, Mr. DORNAN, Ms. DUNN, Mr. EVERETT, Mr. GIBBONS, Mr. GILCHREST, Mr. GRANDY, Mr. HASTERT, Mr. HEFLEY, Mr. HILLIARD, Mr. HUNTER, Mr. GREENWOOD, Mr. JOHNSTON of Florida, Mr. KENNEDY, Mr. KIM, Mr. KLECZKA, Mr. LEVY, Mr. LIGHTFOOT, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCKEON, Mr. MCMILLAN, Ms. MOLINARI, Mr. MURPHY, Mr. NADLER, Mr. NUSSLE, Mr. PACKARD, Mr. PASTOR, Mr. PAXON, Mr. PICKLE, Mr. PORTMAN, Mr. PRICE of North Carolina, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SCOTT, Mr. SHUSTER, Mr. SOLOMON, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SPENCE, Mr. STUMP, Mr. THOMAS of Wyoming, Mr. THOMPSON, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, and Mr. YOUNG of Alaska.
H.J. Res. 234: Mr. BALLENGER, Mr. GONZALEZ, Mr. KREIDLER, Mr. REYNOLDS, Mr. BONIOR, Mr. TOWNS, Mr. WYNN, Mr. GORDON, Mr. DE LA GARZA, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. MONTGOMERY, Mr. MURPHY, Mr. HANSEN, Mr. MURTHA, Ms. BROWN of Florida, Mr. TORRICELLI, Ms. DANNER, Mr. JOHNSON of South Dakota, Mrs. MINK, Mr. ARCHER, Mr. WHEAT, Mr. VOLKMER, Mr. LEACH, Mr. HASTINGS, Mr. HILLIARD, Mr. KANJORSKI, Mr. DEUTSCH, and Mr. MARKEY.
H.J. Res. 237: Mr. FROST, Mr. MCCLOSKEY, and Mr. TALENT.
H.J. Res. 247: Miss. COLLINS of Michigan, Mr. POSHARD, Mr. KIM, Mr. MCKEON, Mr. LAUGHLIN, Mr. HORN, Mr. THOMAS of Wyoming, Mr. MARTINEZ, Mr. SARPALIUS, Mr. HEFNER, Mr. SLATTERY, Mr. BAKER of California, Ms. FURSE, Mr. EWING, Mr. BERMAN, Mr. HUTTO, Mr. DEUTSCH, Mr. SANDERS, Mr. HUGHES, Mr. WAXMAN, Mr. WALSH, Mr. BAESLER, Mr. PETERSON of Florida, Mr. KASICH, Mr. MCDERMOTT, Mr. DE LA GARZA, Mr. DURBIN, Mr. BACHUS of Alabama, Mr. HASTERT, Mrs. MEEK, Mr. WOLF, Mr. GEKAS, Mr. ARCHER, Mr. HOCHBRUECKNER, Mr. SPRATT, Mr. BURTON of Indiana, Mr. REYNOLDS, Mr. FLAKE, Mr. PALLONE, Mr. SKELTON, Mr. RANGEL, Mr. HOBSON, Mr. SKEEN, Ms. PRYCE of Ohio, Mr. PRICE of North Carolina, Mr. BATEMAN, Mr. MANTON, Mrs. MINK, Mr. GREENWOOD, Mr. NADLER, Mr. GENE GREEN of Texas, Mr. PORTER, Mr. MACHTLEY, Mr. PETE GEREN of Texas, Mr. KOPETSKI, Mr. BUNNING, Mr. SAWYER, Mr. CALLAHAN, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. MURTHA, Mr. MOAKLEY, Mr. BROWDER, Mr. CALVERT, Mr. LEACH, Mr. MCCLOSKEY, Mr. NEAL of North Carolina, Mr. MCCOLLUM, Mr. MEEHAN, Mr. PACKARD, Mr. YATES, Mrs. MALONEY, Mr. OXLEY, Mr. PASTOR, Mr. RAMSTAD, Mr. COLLINS of Georgia, Mr. STOKES, Mr. BILBRAY, Mr. HYDE, and Mr. SYNAR.
H.J. Res. 256: Mr. KINGSTON.
H.J. Res. 262: Mr. BARCA of Wisconsin, Mr. BERMAN, Ms. PELOSI, Mr. ROSE, and Mr. SKEEN.
H.J. Res. 266: Mr. SKEEN, Mr. MCDADE, Mr. HUGHES, and Ms. WOOLSEY.
H. Con. Res. 6: Mr. KINGSTON.
H. Con. Res. 56: Ms. NORTON.
H. Con. Res. 59: Mr. MILLER of California.
H. Con. Res. 95: Mr. HINCHEY, Ms. DANNER, and Mr. GUTIERREZ.
H. Con. Res. 104: Mr. HANCOCK.
H. Con. Res. 110: Mr. PICKETT and Mr. BROWDER.
H. Con. Res. 124: Mr. RICHARDSON and Ms. NORTON.
H. Con. Res. 141: Mr. KOPETSKI, Mr. KLUG, Mr. EVERETT, Mr. BROWDER, Mr. PARKER, and Ms. LOWEY.
H. Con. Res. 147: Mr. BARRETT of Wisconsin, Mr. SWETT, Mr. CLEMENT, Mrs. THURMAN, Mr. HAMBURG, Mr. ROYCE, and Mr. KANJORSKI.
H. Res. 134: Mrs. VUCANOVICH.
H. Res. 165: Mr. HANSEN, Mr. STUMP, Mr. COX, Mr. MILLER of California, Mr. LIPINSKI, Mr. SCHUMER, Mr. MORAN, Mr. REGULA, Mr. LEWIS of Georgia, Mr. RUSH, Mr. YATES, Mr. THORNTON, Mr. DORNAN, Mr. HAMILTON, Mr. CLEMENT, Mr. SKEEN, Mr. FOGLIETTA, Mr. BROWN of Ohio, and Ms. SCHENK.
H. Res. 202: Mr. PARKER.
H. Res. 237: Mr. ALLARD, Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BEREUTER, Mr. BLUTE, Mr. BOUCHER, Mr.

GOODLATTE, Mr. CAMP, Mr. CANADY, Mr. COX, Mr. DORNAN, Mr. EWING, Mr. HUTCHINSON, Mr. INSLEE, Mr. KASICH, Mr. KREIDLER, Mr. LINDER, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. SHAYS, Mr. SOLOMON, and Mr. TALENT.

H. Res. 239: Mr. BOEHNER, Mr. KIM, and Mr. PARKER.

H. Res. 247: Mr. KINGSTON.

PETTITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

57. By the SPEAKER: Petition of the Legislature of Rockland County, NY, relative to support of S. 965 and H.R. 870, the "Toxic Cleanup Equity Act of 1993"; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

58. Also, petition of the Legislature of Rockland County, NY, relative to support of proposed funding increases for the Head Start Program and child immunizations; jointly, to the Committees on Energy and Commerce and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follow:

H.R. 3116

By Mr. KENNEDY:

—Page 8, line 1, strike out "$15,221,091,000" and insert in lieu thereof "15,218,191,000".

By Mrs. MALONEY:

—Page 15, strike line 15 and all that follows through page 16, line 8.