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No. 31

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
February 16, 1995.

I hereby designate the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### PRAYER

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

Teach us, O God, of the force of the words we say and the power of the statements that we make. May our expressions reflect the truth of what we mean and the reality of what we are endeavoring to communicate. Above all else, may what we say make a contribution to the common good and elevate all conversation to a level of respect and mutual consideration, so that our words bring harmony and understanding and healing and always reveal that we are Your people created by Your image. Bless us this day and every day, we pray. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from New York [Mr. QUINN] will lead the membership in the Pledge of Allegiance.

Mr. QUINN 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.

### ORDER OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 7 in the Committee of the Whole, subject to the 10-hour limitation on debate, the following amendments be considered in the following order, with these amendments and all amendments thereto debatable for the time specified, equally divided and controlled by the proponent and Member opposed:

In title I, the McHale amendment, No. 47, for 2 minutes; in title III, the Hefley amendment, No. 5, for 10 minutes; the Harman amendment, No. 1, or the Menendez amendment, No. 2, for 16 minutes; in title IV, the Leach amendment, No. 32, for 20 minutes; in title V, amendments No. 13, 21, 24, 30, or 33, or germane modifications of one of those amendments for 36 minutes; the Johnson amendment, No. 31, for 5 minutes; the Traficant amendment, No. 49, for 5 minutes; in title VI, the Durbin amendment, No. 22, or the Gilman amendment, No. 23, for 10 minutes; the Bate-man amendment, No. 8, for 3 minutes; the Torricelli amendment, No. 48, or amendments Nos. 28 or 43 for 36 minutes; the Skelton amendment, No. 7, or the Spratt amendment, No. 42, for 2 minutes; the Engel amendment, as modified, for 2 minutes.

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

There was no objection.

### ADDITIONAL DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. VOLKMER. Mr. Speaker, I have a unanimous-consent request.

The SPEAKER pro tempore. The gentleman will state the unanimous-consent request.

Mr. VOLKMER. The unanimous-consent request is that the leader of both sides, Republican and Democratic leaders, be allowed 3 minutes each for debate on H.R. 7.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I am taking the time to ask the gentleman if he could spell it out for us. Is that for debate purposes only?

Mr. VOLKMER. Yes. I said, for debate only.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Notwithstanding the time limitation?

Mr. BERMAN. Reserving the right to object, Mr. Speaker, I have one question. I assume this is not within the 10-hour limit?

Mr. VOLKMER. If the gentleman will yield, Mr. Speaker, that is correct. This is in addition to the other time. It does not come out of the time.

Mr. BERMAN. I withdraw my reservation of objection, Mr. Speaker.

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

There was no objection.

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

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



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H1853

NATIONAL SECURITY  
REVITALIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 83 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. 7.

□ 0905

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. 7) to revitalize the national security of the United States, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, February 15, 1995, the amendment offered by the gentleman from Missouri [Mr. SKELTON], as amended, had been disposed of, and the bill was open for amendment at any point.

Three hours and fifty minutes remain for consideration of amendments under the 5-minute rule, pursuant to the order of the House today.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. MCHALE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCHALE: Page 9, after line 21, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) to provide for sufficient forces to meet the national security strategy of using forward-deployed and forward-based forces to promote regional stability, deter aggression, improve joint/combined operations among United States forces and allies, and ensure timely crisis response:

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MCHALE] will be recognized for 1 minute, and a Member opposed will be recognized for 1 minute.

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

Mr. MCHALE. Mr. Chairman, I yield myself the 1 minute.

My hope is there is no Member opposed.

This amendment is being offered with the consent and approval of the leadership on both sides. I particularly want to thank the chairman of the committee, the gentleman from South Carolina [Mr. SPENCE], for his agreement in allowing me to offer this amendment. I also want to emphasize, Mr. Chairman, that I offer this amendment with my good friend and colleague, the gentleman from Florida [Mrs. FOWLER], because on this issue, she and I absolutely see eye to eye.

Mr. Chairman, it was President Kennedy who said only when our strength is sufficient beyond doubt can we be certain beyond doubt that it will never

be employed. This amendment simply says that we guarantee to particularly our naval forces the military resources necessary for peacetime deployment so that when a crisis occurs, when our Nation must quickly deploy forces into a combat theater, that the U.S. Navy and embarked forces will have the opportunity for crisis response. That is what the Navy typically does during peacetime.

Mr. Chairman, I yield back the balance of my time, and suggest perhaps a few comments from my colleague, the gentlewoman from Florida [Mrs. FOWLER], would be appropriate at this time.

The CHAIRMAN. Does any Member seek the 1 minute in opposition?

Hearing none, the Chair recognizes the gentlewoman from Florida [Mrs. FOWLER] for 1 minute.

Mrs. FOWLER. Mr. Chairman, I yield myself the 1 minute.

Mr. Chairman, I am pleased to cosponsor this amendment with my colleague, the gentleman from Pennsylvania [Mr. MCHALE].

As he stated, this just puts into this bill the policy that in order to provide sufficient forces to meet our national security strategy of using forward-deployed and forward-based forces to promote regional stability, that it is very important that we have this policy in our bill, because this is what our U.S. Navy does, and we want to make sure that this language is spelled out clearly in this bill.

I am pleased to be a cosponsor with my colleague, the gentleman from Pennsylvania [Mr. MCHALE].

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MCHALE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment. It is amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Strike out section 309 (page 21, lines 19 through 22) and insert the following:

**SEC. 309. FUNDING.**

Funds for the activities of the Commission shall be made available to the Commission by the Secretary of Defense from funds appropriated for activities of the Office of the Secretary of Defense.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

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

Mr. Chairman, as we marked up this bill in the National Security Committee, I had concerns about spending additional money on a commission. I did

not want an additional \$1.5 million being taken away from our troops.

The chairman of our committee, the gentleman from South Carolina [Mr. SPENCE], and his staff have worked diligently to calm my fears.

My amendment would simply state that the commission shall be paid for by funds appropriated for the Office of Secretary of Defense. This is appropriate since the Office of the Secretary of Defense is the one that generally has money to do studies of various kinds. It is also appropriate because these funds will not be coming out of training or readiness accounts, and I think that is the real key, Mr. Chairman, is that we do not want this money coming out of the hides of our fighting forces as we prepare them to meet whatever contingency is out there.

So we are asking that this come out of the Office of the Secretary of Defense. It is my understanding that the chairman is willing to accept this amendment, and I would ask support for the Hefley amendment.

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

The CHAIRMAN. Does anyone seek recognition in opposition?

Ms. HARMAN. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from California [Ms. HARMAN] for 5 minutes.

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

I rise in opposition to the Hefley amendment.

First, let me thank my colleague for supporting an amendment I offered in the National Security Committee to strike the entire commission including its funding. I think that is the way to go, and in just a few minutes, my colleague, the gentleman from New Jersey [Mr. MENENDEZ], and I will offer an amendment again to do that.

I think the gentleman from Colorado [Mr. HEFLEY] is correct in pointing out the \$1.5 million that would be appropriated for this commission should not come from new funds, nor should it come from existing funds. We should not spend it.

I am a supporter of the balanced budget amendment, as is he, and it is time to get serious about cutting out unnecessary funding. This is a point I made last night, too, as we made the difficult balance between more funds for national missile defense and readiness.

There is no free lunch, Mr. Chairman, and unfortunately this amendment would seem to be asking for one.

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

Ms. HARMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. I would like to again speak for the troops: \$1.5 million will take care of a lot of taking care of their homes, their roofs, their refrigerators, the bathrooms, the quality of life. It will take care of a lot of ammunition for them to shoot on the rifle

range. I think this is really a usurpation of our job here. The Constitution tells us we are in charge, not a commission.

I speak for the troops again.

Ms. HARMAN. I appreciate that. Mr. Chairman, I yield to my colleague, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. I thank the gentlewoman for yielding.

I, too, oppose the Hefley amendment.

I think it is an obvious attempt to try to deflect from the upcoming amendment that the gentlewoman from California [Ms. HARMAN] and I are offering. The fact of the matter is \$1.5 million out of the taxpayers' money, wherever you do it, is still \$1.5 million out of the taxpayers' money, and it goes and flies against the spirit of the contract.

If you are for smaller government, you do not add another commission. If you are for less bureaucracy, you do not add another commission. If you are for less spending, you do not add another commission.

And so when we have the entire resources of the Congress, all the committees that review it, and ultimately the bottom-up review that has been had, the last thing we need to do is to continue to add another layer of bureaucracy, another \$1.5 million.

You can shift the costs. You can shift the costs, but ultimately it is coming out of the average taxpayer's pocket.

Vote against the Hefley amendment.

Ms. HARMAN. Reclaiming my remaining time, I will just say this, let us balance the budget. Let us vote "no" on the Hefley amendment.

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

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

I would just, in response, point out that if the Office of the Secretary of Defense has \$5 million to buy Korean oil, they can certainly have the money to do this.

I think the question which we will be debating in a few minutes of whether or not the commission is appropriate is a different question.

Mr. Chairman, I yield to my friend, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding to me.

I think he made an interesting statement there with respect to Korean oil. It is my understanding we did make this major Korean oil purchase out of the purse, if you will, of the Office of the Secretary of Defense. It is a massive, massive pool of money. Is that right?

Mr. HEFLEY. It is, indeed. In fact, I think the figure is about \$80 million that they have for studies, and that kind of thing, in the Office of the Secretary of Defense. I am not sure what the total budget is.

Mr. HUNTER. Let me offer to my friend that his idea that this comes out of the Secretary of Defense's office, I

think, is a good one, because the Secretary of Defense himself commissions literally dozens and dozens of studies from outside groups. That is where the term "Beltway Bandit," I think, came into being.

□ 0915

Those are all the thousands of consultants that live in this city that do studies, and we are going to get into the heart of this commission shortly. But \$1.5 million coming out of the OSD pot is going to be less, I understand, approximately 1 percent of that money that the Secretary has to run his office and to pay for commissions.

I think it is appropriate. I thank the gentleman.

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

Mr. HEFLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding to me.

Mr. Chairman, the Secretary of Defense came before us, and he said, "I don't want this study. Leave me alone. I don't want to spend \$1.5 million." He did not want it. So why does the gentleman want to give it to him?

Mr. HUNTER. If the gentleman will yield further, we are going to get into this. But the Secretary of Defense has some real problems. As my friend, the gentleman from Mississippi [Mr. MONTGOMERY], knows, my friend from Mississippi, who always has the interest of the troops at heart and was arguing passionately and eloquently last night for more readiness for troops, for more housing, the Secretary of Defense has to come before our committee every time and say, "I have enough." And we know that he does not have enough money. We know that GAO just did this report that says he is underfunded, his own plan, by \$150 billion. So we are going to get into the heart of this commission.

But my suggestion is the gentleman from Mississippi has a great tradition, has established a tradition a lot of us have followed of not always accepting everything the Secretary's office tells us, and having our own ideas.

I think this is going to help the Secretary to have some outside analysis on a number of these questions where there is so much difference in what the Secretary's position is and what other reliable agencies, like GAO, says. He and GAO were \$150 billion apart. I think it is appropriate to figure out why they have a big difference.

Mr. HEFLEY. Mr. Chairman, if I might respond to my friend, the gentleman from Mississippi [Mr. MONTGOMERY], as well, the Secretary of Defense does not want 10 or 12 guard armories every year either. Yet I know the gentleman feels strongly about that, as many of us do. We have an oversight responsibility. Now, whether or not we need the commission, the argument for the commission is there is some question because of what the gentleman from California [Mr. HUNTER]

said about the Bottom-Up Review and whether that really is a clear picture, and how do we get a clear picture?

The answer in this bill is we get an independent kind of commission that can look.

Mr. MONTGOMERY. Mr. Chairman, will the gentlemen yield further?

Mr. HEFLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman once again.

What we ought to be doing is not closing these military bases, which comes under the gentleman's subcommittee. We ought to save this \$1.5 million in order to keep some of the bases open.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 180, not voting 43, as follows:

[Roll No. 140]

#### AYES—211

Allard	Ehlers	Jones
Archer	Ehrlich	Kasich
Bachus	Emerson	Kelly
Baker (CA)	English	Kim
Baker (LA)	Ensign	King
Ballenger	Everett	Kingston
Barr	Ewing	Klug
Barrett (NE)	Fawell	Knollenberg
Bartlett	Fields (TX)	Kolbe
Barton	Flanagan	LaHood
Bass	Foley	Largent
Bateman	Forbes	Latham
Bereuter	Fowler	LaTourette
Bilirakis	Fox	Lazio
Bliley	Franks (CT)	Leach
Blute	Franks (NJ)	Lewis (CA)
Boehlert	Frelinghuysen	Lewis (KY)
Boehner	Frisa	Lightfoot
Bonilla	Funderburk	Lincoln
Bono	Gallely	Linder
Brownback	Ganske	Livingston
Bryant (TN)	Gekas	LoBiondo
Bunn	Geren	Longley
Bunning	Gilchrest	Lucas
Burr	Gillmor	Manzullo
Burton	Gilman	Martini
Buyer	Goodlatte	McCollum
Callahan	Goodling	McCreery
Calvert	Goss	McHugh
Camp	Graham	McInnis
Canady	Greenwood	McIntosh
Castle	Gutknecht	McKeon
Chabot	Hancock	Metcalf
Chenoweth	Hansen	Mica
Christensen	Hastert	Miller (FL)
Chrysler	Hastings (WA)	Molinari
Clinger	Hayworth	Moorhead
Coble	Hefley	Myers
Combest	Heineman	Myrick
Cooley	Hilleary	Nethercutt
Crane	Hobson	Neumann
Crapo	Hoekstra	Ney
Cremeans	Hoke	Norwood
Cubin	Horn	Nussle
Cunningham	Hostettler	Oxley
Davis	Houghton	Packard
DeLay	Hunter	Paxon
Diaz-Balart	Hutchinson	Petri
Dickey	Hyde	Pombo
Doolittle	Inglis	Porter
Dreier	Istook	Portman
Duncan	Johnson (CT)	Pryce
Dunn	Johnson, Sam	Quillen

Quinn	Shays	Torkildsen
Radanovich	Shuster	Traficant
Ramstad	Smith (MI)	Upton
Riggs	Smith (NJ)	Waldholtz
Roberts	Smith (TX)	Walker
Rogers	Smith (WA)	Walsh
Rohrabacher	Solomon	Watts (OK)
Ros-Lehtinen	Souder	Weldon (FL)
Roth	Spence	Weldon (PA)
Royce	Stearns	Weller
Salmon	Stockman	White
Sanford	Stump	Whitfield
Saxton	Talent	Wicker
Schaefer	Tate	Wolf
Schiff	Taylor (NC)	Zeliff
Seastrand	Thomas	Zimmer
Sensenbrenner	Thornberry	
Shaw	Tiahrt	

## NOES—180

Abercrombie	Gibbons	Oliver
Ackerman	Gonzalez	Orton
Andrews	Gordon	Owens
Baesler	Gunderson	Pallone
Baldacci	Hall (OH)	Parker
Barcia	Hall (TX)	Pastor
Barrett (WI)	Hamilton	Payne (NJ)
Beilenson	Harman	Payne (VA)
Bentsen	Hayes	Pelosi
Berman	Hefner	Peterson (FL)
Bevill	Hilliard	Peterson (MN)
Bishop	Holden	Pickett
Bonior	Hoyer	Pomeroy
Borski	Jackson-Lee	Poshard
Boucher	Jacobs	Rahall
Brewster	Jefferson	Rangel
Browder	Johnson (SD)	Reed
Brown (CA)	Johnson, E. B.	Reynolds
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Roemer
Bryant (TX)	Kaptur	Roybal-Allard
Cardin	Kennedy (MA)	Rush
Clayton	Kennedy (RI)	Sabo
Clement	Kennelly	Sanders
Clyburn	Kildee	Sawyer
Coleman	Klink	Schroeder
Condit	LaFalce	Schumer
Conyers	Lantos	Scott
Costello	Laughlin	Serrano
Coyne	Levin	Sisisky
Cramer	Lipinski	Skaggs
Danner	Lofgren	Skelton
de la Garza	Lowey	Slaughter
Deal	Luther	Spratt
DeFazio	Maloney	Stark
DeLauro	Manton	Stenholm
Dellums	Markey	Stokes
Deutsch	Martinez	Studds
Dicks	Mascara	Stupak
Dingell	Matsui	Tanner
Doggett	McCarthy	Tauzin
Dooley	McDermott	Taylor (MS)
Doyle	McHale	Tejeda
Durbin	McKinney	Thompson
Edwards	McNulty	Thurman
Engel	Meehan	Torricelli
Eshoo	Meek	Towns
Evans	Menendez	Tucker
Farr	Miller (CA)	Velazquez
Fazio	Mineta	Vento
Fields (LA)	Minge	Visclosky
Filner	Mink	Volkmer
Flake	Mollohan	Ward
Foglietta	Montgomery	Watt (NC)
Ford	Moran	Williams
Frank (MA)	Murtha	Wise
Frost	Nadler	Woolsey
Furse	Neal	Wyden
Gejdenson	Oberstar	Wynn
Gephardt	Obey	Yates

## NOT VOTING—43

Armey	Gutierrez	Roukema
Becerra	Hastings (FL)	Scarborough
Bilbray	Heger	Shadegg
Chambliss	Hinchey	Skeen
Chapman	Klecicka	Thornton
Clay	Lewis (GA)	Torres
Coburn	McDade	Vucanovich
Collins (GA)	Meyers	Wamp
Collins (IL)	Mfume	Waters
Collins (MI)	Moakley	Waxman
Cox	Morella	Wilson
Dixon	Ortiz	Young (AK)
Dornan	Regula	Young (FL)
Fattah	Richardson	
Green	Rose	

□ 0937

The Clerk announced the following pairs:

On this vote:

Mr. Arney for, with Mr. Lewis of Georgia against.

Mr. Scarborough for, with Mr. Moakley against.

Messrs. GILCHREST, NEY, BUYER, and MCINTOSH changed their vote from "no" to "aye."

So, the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, I was unavoidably delayed, and I did not record my vote on rollcall No. 140. Had I been here, I would have voted "no."

## PERSONAL EXPLANATION

Mr. WAMP. Mr. Chairman, this morning I was attending an event away from Capitol Hill to which I had been committed before the change in meeting time of the House to 9 a.m. Unfortunately, when the bells rang for the vote on the Hefley amendment, I was unable to return in time and I would therefore ask that the RECORD reflect that I would have voted "yes" on the Hefley amendment to H.R. 7.

The CHAIRMAN. Under the order of the House of today, it is now in order to consider the amendment to be offered by the gentlewoman from California [Ms. HARMAN].

## AMENDMENT OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HARMAN: Strike title III (page 13, line 1, through page 2), line 2..

The CHAIRMAN. The gentlewoman from California [Ms. HARMAN] will be recognized for 8 minutes, and a Member opposed will be recognized for 8 minutes.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I yield myself 2 minutes.

My colleagues, the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Massachusetts [Mr. MEEHAN] and I are offering an amendment today that every deficit hawk should love. Balanced budget supporters should unite around it because it would strike a section of this bill, title 3, which would establish an Advisory Commission on National Security Revitalization that we simply do not need.

Let me make three quick points:

First, the commission is a waste of money. Even if we reprogram the money, its timetable is absurdly short, and its \$1.5 million estimated budget wastes taxpayer funds that could be better spent on readiness or quality of life for our troops and their families.

In comparison to other Government expenditures, \$1.5 million is not much. However, the challenge is for all of us

in this economic environment to reduce wasteful Government expenditures, not increase them. If we are serious about balancing the budget, this money must not be spent.

Second, the commission usurps the responsibilities of the Secretary of Defense, the Joint Chiefs of Staff, and the congressional defense committees. Defense Secretary Perry emphatically stated that, "the proposed commission usurps the responsibilities of the Secretary of Defense." At the same time this independent commission would interfere with the ability of the Committee on National Security to fulfill its responsibilities. Secretary Perry also correctly advised that we should not dilute the responsibilities of the Secretary of Defense by turning a key part of them over to an independent commission.

Third, the commission is redundant. I am holding up a list prepared by supporters of this commission. This 2-page list prepared by supporters of this commission shows 14 other commissions that are already doing work on overlapping subjects. This commission would duplicate tasks of the Rolls Admission Commission, the Quality of Life Task Force, the Reserve Forces Policy Board, the Task Force on Readiness, among others. It is a waste of time and money.

To sum up, Mr. Chairman, I agree with the recent comment of a senior member of the other body who said, "the commission is a real loser."

The CHAIRMAN. Does any Member seek time in opposition?

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Ms. HARMAN].

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. SPENCE] for 8 minutes.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to this amendment despite my admiration for the gentlewoman from California [Ms. HARMAN] in her leadership role on the Committee on National Security.

Why do we need this commission Mr. Chairman? Well, let us look at the facts as they are.

We have a Secretary of Defense who tells us we need one fund level for the defense needs over the next 5 years. We have the General Accounting Office tell us, no, we need \$150 billion more than what the Secretary said. We have the Congressional Budget Office saying, no, we need \$67 billion more than what the Secretary said. And then we have one of the most respected Members of the minority side, the gentleman from Missouri [Mr. SKELTON], saying, no, we need \$44 billion more over the next 5 years.

□ 0945

No one knows what we need over the next 5 years.

Now, some would say let us let the Secretary go back and tell us. We know what he is going to tell us. He is going to tell us what he already told us, we are OK the way we are, which if I talk to almost every member of the minority party on the Committee on National Security, they will agree with us. They do not think there is enough money in there. What we are saying is we need an independent commission to look at that.

Now, we are not saying a political commission, because we adjusted the makeup and markup process to suit the needs of the minority to make sure it would be six Democrats and six Republicans appointees, and that is in fact what this commission will be, a bipartisan effort to come back to us and give us the real needs in terms of dollars and in line with the problems and challenges that are out there in the next 5 years.

Some of our colleagues are saying this will be a money saver. You want to save money? Boy, we will give you a list. Look at what the President put out. A nice glossy color brochure in two-part form entitled "A Time for Peace." Save money? Eliminate that garbage. We do not need it. It is a total waste of money. Eliminate the L.A. Youth programs in the defense bill, \$10 million. How about electric vehicles? Believe it or not, it is in the defense bill, \$15 million. Cancer research, even though it is important, I would support it if it were part of the health bill, over \$200 million. This commission does not take away the authority of the Secretary. It lets us play our rightful role.

Now, let us look at what the minority party did when they were in power. These are just a few of the commissions that the minority party put into place, in many cases, in most cases, over the objections of the then Secretary of Defense. Everything from women in the military to bottom-up review, total force structure, everything you can think of established through an independent commission, in some instances where the commissioners were actually paid.

In this piece of legislation, no commissioner is paid. The only expenses involved will be those incurred, and they will be reimbursed for that. We are not taking the money from readiness; we are taking the money from the Secretary of Defense's account. What part of it? He will have a few less lunches, a little less money to go on trips overseas maybe. That is where it will come from.

So this in fact is a vote to let us play our rightful role and to see where we in fact can go in terms of the spending needs of the military for the next 5 years, and I urge my colleagues to oppose the Harman amendment and to support the need for the establishment of this.

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

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

Mr. MONTGOMERY. Mr. Chairman, does this commission you want established have any authority; can it do anything?

Mr. WELDON of Pennsylvania. The commission has the same authority these commissions had, which is basically to come back to Congress and do what the Secretary has not been able to do, and that is give us the straight scoop on what our defense needs are.

Mr. MONTGOMERY. He is a good Secretary.

Mr. WELDON of Pennsylvania. A Secretary being misled by an administration that does not support the facts.

Mr. MONTGOMERY. The commission does nothing. He does not want it. He is not being misled.

Mr. WELDON of Pennsylvania. The Secretary would like to have it, because it would end up supporting his needs for additional money for readiness that his President will not give in to because he pulls his defense budget number out of the air, as you know.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, is this not something? They did it when they were in power, so we can do it. They did it, so we can do it. Let us get serious. Here we are creating a commission to spend money to figure out how we are going to spend more money. We pass a balanced budget amendment, we talk about downsizing Government, we talk about reinventing Government. And what are we doing here today? Let us create a political commission, because we do not want to do our jobs.

We in Congress do not want to do our jobs on the Committee on National Security. We do not want to hold the Secretary of Defense back. Get real, If we are going to cut the size of Government, we cannot begin to create more commissions, created by politicians to appoint politicians to have more partisan rhetoric. National security is more important than partisan politics. This commission is a joke and everyone in the country knows it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, there is an enormous discrepancy between our own institution, the GAO and the Secretary of Defense's office. The GAO says the secretary of Defense has underfunded his own budget by \$150 billion. The Chief of Staff of the Army has made statements to the effect that the Army is on the razor's edge of readiness, meaning they cannot cut another dime, that they are in very difficult shape. General Mundy, the Commandant of the Marine Corps, June 1994, last year, said that the Marine Corps was inadequately funded to carry out the President's own Bottom-Up Re-

view requirements. So we have questions all over the place.

If you are satisfied with the \$150 billion difference in funding projections, then vote no on this commission. If you are not satisfied, vote yes. We still authorize, we still legislate. But we are not going to say we refuse to see the evidence. Let us let this commission come up and try to resolve this \$150 billion difference.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS], a great deficit hawk.

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

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, here is why the Harman-Menendez amendment makes sense. When we go back to our districts this afternoon, if we stood in line at the supermarket this weekend, and we had to say to the person next to us "I am going to take \$20 out of your pocket to pay for this program," could we look them in the eye and tell them they were getting their \$20 worth for this program?

What would we tell them when they said, "Congressman, there were 14 other of these commissions that were supposed to do something like the same thing." What would we tell them when they say, "Congressman, do you not have committees already set up in the House and Senate supposed to do the same thing?" I do not have a good answer to that, and I think neither do you.

Let me just say this to my friends from the other side: Part of your Contract With America is to shed lockstep allegiance to partisan leadership and to do the right thing. The right thing is to vote for Harman-Menendez.

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

Mr. Chairman, I would just like to point out that the reason we are setting up this commission is to reveal the flaws in the previous commission that was set up, the Bottom-Up Review, and point out how wrong it was. That is simply what is going to be. In other words, how can the other side say it is all right for them to have a commission set up and for us not to do the same thing?

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. BUYER].

The CHAIRMAN. The gentleman from Indiana [Mr. BUYER] is recognized for 2½ minutes.

Mr. BUYER. Mr. Chairman, it is amazing how we can debate an issue of \$1.5 billion and interject all the rhetoric as if it is \$1.5 billion. Well, gentleman that have particular defense contractors in their districts may be asking for particular things, but come to the House floor and then want to talk about what things are particular, what things are a joke, and what is not a joke.

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

Mr. BUYER. No, not at this particular time. If you became sensitive, that is your particular problem.

In regard to the gentlewoman from California [Ms. HARMAN], I have great respect for you, and you have been a hawk with us on a lot of issues. But on this particular issue I am in agreement with the gentleman from South Carolina [Mr. SPENCE].

The Bottom-Up Review became suspect. It became suspect because of how it came about. We have talked about this on the Committee on National Security often. And that is, and I have to say it again, when Bush-Powell put together the numbers for defense cuts, they cut the \$50 billion. Les Aspin said I can go \$60 billion further on top of the \$50 billion. Then all of a sudden Bill Clinton is a candidate for President, endorses Les Aspin's \$60 billion in cuts. None of us were surprised when Les Aspin became the Secretary of Defense. Low and behold, when we did the 5-year budget resolution, it was \$127, \$128 billion, on top of the existing \$50 billion.

Then all of a sudden, quickly, to cover themselves, Les Aspin comes to our committee and talks about having to do the Bottom-Up Review, a review of how to justify the numbers after the fact. That then made the Bottom-Up Review a very politically suspect document, and those of us then in the committee of the gentleman from Missouri [Mr. SKELTON] last year then had to deal with the difficult decisions about the open secret in this town.

The open secret is, my friends, and to those in our country, it is that we do not have a force structure to even meet the national security objectives and being able to fight and win two nearly simultaneous major regional conflicts.

So what we are saying is right now, time out. Let us not deal with the politics. Let us have the independent commission to give a real assessment. I understand the politics between the White House and the Secretary, and those are the chiefs that must salute constitutionally.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, I appreciate the compliment and thank the gentleman for it. I would just say this: That our committee and its composition are competent to do what you are suggesting. Why do we need to interpose a commission between us and the policymakers and the executive branch? Why do not we do this ourselves?

Mr. BUYER. Mr. Chairman, reclaiming my time, we have many advisory committees and task forces to help us through the process, and that is exactly what this is. I think it is an excellent compliment to how we want to govern.

The CHAIRMAN. The gentlewoman from California [Ms. HARMAN] has 4 minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio, [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, the Republican Contract on America mandates Congress to spend \$1.5 billion on a new commission to study our Nation's military needs. Great. A new idea for more government. Do not we already have people studying the Nation's military needs and reporting to the legislative branch and the executive branch? Is not that what the Pentagon does? Is not that what the House Committee on Armed Services under the gentleman from South Carolina, Chairman SPENCE, has been doing? Is not that what the Committee on International Relations has been doing under the gentleman from New York, Chairman GILMAN?

Why do we need to spend \$1.5 billion on a commission to do what the Pentagon and Congress already should be doing and already are doing? Why do we need to spend money so we can find ways to spend more money? It is the full employment act for unemployed defense consultants. It is a bad idea. Vote for the Menendez-Harman amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DELLUMS], one of the most honorable and impressive Members of this House, and the ranking member of the Committee on National Security.

Mr. DELLUMS. Mr. Chairman, let me make one point of why I oppose this commission. It is not just that it is something we can do. The Framers of the Constitution gave us this responsibility. From time to time, Mr. Chairman, it is wholly appropriate that we establish commissions to engage until giving their expertise with respect to discrete items. This commission goes far beyond that. This commission attempts to establish the totality of our national security policy.

Set up a commission on roles and missions. But this is something far beyond that. We are being paid, my colleagues, in excess of \$130,000 per annum to do this job fundamentally required by the Constitution of the United States. The Framers of the Constitution said do your job. Do not give it to an independent commission for the purposes of establishing the totality of our national security policy. That is our job.

Ms. HARMAN. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. MENENDEZ], the cosponsor of this amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 minutes.

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

Mr. MENENDEZ. Mr. Chairman, if the Contract With America means any-

thing, it means we do not want to waste the taxpayers' money by establishing an unneeded commission to tell us what Republicans both in the bill and on their language on the floor already know they wanted to save. The amendment we offer seeks to strike this unnecessary money for the taxpayers. Whether you spend it out of the Secretary of Defense's budget or through an appropriation, it is still taxpayers' money, and I challenge my Republican colleagues to honor your contract vows to cut wasteful spending, to cut bureaucracy, to make Government smaller and eliminate the commission.

During the last Congress, the House of Representatives spent nearly \$20 million on the budgets of congressional committees with oversight over this issue—Foreign Affairs, Armed Services, Government Operations, Permanent Select Committee on Intelligence.

Do you think you can tell the constituents back home that \$20 million was not enough? And if you add the Members who in fact have served on those committees and who have great experience, offer 200 Members, it comes to \$40 million in the House alone, without the Senate. If that is not enough to determine what it is that we need for national defense and security, I do not know what is. And as it relates to the secretary, let us hear what he had.

So to say. He said, "You are my commission," meaning the committee. "I do not need an independent commission interposing itself between myself and you, and you do not need to have an independent commission interposing yourself with me."

If you want to vote for smaller Government, if you want to have less spending, if you want to have less bureaucracy, if you want to save the taxpayers money, you will be voting yes on this amendment, you will vote for the Harman-Menendez amendment, and in fact you will be living with the Contract.

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

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentlewoman from California [Ms. HARMAN].

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

#### RECORDED VOTE

Ms. HARMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 211, not voting 16, as follows:

[Roll No. 141]

AYES—207

Abercrombie	Barrett (WI)	Bonior
Ackerman	Barton	Borski
Andrews	Beilenson	Boucher
Bachus	Bentsen	Brewster
Baesler	Berman	Browder
Baker (LA)	Bevill	Brown (CA)
Baldacci	Bishop	Brown (FL)
Barcia	Blute	Brown (OH)

Brownback	Johnson (SD)	Peterson (MN)	Kasich	Myrick	Smith (WA)
Bryant (TX)	Johnson, E. B.	Petri	Kelly	Nethercutt	Solomon
Cardin	Johnston	Pickett	Kim	Neumann	Souder
Clayton	Kanjorski	Pomerooy	King	Ney	Spence
Clement	Kaptur	Porter	Kingston	Norwood	Stearns
Clyburn	Kennedy (MA)	Poshard	Knollenberg	Nussle	Stockman
Coleman	Kennedy (RI)	Rahall	Kolbe	Oxley	Stump
Collins (IL)	Kildee	Ramstad	LaHood	Packard	Talent
Condit	Kleczka	Rangel	Largent	Paxon	Tate
Coyne	Klink	Reed	Latham	Pombo	Taylor (NC)
Cramer	Klug	Reynolds	LaTourette	Portman	Thomas
Danner	LaFalce	Richardson	Lazio	Pryce	Thornberry
de la Garza	Lantos	Rivers	Lewis (CA)	Quillen	Tiahrt
Deal	Laughlin	Roemer	Lewis (KY)	Quinn	Torkildsen
DeFazio	Leach	Rose	Lightfoot	Radanovich	Traficant
DeLauro	Levin	Roth	Linder	Regula	Upton
Dellums	Lincoln	Roybal-Allard	Livingston	Riggs	Vucanovich
Deutsch	Lipinski	Rush	LoBiondo	Rogers	Waldholtz
Dicks	Lofgren	Sabo	Longley	Rohrabacher	Walker
Dingell	Lowey	Sanders	Lucas	Ros-Lehtinen	Walsh
Dixon	Luther	Sanford	Manzullo	Roukema	Wamp
Doggett	Maloney	Sawyer	McCollum	Royce	Watts (OK)
Dooley	Manton	Schroeder	McCreery	Salmon	Weldon (FL)
Doyle	Markey	Schumer	McDade	Saxton	Weldon (PA)
Duncan	Martinez	Scott	McHugh	Scarborough	Weller
Durbin	Martini	Sensenbrenner	McInnis	Schaefer	White
Edwards	Mascara	Serrano	McIntosh	Schiff	Whitfield
Engel	Matsui	Sisisky	McKeon	Seastrand	Wicker
Eshoo	McCarthy	Skaggs	Metcalf	Shadegg	Williams
Evans	McDermott	Skelton	Meyers	Shaw	Wolf
Farr	McHale	Slaughter	Mica	Shays	Young (FL)
Fattah	McKinney	Smith (MI)	Miller (FL)	Shuster	Zeliff
Fazio	McNulty	Spratt	Molinari	Skeen	Zimmer
Fields (LA)	Meehan	Stark	Moorhead	Smith (NJ)	
Filner	Meek	Stenholm	Myers	Smith (TX)	
Flake	Menendez	Stokes			
Foglietta	Miller (CA)	Studds			
Ford	Mineta	Stupak			
Frank (MA)	Minge	Tanner			
Frelinghuysen	Mink	Tauzin			
Frost	Moakley	Taylor (MS)			
Furse	Mollohan	Tejeda			
Gejdenson	Montgomery	Thompson			
Gephardt	Moran	Thurman			
Gibbons	Morella	Torres			
Gonzalez	Murtha	Torricelli			
Gordon	Nadler	Towns			
Gunderson	Neal	Tucker			
Hall (OH)	Oberstar	Velazquez			
Hall (TX)	Obey	Vento			
Hamilton	Olver	Visclosky			
Harman	Ortiz	Volkmer			
Hayes	Orton	Ward			
Hefner	Owens	Waters			
Hilliard	Pallone	Watt (NC)			
Hinchey	Parker	Waxman			
Holden	Pastor	Wise			
Hoyer	Payne (NJ)	Woolsey			
Jackson-Lee	Payne (VA)	Wyden			
Jacobs	Pelosi	Wynn			
Jefferson	Peterson (FL)	Yates			

Amendment offered by Mr. LEACH: On page 28, strike line 4 and all that follows through line 12 and insert in lieu thereof the following:

“(g) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States.”

Beginning on page 28, strike line 16 and all that follows through page 29, line 2.

ON page 29, line 3, strike “(c)” and insert in lieu thereof “(b)”

□ 1020

The CHAIRMAN. The gentleman from Iowa [Mr. LEACH] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume. This is a self-explanatory amendment. It is designed to protect the constitutional authority and responsibility of the President as Commander in Chief from unprecedented and improper congressional tampering with the separation of powers doctrine.

The Commander in Chief clause of the Constitution supports two key policy precepts. First, it gives the President broad authority to command the military forces of the United States, thereby securing civilian command over the military. Second, and most relevant to this debate, the framers also sought to ensure that one commander had sole authority to direct the Nation's fighting forces.

The colonists had learned the difficulties of prosecuting war via committee during the American Revolution. Naming the President Commander in Chief was intended to assure consistent orders, plans, and decisions.

The President was not given the authority to make the political decision to declare war, but he was granted the authority to command the troops in day-to-day operations.

In its present form, this bill, with unbridled gall, undercuts the separation of powers doctrine by limiting the well-established constitutional authority of the President to decide upon the command arrangements for U.S. military personnel.

Title IV, for instance, attempts to prevent the expenditure of funds for any element—even an individual soldier—of U.S. Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations unless certain commitments are made to Congress.

As a matter of constitutional law, I believe that the Constitution does not permit the President to derogate his power as Commander in Chief to another body. Period. Certification requirements are inappropriate; indeed, they are constitutionally unseemly.

NOT VOTING—16

Armye	Green	Roberts
Becerra	Gutierrez	Thornton
Chapman	Hastings (FL)	Wilson
Clay	Kennelly	Young (AK)
Collins (MI)	Lewis (GA)	
Conyers	Mfume	

□ 1016

The Clerk announced the following pair:

On this vote:

Mr. Armye for, with Mr. Lewis of Georgia against.

Mrs. ROUKEMA and Mr. WILLIAMS changed their vote from “aye” to “no.” Messrs. ROTH, WARD, and LAUGHLIN changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Chairman, I was unfortunately detained in my congressional district in Baltimore earlier today and thus forced to miss two record votes. Specifically, I was not present to record my vote on rollcall vote No. 140, the amendment offered by Mr. HEFLEY of Colorado and rollcall vote No. 141, the amendment offered by Ms. HARMAN of California.

Had I been here I would have voted “nay” on rollcall No. 140 and “yea” on rollcall No. 141.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Chairman, on vote No. 141 I am recorded as voting “no.” My intention was to vote in favor of the amendment.

The CHAIRMAN. Under the order of the House previously agreed to, it is now in order to consider the amendment of the gentleman from Iowa [Mr. LEACH].

AMENDMENT OFFERED BY MR. LEACH

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

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

NOES—211

Allard	Collins (GA)	Gallegly
Archer	Combest	Ganske
Baker (CA)	Cooley	Gekas
Ballenger	Costello	Geren
Barr	Cox	Gilchrest
Barrett (NE)	Crane	Gillmor
Bartlett	Crapo	Gilman
Bass	Cremeans	Goodlatte
Bateman	Cubin	Goodling
Bereuter	Cunningham	Goss
Bilbray	Davis	Graham
Bilirakis	DeLay	Greenwood
Bliley	Diaz-Balart	Gutknecht
Boehlert	Dickey	Hancock
Boehner	Doolittle	Hansen
Bonilla	Dornan	Hastert
Bono	Dreier	Hastings (WA)
Bryant (TN)	Dunn	Hayworth
Bunn	Ehlers	Hefley
Bunning	Ehrlich	Heineman
Burr	Emerson	Heger
Burton	English	Hilleary
Buyer	Ensign	Hobson
Callahan	Everett	Hoekstra
Calvert	Ewing	Hoke
Camp	Fawell	Horn
Canady	Fields (TX)	Hostettler
Castle	Flanagan	Houghton
Chabot	Foley	Hunter
Chambliss	Forbes	Hutchinson
Chenoweth	Fowler	Hyde
Christensen	Fox	Inglis
Chrysler	Franks (CT)	Istook
Clinger	Franks (NJ)	Johnson (CT)
Coble	Frisa	Johnson, Sam
Coburn	Funderburk	Jones



Here, let me stress, there is a distinction between U.S. command, which no President can give up, and operational control, which both constitutionally and as a matter of established military practice, the President may delegate to others.

Yet this bill brazenly attempts to strip the President of his constitutional authority and responsibility for deciding upon the command arrangements for U.S. military personnel lawfully participating in U.N. operations.

Indeed, this bill would deny the President the authority to place U.S. troops under the operational control of another country even a NATO ally for U.N. operations.

In this regard, a fair reading of the Constitution and any understanding of history suggests that the Commander-in-Chief should properly retain the flexibility to place troops temporarily under the operational control of officers of another nation when it serves U.S. interests, as we have done in a number of military conflicts since the American Revolution.

Accordingly, my amendment strikes the existing interpretation section found on page 28 of title IV to the bill and inserts instead a new clause recognizing that subject to the power of the Congress under article I of the Constitution to declare war, nothing in this section of the bill shall be construed to derogate or limit the President's article II powers as Commander-in-Chief.

Title IV, as currently crafted, is poor constitutional law; it is also doubtful policy.

The principle of collective security has been a linchpin of U.S. national security policy of every administration since Franklin Roosevelt.

The effect of title IV, unless amended, is to diminish U.S. leadership in the U.N. and elsewhere and force Presidents in emergency settings to either do nothing or rely exclusively on unilateral actions.

At issue is whether we want to be the policeman for the world or the leading member of an international highway patrol. The second option, in more than a few instances, is more realistic and, I might add, cheaper.

So that there is no misunderstanding, this title is more constraining than the War Powers Resolution.

The War Powers Resolution, passed over President Nixon's veto, deals with Congressional assertions of power to declare war.

Because of modern practices of prosecuting but not declaring war, the war powers resolution was offered to check the President's authority as Commander-in-Chief to direct U.S. Armed Forces in the event of imminent hostilities which might lead to war.

But this bill goes beyond the reach of the war powers resolution by attempting to trench upon and limit the command authority of the President before hostilities are threatened and in instances of actions designed to deter conflict rather than lead to war.

On this point, let me quote from a recent Wall Street Journal editorial:

Yes we should check the exorbitant costs of U.N. peacekeeping by rectifying the ac-

counting and limiting the U.S. share of the burden. But diminishing the legitimate powers of the presidency, even in this particular way, is poor precedent.

In the background of this debate is Somalia. In this Members' view it is a widely misunderstood circumstance. In earlier debate on this bill the minority pointed out that the problem was not command and control of U.S. Armed Forces, in that U.S. military personnel at all points were under U.S. command. This is true, but it begs the larger policy questions.

What happened in Somalia, and it was by no means a totally failed operation, was that President Bush called upon the U.S. military to take part in one of the most idealistic foreign policy interventions in the history of the world. The U.S. military because of its extraordinary organization and logistic capabilities was sent to a foreign country to feed a people whose social infrastructure had broken down. In a high-risk environment, a succeeding U.S. administration chose out of frustration to take sides in a civil war. This decision, made without intellectual rigor, profoundly changed American policy because it caused United States forces in the field to become diverted from the professionalism of their original mission and enmeshed in the history and sociology of internal Somalian politics.

Responsibility for the change of mission rests in the White House. This Congress has every reason in retrospect to be critical, but care should be taken to hold decision-makers, not the system, accountable. What is warranted is consideration of the need for new leadership, not a change in the constitutional framework of decision-making.

The character of modern international affairs is that decision need to be made quickly. What, for instance, would happen if when Congress was out of session a peace agreement were signed between Israel and Syria which included United States participation in peacekeeping in the Golan? Would a President be hamstrung by legal niceties in authorizing the movement of several hundred U.S. troops?

More consequentially, the character of modern Congressional politics is an unwillingness to share accountability with the executive branch. I don't know which is more remarkable: the fact Congress barely authorized the gulf war, giving President Bush much less of a mandate than he received from assorted rivals in the Security Council, or the fact that Congress almost didn't vote at all. The obvious conclusion that has been reached in modern Congresses is that there are no liabilities in standing by and many for taking sides in controversial questions of foreign affairs. Congress simply can't be relied on to share executive authority. Our Founding Fathers had it right then and now.

Finally, a personal note. When I signed the Contract With America last fall, I publicly made clear that I dif-

fered with several parts, particularly that which applied to a prospective bill on this subject. The Republican commitment was to raise the issues of the contract in a measured way. But the oath we all take is to uphold the Constitution. Just because we have little confidence in this President, just because we now control the Congress is insufficient rationale to turn the Constitution upside down.

A strong Presidency is in the national interest whether or not we have divided government.

Let's be measured and reasonable. I urge adoption of this amendment which conforms this title to constitutional stricture, historical experience, and the requirements of future national security.

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

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

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] will be recognized for 10 minutes.

Mr. GILMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, the gentleman from Nebraska rises in strong opposition to the Leach amendment. It is not what the gentleman from Iowa [Mr. LEACH] adds that is the problem. It is what he deletes. As the gentleman may recall, I did something like this in the committee without success, but without deleting language. The amendment would take out of the statement in section 401 the phrase "that nothing in this section may be construed, one, as authority for the President to use any element of the Armed Forces in any operation, two as authority for the President to place any element of the Armed Forces under the command and operational control of a foreign national, or, three, as an unconstitutional infringement on the authority of the President as Commander in Chief."

The third element in this phrase is exactly what the Committee on National Security added to assure that we are not infringing upon the constitutional rights of the President as Commander in Chief.

Without these statements, it would be argued that section 401 is intended by Congress as a grant of authority to the President to place U.S. forces under foreign operational control in those circumstances where it has not been forbidden. I for one do not ever want my vote on this legislation to be criticized as a vote in favor of authorizing the President to place U.S. forces under foreign command. It is to ensure that our approval of this measure is never interpreted as an authorization of foreign command that this language is found in section 401. But the Leach amendment will delete it. He will also delete the report requirement which is in a following subsection.



I would point out that this report language is not a gratuitous requirement. There is a serious question whether foreign command arrangements can ever be constitutional.

A recent article in the Washington Times by distinguished former officials in the U.S. Justice Department, Mr. Casey and Mr. Rivkin, set forth the constitutional problems with foreign command, and I will add that op-ed piece for the RECORD.

The reporting requirements which the amendment would delete provide us further insulation from the charge that we are authorizing something in section 401 that is unconstitutional.

□ 1030

I would say to the gentleman respectfully that his arguments, while learned, do not go to what the gentleman is really doing through his amendment, because what the Armed Services Committee or National Security Committee has done is put in the phrase to assure that we are not violating the constitutional powers of the President, again it is the following:

Nothing in this section may be construed as an unconstitutional infringement on the authority of the President as commander in chief.

I urge my colleagues to reject the Leach amendment.

(The article referred to follows:)

[From the Washington Times, Jan. 30, 1995]  
CONGRESS, THE PRESIDENT AND THE UNITED NATIONS

(By Lee A. Casey and David B. Rivkin Jr.)

When American troops began to arrive in France in 1917, the Allied High Command demanded that they be immediately assigned to fill the gaps (created by the kaiser's machine guns and the Allies' own idiocy) in the French and British formations on the Western Front.

Gen. John "Black" Jack Pershing said no. As commander of the American Expeditionary Force, he insisted that American troops would fight under American officers, in American formations, pursuant to the direction of the American president. American troops were in Europe as the representatives of a great power, fighting to make the world safe for democracy, not as modern-day Hesians.

Pershing's decision was both politically wise and constitutionally correct. It is a precedent that has been honored in the observance more than the breach, and Sen. Bob Dole would like to keep it that way. The new Senate majority leader is so concerned with President Clinton's affection for U.N. peace-keeping missions (and suggestions that American troops may actually be assigned to serve under U.N. commanders) that he has introduced legislation to require congressional approval of any such arrangement.

Ironically, Mr. Dole's bill—S. 5 the "Peace Powers Act of 1995"—has provoked criticism from usually sympathetic quarters. For example, The Washington Times suggested that the bill would unwisely limit the president's power to deploy American troops as necessary around the world. More broadly, a number of senior Republicans (including former Secretary of State James Baker) have admonished the Republican-controlled Congress not to continue their Democrat predecessors' destructive policy of interfering with the president's foreign policy powers. In principle, these admonitions are well-

placed. However, as applied to S.5, they miss the mark.

Mr. Dole's bill might well tie the president's hands in certain instances, but it does not interfere with his constitutional prerogatives. In fact, Mr. Dole's instinct—to try to limit the president's ability to place American troops under foreign command—is constitutionally sound, and the bill has much to recommend it. As a start, it would repeal the War Powers Resolution, replacing that provision's constitutionally impermissible limits on the president's use of American forces abroad with simple consultation and reporting requirements.

Contrary to the claims of its critics, the bill's major flaw is not that it would prohibit the president from assigning American forces to U.N. command, but that it purports to allow such arrangements if Congress gives its consent. Under the Constitution the president does not have the authority, either as commander-in-chief or as chief executive, to subordinate American troops to foreign command—and Congress cannot vest him with that authority.

The president's authority as chief executive to make foreign policy is broad (in the Curtiss-Wright Export case the Supreme Court called it "plenary"), and the Constitution admits of few limits on his ability to command the armed forces as commander in chief. The Supreme Court also has made clear that these powers are at their height when the president acts with the specific authorization of Congress. These powers are not, however, entirely without limit. (It was not the Framers' habit to grant absolute power, with respect to any subject, to any branch of government.) In this instance, the president's authority over the armed forces (and the authority of Congress) is limited by the Constitution's requirement that anyone exercising the legal authority of the United States must be an "officer" of the United States, appointed in accordance with the "Appointments Clause."

The Constitution's Appointments Clause (Article II, section 2, clause 2) provides that the president "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States." Congress may vest the authority to appoint less important or "inferior" officers in the president alone, the courts of law, or with the heads of federal agencies. "Principal" officers, however, must be appointed by the president with the advice and consent of the Senate. The Supreme Court made clear in the landmark case of Buckley vs. Valeo that only individuals appointed in accordance with this provision may exercise "significant" federal authority.

Although the Appointments Clause is more often analyzed in terms of civilian appointments, it is fully applicable to military appointments—a point the Supreme Court reaffirmed only last term in a case styled Weiss vs. United States. Indeed, it is difficult to think of a more significant federal authority than the right to command American troops and, unlike the civilian service, Congress has required that even very junior military officers be appointed by and with the consent of the Senate. Neither the president nor Congress can waive the applicability of the Appointments Clause. As a result, no individual, whether the secretary general of the United Nations or a U.N. commander in the field, who is not a properly appointed officer of the United States can direct the actions of American troops.

There have, of course, been instances when American troops did indeed serve under foreign command. Pershing himself was forced

to relent—for a time—in the face of a massive German offensive, and allow American troops to serve under Allied command. GIs also fought—again for a time—under British Field Marshal Montgomery during World War II. These are, however, exceptions to the rule, expedients undertaken in the very gravest circumstances of world war. Such instances do not alter the Constitution's clear requirement that only officers of the United States may command U.S. troops; that document cannot be amended by its own violation. Nor do they justify further violation of the Constitution's requirements.

Naturally, there are many possible arrangements for cooperation with the United Nations, and between American and allied troops on the ground, that would not violate the Appointments Clause. A prime example is NATO's practice, where the Supreme Allied Commander Europe—the Alliance's top military officer—has always been a U.S. general, an arrangement that is fully consistent with the Appointments Clause. In this respect, as in other military and foreign policy areas, the president has very great discretion in making agreements with the United Nations, or other international organizations. He is free to consult with the U.N. hierarchy in formulating American foreign policy. He can dispatch American forces to trouble spots at the request of the United Nations, and he can instruct those forces to cooperate fully with the U.N. command structure and with any other forces U.N. members contribute. He can subordinate the interests of the United States to those of the international community if he chooses.

The president is answerable for each of these actions to the electorate, and may well face congressional retaliation in the form of slashed budgets, legislative gridlock or even impeachment, if Congress objects. The Constitution, however, does not forbid any of these actions. What the president cannot do is to interpose a U.N. (or any other foreign) official into the chain of command. The president can delegate his authority only to a duly appointed officer of the United States. Any arrangement for international cooperation that includes the actual subordination of American military command to individuals who are not duly appointed officers of the United States, interposing those officials between the president and American troops, must fail.

If Mr. Clinton persists in placing American troops under U.N. command, Congress would be perfectly within its rights to remind the president that the Constitution forbids such an arrangement. Congress cannot, however, remove the constitutional impediment simply by giving its consent. The branches of government cannot among themselves agree to ignore the Constitution's mandates.

Congress could, of course, remove the constitutional impediment in accordance with the terms of Appointments Clause itself, by allowing the president to commission U.N. officials into the federal service. Senior officers (and junior ones if Congress chooses) would have to undergo Senate confirmation, but there is no constitutional requirement (although there currently is a statutory one) that officers of the United States also must be U.S. citizens. Under these circumstances, U.N. or foreign military officers could command American forces. They would, of course, be subject to the direction of the president, to the Uniform Code of Military Justice and accountable for their actions as are other American officers.

Such an arrangement might or might not be acceptable to the United Nations (probably not), and it is likely that there would be considerable congressional opposition (snowballs in hell come to mind). But Congress

does have the authority to accomplish this within the bounds of the Constitution. What it cannot do is to agree with the president to ignore the Constitution's requirements—and the accountability they ensure—by allowing him simply to assign American troops to foreign command.

Mr. GILMAN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to revitalize the national security of the United States, had come to no resolution thereon.

#### ADDITIONAL TIME FOR DEBATE DURING FURTHER CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the 10-hour time limit for consideration of amendments to H.R. 7 be extended for 26 minutes, and that the debate time for amendment No. 13, 21, 24, 30, or 33, or a germane modification of one of those amendments be extended from 36 minutes to 44 minutes equally divided and controlled by the proponent and a Member opposed, and that the debate time for the Torricelli amendment No. 48, or amendment Nos. 28 or 43 be extended from 36 to 44 minutes equally divided and controlled by the proponent and a Member opposed.

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

Mr. WELDON of Pennsylvania. Mr. Speaker, reserving the right to object, and I will not object, I wish to take this time to pay tribute to the chairman, both chairmen, who have gone out of their way to make sure we accommodate the minority on time that was lost in a previous vote. This effort, I think, shows a commitment on our part to make sure that we do not take time away. There was a vote that was not anticipated in the past, and with the cooperation of the gentleman from California, who I know wants to speak, and the chairman, it has been worked out. I think that speaks to our wanting to work together and allow for a full and open debate of these remaining issues.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I appreciate the gentleman's yielding.

I was not planning to speak. I will simply say I accept the offer as appropriate given the inadvertence of what happened. It does not deal with the fundamental problem of a 10-hour time limit.

Mr. WELDON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 83 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. 7.

□ 1033

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. 7) to revitalize the national security of the United States, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, pending was the amendment offered by the gentleman from Iowa [Mr. LEACH].

The gentleman from Iowa [Mr. LEACH] has 3 minutes remaining, and the gentleman from New York [Mr. GILMAN] has 7½ minutes remaining.

Mr. GILMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

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

This amendment would cut a key provision of this bill. The reason we have a Contract With America is because we want to put Congress back into the loop in the decisionmaking process when it comes to peacekeeping. But this amendment would say that Congress is meaningless whenever the President claims that he is acting as Commander in Chief.

The consequence is that the President can keep sending troops into Somalia, Haiti, Rwanda, the Balkans without congressional approval. What we are saying in the Contract With America is that Congress must be involved. We cannot abdicate our power.

Now, this is a key provision of this bill. The American people on November 8, when they voted for the Contract With America, one of the key provisions was that Congress was going to get more involved in our peacekeeping decisions. How the tax dollars are spent is important, also when young Americans are put into harm's way. This Congress has an obligation, speaking for the American people, to give either our approval or nonapproval, but under this amendment, Congress would be totally irrelevant.

Do you remember the Somalia debacle where we lost some 44 young Americans? When the bodies were dragged through the streets of Mogadishu? Do

you remember that? This House went wild, and the Senate went wild. Does the gentleman from California remember we all went over to HC-5, had a big confab, and Congress said, "Why were we not involved?" That is what the American people were asking. That is why we have a Contract With America. That is why we are putting the Congress back in.

I remember the meeting at HC-5 that day. You know, we cannot just abdicate our power to the President and then, when things go bad, we all meet at HC-5 and we scream at the Secretary of Defense and we holler at the Secretary of State, and one of them has to lose his job. Then it is too late.

If we are going to be there for the crash landing, we have got to be there for the takeoff, too, and that is all we are saying in the Contract With America.

I want Congress to no longer abdicate its power. We made a commitment. We made a commitment on November 8. We said that Congress would be involved, but with this amendment, we would renege. We are stepping back. We cannot renege on our promises.

Mr. LEACH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON].

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

I rise in support of the Leach amendment. The Leach amendment, I think, simply restates the President's constitutional power as Commander in Chief.

The language that he seeks to strike from this bill can certainly be construed as a limitation on the President's Commander in Chief powers. It says specifically, "Nothing in this section may be construed as authority for the President to use any element of the armed forces in any operation." That is a limitation on the President's power.

It also says nothing in the section may be construed as authority for the President to place any element of the Armed Forces under the command or operational control of a foreign national. A President has done that over and over and over again in our history. The implication of this language that the gentleman from Iowa seeks to strike is to limit the President's Commander in Chief powers. It micromanages and restricts the President's powers.

The Pentagon says if this language had been in effect you would not have been able to have D-Day, because you would not have been able to put together a collective effort that was so successful there.

The point here, my friends, is we have our job to do. The gentleman from Wisconsin stated that quite accurately. We have our constitutional responsibilities. But in exercising our responsibilities, we must not cut into the Commander in Chief powers. We need to allow the President to do his job as Commander in Chief.