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No. 92

## House of Representatives

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. RIGGS].

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

June 7, 1995.

I hereby designate the Honorable FRANK RIGGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,

*Speaker of the House of Representatives.*

### PRAYER

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

O gracious God, from whom comes every good thing, we ask that Your Spirit lead us along the right way, hold our lives in Your providence, direct our minds and enlighten our hearts and heal us and make us strong. We begin each day with gratefulness and confidence that any anxiety or concern that we may have will be sanctified by Your gifts to us and made well by Your presence. May Your renewing Spirit, O God, touch the lives of every person, that we will be the people You would have us be, and do those good works that honor You and serve people everywhere. In Your name, 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. Will the gentleman from Texas, Mr. GENE GREEN, come forward and lead the House in the Pledge of Allegiance?

Mr. GENE GREEN of Texas 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.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 20 Members on each side for the purposes of making a 1-minute address to the House.

### SUPPORT URGED FOR A REAFFIRMATION OF UNITED STATES COMMITMENT TO DEMOCRACY IN CUBA

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

Ms. ROS-LEHTINEN. Mr. Speaker, today the House resumes consideration of the American Overseas Interests Act.

This bill reduces spending by \$3 billion over the next 2 years, and reforms our foreign policy institutions by folding three agencies into the State Department. Five recent Secretaries of State—Eagleburger, Baker, Shultz, Haig, and Kissinger—endorse this plan. The bill addresses important policy issues. It stops aid to countries that supply weapons to terrorist States and those who vote consistently against us in the United Nations. It cuts off aid to countries that provide aid to the Castro regime or which engage in subsidized trade with the Cuban dictatorship.

Tomorrow, freedom-loving people are rallying at noon in Lafayette Park in

front of the White House to protest the administration's policy of forcible repatriation of Cuban refugees. I encourage all of my colleagues to join in this protest and to demand a reaffirmation of this country's commitment to freedom and democracy in Cuba, and please support our bill this week.

### HOUSTON ROCKETS PLAYING FOR CHAMPIONSHIP

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

Mr. GENE GREEN of Texas. Mr. Speaker, let me take just a minute away from the budget cutting debate and the foreign aid debate. Tonight the world champion Houston Rockets will be playing in the finals with the Orlando Magic. I just wanted to talk about it, because this is the second year in a row those of us in Houston have been honored to have the Rockets in the world championship.

This has been a tough year. That is why we are starting in on the road, even though we are world champions. We are blessed by not only a great basketball team but a great city in Houston.

I was honored a couple months ago to receive an award along with Hakeem Olajuwon, an outstanding alumnus of the University of Houston. I am proud that the University of Houston is playing a part in tonight's world championship, because both of the Rockets' stars, Olajuwon and Clyde Drexler, were on the University of Houston teams in 1983 and 1984 when they went to the NCAA championship. The Rockets are fighting to have a back-to-back championship. They have overcome adversity and injuries to become the Western Conference champions.

I see my colleague from Phoenix. There are great teams in Phoenix and other western divisions. I hope they

□ 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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will join us in trying to keep the title in the western division.

#### CLINTON SHOULD PASS THE BALL

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

Mr. HAYWORTH. Mr. Speaker, I would join with my colleague, the gentleman from Texas, in all well wishes to the Houston Rockets, and also really to the Orlando Magic, because cheering the NBA finals we are going to see some great basketball.

Also during the finals we will hear terms like air ball and slam dunk. These terms can also apply to what is happening right here in Washington. The new Republican majority is a slam dunk on the liberal establishment and the bloated Federal bureaucracy. The new Congress wants to deliver a facial on deficit spending.

On the other hand, President Clinton's administration is an air ball. Every time the President tries to show leadership, he is throwing up a brick. The latest example is his threatened veto of the rescission bill. In his first veto Bill Clinton will cut off funds to flooding victims in Missouri, earthquake victims in California, and those who suffered as a result of the Oklahoma City bombing.

Mr. Speaker, instead of constantly throwing up air balls, Bill Clinton should pass the ball to the team who will not choke when the going gets tough.

#### PROTECT THE FLAG

(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, in many cities and towns across America it is illegal to kiss in public. It is illegal in some places to ride a skateboard. It is illegal to burn trash or leaves. It is illegal to yodel or sing in public, and it is illegal, Mr. Speaker, to tamper with a mailbox. However, in America, it is completely legal to burn the flag, completely legal to desecrate the flag. It is even legal, Mr. Speaker, to urinate on Old Glory. In the words of a Russian comedian, "America, what a country." The truth is, Congress, the debate on protecting the flag is not about Old Glory. It is about national pride. Think about it.

#### STAY OUT OF BOSNIA

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

Mr. FUNDERBURK. Mr. Speaker, as we speak the President is laying the groundwork for military action in Bosnia. Our troops are about to be put in harm's way by an administration

with no Bosnia policy, no public support, and no idea how and when to stop our involvement once we get in.

Mr. Speaker, what is happening in Bosnia is a tragedy, but I ask you, has the President defined any legitimate American interest in the 900-year war in the Balkans, worth risking thousands of Americans? There is a better way—let the Bosnians defend Bosnia—lift the arms embargo.

Those who think lifting the embargo will prolong the war assume that the Serbs will win. As we speak, the Bosnian Government is preparing to launch a campaign to reverse Serbian gains. Serbia is in the grip of a severe internal crisis. Why not let the people of Bosnia make the price of Serbian aggression high? Why not let the people of Bosnia fight for their own freedom?

Mr. Speaker, this administration should start listening to the American people instead of the United Nations. Mr. President, stay out of Bosnia. Lift the arms embargo or be prepared to tell us why you want to leap into a war that will cost more American lives.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will advise that Members should address their remarks to the Chair and not to the President.

#### SEX TRAFFICKING IN THAILAND

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

Ms. SLAUGHTER. Mr. Speaker, I rise today to urge all my colleagues to support my resolution to demand that our Government work to stop the sex trafficking and forced prostitution of women and girls from Burma into Thailand. I am pleased that my colleague from Washington, Senator MURRAY, has introduced this same bill in the Senate.

I was appalled and disgusted to discover that the Government of Thailand has permitted the trafficking of women of brothels. Credible reports have indicated that thousands of Burmese women and girls, as young as 14, are being led into Thailand with false promises of employment, only to be forced to work in brothels under conditions which include sexual and physical violence, debt bondage, exposure to HIV, passport deprivation, and illegal confinement. In addition, members of the Thai police are often actively involved.

And now we read in our own New York Times, that Thai women are being brought to the United States for the same purpose. This is a practice the U.S. Government must not support and we must work to stop it, before it becomes a practice quietly condoned and supported worldwide.

As we debate the foreign aid budget, we must remember the gross human

rights violations which occur against women, and we must remember we have a moral duty to pay attention. We have ignored it for too long. This is an issue of fundamental human rights.

#### STUDENT LOANS

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

Mrs. KENNELLY. Mr. Speaker, I had the honor in the Memorial Day break to have been chosen as the commencement speaker at two schools, Trinity College in Hartford and Central Connecticut State University in Connecticut. As a result, I talked to many students during this time that we were in our districts. They are very worried.

A perfect example of these students right here is Vincent Federici. He has worked hard in high school, got good grades, got accepted to a good college. His mother is a computer worker, his father works at a machine shop. They have worked hard to make sure that Vincent can go to college. They have three sons coming along. They have put every dollar in order. They know where every penny is going.

Mr. Speaker, as we consider changes in the Student Loan Program, I ask Members to think about Vincent and the millions of other young men and women across this country who are doing the right thing, going to college so they can compete in this world competitive market. Please, Mr. Speaker, do not make the students that are going to college pay more and have a bigger burden. It is the wrong thing to do.

#### ON REPLACING THE FEDERAL INCOME TAX

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

Mr. CHRISTENSEN. Mr. Speaker, this week on the Committee on Ways and Means we are looking at alternatives for making our tax system more clear, simple, and fair. There is no longer a question that we should revamp our Federal tax system.

President Carter was right when he stated that our income tax system is a disgrace to the human race. In 1914 we had just 14 pages of Federal income tax law. Today we have over 9,000 pages. A decade ago the IRS commissioned a study that said that it cost \$159 billion in compliance. Today it cost nearly \$500 billion in compliance costs alone.

Today one economist has estimated that last year more hours were spent doing taxes than were used to build a car, van, and truck in the United States. I look forward to working with my colleagues to design a Federal tax system that encourages savings and investment, rather than punishing those who plan for the future.

Just last year it seemed that the Tax Code maybe would not be reformed at all. Now, this year, it is not a question of whether it is going to be reformed, but just when and how. We look forward to making sure that we have a taxpayer-friendly Code in the future.

**URGING SUPPORT FOR FEDERAL LAW ENFORCEMENT OFFICERS IN THE NATIONAL PARK SERVICE AND THE BLM**

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

Mr. MILLER of California. Mr. Speaker, National Park rangers and BLM rangers and other Federal law enforcement officers are daily subjected to threats of violence and danger. The men and women who protect our resources and our citizens deserve our respect and our support, whether they wear the uniform in the streets of our cities or in the desolate back woods of our public lands. However, we see a Bureau of Land Management law enforcement ranger in Montana responding to knife assaults, a BLM ranger in California coming upon a drug deal that is turning into a shootout, guns are fired at BLM vehicles in New Mexico, and the list of violent incidents are growing: 29 homicides, 110 cases of arson, 166 weapons violations, and hundreds of more serious offenses on BLM land every year.

That is why Americans are shocked to hear about Members of this House calling for the disarming of law enforcement officials or suggesting that those who violate public laws have an irrational fear of their government.

Now they are getting very specific. The Chairman of the House Committee on Resources, in a letter to the Committee on Appropriations, has called for zero funding of BLM resources protection of law enforcement and huge cuts in law enforcement in the Forest Service. The Members of this House should stand with law enforcement.

**URGING A "YES" VOTE ON THE AMERICAN OVERSEAS INTERESTS ACT**

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

Mrs. CHENOWETH. Mr. Speaker, today the House resumes work on legislation designed to take our Nation's foreign affairs operations out of the dark days of the cold war and into the sunshine of the 21st century.

H.R. 1561—the American Overseas Interests Act—recognizes that we won the cold war. It reorganizes our foreign affairs agencies, cuts spending, and refocuses our resources to priorities that support American interests.

The bill eliminates three agencies that our cold war victory has rendered obsolete—the Agency for International

Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency.

It cuts spending by nearly \$3 billion over 2 years—and by \$21 billion over 7 years—while supporting our allies and punishing our opponents.

A vote in favor of this bill is a vote to downsize the Federal Government and to cut foreign aid. I urge my colleagues to join me in voting "yes" on final passage of the American Overseas Interests Act.

**BREAKING THE PUBLIC TRUST—MAKING MONEY IN THE REPUBLICAN CONGRESS**

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

Mr. LEWIS of Georgia. Mr. Speaker, the Republicans won the elections last November and they promised no more business as usual, and were they ever right. The ethical standards that have been adopted by the Republicans in this House are at the lowest level I have ever seen.

Lobbyists writing legislation, Members letting outside groups send out partisan political mailings on their office stationary and, of course, at the center of it all, the Speaker of the House and his infamous book deal.

Now, in the latest chapter, the Speaker has ignored the ethics committee and signed his contract with Rupert Murdoch. He has even launched a nationwide book tour. This, despite saying he would wait for the ethics committee to approve the deal, which they have not.

They cut school lunches, they cut Medicare, they cut students' college loans, while the Speaker joins the club of millionaires.

For Republicans, it is no more business as usual, it is time for making money.

**CHILD SURVIVAL PROGRAMS A PRIORITY IN FOREIGN AID BUDGET**

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

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 966, the James P. Grant World Summit for Children Implementation Act. As we revise our foreign aid priorities it is critical that we not reduce spending for cost-effective programs like child survival that provide benefits to children throughout the world.

Spending for kids' programs must continue to be a priority in our foreign aid budget. Minimum Federal investments in child survival, basic education, and micronutrient programs has had a dramatic impact in improving the lives and well-being of children in underdeveloped countries. In 1980, for example, over 5 million kids died

from vaccine preventable diseases. Because of our investments in child survival programs such as immunization and oral rehydration therapy we are saving millions of children's lives each year.

Nearly 13 million children worldwide die each year, 35,000 per day, due to largely preventable diseases and malnutrition. These miserable conditions create a cycle of poverty and hopelessness that can be broken through proven, cost-effective child survival strategies.

Last year, we provided \$280 million for child survival program activities and increased funding for these activities is desperately needed. While it is clear that overall foreign aid levels will be reduced this year, it is essential that the committees dealing with foreign affairs ensure continued U.S. participation in child survival. The World Summit for Children Implementation Act, a bill which I have sponsored with my good friend and leading hunger advocate, TONY HALL, maintains and increases our investment in child survival, basic education, micronutrient programs, and UNICEF. Congress needs to keep its commitment to these cost-effective child development assistance programs and I plan on working with my colleagues to see that these priorities are incorporated into foreign affairs legislation.

**ABSENCE OF APPROVAL BY ETHICS COMMITTEE REVIVES TALK OF OUTSIDE COUNSEL ON SPEAKER'S BOOK DEAL**

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

Ms. DELAURO. Mr. Speaker, earlier this year, Speaker GINGRICH promised to get approval for his book deal from the Ethics Committee before signing the contract. Now, the Speaker has embarked on a nationwide book tour, so the Ethics Committee must have given its OK, right? Wrong.

In fact, the Ethics Committee did not get a chance to rule on the propriety of the Speaker's multimillion-dollar book contract, before it received a letter from Mr. GINGRICH's lawyer saying that Mr. GINGRICH was going ahead with the deal. The letter reads: "We will assume that Mr. GINGRICH's book publishing complies with House rules."

But, the chairwoman and the ranking member of the committee quickly wrote back to Mr. GINGRICH's lawyer saying: "You should make no such assumption." This advice was ignored.

The Speaker never received approval from the Ethics Committee on his book contract, as he promised. Mr. GINGRICH's wanton disregard of the Ethics Committee makes the case for an outside counsel to investigate the other charges pending against him. The Speaker will be unable to ignore the ruling of an outside counsel in the way

that he has ignored the Ethics Committee.

□ 1220

#### RESCISSION BILL VETO WILL AFFECT DISASTER VICTIMS

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

Mr. WHITFIELD. Mr. Speaker, President Clinton is threatening to veto the Republican rescission bill. This rescission bill will actually pay for emergency spending by cutting money out of the current year's budget. Responsible, commonsense action like this was seldom adopted when liberals controlled Congress.

The rescission bill provides \$6.7 billion in disaster assistance to victims in 40 States, including victims in Oklahoma City, flood victims in Missouri and Kentucky, and earthquake victims in California. These victims need assistance, but the President is trying to stop the money by playing politics.

We know he is upset because we reduced funding for his AmeriCorps. But, Mr. President, don't veto this bill. It provides relief money and it is paid for. Be a compassionate President and don't make the victims of these disasters wait any longer for help.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RIGGS). The Chair would remind Members that they must address their remarks to the Chair and not address their remarks to the President.

#### RECOGNIZING CHANDA RUBIN, PROFESSIONAL TENNIS PLAYER

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

Mr. FIELDS of Louisiana. Mr. Speaker, today I take special pride in recognizing a very outstanding constituent of mine. She is a 19-year-old professional tennis player from Lafayette, LA. I speak of no other than Chanda Rubin, daughter of Judge and Mrs. Edward D. Rubin.

I am proud to say that Chanda Rubin just completed her best ever grand slam performance at the French Open. Although Chanda fell short to the defending champion in the quarterfinals yesterday, she proved to be a tough fighter. Her courage has touched the lives of many individuals, particularly young people, across this Nation. I commend Chanda for her hard work and I wish her the best of luck in the future.

#### BIPARTISAN COMMISSION ON FUTURE OF MEDICARE

(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, just prior to the Memorial Day recess, I introduced legislation to establish a bipartisan Commission on the Future of Medicare. The goal of the Commission would be to find commonsense solutions to reforming and strengthening our Medicare system. It would be patterned after the Pepper Commission that was developed to preserve Social Security. My colleagues, you should have received a "Dear Colleague" letter outlining this bill.

The Commission would submit to Congress a report that would contain its findings and recommendations regarding patterns of spending under the Medicare Program, long-term solvency of the Hospital Trust Fund, need to eliminate waste, fraud, and abuse, and administration of the current program.

I believe we can all work together in a bipartisan manner. We can then preserve, protect, and strengthen the Medicare system to ensure that our seniors will have access to this program well into the 21st century.

#### KILLING THE AMERICAN DREAM OF HIGHER EDUCATION

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

Mr. HILLIARD. Mr. Speaker, I rise today to protest another one of the Republican plans to kill the American dream.

I am speaking of the budget that was rammed through last week. This budget gutted the Student Loan Program, taking away the hopes and dreams of young Americans who will not be able to go to college. The budget plan is bad. The Republicans have betrayed the future of America by getting rid of student loans in order to cut taxes for their rich friends.

To finance this despicable tax cut for the rich, they have sold out the young people of America. There are some great kids in Alabama and elsewhere in this fantastic country who now will never be able to reach their full potential. We have enticed them and lured them to sleep with dreams of a bright future, and the Republicans have turned those dreams into nightmares.

Wake up, Alabama. Wake up, America.

#### SUPPORT THE AMERICAN OVERSEAS INTERESTS ACT

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

Mr. HEFLEY. Mr. Speaker, when the House resumes debate today on H.R. 1561, the American Overseas Interests Act, our colleagues on the other side of the aisle will remind us that President Clinton doesn't like this bill and has said he will veto it.

Of course Bill Clinton doesn't like this bill. It kills three Federal agencies

and cuts spending by \$3 billion in the next 2 years. It is not his style to support such cuts.

But it also focuses on vital American interests by supporting peace and stability in the Middle East. This bill is about getting nuclear weapons out of Russia and the other former Soviet States—and locking in the gains of the cold war by supporting nations that want to join NATO.

It recognizes our enemies by cutting off aid to countries that supply weapons to terrorist states—that give aid to Cuba—or that consistently vote against us in the United Nations.

So what if Bill Clinton is threatening to veto the American Overseas Interests Act? We should still support it. I urge my colleagues to join me in voting yes on final passage.

#### MEDICARE CUTS

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

Mr. UNDERWOOD. Mr. Speaker, under the guise of saving Medicare, the majority would make funding cuts that would have the effect of reducing benefits to Medicare recipients—and these funding cuts would be used to fund tax cuts that would primarily benefit the wealthy.

This fiscal trickery will not fool the American people.

We often hear of class warfare. Well, this majority has just given us generational warfare with its policies that make school children compete for school lunch funding with seniors on fixed incomes, whose Medicare funding in turn must compete with tax cuts for wealthy middle-aged citizens.

In this generational warfare the weapons are not missile launches but school lunches, and not stealth bombers but stealth tax cuts. And the greatest irony is that the generation that won World War II is now at risk with generational warfare being waged by this majority.

We can do better, and we can do it without pitting the American people against each other.

#### THE PRESIDENT DOESN'T GET IT

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

Mr. WELDON of Florida. Mr. Speaker, isn't it ironic that the first bill the President lost increased spending by \$17 billion, and the first bill he is going to veto cuts spending by almost \$17 billion.

Where has the President been for the past 2 years? The mandate from the people in the last election was clear—cut spending first. Gone are the days where out-of-control spending habits are the norm. This new Congress is showing that Washington must act responsibly to balance the budget. And

that means that any increase in spending in one area will equal a decrease in another. It is simple accounting.

The rescission bill provides much-needed disaster assistance to people in Oklahoma City and to victims of earthquakes and floods in 40 States. Yet the President has decided to play politics with these disaster victims. By vetoing the rescission bill, thousands of people will have their suffering prolonged.

Mr. Speaker, the President just doesn't get it. The people want us to act responsibly and we have.

#### THE REPUBLICANS' BAD DEAL ON STUDENT LOANS

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

Mr. BENTSEN. Mr. Speaker, the Republican budget cuts student loans, plain and simple. The Republicans say they want to protect the children, they want to provide incentives for investment, but they want to slam the door on middle-class kids who want to go to college.

The Republicans want to cut student aid by \$9.5 billion by the year 2002. They will start by requiring students to pay interest on their loans before they have moved into their dormrooms, before they have even attended a class.

On average, a Texas student would pay up to \$5,000 more to attend a 4-year college under the Republican plan. That's \$5,000 most Texas families don't have to spend. Middle-class families will struggle to pay this amount when the cost of college is already rising twice as fast as their incomes.

Students in my district and the entire Houston area would especially be hit hard by these cuts. Rice University, one of the premier postsecondary institutions in this country, has 2,584 students enrolled this year in its undergraduate program. Of that number, 2,170 students receive financial aid—that's 82 percent of all undergraduates. Of those students, 715 receive Stafford loans totaling \$4.7 million. It's difficult to imagine how these students will find an extra \$3.6 million to complete their education.

The Republicans just don't get it when it comes to student loans. To compete in a world economy, we must encourage kids to get a higher education, not discourage them. Higher costs for higher education is a bad deal for Texas' students and an even worse deal for America's future.

#### A PLEA FOR SUPPORT OF AMERICAN OVERSEAS INTERESTS ACT

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

Mr. BALLENGER. Mr. Speaker, H.R. 1561—the American Overseas Interests Act—is the first major step toward re-

shaping and reorganizing our foreign policy operations since the cold war.

It begins by recognizing that—with the end of the long, twilight struggle—we no longer need the specialized agencies that were created to help in the fight against world communism.

Nor can we afford them, in a period when we are facing deficits in the range of \$200 billion a year. H.R. 1561 begins the necessary task of reordering, by eliminating the Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency—and transferring their responsibilities to the State Department.

Together with cuts in spending of \$3 billion over 2 years—that is cuts below current spending—we are on the way toward modernizing and streamlining the way we project American power and influence around the world. I urge my colleagues to join me in voting "yes" on final passage of the American Overseas Interests Act.

#### MEDICARE AND SOCIAL SECURITY USED TO BALANCE PROPOSED GOP BUDGET

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

Mr. STUPAK. Mr. Speaker, having spent the last week in my district, it is obvious to me and to the 130,000 seniors in northern Michigan that the Republican budget proposals are wrong. In their budget resolution, they want to balance the budget on the backs of our seniors, veterans, and college students.

The Republicans want to cut \$282 billion from Medicare over the next several years. They say they must cut \$282 billion to save Medicare. Yet Medicare fund trustee Stanford G. Ross has testified that Medicare needs \$130 billion to remain solvent. Not \$282 billion. Why the extra \$152 billion? The Republicans want that money to pay for the tax breaks they are giving to large corporations and the top 1 percent of the wealthiest Americans, the millionaires and the billionaires, while they slash Medicare.

You know what else? The GOP plan as passed by the other body says that they will pass a balanced budget by 2002, but when you look at the bill, they still have a \$113 billion deficit. You know where they are going to make it up? By borrowing from the Social Security trust fund.

Mr. Speaker, the Republicans have broken their contract by using Medicare to balance the budget and by using Social Security to balance the budget.

#### RECONSIDER THE VETO

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

Mr. HERGER. Mr. Speaker, President Clinton has threatened to veto the dis-

aster assistance package produced by the Congress.

I urge the President to reconsider that threat.

He should not sacrifice needed disaster assistance on the altar of domestic politics.

If the President vetoes this bill, he stops aid to victims of the tragedy in Oklahoma.

If the President vetoes this bill, he jeopardizes the peace process in the Middle East.

If he vetoes this bill, the President stops funds from flowing to aid victims of the natural disasters in California.

Mr. Speaker, if the President vetoes this bill, he allows \$9 billion in unnecessary and wasteful spending to be spent.

Apparently, the President has issued the veto threat because he wants to appear relevant to the legislative process. But vetoing this crucially important piece of legislation seems to me to be a destructive way to prove relevance.

#### SUPPORT WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT

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

Mrs. MEEK of Florida. Mr. Speaker, as we consider funding for U.S. foreign aid programs, I hope that Congress will remember the needs of children and enact the World Summit for Children Implementation Act.

We have all seen the pitiful photographs and the television videotape of children in other countries who are the helpless victims of poverty, ignorance, and war—little children who enter life with great hopes but few chances, and who suffer terribly because they lack the most basic of human needs—nourishing food, safe water, basic vitamins, immunization from disease, rudimentary sanitation, and basic education.

But we do not have to accept present reality. Progress has been made. Worldwide, child mortality rates have been cut in half in the last three decades. Eighty percent of the world's children are immunized against disease, saving 3 million children annually.

We need to continue this progress, and we can do it by implementing the goals of the World Summit for Children Implementation Act.

This is something we ought to do.

#### SUPPORT AMERICAN OVERSEAS INTERESTS ACT

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

Mr. KIM. Mr. Speaker, today we are going to adopt H.R. 1561, the American Overseas Interests Act. Everybody knows that our foreign aid programs are among the least accountable to our

taxpayers and the most dubious in their results. I did not say that. That is the letter sent by the Americans for Tax Reform group.

Taxpayer group after taxpayer group sends us letters urging us to revise and overhaul this long-overdue, complicated, foreign bureaucracy we have.

This is what we have, how complicated it is. Even Dr. Henry Kissinger says that the Agency for International Development is among the worst agencies he has ever seen. It is that bad.

By making common sense from this complicated bureaucratic system we have in controlling foreign aid, changing to this, under our new bill, from year to year, we can save \$1.8 billion.

That is why we support this bill today. I urge my colleagues to support this.

#### MEDICARE CUTS TO MISSOURI RURAL HOSPITALS PAY FOR TAX BREAKS FOR WEALTHY

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

Mr. VOLKMER. Mr. Speaker, it is flimflam time in the U.S. House of Representatives again. What do I mean by that? When we passed the budget, the Republican budget calls for huge cuts in Medicare in order to give tax breaks for the wealthy.

But when the Republican Members went back home, they said, "No, we're not making big cuts in Medicare. We're strengthening Medicare. We're improving Medicare."

Well, I went home and I talked to my hospital administrators, three of them, including one in my hometown. On Friday, I will be visiting three more rural hospitals.

What did they say? They did not say that Republican budget cuts in Medicare will improve Medicare, will strengthen Medicare. No. In my regional hospital at Hannibal, MO, by the year 2002, a loss of \$1.5 million a year in cuts—\$1.5 million jeopardizes my hospital.

What about Moberly Regional, \$1 million in lost revenue. Audrain County Medicare, \$1 million in lost revenue, jeopardizing rural hospital care with those Medicare cuts to give tax breaks for the wealthy.

#### WIDE GRASSROOTS SUPPORT CITED FOR PASSAGE OF AMERICAN OVERSEAS INTERESTS 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, later today the House will resume work on H.R. 1561—the American Overseas Interests Act. It recognizes that the cold war is over by proposing the most important and comprehensive reform and reorganization of our foreign affairs activities in nearly 50 years.

Our legislation rolls up three independent cold war agencies and cuts spending by \$3 billion over 2 years. While the administration threatens to veto our bill, a broad array of grassroots organizations supports it, including citizens against Government Waste, the National Taxpayers Union Foundation, the Association of Concerned Taxpayers, and the Eagle Forum, to name just a few.

Mr. Speaker, H.R. 1561 offers an opportunity to streamline and downsize the Federal Government and cut spending while continuing to project American influence and power around the world in a cost-effective manner.

Accordingly, I urge my colleagues to support the American Overseas Interests Act on final passage.

#### MEDICARE CUTS THREATEN HOSPITALS IN SMALL-TOWN AMERICA

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

Mr. DURBIN. Mr. Speaker, if you have ever gotten into your car in the middle of the night to drive a critically injured or critically ill person to the hospital, you know that every minute seems like an hour. You pray to God that you will get to that hospital in time to save the life of someone you love very much.

That is what the debate on the floor or the House of Representatives is all about when we talk about the future of Medicare. Because if the Republicans have their way and cut \$282 billion out of Medicare over the next several years to fund a tax break for wealthy Americans, we are going to see hospitals closing in America, particularly in my part of the world in small-town America. It will mean for a lot of people a much longer drive in the middle of the night, many more prayers, and a lot more hope that they will make it in time.

Is this the Republican vision of America which people voted for last November? I don't think so. I hope the Gingrich Republicans will abandon this tax cut program that they have put forward and will instead focus on really strengthening Medicare instead of the cuts that they are proposing which will close hospitals across the United States.

□ 1240

#### A MODIFIED FLAT TAX PROPOSAL CALLED McFLAT

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

Mr. SOUDER. Mr. Speaker, I favor tax cuts for the American families. I believe American families can do more for themselves than the Government.

Mr. Speaker, the American people devote 5.4 billion hours and \$232 billion

every year to comply with the United States Tax Code. Furthermore, billions of dollars are then spent by the IRS to administer and enforce these tax laws. To reform this unwieldy system, our majority leader, Congressman DICK ARMEY has put forward a flat tax proposal that can simplify our system and provide a new contract with the American people.

We have all heard the phrase "you deserve a break today" and now I want to help put those words into action. Today I will be introducing a modified flat tax proposal called McFlat. the "m" stands for mortgage and the "c" stands for charitable. McFlat incorporates the meat of Congressman ARMEY's flat tax along with deductions for mortgage interest and charitable contributions.

McFlat can provide the arches, so to speak, between those that want a simpler and fairer system and those of us who feel that it is essential to retain deductions for homes, churches, and charities. McFlat is the simple and fair way to revolutionize the American Tax Code.

#### THE NEED FOR THE APPOINTMENT OF AN OUTSIDE COUNSEL

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

Mr. BONIOR. Mr. Speaker, when is NEWT GINGRICH going to learn that he is not above the rules of this House?

Earlier this year, Mr. GINGRICH announced he would not sign his \$4.5 million book deal until the Ethics Committee approved it. But now he has changed his mind.

Even though the book is still under investigation, not only has Mr. GINGRICH signed the book deal, he has embarked on a Rupert Murdoch-financed book tour to hawk his book.

At a time when the American taxpayers will be paying his salary, Mr. GINGRICH is going to be on the road promoting a book that will make him a multimillionaire.

Mr. GINGRICH's lawyers said that since there has been no ruling, they just assumed that no rules have been broken. The Ethics Committee issued a strong rebuke: "You should make no such assumption."

Mr. Speaker, no Member of this House is above the rules, not even the Speaker.

The only way we are going to get to the bottom of this case is to appoint an outside counsel to investigate.

#### THE UNITED STATES-JAPAN AUTO DISPUTE

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

Ms. KAPTUR. Mr. Speaker, what is wrong with this picture? Regardless of the yen-dollar exchange rate, United States market share of the Japanese

auto and auto part market has remained flat for nearly two decades. As a matter of fact, the import share for all foreign manufacturers in Japan has remained stuck at 4.6 percent for autos and 2.6 percent for auto parts.

The gigantic United States automotive deficit with Japan defies all economic rationale. In 1985, when the yen was 240 to the dollar, the United States had an automotive deficit with Japan of \$23.9 billion. Now, with the yen hovering around 80 to the dollar—a 300-percent decrease in the dollar's value against the yen—our automotive trade deficit is on track to break last year's record of \$37 billion.

As this chart shows, the facts are on our side. The United States has a trade surplus in the automotive sector with the rest of the world. Isn't it time for Japan to play fair?

#### THE OVERSEAS INTERESTS ACT

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

Mr. CHRYSLER. Mr. Speaker, the reason we do not sell cars in Japan is because we do not build right-hand drive cars in this country, and for no other reason.

Mr. Speaker, today and tomorrow the House will debate the Overseas Interests Act. This bill cuts foreign aid and ends the status quo of the bloated foreign aid bureaucracy.

The American people, by very lopsided majorities, have expressed their desire to make these cuts. But unfortunately, the liberal Democrats in the White House and in Congress stand in the way. Liberals oppose any cut in the Federal bureaucracy and are wedded to the old Washington ways. They refuse to see that out-of-control Government is causing deficits and debt. If we do not cut the growth of Washington, our children will be saddled with unimaginable debt and unimaginable taxation.

The Overseas Interest Act addresses these concerns. It will cut foreign aid and the bureaucracies that attempt to globally redistribute the hard-earned tax dollars of ordinary Americans. Republicans realize that we can no longer base our policies on waste, fraud, and ever-expanding bureaucracies. Instead, we must insure that the interests of Americans are served, and not just those of the Federal Government.

#### MORE ON THE UNITED STATES-JAPAN AUTO DISPUTE

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

Mr. WISE. Mr. Speaker, I would yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in referring to what the previous speaker said, he made an untrue statement. United States manu-

facturers manufacture 60 different models of right-hand drive vehicles both in this country and around the world, and for a Member from the State of Michigan to speak out against the United States, and we are hemorrhaging in terms of these trade deficits with Japan for over two decades, I think is unconscionable.

I thank the gentleman for yielding.

Mr. WISE. Mr. Speaker, in conclusion, dealing with the other part of the gentleman's remarks, I think it ought to be pointed out what the President is budgeting are those who would almost eliminate the Safe Schools Act, the Drug Free Schools Act, eliminate, almost eliminate, summer youth programs, all of which has been funded, is in line with the budget, a budget, I might add, cutting the deficit one-half in relation to our gross domestic product over what it was a few years ago, a budget which will mean the third straight year of deficit reduction, the first time that has happened since Harry Truman.

#### THE NATION'S MALL

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

Mr. GOSS. Mr. Speaker, the Nation's Capital is famed for its parks and wide open spaces. The Mall, the area between this Capitol and the Lincoln Memorial, is one of the most venerable and most visited of our alabaster city's sights and all Americans have a right to enjoy it. Of course, we have to ensure that one set of rights does not outweigh another. Today, a walk down The Mall suggests that we have lost our balance on that score. Simply put, large parts of The Mall have become a disorderly tourist trinket bazaar. This famous open space has become haven to countless unsightly, makeshift tables and weather covers from which temporary vendors push their merchandise in an atmosphere of cacophony and hustle. Those vendors, it seems, secured U.S. Park Service permits under their first amendment rights. As an ardent defender of the Constitution and its amendments, I certainly support the right to free speech. But Americans also have a right to and an expectation of unobstructed, safe, and peaceful use of their national parks. Especially one with such majestic monuments. I hope we can restore some balance and find a more suitable spot to relocate the tourist merchants while there is still summer ahead to enjoy The Mall peacefully.

#### THE ADMINISTRATION IS REDUCING BUREAUCRACY

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

Mr. HOYER. Mr. Speaker, although I had not intended to include this, let me say "amen" to the remarks of the gentleman from Florida. He is absolutely right. We ought to get a handle on that.

The gentleman from Michigan who preceded him was absolutely wrong, however. He talks about reducing bureaucracy.

This administration, ladies and gentlemen, has reduced bureaucracy by 272,000 over the next 6 years, actually the next 4 years. We have already reduced over 100,000 Federal employees. This administration, contrary to the previous two administrations, is not just talking about it, and has saved \$30 billion in Federal expenses, which is funding the crime bill.

Whether you take the 1994 Crime Act, which I think was a smart and tough crime act, or the crime act that passed this House, both relied on the reductions in Federal employees that this administration, in its reinvention of Government, of doing more with less, has led and the Congress has supported.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. RIGGS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 7, 1995.

Hon. NEWT GINGRICH,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 6, 1995 at 2:45 p.m. and said to contain a message from the President whereby he transmits a report on the activities of the United States Government relating to the prevention of nuclear proliferation for calendar year 1994.

With warm regards,

ROBIN H. CARLE,  
Clerk.

#### ACTIVITIES OF THE U.S. GOVERNMENT RELATING TO PREVENTION OF NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations.

To the Congress of the United States:

As required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242; 22 U.S.C. 3281(a)), I am transmitting a report on

the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation. It covers activities between January 1, 1994, and December 31, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 6, 1995.

COMMUNICATION FROM HON. BOB FRANKS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. BOB FRANKS, Member of Congress:

SEVENTH DISTRICT, NJ,  
May 24, 1995.

Hon. NEWT GINGRICH,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has received a subpoena issued by the Municipal Court of Manville, New Jersey.

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

Sincerely,

BOB FRANKS,  
Member of Congress.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT DURING 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on the Judiciary; Committee on National Security; and Committee on Science.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is correct. The Democrat leadership has been consulted and agrees with all of these requests.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1561, AMERICAN OVERSEAS INTERESTS ACT OF 1995

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 156 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 156

*Resolved*, That when the Committee of the Whole House on the state of the Union resumes consideration of H.R. 1561 pursuant to House Resolution 155, consideration for amendment under the five-minute rule may continue beyond the initial period of ten hours prescribed in House Resolution 155 for an additional period of six further hours. Consideration for amendment may not continue beyond such additional period. During further consideration for amendment only the following further amendments to the committee amendment in the nature of a substitute, as modified and amended, shall be in order—

(1) pro forma amendments for the purpose of debate;

(2) amendments printed before May 25, 1995, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII;

(3) amendments en bloc described in section 2 of House Resolution 155, but only if consisting solely of amendments so printed before May 25, 1995, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII or germane modifications of any such amendment; and

(4) one amendment offered by the chairman of the Committee on International Relations after consultation with the ranking minority member of that Committee.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which time I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

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

There was no objection.

(Mr. GOSS asked and was given permission to include extraneous material.)

Mr. GOSS. Mr. Speaker, as most Members know, this rule is the product of an emergency rules committee meeting held the day before the House adjourned for the Memorial Day recess. At that time, H.R. 1561 had been under consideration for almost 12 hours and a host of amendments were still pending—amendments offered by Republicans and Democrats. Using past precedents on similar bills as our guide, we had hoped that the original allotment of 2 hours of general debate and 10 hours of open amendment process would be sufficient, if properly managed, to allow a full and free debate on all the major issues at play in this important foreign policy bill. Looking back at the rules granted for foreign aid authorizations during past Congresses, where 1 hour of general debate and amendment time caps of 8 to 10 hours were standard, we felt that our formula would be sufficient.

Clearly we underestimated Members' interest in extending debate on several standard issues along the way. That's somewhat understandable, partially because we have so many new Members and these programs have not been

properly reauthorized since 1985. So, when it became clear that more time would be needed on this bill, our leadership attempted to work out a compromise with the minority to allow the extension of debate by unanimous consent. Unfortunately, some Members of the minority were not interested in that type of bipartisan cooperation. Hence the emergency rules meeting that produced this rule, a rule which responds to Members requests to add debate time, hopefully for some important points.

I commend Chairman SOLOMON for his flexibility and his efforts to work this out in a congenial manner—and I do believe this rule leans over backwards to provide a fair solution. Under this rule we will have an additional 6 hours of open debate, with Members having the opportunity to offer any amendment that was properly prefiled by May 24. In addition, this rule allows the chairman of the international relations committee, in consultation with the minority, to offer one amendment that was not prefiled but is otherwise in order under the rules of the House.

Mr. Speaker, as we gear up for the appropriations cycle in the immediate months ahead it is crucial that we complete our work on H.R. 1561, and I am pleased that our rules committee was able to develop a plan to ensure that the major issues properly managed can be dealt with in a reasonable period of time without jeopardizing that legislative schedule. I say "properly managed," because under this type of fair open rule, there is always a possibility for some abuse of allotted time by some Members who for whatever motive choose to indulge in dilatory tactics. Nevertheless, I urge support for this good workable, fair rule.

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

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

Mr. HOYER. Mr. Speaker, I thank my friend from Florida for yielding.

Under the rule, can the gentleman tell me, at the end of the 6 hours, if there are still pending printed amendments, will they be allowed to be offered without debate?

Mr. GOSS. Reclaiming my time, my understanding is that we have used that provision up in the first rule, so we will have to complete all of the business in the time left for debate; that is, the 6 hours plus, I understand, with some 25 or 35 minutes of carry-over. I am not sure what the exact number was. It is at that time we will be finished with the debate.

Mr. HOYER. If the gentleman would yield further for a question, does that mean there are 35 minutes remaining under the old rule? Is that correct?

Mr. GOSS. I cannot confirm that. I believe approximately.

Mr. HOYER. Approximately a half an hour?

Mr. GOSS. I believe it is in that order.

Mr. HOYER. At the end of that half hour, would it be in order for anybody to offer an amendment without debate?

Mr. GOSS. Reclaiming my time, my understanding of the rule, as it was originally filed before we had the second rule, was keyed to a time specific on a certain date for that provision. So, therefore, that provision is not available, and all Members need to be advised that the rule, as I explained it in my statements, would be the way we carry on, and after the 35 minutes or 30 minutes has gone plus the 6 hours of debate, that is the end, subject to the other parts of the rule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his clarification.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I rise in opposition to House Resolution 156, the second rule limiting debate on H.R. 1561, the American Overseas Interest Act of 1995. While this rule does provide an additional 6 hours of debate for previously printed amendments, capping time on a bill of this magnitude is unnecessary and impedes the proper legislative process. As my colleague on the other side of the aisle well knows, an additional 6 hours will only slightly improve a bad situation. We have 90 amendments remaining. The 6 hours allowed under this rule will not provide enough time to debate many of these amendments, especially because voting time is counted under the time restriction. Under this rule, only a handful of amendments will be likely to receive consideration.

Mr. Speaker, as I indicated in my May 23 speech on the first time limit rule, the bill before us is a mixture of foreign policy initiatives and reorganizations that could change and weaken the conduct of U.S. foreign policy. In the few days following the bill's original consideration we have seen major developments around the world, including an escalation of hostilities in Bosnia. Yet this rule, which admittedly takes a step forward by providing some additional time, continues the pattern of shutting out amendments simply because 6 hours is not enough. Many of us argued against the first rule because it did not provide enough time. Here we have a second rule with the exact same problem. Again, we will be making substantive foreign policy decisions based on who is recognized before the time runs out.

In addition to the obvious procedural problems, this bill itself is seriously flawed. In addition to cutting funds in the wrong areas, it includes the elimination of three agencies, including the Agency of International Development [AID]. Yet no sound evidence exists to show this will save the taxpayers any money. The American people do not

want us to be ramming bills through for the sake of reorganization without any kind of cost analysis. I support the work of AID and believe, at minimum, we should seriously study the merits of reorganizing its functions before doing so in this bill.

Fortunately, this rule does make in order one amendment to be offered by the chairman of the International Relations Committee, Mr. GILMAN, even though it was not printed in the CONGRESSIONAL RECORD as required under the previous rule. There is an opportunity, therefore, for improvements to be made in the legislation.

I sincerely hope that funds for both development assistance and Africa in this bill can be restored, and the AID reorganization will be considered. The International Affairs budget represents only 1.3 percent of total Federal spending. It has already been cut by 40 percent since 1985. I am particularly troubled with the 34 percent cut in development assistance. While the bill earmarks \$280 million for the Child Survival Fund, the overall reduction squeezes necessary prevention efforts such as basic education, microenterprise programs, and self-help initiatives that have been proven to work. It makes no sense to have the United States functioning as the world's ambulance when famine and disaster occur in developing countries, when we could have prevented them.

In addition to saving lives, development assistance enables many countries to become self-sufficient enough to buy U.S. exports. Between 1990 and 1993, U.S. exports to the developing countries grew by \$46 billion, creating 920,000 new jobs in this country. It is in our economic interests to continue meeting our foreign assistance obligations.

Mr. Speaker, this bill has many, many flaws. However, it would be more palatable to many of us if it did not devastate development aid. This is not the time to turn our backs on the world's poor. I sincerely hope the overall spending priorities will be reworked.

At any rate, Mr. Speaker, this rule simply does not provide enough time for us to handle this comprehensive, complicated piece of legislation. There are major reorganizations of agencies in this bill. There are also major restraints and new conditions our Government must follow when dealing with other nations.

Because of this time cap, I am going to oppose this rule and I urge my colleagues to join me in voting "no" on this restrictive rule.

□ 1300

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, the proposed rule for the final consideration of the American Overseas Interests Act should be adopted by the House.

This bill is a very important step forward in our goal to reform Government to make it more efficient and more effective.

To achieve this goal, the bill calls for the consolidation of three independent agencies—the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency—into an enhanced Department of State.

The consolidation of three independent agencies into the State Department has been endorsed by five former Secretaries of State who argue that it will improve foreign policy by clarifying lines of authority and responsibility.

Secretary of State Warren Christopher also endorsed this concept earlier this year, but his proposal met strong bureaucratic opposition and was withdrawn.

But the fundamental soundness of the proposal led to the leadership in both the House and Senate international relations committees, to study it and include it in our 1995 reform efforts.

The bill also sets forth the spending priorities for our foreign operations during this time of fiscal austerity.

There are protections in this bill for our efforts to promote democracy and freedom in Cuba through Radio and TV Marti.

There is also a provision that supports our efforts to isolate the Castro regime by prohibiting aid to countries that provide economic aid or preferential trade benefits to the Castro regime.

The bill also sets out Congress' desire that a priority be placed on economic and other assistance to the developing countries in Africa.

While the Africa programs have had to bear a share of the overall effort to cut Government spending, they have been given more than they would have received under an across-the-board budget cut process.

This bill represents a fair and responsible approach to the management of Government programs in foreign policy.

Therefore I urge the adoption of this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the former chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Ohio [Mr. HALL], who has been always a leader in this type of legislation, for his continuing hard work.

Mr. Speaker, this is the second rule we have granted for this bill. The first time around we said 10 hours was not enough. We said that the drop dead time was a lousy idea, and no one believed us. Now, here we are again, 2 weeks later, taking up rule No. 2 that still will not do the job. There are still

at least 99 preprinted amendments that we cannot possibly finish in 6 hours.

The floor schedule for this week is unusually light. There is no reason to shut down the amendment process, particularly when we are considering an issue as important as this one.

Mr. Speaker, I urge my colleagues to oppose this rule. We have plenty of time. Let us open up this rule and give members a chance to fix this bill.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I rise to support this rule; however, as we debate this important legislation today, I think it is important that we address North Korea's denial of a bipartisan congressional delegation trip to North Korea.

For the first time in 40 years, we finally have a Republican Speaker of the House, and our Republican committee chairmen have requested that I pick a small delegation to North Korea. This is a bipartisan group of both Republicans and Democrats, yet the North Koreans denied our group's entry. We have contacted North Korea again for an August trip, yet we have not still received any answer yet. All this happened while the other Member of Congress have visited North Korea.

Ironically that Member was a Democrat.

This picking and choosing of Member visits is a discriminatory policy. This is simply unacceptable. This is an insult to the Speaker of the House, the House leadership, and to this Committee of International Relations.

This is the most serious insult in my opinion to the U.S. Congress. We should not tolerate these actions, otherwise the entire world will laugh at us, laugh at this Congress.

My original course of action was to offer amendment to this legislation boycotting congressional visit to North Korea until this issue is resolved. I can understand why they are afraid of my going up there, because of my unique background, but I understand that our chairmen prefer to dress this issue in conference if the North Koreans fail to change their position.

Again I would like to say for the RECORD this issue must be addressed during conference meeting.

Mr. HALL of Ohio. Mr. Speaker, I yield 9 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise to inform my colleagues that later this afternoon I hope to have the opportunity to offer an amendment to lift the arms embargo against Bosnia and Herzegovina.

Mr. Chairman, I do so knowing that difficult circumstances confront the United States as well as our allies. It is after all their forces that are still being held hostage by Bosnian Serb forces.

I think we all recognize that the U.N. peacekeeping forces went in to provide critically needed humanitarian aid.

But, it has ended up providing a cover, enabling the Serbs to continue the war largely without the credible threat of resolute military action by the United Nation or NATO.

The fact is there is no peace being kept. In this the United Nation has failed.

I am encouraged by the more forceful actions that are being planned by our allies, that is the plan to deploy a rapid-expansion force to protect UNPROFOR, thereby giving some muscle to those forces in Bosnia. I am also pleased by the statements coming from a number of our allies, notably president Chirac that France "refuses to yield to fatalism and irresponsibility."

My concern remains, however, that we are still confronted with a U.N. force that is mandated to be "impartial" in a war of aggression and a genocide that claims the lives of mostly civilians. It is an untenable position both from the members of UNPROFOR who must stand by and watch the killings, and the ethnic-cleansing, and for the nations who have failed to take the necessary action to protect the hundreds of thousands of victims from their persecutors. It is a position which states as its working premise to choose no sides to treat the aggressor and victim the same. Yet at the same time UNPROFOR watches in horror, the arms embargo has the effect of denying the right of Bosnians to defend themselves, their families, and their nation from a well-armed and well-trained military force that seeks to annihilate them.

Once this current crisis is resolved we must not allow the status quo to be reinstated. And what I mean by that is for a slightly reinforced UNPROFOR merely to go back to what it was doing, or I should say not doing.

This is a war between sovereign nations in the heart of Europe. It is a war that has been and continues to be the result of an illegal act of aggression by Serbia against the peoples of Bosnia and Herzegovina. It is a war and genocide of a scale that we have not witnessed since World War II in Europe. And most tragically of all it is a war against a nation that stands for the very values which the United States, NATO and the U.N. security council espouse over and over again, and which Serbian policy is bent on exterminating.

□ 1310

I believe, Mr. Speaker, that the United States must act to lift the arms embargo against the victims of a war of aggression not of their making. I urge my colleagues to join me in supporting that amendment.

Mr. Speaker, I also rise to express concern about this rule. This issue is a critically important issue. I believe that the amendment to be offered by the gentleman from Illinois [Mr. HYDE], the War Powers Act amendment, is also a critically important amendment, worthy of more than a few

minutes of debate on the floor of the House of Representatives.

The gentleman from Ohio is correct: If we are serious about being the policy makers and enunciating the policies that this Nation ought to pursue, I think the American public expects us to do so in a considered way, allowing full time for debate.

These are not unserious issues. These are not issues of little consequence. Indeed, the issue of which I speak speaks to the very essence of what America stands for, of what the United Nations stands for, and what NATO has pledged to protect: The opportunities of a people freely elected to be free from international aggression. That is what America stands for.

The gentleman who just preceded me spoke about the unwillingness of North Korea to allow a bipartisan delegation to come in and to talk and to see. The lesson that we learned in World War II and the lesson that we ought to be learning is that openness in foreign policy leads to international security on all sides.

I regret very much, Mr. Speaker, that time is being limited; that in effect some of us are going to be, I think, prevented as I understand it from offering a critically important amendment that passed this House overwhelming 1 year ago, when we said then we ought to lift unilaterally the embargo imposed upon Bosnia and Herzegovina.

What does that mean in real terms? It means you have two people confronting one another in a war. One is heavily armed and one is very lightly armed, and we say we are neutral. We will not allow any arms to go in. We will not allow others to help the combatants.

What does that mean? That means by definition you have taken the side of the party that has been heavily armed, in this case the Bosnian-Serb aggressors who have succeeded to the Yugoslavian arms heavy weapons.

Mr. Speaker, I have had a discussion with the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN]. He is my good friend and I believe a supporter of this amendment. I do not want to speak for him. He and I have fought together on the side of preventing the genocide that has occurred in Bosnia and Herzegovina.

But I must tell my friend I am deeply disappointed we will not be able to, if that is the case, address this issue today. As a result, I will not support the rule, because I believe we need more time.

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

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

Mr. GILMAN. Mr. Speaker, just in response, of course we would like to be supportive of the gentleman's proposal. What we are concerned about is the limited amount of time in this measure to enable Members on both sides of the aisle to take up their amendments. I

hope the gentleman will be able to present his bill as a free standing bill shortly after the consideration of this measure so that the House will have a full opportunity to debate the gentleman's measure.

Mr. HOYER. Mr. Speaker, reclaiming my time, I want to thank the gentleman from New York [Mr. GILMAN] who, as I say, is a very close friend of mine. We say that about most, but in this case it is really the case. He has always been fair, and he and I have always, since I can remember, fought on the same side of issues as they relate to justice and international fairness and opposition to human rights abuses.

I would say to my friend that I appreciate that effort and, obviously, if I am not successful today, I will work with the gentleman to bring that bill forward as quickly as we can.

But I say to my friend, it is unfortunate that we do not allow sufficient time on this issue, which is so timely. There is no more timely foreign policy issue that currently confronts the United States and its western allies than the issue of Bosnia and Herzegovina, as we all know.

Mr. GILMAN. Mr. Speaker, if the gentleman will further yield, I want to assure him I will be pleased to work with him to bring this to the floor in a timely manner.

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

Mr. Speaker, I also wanted to congratulate the gentleman from Maryland [Mr. HOYER] for his very articulate presentation, and look forward to being able to deal with that issue in the very near future. I would point out there are some aspects to the American Overseas Interests Act that do deal with some of the problems, particularly this dual management problem with the United Nations, which I am sure every American—if they read about it in the paper this morning—is as outraged this morning as I am about, that we cannot defend our aircraft, but only expose our aircraft. Some of those problems that demand immediate attention are provided for here.

Mr. Chairman, I am happy to yield 5 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 156, the rule under which the House would be afforded an opportunity to devote an additional 6 hours to consideration of H.R. 1561, the American Overseas Interests Act.

As my colleagues recall, the initial rule under which this bill was brought to the floor provided for 10 hours for debate on amendments.

When the Committee of the Whole rose on Wednesday, May 24, 9½ hours of that time had been consumed. Nine

amendments have been disposed of out of some 75 that had been filed under the rule.

It was obvious that more time would be needed to enable the House to fully consider the measure. Moreover, an additional 25 amendments were filed so that when the House adjourned for the Memorial Day recess, there were 91 amendments pending—51 by Republicans and 39 by Democrats.

Mr. Speaker, H.R. 1561 is the first major challenge to the foreign policy status quo since the cold war began nearly 50 years ago—providing for the first major reorganization and consolidation of our foreign affairs apparatus in that period.

It also reauthorizes our foreign assistance programs and reduces current spending by nearly \$3 billion over 2 years—while redirecting and targeting our resources on high priority programs.

H.R. 1561 is about projecting American power and influence around the world at a cost of 1 cent on the Federal dollars.

It defends our national security—supports our trade and economic interests—provides for those who have been struck by disaster and cannot provide for themselves—and cuts duplication and waste in dozens of programs.

The administration opposes H.R. 1561 because it wants to maintain the status quo of the cold war period.

Mr. Speaker, when it's winter, we need the appropriate clothing to deal with the snow and cold—boots, gloves, and earmuffs—and a good snow shovel. But, when warm weather arrives, we discard the heavy clothing and put away the snow shovel.

Similarly—with the cold war over—it is now time to put away our cold war agencies and policies and retarget our priorities. H.R. 1561 does just that.

Mr. Speaker, House Resolution 1561 provides the House with an additional 6 hours to consider the first major reordering of our foreign affairs operations since the cold war began, and I urge its adoption.

Mr. Speaker, I would like to yield for a moment to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I thank the chairman for yielding.

Mr. GILMAN. Mr. KIM earlier addressed the House with regard to his rejection of the opportunity to visit North Korea, is that correct, Mr. KIM?

Mr. KIM. That is correct, Mr. Chairman.

Mr. GILMAN. If the gentleman would yield, I was dismayed by the North Korean Government's refusal to allow our good friend and respected member of our Committee on International Relations the opportunity to visit Pyongyang as an official of our Government. Along with the Speaker, I personally requested Mr. KIM to travel to North Korea. The House leadership and our committee support Mr. KIM in that endeavor. But we were rejected outright by the North Korean Government.

North Korea has yet to respond to Mr. KIM's third request to be allowed to be able to travel to North Korea in August. This rejection is an outright insult, not only to Representative KIM, but to our committee and the House leadership. I believe we should take this opportunity to send a clear message to the North Koreans that they must satisfy our demand that Mr. KIM be allowed to join a congressional delegation to North Korea.

The State Department must know that it is an appropriate solution, that an appropriate solution is needed and must be reached. I am prepared to address that issue during the conference on our bill to ensure that North Korea accepts all congressional visitors or faces some repercussion.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time. I would briefly conclude by yielding myself such time as I may consume.

Mr. Speaker, I believe truly that this bill, if it passes, is really a step backwards for the Congress and for the President of the United States. It ties the hands of the President, of any President. It abolishes departments and agencies by incorporating them under the arm of the State Department. Issues like AID and the Arms Agency and USIA, those issues have not even been debated on this floor of the House, and yet we are kind of confusing the whole situation by just kind of putting them under the State Department. Nobody knows what is going to happen. They are being put under the idea that in fact it will save money, but nobody has been able to prove that. We are doing that without debate.

The second thing is there is over 90 amendments left, with only 6 hours. I suspect that probably with the tremendous number of controversial issues that come up, we will only be able to address 4 or 5 amendments of all the 90 amendments that are previously printed in the RECORD.

So that rule is not a good rule. It is devastating to the whole process, and to the whole direction we are trying to give our President as far as being a leader in the world. This ties his hands.

The way the United States goes in the world, a lot of nations follow us. We have cut foreign aid since 1985 by 40 percent. But under this bill, there are further cuts that are devastating. There is going to be a 34-percent cut in development assistance, something that Americans have asked us for years to get involved. Why aren't we helping these people help themselves? But we are cutting the very thing that Americans want us to do.

The second thing is we are cutting the African Fund, where most of the humanitarian crises are going on today. So many of these cuts could be redirected in a better way.

I am not sure that this bill can be improved upon. There is a chance to do it. But the way the bill stands now, it is devastating, it ties the hands of the

U.S. Government, it is a step backwards, with substantial cuts in areas that for the most part are going to hurt a lot of women and children in poor nations, and it is not something that our Government, our Congress, ought to be behind.

For that reason, I hope that the Congress votes the rule down and votes the bill down.

□ 1330

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

I have no further requests for time. Before yielding back the balance of my time, I would just simply like to say that this act is called the American Overseas Interests Act. Usually the labels that we have on a lot of our legislation around here are somewhat grandiose. I think this label actually means something.

I think we are making a shift from what we used to call foreign aid to put the emphasis on something that is truly what are America's interests overseas. I think that is a major departure from some of the direction that we have been struggling with in the past 10 years or so here. It is one of the reasons why we have not gotten the bill through.

I think this is a new time, and I think that justifies in part this extra debate time which is really an extraordinary amount of time, almost 20 hours when we count the rules and general debate, that is an awful lot of time.

With regard to the observation of the gentleman from Maryland that there probably is no greater time or no more important thing right now than discussing Bosnia, there, of course is another avenue, as the distinguished chairman of the Committee on International Relations has pointed out. And the thing about what goes on in the world is that every day there is always something new anyway that is very important for us, not that Bosnia is not critically important, but there will be other things that are critically important.

We have to make sure we have a process to bring those things forward. But the basis, the structure, the foundation of what we are trying to signal here in this legislation are American overseas interests and to provide for them appropriately, well aware of the message that we have had from our American constituency that says we have got to be a little bit more careful about how we spend our money, make sure it really counts for national security and true interests overseas and we are not in the business of being the world's policemen or the world's welfare source.

I think that this bill goes a long way in dealing with that.

The ranking Member and distinguished gentleman from Massachusetts [Mr. MOAKLEY], a wonderful man and a good friend, has said we need more time, more debate, and that we might not even have enough after this 20

hours. I do not know how much debate is enough debate on any particular bill, but it seems to me this is an extraordinary amount of time for a very important subject, where we are having a change of direction which is part of the change that was promised in the November 8 elections. I believe that we have got it pretty well covered now. I urge my colleagues to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

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

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until later today.

#### PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GOSS. Mr. Speaker, will that vote be automatically called by the Chair?

The SPEAKER pro tempore. That is correct; the yeas and nays have been ordered, and it will automatically be called later today.

Mr. GOSS. Mr. Speaker, I did not hear, but was a time certain set for that?

The SPEAKER pro tempore. It will be after the three fish hatchery bills, which are next on the calendar.

Mr. GOSS. I thank the Chair.

#### CORNING NATIONAL FISH HATCHERY CONVEYANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 144 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 535.

□ 1338

#### 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 consideration of the bill (H.R. 535) to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Chairman, I rise in support of this noncontroversial legislation.

H.R. 535 seeks to convey the Corning National Fish Hatchery to the State of Arkansas. Mrs. LINCOLN, the sponsor of the bill, will fully explain the need for this legislation. Briefly, the State of Arkansas has been operating and maintaining the Corning hatchery since 1983. Arkansas has recognized the need to modernize the facility, but cannot obtain the necessary funding to do so because the State does not hold title to the hatchery. The Fish and Wildlife Service, which does hold title, fully supports the conveyance of the title to the State of Arkansas.

During our subcommittee markup, I offered an amendment—which was adopted unanimously—to expand the mission of the hatchery. In that way, the Corning facility would not be limited to fish cultures only and would be able to perform a broader range of fishery-related activities. In addition, the amendment ensures that if this property ever reverts to the Federal Government, it will be in the same or better condition as the time of the transfer. These changes are reflected in the bill pending before the House today.

I am confident that H.R. 535 as written will satisfy the U.S. Fish and Wildlife Service and the State of Arkansas. I urge you to support H.R. 535 without amendment.

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

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

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

Mr. STUDDS. Mr. Chairman, the gentleman from New Jersey has said it all. This is a bill without controversy. It is very much like many others we have passed in years gone by. I must say for the life of me I cannot figure out what it is doing under a rule. If there was ever a bill that was ready for suspension, it would be these three. They are routine. They are without controversy.

Mr. Speaker, I rise in support of H.R. 535, a bill to transfer title of the Corning National Fish Hatchery to the State of Arkansas.

The Corning hatchery, which has been operated by the State of Arkansas under a memorandum of understanding with the Fish and Wildlife Service since 1983, produces bass, bluegill, sunfish, crappies, and catfish for State fishery programs.

While the State has made minor improvements to the facility, it is now interested in making more significant capital investments and would like title to the property before doing so. This bill would give title to the State, while protecting the interests of the Federal Government by requiring that title revert to the Fish and Wildlife Service in the event that Arkansas no longer wants to operate the facility as a fish hatchery.

This is standard language we have used to transfer many facilities in the past. It is supported by both the State and the administration, and I urge Members to support it today.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN], the author of the bill.

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Chairman, today I rise to urge my colleagues to support H.R. 535. Before I list all the reasons why my colleagues should support this bill, I first want to extend my deepest thanks to the chairman of the full committee, Mr. YOUNG, the chairman of the subcommittee, Mr. SAXTON, and the ranking minority member of the Fisheries Subcommittee, Mr. STUDDS, for taking action on this bill in such a prompt manner. I worked with all these distinguished gentlemen last year on the Merchant Marine Committee, and I certainly must say that I miss working with them on a more regular basis.

I urge my colleagues to support this non-controversial bill. H.R. 535 would transfer property rights in the Corning National Fish Hatchery from the Federal Government to the State of Arkansas. Due to previous Federal budget cuts, the fish hatchery was closed in early 1983. However, the Arkansas Game and Fish Commission resumed hatchery fish production in May 1983 after entering into an agreement with the fish and wildlife service. The fish hatchery has been operating since 1983 as William H. Donham State Fish Hatchery. With funds provided by the State of Arkansas

This fish hatchery has become an important part of the Arkansas Fisheries Division Fish Culture Program and I believe that this transfer will greatly benefit the sportsmen and women of Arkansas and the Nation. This warm water hatchery is very active and successful, producing up to 1,000,000 fish annually.

Currently, and since 1983 no Federal funds are used to operate or maintain the Corning National Fish Hatchery. Let me repeat, this fish hatchery does not cost Federal taxpayers a red cent. It is financed solely by funds derived from resident and non-resident fishing licenses sales. This transfer of ownership has the support from both the Arkansas Game and Fish Commission and the Fish and Wildlife Service.

It is appropriate to transfer the property to the State of Arkansas since the funds used to finance the hatchery's programs are raised within the borders of Arkansas. In addition, without this transfer, Arkansas would be unable to make long-term commitments as to the direction the hatchery will take in its operations or risk of abandonment.

Identical legislation passed both the House and the Senate last Congress only to be stymied in the Senate during the last minutes of the 103d. I urge my colleagues to support H.R. 535 and to oppose any amendments.

Mr. SAXTON. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, those who have spoken already quite properly represent the presentation of this legislation and they, in fact, are not controversial. I do have an amendment to the legislation that would require that prior to the transfer of these facilities, prior to the transfer of title from the Federal Government to the State government that the Federal Government would get an appraisal as to the fair market value and the State would in fact pay the Federal Government in the fair market value for these assets.

The fact is that we have been transferring these assets historically for many, many years from the Federal Government to the states without questioning the value of the property being transferred or the Federal taxpayer investment in these properties. But today is not the same as it has been in the last 20 years. That is, this is the first Congress that is operating under a firm target of balancing the Federal budget in the next 7 years.

We see a whole hose of programs that are being cut, some much smaller in value than the value of these hatcheries, but the point is this, that no longer are we in a position simply to transfer assets of the Federal Government and receive nothing in return at a time when we are trying to balance the budget. So the amendment that I will offer to all three of these bills later on is an amendment to require an appraisal and a fair market value assessment, crediting the State with the cost of some of their improvements that they have made and then making sure that the State either pay the Federal Government in cash or in in-kind contribution for that fair market value.

I think this is fair to the taxpayers of the country. I think it is fair to other committees that are making cuts in very vital programs and that we ought to do our share. The value of these assets, of these hatcheries, we really do not know. There are no current appraisals of these. Appraisals were done in 1983, back in 1979. We have comparable sales in some cases for much smaller parcels adjacent to these lands that were transferred earlier that have been sold in some cases for higher value than the appraised value of the hatcheries.

Let us remember that in fact when the hatcheries are, they have been run for the benefit of the States, so the fact that the State has been running this at their cost should be no mystery to us or surprise us because in fact the State has been the beneficiary of the programs being run there and the State will continue to do so.

If the Federal Government is going to back out of this and we are going to turn these assets over, I think the least

that we can do is ask that we return to the Treasury some ability to recapture the cost that the Federal Government has spent on these assets.

Finally, let me make this point, Mr. Chairman: This is only the beginning of a whole series of assets that will be coming to the floor seeking transfer from the Federal Government either to the private sector and/or to other segments of the Government. I think it is very important that we understand that when we do make these transfers to these other entities, that we ought to make some effort to try and recapture the fair market value of those assets.

There will be assets developed in the energy area, in the mineral area, in the timber area, in a whole range of programs that the Federal Government is currently engaged in, mainly throughout the western United States, but in some cases, as we see with these hatcheries, in other areas of the Federal Government. I would hope that Members would support these very commonsense and very-fair-to-the-taxpayer amendments asking for fair market value.

Mr. YOUNG. Mr. Chairman, I support H.R. 535, a bill to transfer title of the Corning National Fish Hatchery to the State of Arkansas for use by the Arkansas Game and Fish Commission.

The Corning National Fish Hatchery includes approximately 137 acres, buildings, structures, and related equipment. It is a warm water hatchery that produces between 250,000 to 1,000,000 fish each year. About 95 percent of these hatchery-reared fish are stocked in new or renovated public lakes, providing recreational opportunities for thousands of Americans.

It is my understanding that the State of Arkansas has been effectively operating this hatchery facility since 1983, under an agreement with the U.S. Fish and Wildlife Service. The State has spent in excess of \$1.5 million to maintain it. H.R. 535 would simply convey all right, title, and interest of the United States to the State of Arkansas.

Finally, this legislation contains language providing that the property revert back to the Federal Government if the State of Arkansas no longer wishes to use the facility as part of its fisheries resources management program. It also stipulates that the property be returned in substantially the same or better condition than it was in at the time it was transferred to the State.

The U.S. Fish and Wildlife Service supports this transfer and I compliment the gentlewoman from Arkansas [Mrs. LINCOLN] for bringing this matter to our attention.

Mr. Chairman, I urge my colleagues to support the bill.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill and the amendment printed in the bill are considered as having been read for amendment under the 5-minute rule.

The text of H.R. 535 is as follows:

H.R. 535

*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 "Corning National Fish Hatchery Conveyance Act".

**SEC. 2. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.**

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Arkansas without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas, consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

The CHAIRMAN. The Clerk will designate the committee amendment.

The text of the committee amendment is as follows:

Committee amendment: Page 2, line 21, strike subsection (c) and insert the following:

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Arkansas pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purposes all right, title, and interest in an to all property conveyed pursuant to this section shall revert to the United States. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

□ 1345

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: In section 2(a) (page 2, beginning at line 3), strike "Within" and all that follows through "without reimbursement", and insert "Upon the provision of consideration by the State of Arkansas in accordance with subsection (c) within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Arkansas".

Amend section 2(c) (page 3, beginning at line 3) to read as follows:

(c) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—The Secretary of the Interior shall require that, as consideration for any property conveyed by the Secretary under subsection (a), the State of Arkansas shall—

(A) pay to the United States an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); or

(B) convey to the United States real property that the Secretary determines—

(i) has a fair market value not less than an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); and

(ii) is useful for promoting fish restoration and management.

(2) APPRAISAL REQUIRED.—The Secretary shall determine fair market value of property for purposes of this subsection after considering an appraisal of the property prepared for the Secretary after the date of the enactment of this Act.

(3) REDUCTION OF FAIR MARKET VALUE OF PROPERTY CONVEYED.—For purposes of subparagraphs (A) and (B)(i) of paragraph (1), the fair market value of property conveyed under subsection (a) shall be reduced by the value of any capital improvements to the property that were made by the State of Arkansas before the date of the enactment of this Act.

(4) DEPOSIT OF PAYMENT.—

(A) DEPOSIT.—Amounts received by the United States as payment under this subsection shall be deposited into the Sport Fish Restoration Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504), commonly referred to as the Wallop-Breaux Fund.

(B) LIMITATION ON USE OF DEPOSITS FOR PURPOSES NOT RELATED TO FISH RESTORATION AND MANAGEMENT.—Section 9504(b)(2)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(b)(2)(B)) does not apply to amounts deposited under this paragraph.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, this amendment requires that as consideration for the fish hatchery conveyed to the State of Arkansas, that the State pay the Federal Government the fair market value based on an updated appraisal.

That payment shall not include the value of any capital improvements made by the State. The amendment also strikes the clause in the bill which would have the property revert to the Federal Government if not used by the State as a hatchery. In other words, the State would receive clear title.

The amendment gives the State the option to pay cash equivalent to fair market value or to exchange property with the Fish and Wildlife Service which must be useful for promoting fish restoration and management.

If the State pays cash, the amendment provides that the proceeds would be deposited in the sport fish restoration account which is better known as the Wallop-Breaux Fund. Every State receives Wallop-Breaux funds which are dedicated to improving sport fishing opportunities. The amounts devoted to fish restoration are decreasing, so this amendment will help assure that all of our constituents continue to benefit from this fund.

Mr. Chairman, as I said earlier in the general debate on this legislation, I think this is simply a matter of equity for the taxpayers, that they receive some semblance, and hopefully will receive, in fact, fair market value for these Federal assets that the Federal Government has built and developed, when they transfer them to the State.

It also provides the additional benefit that the funds received not only will return to the Federal Treasury, but they will help fund those portions of the Federal programs and cooperative programs between the States and the Federal Government that come under the Wallop-Breaux funds for the improvement of this Nation's sport fisheries.

Again, the amounts of money are not large, but I think the principle is sound. I think the principle is fundamental as we continue upon our legislative journey, living under the hard cap of going to a balanced budget in the next 7 years. Every committee, every Member of Congress, and all of our constituencies are going to have to make sacrifices to deal with that.

Quite clearly, we have been transferring these assets for the past 20 years. That has become what we believe is normal. These are not normal times. We believed that highway demonstration projects were normal up until this year. They no longer are normal, because we cannot justify the expenditure of those moneys and the need to balance the budget and to meet higher priorities of this Nation.

Mr. Chairman, I would hope, again, that the Members of Congress would support this amendment to provide for a return of fair market value to the taxpayers of the Nation.

Mr. SAXTON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, as the gentleman well knows, we have discussed this amendment at length at the subcommittee level, and I believe at the full committee level as well. While I would generally tend to agree with the gentleman, that certainly if this is an early version of many transfers that will occur as part of the budget-balancing process that we will go through during the months and years ahead, certainly it would be good to start this in a way that is the most fiscally prudent. That is exactly the reason that I oppose the gentleman's amendment.

It is noteworthy, I believe, to point out here that it was in 1983 that the Federal Government decided that we

no longer had the resources to justify the implementation of a Federal program at this hatchery. In that year, the State of Arkansas decided that since it was a very important program to that region of the country, that the State of Arkansas would supplement what the Federal Government had previously spent, and continue the program on forward.

To the extent that this bill changes that situation, it does so for one very good reason. That is that the hatchery is in dire need of upgrading and renovation, and perhaps some additional facilities to be built on the premises which require financial considerations. Those considerations can be forthcoming only when the State of Arkansas has title to the property.

Therefore, Mr. Chairman, this bill becomes very necessary. In order to ensure the Federal equity position, however, it is noted in the bill that there is a clause which ensures that if the hatcheries would ever revert to the Federal Government, that they would be in as good or better condition than they are at the time of transfer.

Mr. Chairman, there are a number of other reasons that I could go on and explain at some length, but certainly the gentleman will have ample opportunity to help Members on both sides of the aisle find savings as we make our way through this budget process. This, in my opinion, Mr. Chairman, is not the place to be penny-wise and dollar foolish, and risk the very existence of this very vital hatchery facility.

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

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

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

Mr. Chairman, it is not very often that I find myself differing from the gentleman from California [Mr. MILLER]. We did, as the gentleman has indicated, go through this in subcommittee and in full. I am the first to concede that this is not one of the more cosmic issues of our day, and really ought not to be taking up a great deal of time, with all due respect to the State and the gentlewoman who represents it.

However, let me just say that I think I know what the gentleman from California is concerned about as he looks down in the future here. I share his concern of what may be coming. There may be attempts for the Federal Government to divest itself of some of our great national parks and forests and resources, and God knows to whom and when. However, I will be at this side if and when that battle occurs.

However, there is nothing devious here. This is a State that is willing to assume the purpose for which the Federal Government acquired these facilities in the first place. It is perfectly consistent with the normal process of excessing Federal property. We do not, as I understand it, normally charge the States if they bid on and receive land

which has been excessed by the Federal Government.

There is ample precedent for this in the past. There are any number of facilities in different States that I think we will be dealing with in the future. I do not think that we risk setting some kind of precedent for the very real concerns of the gentleman from California. For that reason, I associate myself with the remarks of the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, if I may reclaim my time, I would point out to all here on the floor and other interested parties that, as a matter of fact, it could well be the case that the State of Arkansas could well not afford to be able to purchase the facility, in which case the entire program would be jeopardized.

Mrs. LINCOLN. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Arkansas.

Mrs. LINCOLN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. MILLER].

I think there are many issues here to be debated. One point that was just brought up, in terms of preservation, if what we want to do is preserve some of the wonderful natural resources we have in this Nation, we do have to give the States the capability. The fact is most States, and I think we have heard from many of our fish and wildlife agency representatives, the States cannot afford it.

The other point that I would make is the value of the property has changed considerably since 1983. If you are going to talk about the fair market value, since 1983 the State of Arkansas has put well over \$2 million, almost \$2.5 million into the property, which has enhanced its value. If it had been abandoned in 1983 by the Federal Government, it would be worth next to nothing at this point right now anyway.

In terms of the justification given by the gentleman from California [Mr. MILLER], in terms of what he is trying to do, I do not disagree. I tend to find myself very fiscally responsible as well and wanting desperately to balance the budget, but I do feel he has chosen a poor target in this area.

This is an industry, quite frankly, where we are producing fish for an industry of tourism and sport fishing. It is one of the largest in our State. It is one across the Nation that does have a tremendous amount of return on the dollars that are invested. I do think it is a poor target.

The property is the Federal Government's, but they did give it up an awful long time ago. We are simply legalizing this situation to make sure that the State of Arkansas can adequately prepare and make the necessary decisions that they need to keep it a productive

industry. Again, I would certainly focus that that is exactly what it is.

Mr. Chairman, I would just ask my colleagues to reason in terms of fiscal responsibility. This is a good industry for us across the Nation, and the fish hatcheries are a big part of that. We have invested a great deal in the State of Arkansas.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SAXTON] has expired.

(By unanimous consent, Mr. SAXTON was allowed to proceed for 1 additional minute.)

Mrs. LINCOLN. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Arkansas.

Mrs. LINCOLN. Again, Mr. Chairman, the proceeds from the industry in sport fishing far exceed the cost of what we are talking here. I do think it is important in terms of making sure we are able to preserve these wonderful facilities that we have in the Federal Government to allow the States to do that.

The chairman of the subcommittee did point out there is a reversion clause. If by any chance the States do not use these facilities for what they were intended, they do revert back to the Federal Government.

As I said before, I think in all good intentions that my colleague, the gentleman from California, may have had, I do think that this is a poor target in terms of trying to make a point of saving money and in terms of billing the States, who cannot afford it, in losing the preservation of these natural resources that we have.

I just urge my colleagues to oppose the amendment and pass this bill and the other two, which are really non-controversial bills.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

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

#### RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 315, not voting 23, as follows:

[Roll No. 356]

AYES—96

Ackerman	DeFazio	Jacobs
Andrews	DeLauro	Johnson (SD)
Barrett (WI)	Dellums	Kaptur
Becerra	Deutsch	Kennelly
Beilenson	Dixon	Kildee
Berman	Doggett	Klug
Bonior	Durbin	Lantos
Brown (CA)	Ehlers	Lewis (GA)
Brown (OH)	Eshoo	LoBiondo
Bryant (TX)	Fattah	Lowe
Clay	Flake	Maloney
Clayton	Ford	Martinez
Coble	Franks (NJ)	Martini
Coleman	Furse	McDermott
Collins (IL)	Gejdenson	McKinney
Conyers	Gutierrez	Meehan
Costello	Harman	Meek
Coyne	Hastings (FL)	Mfume
Danner	Hinchey	Miller (CA)

Mineta	Roybal-Allard	Stokes
Mink	Royce	Torres
Nadler	Rush	Upton
Neal	Sanders	Velazquez
Neumann	Sanford	Visclosky
Owens	Scarborough	Waters
Pastor	Schroeder	Watt (NC)
Payne (NJ)	Schumer	Waxman
Petri	Sensenbrenner	Woolsey
Poshard	Serrano	Wyden
Reynolds	Shays	Wynn
Rohrabacher	Slaughter	Yates
Roth	Stark	Zimmer

## NOES—315

Abercrombie	Ensign	LaTourette
Allard	Evans	Laughlin
Archer	Everett	Lazio
Armey	Ewing	Leach
Bachus	Farr	Levin
Baesler	Fawell	Lewis (CA)
Baker (CA)	Fazio	Lewis (KY)
Baker (LA)	Fields (TX)	Lightfoot
Baldacci	Filner	Lincoln
Balleger	Flanagan	Linder
Barcia	Foglietta	Lipinski
Barrett (NE)	Foley	Livingston
Bartlett	Forbes	Longley
Barton	Fowler	Luther
Bass	Fox	Manton
Bateman	Frank (MA)	Manzullo
Bentsen	Franks (CT)	Markey
Bereuter	Frelinghuysen	Mascara
Bevill	Frisa	Matsui
Bilbray	Frost	McCarthy
Bilirakis	Funderburk	McCollum
Bishop	Gallegly	McCrery
Bliley	Ganske	McDade
Blute	Gekas	McHale
Boehlert	Geren	McHugh
Boehner	Gibbons	McInnis
Bono	Gillmor	McIntosh
Borski	Gilman	McKeon
Boucher	Gonzalez	McNulty
Brewster	Goodlatte	Menendez
Browder	Goodling	Metcalfe
Brown (FL)	Gordon	Meyers
Brownback	Goss	Mica
Bryant (TN)	Graham	Miller (FL)
Bunn	Greenwood	Minge
Bunning	Gunderson	Moakley
Burr	Gutknecht	Molinari
Burton	Hall (OH)	Mollohan
Buyer	Hall (TX)	Montgomery
Callahan	Hamilton	Moorhead
Calvert	Hancock	Moran
Camp	Hansen	Morella
Canady	Hastert	Murtha
Cardin	Hastings (WA)	Myers
Castle	Hayes	Myrick
Chabot	Hayworth	Nethercutt
Chambliss	Hefley	Ney
Chenoweth	Heineman	Norwood
Christensen	Hergert	Nussle
Chrysler	Hilleary	Oberstar
Clement	Hilliard	Obey
Clinger	Hobson	Olver
Coburn	Hoekstra	Ortiz
Collins (GA)	Hoke	Orton
Collins (MI)	Holden	Oxley
Combest	Horn	Packard
Condit	Hostettler	Pallone
Cooley	Houghton	Parker
Cox	Hoyer	Payne (VA)
Cramer	Hunter	Peterson (MN)
Crane	Hutchinson	Pickett
Crapo	Hyde	Pombo
Cremeans	Inglis	Pomeroy
Cunningham	Istook	Portman
Davis	Jackson-Lee	Pryce
de la Garza	Jefferson	Quillen
Deal	Johnson (CT)	Quinn
DeLay	Johnson, E.B.	Radanovich
Diaz-Balart	Johnson, Sam	Rahall
Dickey	Johnston	Ramstad
Dicks	Jones	Rangel
Dingell	Kasich	Reed
Dooley	Kelly	Regula
Doolittle	Kennedy (MA)	Riggs
Dornan	Kim	Rivers
Doyle	King	Roberts
Dreier	Kingston	Roemer
Duncan	Klink	Rogers
Dunn	Knollenberg	Ros-Lehtinen
Edwards	Kolbe	Rose
Ehrlich	LaFalce	Roukema
Emerson	LaHood	Sabo
Engel	Largent	Salmon
English	Latham	Sawyer

Saxton	Stockman	Tucker
Schaefer	Studds	Vento
Schiff	Stump	Volkmeyer
Scott	Stupak	Vucanovich
Skeen	Talent	Walker
Seastrand	Tanner	Walsh
Shadegg	Tate	Wamp
Shuster	Tauzin	Ward
Sisisky	Taylor (MS)	Weldon (FL)
Skaggs	Taylor (NC)	Weldon (PA)
Skeen	Tejeda	Weller
Skelton	Thomas	White
Smith (MI)	Thompson	Whitfield
Smith (NJ)	Thornberry	Wicker
Smith (TX)	Thornton	Williams
Smith (WA)	Thurman	Wilson
Solomon	Tiahrt	Wise
Souder	Torkildsen	Wolf
Spence	Torricelli	Young (AK)
Spratt	Towns	Young (FL)
Stearns	Traficant	Zeliff
Stenholm		

## NOT VOTING—23

Barr	Green	Pelosi
Bonilla	Hefner	Peterson (FL)
Chapman	Kanjorski	Porter
Clyburn	Kennedy (RI)	Richardson
Cubin	Kleccka	Shaw
Fields (LA)	Lofgren	Waldholtz
Gephardt	Lucas	Watts (OK)
Gilchrist	Paxon	

## □ 1419

The Clerk announced the following pairs:

On this vote:

Mr. GENE GREEN of Texas for, with Mr. WATTS against.

Mr. FIELDS of Louisiana for, with Mrs. WALDHOLTZ against.

Messrs. HOLDEN FAWELL, and HORN changed their vote from "aye" to "no."

Mrs. LOWEY and Messrs. NADLER, ROHRABACHER, STOKES, and NEAL of Massachusetts 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. FIELDS of Louisiana. Mr. Chairman, I was attending a drug-free schools and communities event at the White House and was not able to make rollcall vote 356. Had I been present I would have voted "aye."

## PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Chairman, I also missed rollcall vote 356. I was attending a drug free schools event at the White House. If I had been present, I would have voted "yes."

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, 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. 535) to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas, pursuant to House Resolution 144, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

The bill 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.

## CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA

The SPEAKER pro tempore. Pursuant to House Resolution 145 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 584.

## □ 1421

## 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 consideration of the bill (H.R. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Massachusetts [Mr. STUDDS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Chairman, I rise today in strong support of this noncontroversial legislation.

H.R. 584 was introduced by Mr. LEACH. It would convey the Fairport National Fish Hatchery from the U.S. Fish and Wildlife Service to the State of Iowa. It is my understanding that this facility was built in the 1930's, and as you can imagine, it is in need of improvement. Due to Federal budget constraints, the State of Iowa agreed to assume operational control of the facility in 1973. The State of Iowa has managed, maintained, and staffed the Fairport Fish Hatchery for the past 22 years, and has made some cosmetic changes. If the State of Iowa had not stepped in when the Federal Government found its management too costly, this hatchery would have closed and its fishery resources would have ceased to exist.

Now the State of Iowa would like the authority to modernize the facility, which would be accomplished by this legislation. H.R. 584 will formalize a permanent transfer of title between the Federal and State Government. The State of Iowa has committed over \$2 million to the operation of this facility over the past 22 years. Further, it has spent \$220,000 on necessary improvements to the hatchery.

This is a noncontroversial bill and will accomplish its goal without

amendment. I urge you to support H.R. 584 without amendment.

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

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

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

Mr. STUDDS. Mr. Chairman, once again the gentleman from New Jersey has said it all. The issues are virtually identical in this bill as they were in the past and as they will be in the next one, and therefore in consideration of sheer humanity they need not be repeated.

Mr. Chairman, I rise in support of H.R. 584, a bill to transfer title of the Fairport National Fish Hatchery to the State of Iowa.

The Fairport hatchery has been operated by the State of Iowa under a memorandum of understanding with the Fish and Wildlife Service since 1972. It produces bass, bluegill, and channel catfish for stocking programs throughout the State.

After 20 years of operation, the State is now interested in making capital improvements to the facility but needs title to the property before doing so. This bill would give title to the State, while protecting the interests of the Federal Government by requiring that title revert to the Fish and Wildlife Service in the event that Iowa no longer wants to operate the facility as a fish hatchery.

The bill is supported by both the State and the administration, and I urge Members to support it today.

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

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, 3 weeks ago in thunderous debate the House considered the "mega" implications of the budget resolution. Now we have before us perhaps the smallest bill of the year, H.R. 584, which would have the effect of conveying a small federally owned, State-operated, fish hatchery to the State of Iowa.

This hatchery, operated by the State of Iowa since 1973, is crucial to the fishery resources program in my State, and the legislation before us formalizes a permanent transfer of title between the Federal and State government.

The hatchery is located in Fairport, an unincorporated town of 50 people situated on a beautiful hillside embankment overlooking the Mississippi River approximately 8 miles east of the community of Muscatine. The facility was originally donated at the turn of the century to the Federal Government by an association of button manufacturers who, prior to the advent of plastic alternatives, utilized the shells of freshwater mussels from the Mississippi River as raw material for the making of buttons.

With the subsequent acquisition of surrounding land, at a total cost of \$21,771.22, Fairport was established by Congress in 1909 as a biological research station, and in 1929 became a fish hatchery operated and maintained

by the Bureau of Sport Fisheries and Wildlife.

In 1973, as a result of Federal budgetary constraints, operation and maintenance of the facility was assumed by the Iowa Department of Natural Resources. The Fairport Fish Hatchery has served as an important part of the State's fish hatchery system since that time.

The State of Iowa agreed to assume responsibility for the facility partly to assist sports fisherman but mainly to help advance a growing/midwestern aquaculture industry, particularly for the stocking of farm ponds. As an augment to farming the land and feeding livestock, increasing numbers of farmers are finding they can diversify into aquaculture.

The Fairport facility is one of three warmwater fish hatcheries within Iowa's hatcheries program. The facility fills the need for several fish including bass, bluegills, white amur, and channel catfish, which are utilized throughout the State as a part of the Iowa stocking program. Simply put, fish that are not hatched cannot be caught or bred.

The State Iowa has committed substantial resources to providing for its fisheries needs through the operation and maintenance of the Fairport facility. Unlike other States, it has done so without seeking Federal funds for 22 years. The Iowa Department of Natural Resources estimates that it has expended \$2,100,000 for the operation of the hatchery under the memorandum of understanding with the Fish and Wildlife Service since 1973. This sum is substantially greater than the market value of the property which, according to a 1983 appraisal, was \$717,000. It is possible that the property has slightly increased in value since then, but before use by others, numerous ponds would have to be filled and the extensive well and underground pipe system removed at considerable cost.

In addition to its current operating budget of \$175,000, the State of Iowa has to date spent \$220,000 on necessary improvements to the hatchery. If title to the property is transferred, the State intends to make an additional \$350,000 investment in the facility, including a new holding house and dike improvements. But the State of Iowa cannot afford both to buy the property and then improve and operate the facility. Without this transfer the facility is likely to close and the Federal Government will have to either make necessary improvements and operate it itself or take on the costly task of closing it.

Iowa's interest in obtaining title to the hatchery is based on the concern that the State be able to make these needed improvements to the facility without risk of loss. If the State does not have title to the property, the Federal Government could divest itself of the hatchery along with any investment the State might make in it. The State would be left vulnerable to property confiscation precipitated either by the executive branch in Washington or capricious Federal legislators.

Because investment without ownership would be imprudent, Iowa has secured the U.S. Fish and Wildlife Service's agreement to transfer title to the property to the State. To obviate concerns that the State of Iowa might accept property conveyance and then turn around and put it on the market or use it for another purpose, the agreement between the Department of Interior and the State provides that if the property ceases its fish related functions, it will revert back to the Federal Government.

Mr. Speaker, conveyances of national fish hatcheries to States are normally noncontroversial. Indeed, since 1989, four almost identical conveyances have taken place—in the States of South Carolina, Georgia, Kentucky, and Ohio—all with the unanimous approval of this House. And, in an analogous transaction for a different purpose the 103d Congress transferred land to Imperial Beach, CA.

Federal and State officials involved in the Fairport conveyance unreservedly support this transfer. Mr. J. Edward Brown, State Water Coordinator for the Iowa Department of Natural Resources, is particularly to be commended for his long and hard work in this effort to secure the future of the Fairport Fish Hatchery. I also wish to thank Mr. SAXTON of New Jersey, the chairman of the Subcommittee on Fisheries, Wildlife, and Oceans, and Mr. YOUNG of Alaska, the distinguished chairman of the Committee on Resources and their staffs for providing the residents of my State and my district with a great service by moving this legislation quickly to the floor.

While by precedent such conveyances to States are normally routine, I was surprised to learn that the distinguished gentleman from California [Mr. MILLER] objects and in the committee report as well as in a "Dear Colleague" letter suggests that it is the taxpayers who, along with the fish, are being "soaked." Actually, it is citizens who are being served by this approach and politician who are being "fishy" in their arguments in opposition.

This is, after all, a country with one Government of, by, and for the people. It is true there are different levels of governmental organization—local, State, and Federal—but the obligation is the same: to serve the people. Transferring property from one level of government to another has implications that must be assessed on a careful basis—on this, Mr. MILLER is correct—but, when the purpose is to maintain a public service which otherwise would be dropped; when the cost is de minimus; when there is no intent to take advantage of anyone or any institution; when the public body the property is transferred to has a historical commitment to and investment in the property and public program in question; when all relevant professional bodies—private and governmental—are in concurrence, there is no credible reason not to proceed.

In this regard, let me tell a tale of two States and two fish hatcheries to illustrate why I believe Mr. MILLER'S

protestations represent "upstream" logic with a fishy "downwind" odor.

Iowa, unlike California, has no national parks. Iowa, unlike California, has no Bureau of Land Management projects. And, Mr. Chairman, Iowa, unlike California, has no federally subsidized fish hatchery.

In Iowa, private citizens almost a century ago gave a piece of property to the Federal Government for the purpose of advancing Mississippi River aquaculture. For the last generation the State of Iowa has exclusively borne the cost of such activities and maintained and upgraded the property. On the other hand, in the State of California there exists a fish hatchery which the Federal Government bought and which the Federal Government on a yearly basis subsidizes. Indeed, this year the Federal Government has committed \$1,902,000 to the Coleman National Fish Hatchery in Anderson, CA, a sum which is \$887,000 or 87 percent more than that obligated just 4 years ago. By comparison, the value of the Fairport property is about one-third the annual Federal subsidy to California's fish hatchery and less than the increase in that subsidy authorized in the last 4 years.

A fair question might therefore be asked: Which fish are more important—California's federally subsidized steelhead trout or the Mississippi River catfish which do not receive a Federal subsidy?

Mr. Chairman, I do not rise today, nor have I ever risen, to object to the California Fish and Wildlife Protection Act, which the gentleman from California sponsored; nor do I rise to object to nor did I vote against passage of the California Desert Protection Act, which Mr. MILLER assured us was vital to the needs of his State; nor, Mr. Speaker, do I rise to object to nor did I vote against addition of land to the John Muir National Historic Site in Martinez, CA.

But I do think it fair to point out some irony in the fact that the gentleman from California has proposed new environmental projects costing multibillions in the gentleman's home State while he now objects to the transfer of an existing small fish hatchery which will cost the Federal Government nothing and which the Federal Government paid next to nothing for to begin with. Methinks it is hollow conservatism for the gentleman to protest so much. Why, pray tell, is it fair for Iowans to pay for California fish propagation when Californians object to Iowans taking responsibility for their own aquaculture?

The issue, let me stress, is not traditional congressional logrolling. I ask no money for anything from anyone. I ask only that this Congress allow a transfer of property and responsibility to take place between one level of government and another. This transfer, as small as it is, represents a symbolic step away from all-knowing Washington hegemony toward a new federalism in which States rights are matched by

State responsibility. Beyond this, it is particularly poignant that the transfer contemplated symbolizes a State taking responsibility for a governmental service after the Federal Government has abdicated its traditional role. In fact, under State management, the Fairport Fish Hatchery provides regular advice and information to the U.S. Army Corps of Engineers on the Mississippi River ecosystem. The State in other words, willingly provides a service to the Federal Government, without charge or complaint. It is a commonsense thing to do.

The gentleman might wonder why I object so strenuously to his legislative sophistry. Let me say as carefully as I can: I don't like legislative games being played with people's livelihoods and a town's well-being. At a personal level I spoke twice to the gentleman this year asking for comity. For the last generation citizens of my State have provided tax resources to advance environmental projects all over the country. All Iowans ask today is the opportunity to invest in our future at our expense. Aquaculture and the study of the Mississippi River ecosystem are important to our region. It is simply not fair to ask Iowa taxpayers to foot the bill for environmental projects in virtually every other State but their own and then pay Washington for a facility the State of Iowa has invested more in than the Federal Government.

Let me conclude by stressing that H.R. 584 is supported by all executive branch parties involved, including the Republican administration in Des Moines and the Democratic administration in Washington. The approach it contains is consistent with precedent, in conformance with administration policy, and represents mutual fairness to all parties. No obligations are being placed on the Federal taxpayer. I doubt if there is a stronger equity case anywhere in the federal system for the transfer of property from one level of government to another.

To turn down an agreement in which a State accepts responsibility for services the Federal Government abandons in some parts of the country but embraces elsewhere is not only unfair, it risks the transfer of an environmental jewel to industrial development.

If Mr. MILLER's irascible approach is adopted, a wonderful small town in my congressional district will be faced with the elimination of its second largest employer—negatively impacting the quality of life of this beautiful river community and severely retarding the development of aquaculture in the State of Iowa.

To paraphrase Daniel Webster in a reference he made in a court case involving a small private college: "Fairport is, Sir, but a small place but there are those who love it."

□ 1430

Mr. STUDDS. Mr. Chairman, I yield myself 1 minute.

I just want to say to the distinguished gentleman from Iowa, I now

feel extremely guilty that I did not speak at greater length on this matter. I do not recall a more scholarly presentation replete with more references to literature, to history, to Latin invective, and to puns, and it was the part about the buttons that really got to me, I must say.

Also, let the record reflect for the duration of this debate I am not sitting between the gentleman from Iowa and the gentleman from California.

Mr. Chairman, I yield 5 minutes to the aforementioned distinguished gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Members of the House, the amendment is not large, but the principle is important, and that is that we are now living under a zero-sum situation within the Federal Government in an effort to balance the Federal deficit, and that is what makes some of the things we have done in the ordinary course of business in this Congress in the past not possible in the ordinary course of business today because we have that mandate to meet.

The fact is, yes, we have transferred fish hatcheries in the past and we did not charge the States. That is before we were living under these rules of today.

The gentleman from Iowa cites a number of transfers between agencies of the Federal Government which he suggests is analogous to this, and the fact of the matter is it is not. The California desert was created out of Federal lands currently owned. The fact is the moneys that go into the hatchery in California are there because Federal actions have devastated the fisheries in that general area in the northern part of the State.

And the fact is this hatchery, once it is transferred, will continue to receive Federal funds for its operation, as do many of the other hatcheries. So this is not a question of Iowa only. There will be Federal funds, \$2 million a year, to go to the State for the operation of this and other hatcheries.

The fact is the Federal Government operated this hatchery for 44 years, and I do not see anybody complain about that. Yes, Iowa operated it for 22 years. The point is this: We have 60 acres on a prime piece of land next to the Mississippi River that we could call this surplus. We could put it out and let it go. We are doing the State of Iowa a favor because we are continuing the hatchery program by making this available to them so that they can continue to have a program which, like the gentlewoman from Arkansas said, is a vital interest to that State for sport fishing revenues, recreational revenues, for all the revenues the State receives from those efforts, and apparently also for the people who live in the small town.

The point is this, though, in the transfer of that we ought to receive for

the taxpayers of this country fair market value. The suggestion is it is only \$717,000. The fact is, again, we do not know that. It has been suggested it might be as much as \$2 million. But \$717,000 is half again as much as all of the taxes that an average family will pay to the Federal Government after working a lifetime.

So we hear very often, and I think quite correctly, that from time to time we have got to check what we have been doing before. This gentleman has, in this Committee of Natural Resources for many years, forced the receipt of fair market value in land exchanges and land trades and land transfers to levels of local governments, and I have been doing that for 20 years. And in most cases that is what the Federal law requires.

In this particular case, we simply are desiring to make a gift to the people of Arkansas, the people of Iowa, the people of Minnesota to a program that we hear is vitally important to them, very, very helpful to their economies, and simply saying the taxpayer will walk away from it.

All I am suggesting is we ought to get an appraisal. We ought to find out fair market value. This is not an attempt to gouge. We will give them credit for the improvements they have put into the facility, and everybody will be happy in their work as we transfer this facility.

Again, I would say that there is tremendous local benefit to the transfer of this project, the facility, to the State, ongoing benefit in terms of their economy, in terms of, I believe, this hatchery is even used in the private sector in aquaculture and other commercial ventures, and all I am saying is when you have got that, you know, we constantly go before town hall meetings, people, what do they say to you all the time? "Why don't you run the government like a business?" And the point is we ought to run the government like a business. And in this case, when you transfer an asset, what tenant would be able to go and say, "I would love to fix up this building so I can do a better job in this building; I am not going to do it if I don't own it, but you have to give it to me for free." I have never met that landlord, except the U.S. Government, that would say, "Oh, okay, take it for free, and then we will be on our merry way."

I think that is the point, is that that we have got to make this effort, as I said before; there will be a rationale made for each and every one of these projects coming out of this committee. Some of them are far grander than this in terms of transferring the assets that the people of this country have invested into the projects or the ideas or the purposes of a single region.

I think we ought to make some effort to provide for the recapture of that investment. We are not talking about recapturing the money that was spent for 44 years. We are not talking about recapturing the Federal money that will

be spent after this. We are not talking about capturing the Federal money being spent today in this or any other hatchery. We are talking about the fair market value for the real estate transaction of this facility to the State of Iowa.

I think it is a very, very small thing to ask in behalf of the taxpayers of this country.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 584, a noncontroversial bill to transfer the Fairport National Fish Hatchery to the State of Iowa.

This facility is an important component of Iowa's fish hatchery system. The State has operated this hatchery with their own funds since 1973, and it is one of three warm-water facilities within the State's program. The Fairport facility fills the need for several fish, including large-mouth bass, blue gills, and channel catfish. These fish are utilized throughout the State as part of their fisheries resources program.

While the Iowa Department of Natural Resources wants to modernize the upgrade this facility, they cannot justify the expense of these improvements as long as the Federal Government holds title to this property.

H.R. 584 was introduced by our distinguished colleague from Iowa, JIM LEACH it is strongly supported by the U.S. Fish and Wildlife Service, which indicated by letter that the Service has "no present, or foreseeable need for a hatchery at this site and recognizes the importance of this facility to the fishery resources program of the State of Iowa."

I urge my colleagues to support this legislation and I compliment the gentleman from Iowa for his outstanding leadership in this matter.

The CHAIRMAN. Is there further debate on the bill?

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

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

The CHAIRMAN. All time for general debate has expired.

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

The text of H.R. 584 is as follows:

H.R. 584

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

**SECTION 1. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.**

(a) CONVEYANCE.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Iowa without reimbursement all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National Fish Hatchery located in Muscatine County, Iowa, adjacent to State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the

State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

The CHAIRMAN. Are there amendments to the bill?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: In section 1(a) (page 1, beginning at line 5), strike "Within" and all that follows through "without reimbursement", and insert "Upon the provision of consideration by the State of Iowa in accordance with subsection (c) within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Iowa".

Amend section 1(c) (page 2, beginning at line 12) to read as follows:

(c) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—The Secretary of the Interior shall require that, as consideration for any property conveyed by the Secretary under subsection (a), the State of Iowa shall—

(A) pay to the United States an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); or

(B) convey to the United States real property that the Secretary determines—

(i) has a fair market value not less than an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); and

(ii) is useful for promoting fish restoration and management.

(2) APPRAISAL REQUIRED.—The Secretary shall determine fair market value of property for purposes of this subsection after considering an appraisal of the property prepared for the Secretary after the date of the enactment of this Act.

(3) REDUCTION OF FAIR MARKET VALUE OF PROPERTY CONVEYED.—For purposes of subparagraphs (A) and (B)(i) of paragraph (1), the fair market value of property conveyed under subsection (a) shall be reduced by the value of any capital improvements to the property that were made by the State of Iowa before the date of the enactment of this Act.

(4) DEPOSIT OF PAYMENT.—

(A) DEPOSIT.—Amounts received by the United States as payment under this subsection shall be deposited into the Sport Fish Restoration Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504), commonly referred to as the Wallop-Breaux Fund.

(B) LIMITATION ON USE OF DEPOSITS FOR PURPOSES NOT RELATED TO FISH RESTORATION AND MANAGEMENT.—Section 9504(b)(2)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(b)(2)(B)) does not apply to amounts deposited under this paragraph.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

□ 1445

Mr. MILLER of California. Mr. Chairman and members of the committee, I rise in support of the amendment. This amendment has been previously explained in the debate, would provide for an appraisal of the fair market value of the 60 acres and facilities that the Federal Government would transfer to the State of Iowa for the continued use of a fish hatchery at Fairport, IA, a national hatchery. The purpose of this amendment, as I stated previously and with the previous amendment, is to try and assure that we have some ability to recapture the Federal investment in this facility as we transfer it to the State of Iowa. As I said earlier, we operated this facility for 44 years. Previously the State took it over at one point determining it was in such interest to the State that they would then run the annual operating expenses of this to continue to provide for the feedstocks that are developed at this hatchery, and now they seek to gain clear title to the facility. I have no problem with the State gaining clear title to that facility, the State taking this over and the Federal Government getting out of this business. It all sort of makes sense. My problem is I think, when we exit there, when we turn over this 60 acres of real estate, that we owe it to the public to get an appraisal and to get fair market value for this facility, and the amendment also provides for the offsets for the moneys that the State has put into improving that facility during their tenancy in that facility.

Mr. Chairman, I would ask for a favorable reporting of this amendment.

The CHAIRMAN. Is there any further debate on the amendment?

Mr. SAXTON. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. MILLER].

Mr. Chairman, this proposal was debated at length during our subcommittee and full committee deliberations, and it was also deliberated at some length earlier today on the amendment when the gentleman offered an amendment on the Arkansas bill. While on the surface the amendment may appear to have certain amount of appeal, there are certain facts that are indisputable. I think I will just reference them very quickly.

First, Iowa has operated this hatchery with State funds for decades and have done so effectively for more than 23 years—22 years. Furthermore, Iowa has spent millions of dollars to operate the hatchery and to improve the infrastructure surrounding it.

Second, this bill contains language requiring the property to revert to the Federal Government in as good or if not better condition at the time that any transfer may be contemplated.

Third, this is not the first time the Federal fish hatchery has been transferred to a State at no cost. It has been done several times, as recently as the last Congress. This bill simply trans-

fers an asset from one level of government to another to continue the partnership that is so important relative to this hatchery.

Fourth, recent real estate appraisals have not been conducted on this facility, and it would cost the Federal Government thousands of dollars to make such an assessment and would be a waste of the taxpayers' money.

Finally, this bill is an important partnership with the State, and we will benefit, and it will benefit, thousands of Americans who enjoy recreational opportunities that abound from it.

So, I believe the choice is clear. By supporting the Miller amendment precious funds would be squandered on real estate assessments and appraisals. The hatchery would be in jeopardy of closing if the State of Iowa decided not to purchase it, and these important fish stocking programs would cease to exist, and so I urge a no vote on this amendment and support the committee's position.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first there are two issues under consideration with this amendment. One relates to the concept of an appraisal, and I would say the gentleman from California has a point that the last appraisal was done 12 years ago. I would affirm to the gentleman that most Iowa small towns have not seen property appreciate in levels above the inflation rate, and generally it is less than that.

I would acknowledge that in terms of view, Fairport enjoys one of the most spectacular views in the world, every bit comparable to Big Sur; in fact, probably exceeding. On the other hand, great land and seascape portraits in Iowa are valued far differently than they are in other parts of the country, and I cannot say that on a dollar basis that view value would be reflected. But even if the property value were 50 percent higher than the 1983 appraisal, 100 percent higher, 200 or 300 percent higher, the point still holds that that would not be a credible reason for not making the transfer, and so I would suggest that the concern for an appraisal, while being of 12 years of age, does not constitute a compelling point.

The second issue is the issue of what is equity between the parties. Should the State of Iowa pay the Federal Government? And I would say that the gentleman's points would be not only more plausible, but very compelling, if this were a transfer of land from the U.S. Government to a private sector source. This is not. This is a transfer between two levels of government. The public interest is the same. The constancy of the public interest has to be considered a factor of some significance, not precluding other factors, but a factor of serious significance.

In this regard it also should be stressed that there is a reversion clause in this agreement. If the State of Iowa were to sell the property for another use or use it itself for another

use, the property rights would revert back to the U.S. Government.

I would also like to stress, and I tried to lay it out in my opening statement to this body, that because the gentleman from California [Mr. MILLER] has a point in the abstract and a point that also could well be valid in concrete circumstances, it is important to lay down criteria where transfers might take place without proceeds involved. I would suggest five relevant criteria:

First, when the purpose is to maintain a public service which would otherwise be dropped; second, when the cost is de minimis; third, when there is no intent to take advantage of anyone or any institution; fourth, when the public body which the property is transferred to has an historical commitment to and investment in the property or program in question; and fifth, when all relevant professional bodies, private and governmental, are in concurrence.

With these five criteria met, I would suggest that there is no credible reason whatsoever not to proceed with this transfer, leaving open the philosophical question that the gentleman from California [Mr. MILLER] raises that there might well be a philosophical circumstance in which these criteria are not met in other kinds of situations. But I would stress to the gentleman, to the committee and to this body that to act on a line of reasoning because of something that might exist in another circumstance that does not relate to this precise circumstance where a series of very careful weighings have taken place and where, by the way, and I would stress again, this administration and its professionals, as well as the Iowa administration and its professionals, are in concurrence, would be a mistake.

I leave myself open to supporting the kind of amendment that the gentleman from California [Mr. MILLER] or any other member of this body may raise in other contexts at other times, but in my judgment to apply it to the Fairport fish facility, a facility with two full-time employees and one part-time employee, a facility that is serving the interests of the State and the Midwest, would be a mistake of not large, but symbolically quite sad proportions.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words to remind Members the question before us is for all intents and purposes identical to the one that was before us in the preceding bill, although we have spent an unaccountably longer period of time discussing it, and I would urge Members, for reasons particularly stated by the gentleman from New Jersey and the gentleman from Iowa, to vote as they did before, in opposition to the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say to my good friend from California that God loves a repentant sinner, and I remember in the Bible when Paul is on the road to Damascus, then called Saul, and Christ appeared to him, and he had a miraculous conversion and became, instead of a zealot against Christ, he became a supporter and became one of the greatest apostles of all, and the gentleman from California has been, at least to my recollection, one of the bigger spenders in the body, and apparently he has some new found fiscal conservatism, and I just like to say, I really appreciate that conversion, and I hope that conversion continues when we get to the appropriations bills later in the year, because later in the year we'll have the opportunity to make some major cuts in spending, and since this new found conservatism has risen in this gentleman's psyche, I hope it continues, and I would congratulate him on becoming a fiscal conservative.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I appreciate the gentleman's remarks, but they are somewhat off target. The fact of the matter is that in these issues before the committee, which I have now sat on for 20 years, my position has always been that the Federal Treasury and the Federal taxpayer, whether it is in my district in California, in the Western United States or anywhere else, is entitled to fair market value for the resources. Most of these pieces of legislation that have made it to the floor the gentleman from the well has voted against for, I am sure, other reasons than those reasons, but the fact is we have voted, whether it is in water subsidies, mining subsidies, timber subsidies, and tried to regain for the people some control over those, that has been my historical record, and it has happened no matter without question where the project existed or elsewhere, and so the gentleman's arrow is somewhat misplaced at this point, but I appreciate his support for the concept that I am expressing here and expect his vote on this amendment because that road to Damascus was started with one small step, and the gentleman can take it here today. I am sure the gentleman from Iowa [Mr. LEACH] will have some other literary reference at some point—

Mr. BURTON of Indiana. Reclaiming my time, let me just say that I am happy to see that the gentleman is moving in the right direction, and I hope, when we get to the appropriations bills later this year, that he will continue to be fiscally conservative.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned that we try to maintain a certain level of consistency, and I would point out to the gentleman from California that in November of 1993 he did vote for legis-

lation that included the nonreimbursed advance of the hatchery in Senecaville, OH, and I am curious that now he has seen that this is no longer a good policy, he would like to depart from that.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I heard somebody a minute ago from the other side of the aisle mention the National Taxpayers Union, and I think it is appropriate to point out the lack of credibility that that organization has with most Members of this House and certainly with most Members of the other body. Some may wonder why that is. Let me remind Members that when the Senate was controlled by the Republican Party, and the House was controlled by the Democratic Party, the National Taxpayers Union used double standards in order to rank and rate Members' votes about whether they were conservative enough or liberal enough. Whatever it was, they were going to make the report. So, when you pass an appropriations on this side of the House and voted for it, it was a bad vote for the National Taxpayers Union. That same bill passing the Senate, however, was not counted as a bad vote against a Senator.

So, I think it is appropriate, Mr. Chairman, that any time somebody gets up and touts that particular organization, that those of us who understand that they use a double standard ought to stand up and say so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was rejected.

□ 1500

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, 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. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The bill 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.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Sara Emery, one of his secretaries.

#### NEW LONDON NATIONAL FISH HATCHERY CONVEYANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 146 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 614.

□ 1502

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 consideration of the bill (H.R. 614) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Chairman, I suspect this debate will be somewhat shorter than the last one. I cannot think of anything that can be said that has not already been said, including references to outside organizations and other such debate. But this bill, which is brought to us by the gentleman from Minnesota [Mr. MINGE] with reference to the New London National Fish Hatchery in Minnesota, is substantively the same as the previous two bills. It is of the same level of importance as the previous two bills. I would hope that, once again, this bill would proceed to be passed without amendment.

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

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

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

Mr. STUDDS. Mr. Chairman, ditto. I really join the gentleman from New Jersey in being utterly unable to conjure anything that has not been said at least three times before.

I take that back, I can think of one thing. I understand the desire of the new majority to tote up on the scoreboard the number of open rules that they have successfully adopted, but I would enter just one personal plea to go back to the old system of suspensions.

The gentleman from New Jersey and I and the gentleman from Alaska and I and others in the old days would have been finished these three bills approximately 1½ hours ago. We could be well on our way toward dinner. There are matters that require the time of the House, but with all due respect, these three bills, which are very good and should be passed, do not require that much time. We should proceed.

Mr. Chairman, I rise in support of H.R. 614, a bill to transfer title of the New London National Fish Hatchery to the State of Minnesota.

The New London hatchery has been operated by the State of Minnesota under a memorandum of understanding with the fish and Wildlife Service since the early 1980's. It produces walleye and muskies for a wide range of State fishery programs.

The State of Minnesota has made some minor improvements to the facility, and it is now interested in making more significant capital investments. In order to do so, the State first needs title to the property. This bill would give title to the State and protect the interests of the Federal Government by requiring that title revert to the Fish and Wildlife Service in the event that Minnesota no longer wants to operate the facility as a fish hatchery.

This is standard language we have used to transfer many facilities in the past and two more hatcheries we are transferring today. It is supported by both the State and the administration, and I urge Members support.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. MINGE].

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

Mr. MINGE. Mr. Chairman, the previous speakers are indeed correct. Virtually everything has been said about fish hatchery bills today that needs to be said. There are two things, however, I would like to add, two comments.

The first is that you need to recognize that we have had extended discussion this afternoon about the importance of the Federal Government being compensated for assets that transfer to State and local governments and to other parties. I wholeheartedly embrace that principle, and I applaud the gentleman from California for having raised our sensitivity to that important concept. I will not applaud out loud, but I will just do so figuratively.

I do think it is important, however, to recognize the context in which these transfers are occurring. The gentleman from Iowa has certainly laid out a five-part test for whether or not we ought to go through the exercise of appraisal. If all five parts of his test are met, I would suggest that it is a futile expenditure of taxpayer funds to go through that appraisal process.

In the context of the Minnesota facility, I would like to mention two considerations which I think are important and also indicate that this property is of de minimis value to the Federal Government.

First, all of the land that is included in the Minnesota situation has been classified as wetlands. The Minnesota Department of Natural Resources has advised me of this. This means that this land is not suitable for development. Indeed, it cannot be developed under State and Federal law. The Federal Government and the policies that we have developed in the Clean Water Act, swampbuster, as a part of the farm bill, and other legislation, all indicate that it is inconsistent with Federal policy to so develop land.

The other point that I wish to make with respect to the Minnesota property is that the Federal law already authorizes the transfer of this property by the Secretary of the Interior to the States without compensation so long as it is used for the designated purpose.

The difficulty that we would face in using this Federal procedure is that we would have to shut down the operation of the fish hatchery to confirm that it indeed is surplus property. To shut down the operation of the fish hatchery, go through the exercise of determining that it is a surplus property, and then in turn conveying it to the States, simply adds to the complexity and the cost of the process. Historically we have operated in a very informal and expeditious fashion with these assets in Congress, and I see no reason to go back to the ad hoc disposal of this by the Secretary of the Interior in a more complex fashion. Therefore, I urge that this bill be approved.

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

Mr. Chairman, I hate to burn up the time, but I just feel as if I have to just say a word. When the gentleman from Massachusetts [Mr. STUDDIS] made note that these bills were being considered under an open rule, which for people who are not familiar with that gives any Member of the House the opportunity to stand, as the gentleman from California [Mr. MILLER] has on two occasions so far, and undoubtedly will again on this bill, to offer an amendment of his or her choice, this has come about because as I experienced during the time that I was here as a Member of the minority for 10 years, we did not enjoy, as Members of the minority, the opportunity to offer amendments very often under an open rule.

Some here may remember a few months ago there was a document that became quite the talk of the town called the Contract With America. Part of the Contract With America was a provision or statement or series of statements that promised that we would open the process.

This is an example of, where possible, we are trying to open the process. If it were not for this open process, it is true that we would have consumed perhaps an hour total on these three bills, and the gentleman from California [Mr. MILLER] would have been precluded his opportunity to make his statement in the form of amendments on these bills.

So there has been a great deal said in this session about promises made and promises kept. It is not always comfortable on either side to spend the time or the effort to keep promises. But today is a part of the promises that were made during the 1994 campaign, and once again a promise kept.

So I hope the gentleman will appreciate the opportunity that the new majority has provided for the purposes of these types of discussions and these types of amendment procedures, which are a relatively new phenomenon

around here. We are quite proud to say we are keeping our promise.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I guess like my budget cutting tendencies, they were well kept secrets around here, but I just wanted the gentleman to know as the staff on your side knows, I never both brought a bill to the floor from this committee under a closed rule. They were always open rules. As the gentleman from California [Mr. LEWIS], who sits behind you can testify, we had the most open rule and the longest debate in the history of the Congress.

I want to commend the minority for, hopefully, what will be an increasing commitment to open rules because I think it is the only way to do business. But I knew it was a well-kept secret.

Mr. SAXTON. I believe you the gentleman meant to say "commend the majority."

Mr. MILLER of California. Majority, soon to be minority.

Mr. STUDDIS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am not going to prolong this, God help us all. But I cannot help but help observing that the debate on this bill under this rule could go on all night and tomorrow and for the rest of next week and into next month. For that degree of breathtaking openness, we are indebted to the new majority.

I must also observe the \$16-billion-plus bill we are going to take up in 10 minutes terminates in 6½ hours. This might be called selective openness, not where we need it, but do not need it.

I would also observe in a personal matter that in my first term here, I thought open rules were a very good idea. Since then I have come to reconsider. The function of the Committee on Rules, it seems to me, ought to be to look at those major propositions that are before the House and to allow them to be voted on. But to let us go on indefinitely I think is a mistake. In any event, I shall cease going on indefinitely, and with great relief I will yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I support H.R. 614, which was introduced by the gentleman from Minnesota [Mr. MINGE].

This legislation would transfer the ownership of the New London Fish Hatchery facility from the U.S. Fish and Wildlife Service to the State of Minnesota's Department of Natural Resources. H.R. 614 would convey all rights, title, and interest of the United States to the State of Minnesota. This includes all property, buildings, water rights, and easements of the New London facility.

It is my understanding that the hatchery has been operated by the Minnesota Department of Natural Resources for the Fish and Wildlife Service under a memorandum of agreement [MOA] since 1983. This MOA, which was extended in 1993, expires in 1998.

The hatchery facility is actually located on two separate pieces of land. One is located outside the town of New London and is owned

by the Fish and Wildlife Service. The other is located within the town of New London; the State had owned the property but transferred it to the Fish and Wildlife Service in 1939.

Finally, the bill stipulates that this property revert back to the Federal Government if the State of Minnesota decides it no longer wishes to operate the hatchery as a fishery resources management facility.

The Fish and Wildlife Service supports this transfer and I urge my colleagues to vote "aye" on this measure.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill and the amendment printed in the bill are considered as having been read for amendment under the 5-minute rule.

The text of H.R. 614 is as follows:

H.R. 614

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

**SECTION 1. CONVEYANCE OF NEW LONDON NATIONAL FISH HATCHERY PRODUCTION FACILITY.**

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Minnesota without reimbursement all right, title, and interest of the United States in and to the property comprising the New London National Fish Hatchery production facility, located outside of downtown New London, Minnesota, including—

(1) all easements and water rights relating to that property, and

(2) all land, improvements, and related personal property comprising that production facility.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Minnesota Department of Natural Resources for the Minnesota fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Minnesota fishery resources management program.

The CHAIRMAN. The Clerk will designate the committee amendment.

The text of the committee amendment is as follows:

Committee amendment: Page 2, line 19, strike lines 19 through 24 and insert:

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Minnesota pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States. The State of Minnesota shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, 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. 614) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, pursuant to House Resolution 146, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill 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.

□ 1515

**PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1561, AMERICAN OVERSEAS INTERESTS ACT OF 1995**

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of agreeing to the resolution (H. Res. 156) providing for further consideration of the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The vote was taken by electronic device, and there were—yeas 252, nays 168, not voting 14, as follows:

[Roll No. 357]

YEAS—252

Allard	Bunning	Deal
Archer	Burr	DeLay
Armey	Burton	Diaz-Balart
Bachus	Buyer	Dickey
Baesler	Callahan	Dingell
Baker (CA)	Calvert	Dooley
Baker (LA)	Camp	Doolittle
Ballenger	Canady	Dornan
Barr	Castle	Dreier
Barrett (NE)	Chabot	Duncan
Bartlett	Chambliss	Dunn
Barton	Chenoweth	Ehlers
Bass	Christensen	Ehrlich
Bateman	Chrysler	Emerson
Bereuter	Clinger	English
Bevill	Coble	Ensign
Bilbray	Coburn	Everett
Bilirakis	Collins (GA)	Ewing
Bliley	Combest	Fawell
Blute	Condit	Fields (TX)
Boehlert	Cooley	Flanagan
Boehner	Cox	Foley
Bono	Cramer	Forbes
Boucher	Crane	Ford
Brewster	Crapo	Fowler
Browder	Creameans	Fox
Brownback	Cunningham	Franks (CT)
Bryant (TN)	Davis	Franks (NJ)
Bunn	de la Garza	Frelinghuysen

Frisa	Lewis (CA)	Ros-Lehtinen
Frost	Lewis (KY)	Roth
Funderburk	Lightfoot	Roukema
Gallely	Linder	Royce
Ganske	Livingston	Salmon
Gekas	LoBiondo	Sanford
Gilchrest	Longley	Saxton
Gillmor	Manton	Scarborough
Gilman	Manzullo	Schaefer
Goodlatte	Martini	Schiff
Goodling	McCollum	Seastrand
Goss	McCreery	Sensenbrenner
Graham	McDade	Shadegg
Greenwood	McHale	Shaw
Gunderson	McHugh	Shays
Gutknecht	McInnis	Shuster
Hall (TX)	McIntosh	Sisisky
Hancock	McKeon	Skeen
Hansen	Meek	Skelton
Hastert	Metcalf	Smith (MI)
Hastings (WA)	Meyers	Smith (NJ)
Hayworth	Mica	Smith (TX)
Hefley	Miller (FL)	Smith (WA)
Heineman	Molinari	Solomon
Henger	Montgomery	Souder
Hilleary	Moorhead	Spence
Hobson	Moran	Stearns
Hoekstra	Morella	Stockman
Hoke	Murtha	Stump
Horn	Myers	Talent
Hostettler	Myrick	Tate
Hunter	Nethercutt	Taylor (NC)
Hutchinson	Neumann	Thomas
Hyde	Ney	Thornberry
Inglis	Norwood	Thurman
Istook	Nussle	Tiahrt
Jacobs	Ortiz	Torkildsen
Johnson (CT)	Oxley	Trafcant
Johnson, Sam	Packard	Upton
Jones	Parker	Vucanovich
Kasich	Payne (VA)	Walker
Kelly	Peterson (MN)	Walsh
Kim	Petri	Wamp
King	Pombo	Ward
Kingston	Porter	Weldon (FL)
Klug	Portman	Weldon (PA)
Knollenberg	Pryce	Weller
Kolbe	Quillen	White
LaHood	Quinn	Whitfield
Largent	Radanovich	Wicker
Latham	Ramstad	Wilson
LaTourette	Regula	Wolf
Laughlin	Roberts	Young (FL)
Lazio	Rogers	Zeliff
Leach	Rohrabacher	Zimmer

NAYS—168

Abercrombie	Evans	Lewis (GA)
Ackerman	Farr	Lincoln
Andrews	Fattah	Lipinski
Baldacci	Fazio	Lowe
Barcia	Fields (LA)	Luther
Barrett (WI)	Filner	Maloney
Becerra	Flake	Markey
Beilenson	Foglietta	Martinez
Bentsen	Frank (MA)	Mascara
Berman	Furse	Matsui
Bishop	Gejdenson	McCarthy
Bonior	Gephardt	McDermott
Borski	Geren	McKinney
Brown (CA)	Gibbons	McNulty
Brown (FL)	Gonzalez	Meehan
Brown (OH)	Gordon	Menendez
Bryant (TX)	Green	Mfume
Cardin	Gutierrez	Miller (CA)
Chapman	Hall (OH)	Mineta
Clay	Hamilton	Minge
Clayton	Harman	Mink
Clement	Hastings (FL)	Moakley
Clyburn	Hefner	Mollohan
Coleman	Hilliard	Nadler
Collins (IL)	Hinche	Neal
Collins (MI)	Holden	Oberstar
Conyers	Hoyer	Obey
Costello	Jackson-Lee	Olver
Coyne	Jefferson	Orton
Danner	Johnson (SD)	Owens
DeFazio	Johnson, E. B.	Pallone
DeLauro	Johnston	Pastor
Dellums	Kanjorski	Payne (NJ)
Deutsch	Kaptur	Pickett
Dicks	Kennedy (MA)	Pomeroy
Dixon	Kennedy (RI)	Poshard
Doggett	Kennelly	Rahall
Doyle	Kildee	Rangel
Durbin	Klink	Reed
Edwards	LaFalce	Reynolds
Engel	Lantos	Richardson
Eshoo	Levin	Rivers

Roemer	Stark	Velazquez
Rose	Stenholm	Vento
Roybal-Allard	Stokes	Visclosky
Rush	Studds	Volkmer
Sabo	Stupak	Waters
Sanders	Tanner	Watt (NC)
Sawyer	Taylor (MS)	Waxman
Schroeder	Tejeda	Williams
Schumer	Thompson	Wise
Scott	Thornton	Woolsey
Serrano	Torres	Wyden
Skaggs	Torricelli	Wynn
Slaughter	Towns	Yates
Spratt	Tucker	Young (AK)

## NOT VOTING—14

Bonilla	Lofgren	Riggs
Cubin	Lucas	Tauzin
Hayes	Paxon	Waldholtz
Houghton	Pelosi	Watts (OK)
Kleczyka	Peterson (FL)	

□ 1535

Messrs. FLAKE, VOLKMER, MOAKLEY, SCHUMER, and SERRANO changed their vote from "yea" to "nay."

Mr. HANSEN and Mr. NUSSLE 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.

#### AMERICAN OVERSEAS INTERESTS ACT OF 1995

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolutions 155 and 156 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. 1561.

□ 1538

## 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. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, with Mr. GOODLATTE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 24, 1995, amendment number 42 offered by the gentleman from Florida [Mr. HASTINGS] had been disposed of, and the bill was open for amendment at any point.

Pursuant to House Resolutions 155 and 156, 6 hours and 35 minutes remain for consideration of the bill under the 5-minute rule.

Only the following further amendments to the committee amendment in the nature of a substitute, as modified and amended, are in order:

Pro forma amendments to the purpose of debate;

Amendments printed before May 25, 1995, in the CONGRESSIONAL RECORD;

Amendments en bloc described in section 2 of House Resolution 155 comprising only amendments printed before May 25, 1995; and

One amendment offered by the chairman of the Committee on International Relations.

Are there further amendments to the bill?

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments and report the modifications.

The Clerk designated the amendments en bloc and proceeded to read the modifications.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

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

There was no objection.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. GILMAN:

Amendment No. 12 offered by Mr. LANTOS: After section 3211, insert the following new section:

#### SEC. 3212. CENTRAL ASIAN ENTERPRISE FUND.

Notwithstanding section 201(d)(3)(A) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(d)(3)(A)), the Central Asian-American Enterprise Fund may, in lieu of the appointment of citizens of the host countries to its Board of Directors, establish an advisory council for the host region comprised of citizens of each of the host countries or establish separate advisory councils for each of the host countries, with which such Fund shall periodically consult with respect to the Fund's policies and proposed activities. Such host country citizens shall satisfy the experience and expertise requirements set forth in section 201(d)(3)(A) and (d)(3)(C) of that Act.

Amendment No. 13 as modified, offered by Mr. LIVINGSTON: Page 47, strike line 9 and all that follows through line 20 (section 348(e) of the bill), and insert the following:

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 8(a) of such Act (22 U.S.C. 1465f(a)) is amended in the second sentence by striking "United States Information Agency" and inserting "Department of State".

In section 2101(a)(1)(B), strike "only".

In section 2101(a)(2)(B), strike "only".

In section 2102(b)(2)(A)(i), strike "only".

In section 2102(b)(2)(B)(i), strike "only".

In section 2102(b)(2)(C), strike "to be made available".

In section 2102(b)(2)(D), strike "only".

In section 2102(b)(2)(E), strike "only".

In section 2102(b)(2)(G), strike "only".

In section 2106(4)(B), strike "only".

In section 2106(4)(C), strike "only".

In section 3222(a)(1)(A), strike "shall" and insert "should".

In section 3222(a)(1)(B), strike "shall" and insert "should".

In section 3222(b), strike "shall" and insert "should".

In section 3222(c), strike "shall" and insert "should".

In section 3227(a), strike "shall" and insert "should".

Amendment No. 30, as modified, offered by Mr. CONDIT: After chapter 2 of title XXXIV

(relating to special authorities and other provisions), insert the following new chapter (and redesignate the subsequent chapter accordingly):

#### CHAPTER 3—FOREIGN AID REPORTING REFORM ACT OF 1995

##### SEC. 3421. SHORT TITLE.

This chapter may be cited as the "Foreign Aid Reporting Reform Act of 1995".

##### SEC. 3422. ANNUAL FOREIGN ASSISTANCE JUSTIFICATION REPORT.

(a) IN GENERAL.—In conjunction with the submission of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall submit to the Congress a single report containing—

(1) an integrated justification for all foreign assistance programs proposed by the President for the coming fiscal year; and

(2) an assessment of when the objective of those programs will be achieved so that the assistance can be terminated.

(b) SPECIFIC INFORMATION TO BE PROVIDED.—Each such report shall include the following:

(1) INFORMATION REGARDING A FOREIGN ASSISTANCE PROGRAM GENERALLY.—For each foreign assistance program taken as a whole—

(A) the total amount of assistance proposed to be provided under that program;

(B) the justification for that amount;

(C) the objectives that assistance under that program is intended to achieve;

(D) an explanation of the relationship of assistance under that program to assistance under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of that program will be achieved and the program terminated.

(2) INFORMATION REGARDING SPECIFIC ASSISTANCE RECIPIENTS.—For each country or organization which is a proposed recipient of assistance under any foreign assistance program—

(A) the amount of each type of assistance proposed;

(B) the justification for providing each such type of assistance;

(C) the objectives that each such type of assistance is intended to achieve;

(D) an explanation of the relationship of each type of assistance proposed to other types of assistance proposed for that recipient; and

(E) the President's estimation of the date by which the objectives of assistance for such recipient under each foreign assistance program will be achieved and assistance under that program to that recipient terminated.

The information required by subparagraphs (A) through (E) shall be provided on a recipient-by-recipient basis.

(3) INFORMATION REGARDING CENTRALLY-FUNDED PROGRAMS.—For each centrally-funded program under a foreign assistance program—

(A) the amount proposed for such program;

(B) the justification for such program;

(C) the objectives each such program is intended to achieve;

(D) an explanation of the relationship of such program to other types of assistance proposed under that foreign assistance program and under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of such program will be achieved and such program terminated.

##### SEC. 3423. DEFINITION OF FOREIGN ASSISTANCE PROGRAMS.

As used in this chapter, the term "foreign assistance program" includes—

(1) any program of assistance authorized by the Foreign Assistance Act of 1961 (such

as the development assistance program, the economic support fund program, and the international military education and training program) or authorized by the African Development Foundation Act, section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Development Foundation), or any other foreign assistance legislation;

(2) any program of grant, credit, or guaranty assistance under the Arms Export Control Act;

(3) assistance under the Migration and Refugee Assistance Act of 1962;

(4) assistance under any title of the Agricultural Trade Development and Assistance Act of 1954;

(5) contributions to the International Monetary Fund;

(6) contributions to the International Bank for Reconstruction and Development, the International Development Association, or any other institution within the World Bank group; and

(7) contributions to any regional multilateral development bank.

Amendment No. 33, as modified offered by Mr. GILMAN: At the end of chapter 6 of title XXXI (relating to other provisions of defense and security assistance), add the following new section:

**SEC. 3194. RETURN AND EXCHANGES OF DEFENSE ARTICLES PREVIOUSLY TRANSFERRED PURSUANT TO THE ARMS EXPORT CONTROL ACT.**

(a) REPAIR OF DEFENSE ARTICLES.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

“(1) AUTHORITY.—

“(1) IN GENERAL.—The President may acquire a repairable defense article from a foreign country or international organization, if such defense article—

“(A) previously was transferred to such country or organization under this Act;

“(B) is not an end item; and

“(C) will be exchanged for a defense article of the same type that is in the stocks of the Department of Defense.

“(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

“(A)(i) has a requirement for the defense article being returned; and

“(ii) has available sufficient funds authorized and appropriated for such purpose; or

“(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

“(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

“(3) REQUIREMENT.—(A) The foreign government or international organization receiving a new or repaired defense article in exchange for a repairable defense article pursuant to paragraph (1) shall, upon the acceptance by the United States Government of the repairable defense article being returned, be charged the total cost associated with the repair and replacement transaction.

“(B) The total cost charged pursuant to subparagraph (A) shall be the same as that charged the United States Armed Forces for a similar repair and replacement transaction, plus an administrative surcharge in accordance with subsection (e)(1)(A) of this section.

“(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a repairable de-

fense article as provided in subsection (a) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.”.

(b) RETURN OF DEFENSE ARTICLES.—Section 21 of such Act (22 U.S.C. 2761), as amended by this Act, is further amended by adding at the end the following new subsection:

“(m) AUTHORITY.—

“(1) IN GENERAL.—The President may accept the return of a defense article from a foreign country or international organization, if such defense article—

“(A) previously was transferred to such country or organization under this Act;

“(B) is not significant military equipment (as defined in section 47(9) of this Act); and

“(C) is in fully functioning condition without need of repair or rehabilitation.

“(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

“(A)(i) has a requirement for the defense article being returned; and

“(ii) has available sufficient funds authorized and appropriated for such purpose; or

“(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

“(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

“(3) CONDITION.—Upon acquisition and acceptance by the United States Government of a defense article under paragraph (1), the appropriate Foreign Military Sales account of the provider shall be credited to reflect the transaction.

“(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a defense article as provided in paragraph (1) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.”.

(c) REGULATIONS.—Under the direction of the President, the Secretary of Defense shall promulgate regulations to implement subsections (l) and (m) of section 21 of the Arms Export Control Act, as added by this section.

Amendment No. 34, as modified, read by Mr. GILMAN: At the end of chapter 1 of title XXVI (relating to miscellaneous foreign policy provisions), add the following new section:

**SEC. 2604. REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.**

Part D of the Nuclear Proliferation Prevention Act of 1994 (part D of title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 525) is hereby repealed.

Amendment No. 35, as modified, read by Mr. GILMAN: Page 203, line 2, strike “for such fiscal year”.

Amendment No. 43, as modified, offered by Mr. HOKE: At the end of chapter 2 of title XXXIV of division C (relating to special authorities and other provisions), add the following new section:

**SEC. 3420. PROHIBITION ON FOREIGN ASSISTANCE TO FOREIGN GOVERNMENTS NOT IMPLEMENTING EXTRADITION TREATIES.**

(a) PROHIBITION.—Except as provided in subsection (b), the President may not provide foreign assistance to the government of any country determined by the President to have refused to implement an extradition treaty between such country and the United

States with respect to one or more individuals of significant concern to the United States who have been charged with or who have committed felony offenses.

(b) EXCEPTION.—The President may provide foreign assistance to the government of a country that would otherwise be prohibited from receiving such assistance under subsection (a) if the President—

(1) determines that the provision of such assistance is in the national interest of the United States; and

(2) notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

(c) DEFINITIONS.—As used in this section:

(1) FELONY OFFENSE.—The term “felony offense” means an offense punishable by death or imprisonment for a term exceeding one year.

(2) FOREIGN ASSISTANCE.—The term “foreign assistance” means any funds made available to carry out any program, project, or activity under the Foreign Assistance Act of 1961 or the Arms Export Control Act, except such term does not include funds used to provide humanitarian assistance.

(d) EFFECTIVE DATE.—The prohibition contained in subsection (a) applies with respect to the provision of foreign assistance on or after the date of the enactment of this Act.

Amendment No. 49 offered by Mr. KING: Page 196, after line 13, insert the following section:

**SEC. 2712. POLICY TOWARD IRAN.**

(a) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezbollah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitir, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combating Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups has led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezbollah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezbollah.

(C) The assassination of American University President in 1984 by the Hezbollah.

(D) The kidnapping of all American hostages in Lebanon from 1984-86 by the Hezbollah.

(5) The Government of Iran provides several hundred million dollars annually in financial and logistical support to organizations that use terrorism and violence as a

tool to undermine the Middle East peace process.

(6) The Government of Iran provides financial, political, and logistical support and safe haven to groups that seek the violent overthrow of secular governments in the Middle East and North Africa.

(b) **IRAN'S PROGRAM TO ACQUIRE WEAPONS OF MASS DESTRUCTION AND THE MEANS BY WHICH TO DELIVER THEM.**—The Congress makes the following findings with respect to Iran's program to acquire weapons of mass destruction and the means by which to deliver them—

(1) the Government of Iran has intensified its efforts to develop weapons of mass destruction and the means by which to deliver them;

(2) given Iran's petroleum reserves, the desire of the Government of Iran to obtain gas centrifuge equipment and light water nuclear power reactors clearly demonstrates what had already been apparent, that Iran seeks to develop its nuclear weapons capability; and

(3) Iran has been relentless in its attempt to acquire the missiles needed to deliver nuclear and chemical weapons.

(c) **IRAN'S VIOLATIONS OF HUMAN RIGHTS.**—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhitair for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(d) **UNITED STATES POLICY AND RESPONSE.**—The Congress makes the following findings with respect to United States policy and response to Iran:

(1) The actions by the Government of Iran identified in subsections (a), (b), and (c) threaten the national security and offend the democratic values of the United States and many other nations in the Middle East and elsewhere.

(2) In response to this record of violent, destabilizing, and antidemocratic conduct, it has been the policy of the United States to seek to isolate the Government of Iran diplomatically and economically, thereby making the continuation of such conduct increasingly costly.

(3) The policies the United States has pursued in an effort to pressure the Government of Iran diplomatically and economically have included refusing to conduct normal diplomatic relations with Iran; barring the importation of Iranian oil and other products into the United States; prohibiting the export or reexport to Iran of weapons or of goods or technology with potential military uses; voting against all loans to Iran by international financial institutions; and, most recently, imposing a total economic embargo on Iran.

(4) To further increase the cost to the Government of Iran of its objectionable conduct the United States has urged other countries with economic ties to Iran to take equivalent steps to isolate Iran economically and diplomatically.

(e) **CONGRESSIONAL DECLARATIONS.**—The Congress makes the following declarations:

(1) The imposition of an economic embargo on Iran by President Clinton was an important and necessary measure to increase economic and political pressure on Iran.

(2) The President should, as a matter of the highest priority, intensify efforts to persuade Iran's leading trade partners and creditors to join with the United States in ceasing all trade with Iran and ending any rescheduling or other relaxation of debts owed to them.

(3) The President should take whatever steps are appropriate to dissuade those who are aiding Iran's efforts to develop nuclear weapons and the means by which to deliver them from continuing such assistance.

(4) The United States should convene a special summit of the world's leading heads of state to address the issue of international terrorism and the means for improving the efforts to combat international terrorism.

(5) The Secretary of State should promptly take steps to strengthen each of the existing multilateral nonproliferation regimes to make them more effective in counteracting rogue regimes such as Iran.

(6) The President should make the development of a multilateral economic embargo on Iran a top priority on the agenda at the meeting of the G-7 industrial partners scheduled for June 1995 in Halifax, Nova Scotia.

Amendment No. 59, as modified offered by Mr. ROEMER: At the end of title XXVII of division B (relating to congressional statements), add the following new section:

**SEC. 2172. CONFLICT IN CHECHNYA**

(a) **FINDINGS.**—The Congress finds the following:

(1) Russian troops advanced into Chechnya on December 10, 1994, and were met with strong resistance from Chechen rebels who have now moved to the Caucasus mountains where they are engaging in what even the most optimistic Russian military officers predict will be a drawn-out guerrilla war.

(2) The cost of the Chechen battle is estimated to cost the Government of Russia at least \$2,000,000,000 and could exacerbate the budget deficit of the Government of Russia.

(3) The United States has approved over \$2,400,000,000 in loan guarantees through the Export-Import Bank of the United States and the Overseas Private Investment Corporation.

(4) The United States has provided Russia with significant direct assistance to promote a free market economy, support democracy, meet humanitarian needs, and dismantle nuclear weapons.

(b) **DECLARATION OF POLICY.**—The Congress declares the following:

(1) United States investment in Russia has been significant in promoting democracy and stabilizing the economy of Russia and this progress could be imperiled by Russia's continued war in Chechnya.

(2) the inability to negotiate an end to this crisis and the resulting economic implications could adversely affect the ability of Russia to fulfill its commitments to the International Monetary Fund, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation.

(3) In further contacts with President Yeltsin, it is imperative that President Clinton repeat his call for an immediate end to the war in Chechnya.

Amendment No. 61, as modified, offered by Mr. ROHRABACHER: At the end of title XXXIII (relating to regional provisions), add the following new sections:

**SECTION 3314. ASSISTANCE FOR LAOS.**

(a) It is the sense of Congress that—

(1) a permanent waiver on the prohibition of foreign assistance for Laos should be granted following the fullest possible accounting of all outstanding POW/MIA cases involving Laos;

(2) the United States should continue to improve its relationship with Laos as the mutual cooperation between the two countries on POW/MIA issues improves;

(3) no Lao citizen or government official should be held accountable by the United States for activities involved in holding American POW/MIAs if those citizens or officials cooperate with efforts to return such POW/MIAs alive or to otherwise account for such POW/MIAs;

(4) the future relationship of the United States with Laos should be characterized by economic cooperation and friendly diplomatic ties;

(5) such bilateral relationship will improve as respect for human rights in Laos improves, including human rights for Hmong people; and

(6) in the event an American POW/MIA is returned alive from Laos, the United States should view this action as a positive development and as strong incentive for the United States to rapidly improve our economic and diplomatic relationship with Laos.

(b) Notwithstanding section 620 of the Foreign Assistance Act of 1961, foreign assistance may be provided for Laos for fiscal years 1996 and 1997 only if the President determines and certifies to the Congress that the Government of Laos is cooperating with the United States on outstanding POW/MIA cases involving Laos.

Amendment No. 63 offered by Mr. ROTH: Add a new Section 2604 as follows:

**SEC. 2604. ANNUAL ASSESSMENT**

The Secretary of State shall assess the impact of the foreign policy of the United States on the ability of United States entities engaged in the manufacture, sale, distribution, or provision of goods or services to compete in foreign markets. The Secretary shall provide such assessments annually to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate and shall publish such assessments in the Federal Register.

Amendment No. 65 offered by Mr. SAWYER: At the end of title XXVII (relating to congressional statements) insert the following new section:

**SEC. 2712. UNITED STATES DELEGATION TO THE FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING.**

It is the sense of the Congress that the United States delegation to the Fourth World Conference on Women should include at least one representative of a United States-based nongovernmental organization representing Tibetan women.

Amendment No. 66 offered by Mr. SAWYER: At the end of chapter 6 of title XXXI (relating to other provisions of defense and security assistance), add the following new section:

**SEC. 3194. ANNUAL MILITARY ASSISTANCE REPORT.**

The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

**“SEC. 657. ANNUAL REPORT ON MILITARY ASSISTANCE AND MILITARY EXPORTS.**

“Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.”.

Amendment No. 69 offered by Mr. SMITH of New Jersey: In section 2102(b)(2)(C) (relating to voluntary contributions for the war crimes tribunal for the former Yugoslavia)—

(1) in the heading strike “FOR THE FORMER YUGOSLAVIA”;

(2) strike “budget for the tribunal” and insert “combined budgets for the tribunals”;

(3) after “Yugoslavia” insert “and the United Nations International Criminal Tribunal for Rwanda”.

Amendment No. 71 Offered by Mr. TORRICELLI: At the end of Title XXXII (relating to regional provisions) at the following new section:

**SEC. 3314. RESTRICTIONS ON ASSISTANCE FOR GUATEMALA.**

(a) RESTRICTION.—None of the funds authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing) or for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) may be made available to the Government of Guatemala unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) substantial progress has been made in the prosecution of all those responsible for the human rights abuses against Michael DeVine, Nicholas Blake, Griffin Davis, Dianna Ortiz, Myrna Mack, and Efraim Bamaca Velasquez;

(2) former Guatemalan Lieutenant Colonel Carlos Rene Ochoa Ruiz, who is under indictment in the State of Florida for narcotics trafficking, has been extradited to the United States; and

(3) substantial progress has been made in the dismantling of the Voluntary Civil Self-Defense Committees, curbing their patrols, and returning their weapons to the Guatemalan military.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purpose of this section, the term “appropriate congressional committees” means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Amendment No. 78 Offered by: Mr. ZIMMER: At the end of title XXXIII (relating to regional provisions), add the following new section:

**SEC. 3314. PROHIBITION ON ECONOMIC ASSISTANCE, MILITARY ASSISTANCE OR ARMS TRANSFERS TO THE GOVERNMENT OF MAURITANIA UNLESS APPROPRIATE ACTION IS TAKEN TO ELIMINATE CHATTEL SLAVERY.**

(a) PROHIBITION.—The President may not provide economic assistance, military assistance or arms transfers to the Government of Mauritania unless the President certifies to the Congress that such Government has taken appropriate action to eliminate chattel slavery in Mauritania, including—

(1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and

(2) the rigorous enforcement of such laws.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ECONOMIC ASSISTANCE.—The term “economic assistance” means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and any assistance under chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.) (relating to the economic support fund), except that such term does not include humanitarian assistance.

(2) MILITARY ASSISTANCE OR ARMS TRANSFERS.—The term “military assistance or arms transfers” means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) (relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act (22 U.S.C. 2321j through 2321m);

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) (relating to international military education and training);

(C) assistance under the “Foreign Military Financing Program” under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or

(D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778).

Amendment No. 80 Offered by: Mr. BILBRAY: Page 100, line 10, strike “\$12,472,000” and insert “\$19,372,000”.

At the end of the bill, add the following:

**DIVISION D—ADDITIONAL PROVISIONS  
TITLE XLI—FOREIGN BUILDINGS**

**SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

Notwithstanding section 2101(a)(4), there are authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad”, \$369,860,000 for the fiscal year 1997.

Amendment No. 82 Offered by: Mr. BURTON of Indiana: In paragraph (1) of section 3309(b) (relating to the future of the United States military presence in Panama)—

(1) in the matter preceding subparagraph (A), strike “a new base rights” and insert “an”;

(2) strike subparagraph (B) and insert the following new subparagraph:

(B) to ensure that the United States will be able to act after December 31, 1999, to maintain the security of the Panama Canal and guarantee its regular operation, consistent

with the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto; and

Amendment No. 83: Offered by Mr. CHABOT: At the end of the bill, add the following:

**DIVISION D—ADDITIONAL PROVISIONS  
TITLE XLI—AUTHORIZATION OF  
APPROPRIATIONS**

**SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

(a) FOREIGN MILITARY FINANCING PROGRAM.—Notwithstanding section 3101 of this Act, there are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) \$3,274,440,000 for fiscal year 1996; and

(2) \$3,216,020,000 for fiscal year 1997.

(b) ECONOMIC SUPPORT ASSISTANCE.—Notwithstanding section 3201 of this Act, section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 234a(a)) is amended to read as follows:

“(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter \$2,346,378,000 for fiscal year 1996 and \$2,238,478,000 for fiscal year 1997.”.

(c) DEVELOPMENT FUND FOR AFRICA.—Notwithstanding paragraph (2) of section 3221(a) of this Act, there are authorized to be appropriated \$649,214,000 for fiscal year 1996 and \$634,214,000 for fiscal year 1997 to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.).

Amendment No. 86 Offered by: Mr. Gilman: After section 510, insert the following new section:

**SEC. 511. TRANSFER OF FUNCTION.**

Any determination as to whether a transfer of function, carried out under this Act, constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5, United States Code, shall be made without regard to whether or not the function involved is identical to functions already being performed by the receiving agency.

Amendment No. 87 Offered by: Mr. Hamilton: On page 286 after line 19, amend the subsection “(e)” which would be added to Section 222 of the Foreign Assistance Act of 1961, by adding at the end a new sentence as follows:

“The provisions of this subsection shall not apply to guaranties which have been issued for the benefit of the Republic of South Africa.”

Amendment No. 96, as modified, offered by Mrs. SCHROEDER: At the end of title XXVII insert the following new section:

**SEC. 2712. FEMALE GENITAL MUTILATION.**

(a) FINDINGS.—The Congress finds that—

(1) female genital mutilation is a violation of women’s basic human rights;

(2) female genital mutilation constitutes a major health risk to women, with lifelong physical and psychological consequences; and

(3) female genital mutilation should not be condoned by any government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President should seek to end the practice of female genital mutilation worldwide through the active cooperation and participation of governments in countries where female genital mutilation takes place; and

(2) steps to end the practice of female genital mutilation should include—

(A) encouraging nations to establish clear policies against female genital mutilation and enforcing existing laws which prohibit it;

(B) assisting nations in creating culturally appropriate outreach programs that include

education and counseling about the dangers of female genital mutilation for women and men of all ages; and

(C) ensuring that all appropriate programs in which the United States participates include a component pertaining to female genital mutilation, so as to ensure consistency across the spectrum of health and child related programs conducted in any country in which female genital mutilation is known to be a problem.

Amendment No. 98, as modified, Offered by Mr. TRAFFICANT: At the end of title XXVII (relating to congressional statements), add the following new section:

**SEC. 2712. SENSE OF THE CONGRESS REGARDING SYRIAN OCCUPATION OF LEBANON.**

It is the sense of the Congress that—

(1) the Government of Syria should comply with the Taif Agreement and withdraw all of its troops from Lebanon;

(2) the United States should use its contacts at the highest level of the Syrian Government to encourage the Government of Syria to withdraw all of its troops from Lebanon within a timeframe to be negotiated between the Syrian and Lebanese Governments; and

(3) the Secretary of State should inform the Congress as to the actions the United States has taken to encourage withdrawal of all Syrian troops from Lebanon.

Amendment No. 99, as modified, offered by Mr. TRAFFICANT: At the end of chapter 2 of title XXXIV of division C (relating to special authorities and other provisions of foreign assistance authorizations), add the following new section:

**SEC. 3420. LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES.**

(a) Funds made available for assistance for fiscal years 1996 and 1997 under the Foreign Assistance Act of 1961, for which amounts are authorized to be appropriated for such fiscal years, may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, in the country in which the assistance is to be provided, except that this paragraph only applies if the total of such procurement for a project or activity in that country would cost less than procurement from the United States;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided;

(3) the Congress has specifically authorized procurement outside the United States or less developed countries; or

(4) the President determines on a case-by-case basis that the procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources, including to meet unforeseen circumstances such as emergency situations.

(b) For purposes of this section, the term "less developed countries" includes the recipient country if that country is not a developed country.

The CHAIRMAN. Pursuant to House Resolution 155 and House Resolution 156, the gentleman from New York [Mr. GILMAN] will be recognized for 5 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 5 minutes.

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

Mr. GILMAN. Mr. Chairman, the House is not in order.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members and the guests in the gallery are advised that participants in this debate are entitled to be heard, and they should not conduct conversations on the floor of the House or in the gallery.

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

Mr. GILMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am pleased to offer this amendment, which hopefully will speed up and simplify the process of consideration of this bill.

The amendment has been agreed to on both sides, and I want to thank the ranking Democratic Member, the gentleman from Indiana [Mr. HAMILTON], for his cooperation in putting together this list of amendments. These are non-controversial amendments.

There is only one amendment in this en bloc amendment that affects funding levels. At the suggestion of the gentleman from Ohio [Mr. CHABOT] we have shifted another \$20 million per year into the Development Fund for Africa. This money comes from the Economic Support Fund and Foreign Military Financing functions of the budget.

It does not increase the deficit or the overall spending levels in this bill.

I would like to point out to my colleagues that once we will have passed this amendment, the Africa Development Fund will get 85 cents for every dollar the general development assistance account receives for the rest of the world. Right now, the Africa Fund only gets 62 cents for every dollar the general fund receives. Although we are cutting many accounts, comparatively speaking, Africa is being treated very well in this bill.

Mr. Chairman, the en bloc amendment contains new language affecting the transfer of functions between the various agencies to be consolidated into the State Department under this Act.

Under the law, when functions are transferred, the employees performing those functions are likewise transferred, and the employees in the new combined agency may or may not be subject to a reduction in force, depending on the needs of the agency.

However, an unduly restrictive interpretation of the phrase "transfer of function" has cropped up in a little known case from the Merit Systems Protection Board, and the ruling in that case has unfortunately been adopted in recent regulations by the Office of Personnel Management.

Without this amendment, the rights of employees whose functions were shifted to the Department of State would be adversely affected if they performed a function similar to a function already carried out in the Department of State, even if they were the best qualified employees, were entitled to veterans preference, or otherwise ought to be retained.

In my opinion, the rights of employees should be protected in a merger regardless of whether some other employees performing their function works in a gaining Department. The gaining Department should have the right

and duty to retain the best personnel of the combined agency work forces, consistent with RIF regulations, without giving special preference to Department of State employees.

Accordingly, this section changes the definition of "transfer of function" for the purposes of this Act. This change rejects, and it is my explicit purpose to reject for the purposes of this Act, the restrictive definition of the phrase "transfer of function" in the Office of Personnel Management's current regulations at 5 C.F.R. Section 351.203 (1995), and the restrictive interpretation of that phrase by the Court of Claims in *Childress v. United States*, 650 F.2d 285, 222 Ct. Cl. 557, 558 (1980), and by the Merit Systems Protection Board in *Kentner v. National Transportation Safety Board*, 20 M.S.P.R. 595 (1984). This provision is meant to ensure that employees affected by a transfer of function and any attendant reduction in force are covered by OPM's regulations on transfers of functions, 5 C.F.R., Part 351, Subpart C.

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

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

Mr. Chairman, the en bloc amendment, as modified, has been cleared by this side of the aisle. I want to express my appreciation to the chairman of the committee for his cooperation in working with us, and his willingness to do so, to modify several of the amendments so they could be included in the en bloc.

Mr. Chairman, I urge support of the en bloc amendment, and I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, while I have grave reservations about many parts of the bill, the en bloc is certainly acceptable. I want to commend the gentleman from New York [Mr. KING] for the work we have done together on the Iranian provision within it. There is no country in the world today that is more active in the support of terrorism that is trying to derail the peace process in the Middle East to the degree that Iran is.

□ 1545

The signal that we must send from this Congress and from every government official in this country is that that kind of behavior is unacceptable, the United States will continue to resist it, and clearly the President's leadership on this issue is something we need to stand behind.

As we learned in the first instance where Americans were taken hostage in Iran, Iran may begin terrorism elsewhere on the globe but the pain will inevitably come back to us in the United States. This is something we need to get our European allies to join us on.

The efforts of this date are tremendous, but they are not sufficient without getting Europe to join us in this effort. Again, I would like to thank the gentleman from New York [Mr. KING] for working together on this amendment.

Mr. Chairman, I am pleased to co-sponsor this amendment with my colleague from New

York, Mr. KING, who has been a leader on this issue. This resolution puts our allies and others on notice that the Congress expects their cooperation in isolating Iran. The administration has no objection to this amendment.

On April 30, the President took a bold and decisive step by imposing a total embargo on Iran. It left no room for interpretation. The United States considers Iran to be an outlaw and is simply unwilling to make believe that Iran is among the family of civilized nations. President Clinton has done the right thing and the smart thing.

There seems to be little in the way of disagreement as to the United States objectives in regard to Iran. Iran needs to end its support for terrorism, much of which is designed to undermine the Middle East peace process. Iran must cease its development of weapons of mass destruction and the missiles by which to deliver them. Iran must significantly alter its abhorrent record on human rights.

The burden is now on our allies to come along. Thus far, the strategy of constructive dialogue embraced by many of our allies has, to put it delicately, been less than successful; to put it bluntly, Iran has paid no price for its support for international terrorism or its efforts to obtain weapons of mass destruction.

There are countries, even those with which we have significant differences, where a constructive dialogue could serve to further our objectives. Iran is not among them. It is a rogue regime hell bent on fomenting unrest in the region and determined to acquire weapons of mass destruction so that it can terrorize not only the region but the world.

Unlike North Korea, Iran is by no means isolated. Iran exports \$15.5 billion of goods each year, \$14 billion of which is comprised of oil. In addition, Iran has approximately \$25 billion in foreign debt, \$12 billion of which was re-scheduled last year, most of it by our allies. So, those who purchased Iranian oil and those who chose not to compel payment of Iranian debts contributed upwards of \$15 billion to Iran's ability to obtain weapons of mass destruction and train terrorists.

I fully support efforts to deny United States exports to Iran. For the last 5 years I have sponsored legislation that would deny dual use technology to Iran. To maximize the impact of the embargo, we must get multilateral cooperation in denying Iran dual use and military equipment, and other items that Iran seeks to purchase. More important, we must forge a multilateral consensus to restrict imports from Iran and to limit relief to Iran on the terms of its foreign debt. We must deny to Iran the resources it needs to support terrorism and develop weapons of mass destruction.

Our allies must understand how serious we are about Iran. An Iran with a nuclear bomb and the means by which to deliver it is a blueprint for international chaos. It is incumbent on the administration to apprise our allies on a regular basis of Iran's actions in supporting international terrorism and developing weapons of mass destruction. The administration must continue to express at the highest levels the need to isolate Iran. The upcoming G-7 meeting in Nova Scotia is an appropriate place to raise this issue in very clear terms.

Again, I join with Mr. KING in offering this amendment and I urge my colleagues to vote for it.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I support the Chabot amendment to the en bloc, which would increase funding for the Development Fund for Africa, because there are important developmental and humanitarian assistance needs on that continent.

I am also pleased that the amendment of the gentleman from New Jersey [Mr. ZIMMER] on slavery in Mauritania has been accepted. It is long past time for us to take action against any Nation that tolerates slavery. The State Department reports that there may be up to 90,000 slaves in that country. Just one person held as a slave is reason enough for us, I believe, to refuse aid to the government that permits slavery to exist.

Finally, I commend the gentleman from New Jersey [Mr. SMITH] for his amendment to allow some of the funds authorized for the War Crimes Tribunal in Yugoslavia to be used for a similar tribunal in Rwanda. We must bring to justice those guilty of the crime of genocide in Rwanda.

I thank the gentleman from New York [Mr. GILMAN], the chairman, for including these important Africa-related amendments in the en bloc amendments.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

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

The Chairman, in the last several months the American people have learned a great deal about Guatemala. Ten Americans lost, disappeared, brutalized or raped. Their families have come forward to tell the story of their horrors in Guatemala.

The Drug Enforcement Agency has told us a story that nearly one-third of all the cocaine reaching the United States is now warehoused in Guatemala before being shipped to our own cities and towns. Yet 11 Guatemalan military officers indicted in the United States are protected by that country's laws where extradition is refused.

Against this, the backdrop of 150,000 people in Guatemala who have lost their lives in the last 30 years through a genocidal campaign against their own people, led by civil defense patrols who roam the countryside harassing, exploiting and murdering poor civilians who are defenseless.

Mr. Chairman, in the weeks since we have learned many of these things in the tragic history of Guatemala, President Clinton has suspended United States military assistance to that country's armed forces, demanding cooperation in the investigation of the deaths of Americans, insisting on cooperation in the extradition of military officers involved in cocaine trafficking.

I have included in the en bloc amendment an insistence that until there is

cooperation on narcotics, on ending human rights abuses and on investigating the deaths and abuse of American citizens, that there be no further assistance. This is indeed legislatively the equivalent of what President Clinton has already done unilaterally.

I urge its adoption in the bill. I thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, for its inclusion in the en bloc amendments, and the gentleman from Indiana [Mr. HAMILTON] for his support, as well. It is simply a proper statement in this bill.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH], chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend the gentleman for yielding me the time.

Mr. Chairman, first I would like to thank the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentlewoman from Georgia [Ms. MCKINNEY] for cosponsoring this amendment with me, and for their leadership on the issue of trying to provide a modest amount of funds to the War Crimes Tribunal for the people who has suffered in Rwanda.

Mr. Chairman, the outbreak of warfare in Rwanda was accompanied by an outbreak of genocidal violence all too reminiscent of what happened in the former Yugoslavia. Under cover of long-standing tribal rivalries, an effort was launched by leaders of one tribe to bring about the systematic extermination of another.

It is important that the international community show that this kind of crime against humanity will be detected, prosecuted and punished. The Rwanda tribunal was created by Security Council Resolution 955 on November 8, 1994. Many Members no doubt remember that date for other reasons, but for Rwandans it was an important sign of hope that the world had not forgotten their sufferings and there would be a prosecution for committing these heinous crimes.

Mr. HASTINGS of Florida. I yield such time as he may consume to the gentleman from California [Mr. FILNER].

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

Mr. FILNER. Mr. Chairman, I rise in support of the en bloc amendment designated as number 80 which is a combination of amendments submitted by Congressman BILBRAY and myself, to restore funding required by the International Boundary and Water Commission [IBWC] to operate a critical sewage treatment facility soon to be completed in San Diego.

As many of you know, we are building a critically-needed \$240 million

sewage treatment plant in San Diego, CA. This plant is under construction and will soon be completed. It is imperative that we provide the funds necessary to operate this treatment plant—and that we fulfill our commitment to the thousands of American citizens who suffer from the raw sewage that flows downhill from Mexico through our community and contaminates the Tijuana River and our beaches. This sewage is more than a nuisance, it is a health hazard!

While this is only a minor technical correction in the context of the State Department's overall budget, this amendment is critical for the IBWC to operate the soon-to-be-completed sewage treatment facility. Our failure to operate this facility would present a serious health threat to San Diego and threaten our Nation's ability to fulfill an international treaty obligation.

The failure of the federal government to operate this facility, after it is built, would be the height of absurdity—and would mark a tragic new day in our Nation's history, I urge my colleagues to support the bipartisan, Filner-Bilbray amendment!

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank my colleagues for putting a generic form of my amendment into this area.

Mr. Chairman, this is very historic, in that it is the first time this body will speak out and say that our government should recognize female genital mutilation as a major health risk to women and a major human rights violation, and we also should do everything we can to make sure that countries do not allow this practice to continue. This was important.

I had wanted to target this to Egypt, since we give so much aid to Egypt and since this practice is so rampant there, and especially since their government has recently tried to medicalize it rather than condemn it. This is a more generic form, but I approve it, and I think very much all of my colleagues who worked very hard to take this very, very important step of saying violations against women are also human rights violations and not just cultural violations. There has never been any religious reason for this. There has never been any reason except cultural, and we are making a great progressive step today.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. KING], a member of our committee.

Mr. KING. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for yielding me the time.

Mr. Chairman, I rise in support of the en bloc amendment. Iran is an outlaw state, the major destabilizing force in the Middle East, and is desperately attempting to obtain nuclear capability.

I am proud I have been able to join my colleague, the gentleman from Connecticut [Mr. GEJDENSON], in sponsoring this amendment, amendment 49, which will establish on the record as a sense of Congress that Iran is an outlaw nation.

In addition to that, Mr. Chairman, this amendment will go one step further than the President's boycott announcement of April 30, where the President announced a unilateral boycott against Iran. This was a very important first step but it is not enough.

It is essential that all our allies join this embargo, and the sense of Congress resolution which is encompassed in amendment 49 will call upon the President to make the development of a multilateral economic embargo on Iran a major priority at the Halifax G-7 meeting.

I want to thank the gentleman from Connecticut [Mr. GEJDENSON] for his support in working with me. I want to thank the gentleman from New York [Mr. GILMAN], the chairman, and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for their support, and I urge support of the en bloc amendment and indeed final passage of the entire bill.

Mr. GILMAN. Mr. Chairman, with regard to the amendment offered by Mr. KING, I would like to congratulate the gentleman on his amendment and his leadership on our effort to combat Iran and its terrorist policies. This amendment makes a positive contribution to our policy toward Iran and puts a much-needed multilateral focus on the President's Executive order of May 8 prohibiting U.S. trade and investment with that country.

This amendment clearly identifies how Iran's policies pose a threat to our interests and to those of our allies in the region and urges the administration several policy initiatives that would help to isolate this outlaw regime.

In particular, it directs the President to intensify his efforts to persuade Iran's leading trade partners and creditors to join with the United States in ceasing all trade with Iran and ending any policy of rescheduling of debts owed to them.

Furthermore, the President is directed to convene a special summit of world leaders to address the issue of international terrorism. It would also call on the President to develop a comprehensive multilateral policy toward Iran with the goal of putting Iran on the agenda of the upcoming G-7 meeting in Canada and bringing consensus on the need to isolate this regime.

This administration has finally begun to transform its rhetoric into a more realistic approach to limiting the ability of this one country to finance and support terrorism around the world. The adoption of this amendment will ensure that the administration remains focused and committed in our fight against state-supported international terrorism.

Our allies still seem to believe that they can reap a short-term profit at our expense by continuing a policy of business as usual with Iran. They should be aware that there will be a long-term cost to our relationship and alliances if some kind of multinational consensus is not achieved on this issue.

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

Mr. GILMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. CHABOT], another member of the committee.

Mr. CHABOT. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], the distinguished chairman, and the gentlewoman from Florida [Ms. ROS-LEHTINEN], the chair of the Subcommittee on Africa, for their leadership in getting this amendment accomplished, and also the gentleman from California [Mr. ACKERMAN], the cosponsor on the other side of the aisle, for his assistance in this important amendment.

While the African continent is making great strides toward democracy, economic development, free markets and human rights, many African nations continue to face terrible hardships. This modest amendment will provide much-needed help to Africa without costing American taxpayers any additional dollars.

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. CHABOT] for his involvement and for his addition to our work.

Mr. SAWYER. Mr. Chairman. I would like to thank the chairman of the International Relations Committee and his staff for their assistance with my amendment which is included in the amendments en bloc before us.

Mr. Chairman, during the cold war our arms control efforts were directed at what was clearly the greatest threat to international security at that time—nuclear weapons. When we did undertake efforts in the realm of conventional weaponry—they were directed at large-scale strategic weapons such as planes, missiles, and tanks which could alter regional balances of power.

Well, times have changed, but unfortunately our thinking on arms control is still mired in the Cold War experience.

Today, the greatest threat to international security and stability are the growing number of wars of ethnic hatred and the increasing cases of government oppression. In these conflicts, it is light weaponry—AK47s, hand grenades, and land mines—that are the weapons of choice. The ample supply, falling prices, and ease of purchase of these weapons has helped to increase the ferocity and number of conflicts we are witnessing across the globe—from Liberia to Rwanda to Kashmir.

Of course, I do not mean to downplay the importance of arms control efforts directed at strategic weapons. I only wish to point out that the vast trade in light weapons, which is a real source of instability today, receives, comparatively little attention.

Before we can begin any control efforts for small arms, we need an effective mechanism to monitor their trade. What types and how many of these deadly weapons are being sent where and by whom? We need answers to these questions.

My amendment would reinstate a reporting requirement which existed from fiscal years 1978 through 1980. During those years the State Department and the Defense Security Assistance Agency produced an annual report

listing all U.S. military transfers and sales on a country-by-country basis.

The information for this report is maintained in a readily accessible data base. Producing the report would not require much more than the hitting of a print command key and binding the pages together. In other words, this is not an onerous reporting requirement.

Congress has a right and, indeed, an obligation to review the information contained in that data base. However, in 1993, I was denied a request for such information by the DSAA.

Once we begin to produce this report, we can use it as leverage to encourage other arms producing nations to provide greater transparency for their own activities. With a comprehensive understanding of the small arms trade, we can begin to work towards a regime to control this scourge.

But without good information, we can't formulate an effective policy. We will be left to witness the devastating effects of small arms proliferation and to pay the price both in terms of costly relief activities and in diminished international security.

The better approach is to take preventive action—to avert crises before they begin. This amendment is the first step in that process.

I urge support for the amendments en bloc.

Mr. Chairman, I would like to make special mention of Mr. BERMAN and Mr. ROSE who are coauthors of this amendment. I also would like to thank the chairman and ranking members of the International Relations Committee and the International Operations Subcommittee.

Mr. Chairman, when a government hosts an international conference, it also accepts certain obligations. The host government must abide by the terms which govern such gatherings and must uphold agreements it makes.

Unfortunately, Mr. Chairman, the Chinese Government has demonstrated that it does not intend to be a good host for the Conference on Women being held in Beijing this summer. The principle of openness, which is crucial to the success of this gathering, has run afoul of the communist instinct to suppress opposing points of view.

The Chinese Government has worked quietly to exclude groups representing Tibetan women from the women's conference. Mr. Chairman, this is not right, and it is not what the international community expected when it agreed to hold the conference in Beijing.

China's reneging on its obligations does not stop with the exclusion of groups it disagrees with. Originally, the Chinese had agreed to allow a gathering of nongovernmental groups in a downtown stadium near the official conference site.

However, as the time for the conference drew nearer, the Chinese Government began to fear the consequences of their citizens coming into contact with the thousands of foreigners participating in the nongovernmental gathering. Mysteriously, the stadium where the NGO's were to meet was declared structurally unsound.

The Chinese Government now wants to hold the NGO gathering an hour from Beijing in a remote location near the Great Wall.

Mr. Chairman, China's leaders need to be sent a message that they cannot impose their intolerant standards on the rest of humanity, and that they cannot turn this gathering into a platform for advancing their narrow agenda.

My amendment would urge the administration to include a representative of a U.S.-

based group representing Tibetan women in the official U.S. delegation. This would ensure that Tibetan women have a voice at this conference. More important, it would send a message to the Chinese that we do not appreciate their attempt to muzzle groups with which they disagree.

Mr. Chairman, the Chinese Government has challenged the international community by excluding these groups. If we allow them to succeed in this, we are legitimizing their actions, and we should expect more of the same in the future.

I urge adoption of this amendment.

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

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HYDE

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

The Clerk read as follows:

Amendment offered by Mr. HYDE: Strike section 2707 (relating to recommendations of the President for reform of war powers resolution) and insert the following new section: **SEC. 2707. REPEAL OF WAR POWERS RESOLUTION.**

(a) REPEAL.—

(1) IN GENERAL.—The War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) is repealed.

(2) CONFORMING REPEAL.—Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) is repealed.

(b) CONSULTATION WITH CONGRESS.—

(1) PRIOR CONSULTATION.—The President shall in every possible instance consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

(2) CONSULTATION AFTER INTRODUCTION OF ARMED FORCES.—The President shall, after every such introduction, consult regularly with Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

(c) REPORTING TO CONGRESS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Subject to subparagraph (B), the President shall, in the absence of a declaration of war, submit a report to Congress in any case in which United States Armed Forces are introduced.—

(i) into hostilities or into a situation where imminent involvement in hostilities is clearly indicated by the circumstances;

(ii) into the territory, airspace, or waters of a foreign nation, while equipped for combat, except for a deployment which relates solely to supply, replacement, repair, or training of such forces; or

(iii) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation.

(B) EXCEPTION.—The requirement that the President submit a report to Congress in accordance with subparagraph (A) shall not apply if the President determines that to submit such a report would jeopardize the operational success of United States Armed Forces in a situation described in clause (i), (ii), or (iii) of such subparagraph.

(2) TIME AND CONTENT OF REPORT.—A report under paragraph (1) shall be submitted with-

in 48 hours of the introduction of United States Armed Forces described in that paragraph. Each such report shall be in writing and shall set forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(3) ADDITIONAL INFORMATION.—The President shall provide such other information as Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(4) PERIODIC REPORTS.—Whenever United States Armed Force are introduced into hostilities or into any situation described in paragraph (1), the President shall, consistent with the constitutional responsibilities of the President and so long as such Armed Forces continue to be engaged in such hostilities or situation, report to Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation.

Mr. HYDE. Mr. Chairman, I am offering an amendment that repeals the War Powers Act and sets up a structure for consultation and reporting by the President.

This amendment that I am offering does three things: In addition to repealing the War Powers Resolution, it requires ongoing consultation between Congress and the President, the President to consult with Congress, before the introduction of troops, ongoing consultation while they are there and after the troops are introduced, and the third thing it does, it requires timely and comprehensive reports to Congress, within 48 hours of the engagement, and in detail. These also are ongoing.

Mr. Chairman, the War Powers Resolution was passed in 1973. In casting about for the best way to describe it, I came up with the inelegant phrase "wet noodle," but that is about what the War Powers Act has been. It has never been used. No President have ever acknowledged that it is there or that it is constitutional. The vice, the flaw, the fault with the War Powers resolution is that the President must withdraw troops within 60 days after he has committed them unless Congress acts specifically to endorse the deployment.

Congress can halt a deployment after 60 days by doing nothing, by dithering, by debating. If Congress is unsympathetic or opposed to the commitment of troops, Congress can pass a bill cutting off the funding. The ultimate weapon, the ultimate power of the purse under the Constitution, remains with Congress. Therefore, that is all the authority we need to halt, to bring to a screeching halt, any commitment of troops. But to have on the books a law that says by doing nothing, by inaction we can halt and reverse and turn around a military commitment of troops is really an absurdity. What it does is provide our enemies with a statutory timetable. They can wait it out to see if Congress and the President are not getting along.

There are a couple of things we ought to always bear in mind. First of all, the Constitution says that President is Commander in Chief. That is true whether Ronald Reagan, George Bush, or Bill Clinton is President. We are talking about the institution and constitutional powers that devolve on the President, whoever that may be.

The second unshakable, immutable, important point is we always have the purse strings clutched in our hand. We can pass a bill, and we have passed several to withhold funding for certain military operations. That is the effective way to work our will should we disagree with the President.

Congress alone can declare war but the President who is charged with the responsibility of defending this country needs flexibility, he needs to act quickly, and he should not, and the law should not provide our enemies, whether it is Saddam Hussein or Raoul Cedras or anybody else, with the hope, with the expectation that in 60 days they will all have to come home.

□ 1600

That is a disincentive to settle a dispute and to negotiate.

So, I think that is a mistake and I think it has been on the books too long and it ought to be taken off.

No President has ever considered the war powers resolutions as constitutional. I have letters from President Ford, President Jimmy Carter, President George Bush. Henry Kissinger said it should be repealed; it is misleading and ineffective. Howard Baker when he was the majority leader in the Senate said it is an attempt to write in the margins of the Constitution. It is confusing and gives comfort to our opponents.

Congress has used its power of the purse to limit and even halt military operations, many, many times, and I have a list here from the congressional reference service. During the Vietnam war in December of 1970 we prohibited the use of funds to finance the introduction of ground combat troops into Cambodia or to provide advisers to or for Cambodian military forces. In 1973 we cut off funds for combat activities in Indochina after August 15, 1973. We did. June 30, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by U.S. military forces in or over, above the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, we set a personnel ceiling of 4,000 Americans in Vietnam 6 months after the enactment and 3,000 within a year; in Somalia we did the same. In Rwanda we did the same. And interestingly enough, the congressional reference service says,

and I quote, "With respect to your question regarding the number of instances when the Congress has utilized the War Powers Resolution, since its enactment in 1973, to compel the withdrawal of U.S. military forces from foreign deployments, we can cite no single specific instance when this has occurred."

So it is a useless anachronism and we ought not to have it on the books. No Supreme Court test is even possible. Several attempts have been made to test it. The courts have said they are not justifiable. It did not stop what we did in Somalia, it did not stop what we did in Haiti. We had a vote on Desert Storm but nobody conceded that was pursuant to the War Powers Resolutions.

It provides a false hope to our adversaries; it is confusing.

My amendment does not just wipe the books clean of the War Powers Resolution, it requires adequate, timely, prompt consultation with Congress, and notice of what the President is going to do, and reporting, comprehensive reporting. There is a Presidential waiver, but that is for the Entebbe sort of situation and we still hold the ultimate weapon which is the purse.

We cannot get, as I say, a constitutional test on it, but it emboldens our adversaries while hamstringing the President when he most urgently needs the authority and the flexibility to act.

Permit me just to read from George Bush's letter of April 17, this year. "Deal Henry, you are 100 percent correct in opposing the War Powers Resolution as an unconstitutional infringement on the authority of the President. I hope that you are successful in your effort to change the War Powers Resolution and restore proper balance between the Executive and Legislative Branches. George Bush."

Gerald Ford: "Dear Henry, I share your views that the War Powers Resolution is an impractical, unconstitutional infringement on the authority of the President, I opposed it as a Member of the House. As President I refused to recognize it as a constitutional limitation on the power of the commander in chief."

Jimmy Carter to Congressman HENRY HYDE: "I fully support your effort to repeal the War Powers Resolution. Best wishes in this good work," et cetera.

So I just say to my colleagues, they are not yielding anything, they are retaining the power of the purse, which is the ultimate weapons. But my amendment requires notice, consultation, and reports, and with that in one hand and the power of the purse in the other, we are yielding no autonomy on the issue of committing troops, but are clearing off the books of unconstitutional infringement on the President's power. And are giving the President flexibility that the President may need over a weekend when something happens. And we are not giving hope and comfort to our adversaries that if they just wait it

out, 60 days, will elapse, we will be dithering, we will be debating, and nothing will happen and the military engagement will end.

So I respectfully request the support of the Members in adopting my amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must say I rise to discuss the amendment by the distinguished chairman of the Committee on the Judiciary because I know he has given this very serious thought. But I think I come down on the other side and say maybe this is too hasty at this moment, and to move forward right at this time without more serious debate is very troubling.

The gentleman from Illinois and I were both here when this amendment went through, and I would be the first to concede it has not worked as well as many of us had hoped it would work when it was passed in 1973.

But let me talk about what I thought the driving factors were of that war powers amendment. If we go back and look at the history, the Constitution says in article I, section 2, the Congress is the one, the Congress is the one that gives the money and raises the army. We are the ones that must do that. And the President is the commander-in-chief.

If you also look at President Washington's speeches about foreign entanglements and many other such things, I think it is very clear that our forefathers and foremothers never really foresaw a day when we would be deploying hundreds of thousands of troops overseas. One of the incredible, unique things about this country is it had unloaded upon it, whether it wanted it or not, a world leadership role where even though we are only 3 percent of the world's population, we have been carrying a very heavy burden of maintaining freedom on this globe in this century, and the War Powers Act was a modification that came in this century.

Part of that was we have been one of the very few governments on the planet that would deploy hundreds and hundreds of thousands of our most precious treasures, our young people, overseas for someone else's freedom. This War Powers Act would not have occurred if we had only been acting within our borders to protect our borders as most countries do and is much more traditional.

But when you start deploying them overseas, and we had seen in both the Korean and the Vietnam war many hundreds of thousands deployed overseas without a declaration of war, without a consultation of Congress, and we were suddenly left there under article I, section 3 having to raise the money, and raise the number of troops through drafts and many other things, and so this body said no, no, no, there should be, when we are doing these massive deployments overseas, a little more consultation at the beginning.

The only area I can think of where this has worked very well since then has been the gulf war where we had a very historic debate on this House floor, and I must say I thought it was very valuable for the whole Nation. All over the Nation you could hear people listening to this debate, and when this debate ended and when one side won, everybody shut up and supported those troops that were over there until it was time to bring them home.

I think that is important, because otherwise, if you allow a President to decide when we are going to commit troops, whether it would be today in Bosnia, say the President of the United States today decided OK, we are going to go into Bosnia, that is probably option 3. Option 1 would be you help them withdraw. Option 2 would be we do nothing. Option 3, we are going to go gangbusters, we are going to take a side and we are going to be in there. In fact, there are some Members out there now saying that is what we should do. Do you want the President of the United States to be able to make that decision, send off a half a million men, which is about what it would take, men and women, and go over there and just come tell us about it after they did it, and our only choice would be that we cut out the money? I think the War Powers Act has had an effect, and I think with the demise of the cold war I do not see any reason that we cannot work out a way to maybe make this better, to maybe make it more efficient, but I am not sure we need to do it in a haste right now where we just withdraw as Members of Congress and say we are going to let all of that fall on the shoulders of the President of the United States, and of course if he messes up or she messes up, then we all have the prerogative to jump up and down and scream at him. I would think that the last few days of Bosnia would be the greatest reason for why we should not do this right now, because you see no matter what the President does you have all sorts of other voices jumping up and down saying no not that, oh why did he do this, oh, you cannot connect the dots on his policy, oh, he is not being consistent. He should do more; he should do less.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, it seems to me that what we would be saying is we want to be able to criticize, but do not give us any responsibility. I would think the American people would think that if the President decided we were going to take a side in the Bosnian war, he would do more than just come tell us, consult us, and send someone to brief us on it. I think they would want their representatives to be involved in that debate at the beginning, so that we stay behind those

troops when they are overseas in that difficult point.

But I keep saying the War Powers Act came because of the new missions the United States had heaped upon it as a world leader after World War I and World War II. And I think it is a very, very, important addition, and I hope very much that maybe we take the concerns of the gentleman from Illinois [Mr. HYDE] into consideration and we all work very hard to figure out is there a better way to do this. But I think to back off and say we are giving it up would be the wrong way to go.

Mr. PORTMAN. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, I rise today to express my strong support for repealing the War Powers Resolution with the consultations as set forth in the Hyde amendment. I understand the history of the resolution that is described by the gentlewoman from Colorado, and I appreciate that, but it is my belief that this 22-year relic of the Vietnam era is both unconstitutional and ineffective. I want to commend the gentleman from Illinois for raising this issue, for bringing forth the amendment today and for all of his efforts over the years on this.

I served in the Bush White House in the counsel's office, so I saw firsthand just how this resolution can interfere with the President's ability as the commander-in-chief to defend U.S. interests. I think the Constitution has its right, particularly in this dangerous world where rapid deployment is vital, vital to success. The President must maintain his authority as commander-in-chief to protect U.S. interests around the globe. Under the War Powers Resolution, however, as the gentleman from Illinois [Mr. HYDE] stated earlier, if Congress fails to explicitly endorse the deployment of troops, the troops must return home. I think this is a flagrant intrusion on the President's constitutional rights inherent as commander-in-chief to defend and protect the Nation. There is a reason that all four former Presidents, Democrat and Republican, support repeal. The Constitution struck the right balance. It granted the President the right to act as commander-in-chief to protect U.S. interests. It also provided appropriate checks for leaving the authority for funding military operations with Congress. The War Powers Resolution tips that healthy balance, tips it too far, by allowing Congress to override the President's constitutional authority by mere inaction. If Congress simply fails to act, 60 days after deployment U.S. troops engaged in hostilities must be withdrawn. In my mind this is a taking. It is Congress taking authority away from the President to act as commander-in-chief.

As important, the practical application of the War Powers Resolution is essentially rendered ineffective. We have seen that over the years. It was noted earlier by both speakers. It has also increased the danger to U.S. per-

sonnel and interests. By requiring the withdrawal of troops within 60 days unless Congress acts, the resolution permits Congress to drag its feet until policy is established by inaction. More troubling I think is that the resolution unwisely undermines U.S. policy. It is dangerous. Our enemies have a strong incentive if the War Powers Act acts as intended to resist negotiations and wait out the 60 days. Why should they not? In other words, the effect of the War Powers Act is really to embolden our enemies and endanger our military personnel overseas unnecessarily.

Whether we are dealing with Raoul Cedras, Manuel Noriega, or Saddam Hussein, we cannot simply afford to send our enemies the message that the actions of our military and the President are not the actions of the United States, do not constitute the will of Congress and the people. They must, until Congress explicitly acts otherwise. If we insist on keeping the War Powers Resolution, I would urge this Congress to make changes to it to force Congress to face the issue.

□ 1615

Let us vote up or down on the issue. Let us openly confront the question of deployment.

Under the war powers resolution, we have got it both ways. We have got the best of both worlds. We can tie the hands of the President and avoid a direct up-or-down vote on an often tough issue whether to deploy or not. If we keep the resolution, I think it would be better to establish expedited procedures during that 60-day period, forcing to act by joint resolution on an up or down vote, either authorizing action or requiring disengagement.

As President Nixon noted in his veto of the War Powers Act in 1973, "One cannot become a responsible partner unless one is prepared to take responsible action."

Let us act responsibly today, 22 years later, and end this congressional encroachment.

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

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

Mr. BERMAN. Mr. Chairman, I appreciate the gentleman yielding, I appreciate his comments and certain parts of his argument I find very compelling.

Mr. PORTMAN. What part does the gentleman not find compelling?

Mr. BERMAN. The part I am going to get into right now. You spoke about working in the Bush White House and the War Powers Act tended to create some uncertainty, tended to immobilize the administration in some fashion, undercut the administration's aims.

I would like to develop this more extensively because the way I look at the War Powers Act, it is a law that no President recognizes, no court is willing to enforce, and as you pointed out, in almost every instance the Congress

is not willing to step up to the plate anyway because they do not want to take a firm position because they want to see how it is going before they jump on the bandwagon.

Mr. PORTMAN. Reclaiming my time, the gentleman has made an excellent case for repeal of an ineffective act. Presidents have ignored the War Powers Act on an official basis. However, our enemies overseas know it exists. It is on the books. Frankly, it is a consideration taken into consideration as Presidents decide whether or not to go to Congress, as we saw with the Gulf War, to receive, and in that case approval, so it is something that is not working. It is unconstitutional.

The reason it is not working, I believe, goes to the Constitution. In other words, the constitutionality of it is the reason it is not working.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has expired.

(On request of Mr. BERMAN, and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. Mr. Chairman, if the gentleman will yield further, is the gentleman saying that without the existence of the War Powers Act, the President would not have asked Congress to take a position authorizing the use of force in the Gulf?

Mr. PORTMAN. The answer to that question, reclaiming my time, I would say that is a consideration that every President has to factor in is that it is a law on the books. It is a pressure applied to the executive branch. It is a factor when one is considering deployment, and necessarily so. I think it would also lead to a lot less ambiguity, as I said earlier, with regard to our foreign adversaries.

Mr. BERMAN. If the gentleman will continue to yield, I started out thinking that I would vote for the repeal of this act. But if the consequences of repealing the act, if the existence of the act did in fact argue for the President to come to Congress to ask for authorization for the use of force, you have given me the most serious, important, and useful purpose, more than I ever thought that I had.

Mr. PORTMAN. I would encourage the gentleman to take a look at the Hyde amendment carefully because it requires the kind of notification and the kind of consultation that, frankly, I do not think we have now. I think, under this new iteration, with repealing the War Powers Act, by being required to come to Congress for notification and for consultation, I think you would find that in fact Congress would be more of a partner with the executive branch in the future.

Mr. BERMAN. If you just would yield one more time, but that sort of begs the question. Consulting, we have all kinds of consultations, and all kinds of notifications, the fact is Desert Storm was a carefully planned, date-certain decision to use force. If it was not a war, then there is not any.

You are telling me, it sounds like, that in the Bush White House one of the reason they decided to come to Congress, to not consult, not notify but to seek authorization for the use of force, was the existence of the War Powers Act, which makes a case for the existence of that act and an argument against the repeal. I think, perhaps more than any I had thought of, making me change my mind.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has again expired.

(On request of Mr. HYDE and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. PORTMAN. I thank the gentleman.

I thank my colleague from Illinois may have some salient comments on this. Let me say the power of the purse, to my friend on the other side of the aisle, is far more powerful and is a much more powerful inducement, I believe, to that President and other Presidents, than any other. Congress could always have acted to force us to withdraw troops from the Gulf had we used the power of the purse and pulled the appropriations. That is ultimately where I think our power derives. I think also, if you look at the amendment, you will see there is consultation and notification that would actually take place.

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

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

Mr. HYDE. I would just tell my friend from California at that time in history I was ranking member of the House Intelligence Committee and, therefore, I got invited into the consultations, and we spent a lot of time, many, many days at the White House, Dante Fascell, Senator NUNN, everybody who had any connection with the military, foreign affairs and intelligence sat around and this was fully, fully debated. There was no question that the President was going to do something without Congress's knowledge and acquiescence.

So I do not know what the gentleman doubts, because we require prior consultation, during consultation, after consultation, notification within 48 hours, and reports, detailed reports.

Mr. BERMAN. If the gentleman will yield, I understand there was all kinds of consultation, and I was in some of those meetings as well.

But what the gentleman in the well is saying is, in the end, the decision to come to Congress and ask for authorization was at least in part made because of the existence of the War Powers Act.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has again expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. HYDE. If the gentleman will yield, I would just say to the gentleman from California [Mr. BERMAN], and I hope I do live to see the day that you are President, I would be very thrilled and applaud that good judgment by our American voters, but I would say this—

Mr. BERMAN. Would you endorse me for reelection?

Mr. HYDE. I did not catch that. What did you say?

Mr. BERMAN. I said would you just endorse me for reelection?

Mr. HYDE. I would not mind. I do not know who your opponent is.

Mr. PORTMAN. Reclaiming my time—

Mr. HYDE. You are getting me in trouble here. I would work very hard for the gentleman's vote.

Let me just say this to you: There is no question that a law on the books has to be taken into account by a President. He may think it is unconstitutional, but to just deliberately flout a law that is on the books and has not been declared unconstitutional would be very foolish. So I do not think you can read into the fact that they considered the existence of this law that it animated them to do anything. Common sense and the President's own military experience and service in Congress required him to consult, and he did.

Mr. BERMAN. If the gentleman would yield, but in the end, the Constitution gives the warmaking power to the Congress. Obviously, statute cannot repeal or modify or limit the power. I would have thought that the President would feel compelled to come to the Congress and that the use, authorization for use of force was the substantive equivalent of a declaration of war, and if in fact that is not the case, that was not the constitutional power of that provision that motivated him to come to Congress but, in part, was one of the considerations, it makes me a little concerned about what was, when I got up, an inclination to vote for repeal of this law.

Mr. PORTMAN. Reclaiming my time for what little time remains, I would just say I would like to echo the comments of the gentleman from Illinois. I think it has to be a consideration when it is on the books. I think it is ineffective. I think it violates the constitutional rights of the commander-in-chief. I think the reason previous President may have come to Congress, including the case the gentleman from California mentioned, perhaps that was a factor, but there are other considerations that were overriding.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the situation in the world today, there is a lot of focus on Bosnia.

If this Congress votes to exclude itself in any active way from the process of engaging military forces around the globe, it will be very difficult for either

Republicans or Democrats to come back here if American troops are committed in a serious way to Bosnia, and say, "Wait a minute, we want to get at this some way."

And what is the response going to be? "Well, you have got consultation. You are guaranteed to be consulted with. They will call you in and they will explain there are now troops on the way to Bosnia." You will say, "We want to do something about it." "Well, there is going to be another consultation as soon as the troops get there. When we get time to take the troops out, you will get another consultation."

The war powers provisions are not perfect. This is not a world that can easily accommodate the two branches of government involved in the decision to commit American forces in war with a time frame that is often instantaneous.

But there is no question that the war powers provision, as is evident from the comments of the gentleman who just spoke, have forced Administrations to recognize the need to involve the Congress.

Now, is there an advantage to giving the Congress an opportunity to view the President's policy before making a commitment? Well, I would tell you that many of the Members of Congress who voted for the Gulf of Tonkin Resolution wish that they had not done so.

Why? The most difficult act in American politics is not to be wrong, it is not to be even voting against your constituents' interests. It is to be inconsistent, and it is impossible to explain that the circumstances have changed.

We all remember Mr. Romney when he ran for President changed his position on Vietnam. He said he was brainwashed. Well, that was probably a bad choice of terminology. But he was dead.

It is very hard for a Congress that has at the ground level jumped in the boat on a strategy to then review that strategy. It is almost impossible for an executive. An executive in his first term, looking at reelection, takes a course of action, and then he is going to come back and say to the American people, "I made a mistake. We lost 5,000, we lost 10,000, we lost 300 men. But it was a mistake being there." No, he has got to stay the course. That is what seems to sell politically.

It is a lot better to have a Congress that has maybe sat back, in some instance out of lack of courage, I will grant you, but it is also timely, often, to sit back and view a policy and make a decision after more of the facts are in.

This is not a perfect process. But it is no question that simple consultation, and I think the desires of the gentleman from Illinois here are honorable, there is no question he is frustrated by what we have done in Congress all too often, and that it sat back as Presidents took action, fearful to take a public position, and he is also probably frustrated by Presidents who

did not come to the Congress and demand we get engaged, but the Presidents do have that authority.

The President did not come here and ask us to give a declaration of war. The President can come here, as President Bush did, and ask for support for what he is doing, which may not be technically meeting of standards of being committed to war, but certainly was basically telling the same thing to the American people, that both the President and the Congress were on the same side of this particular issue.

The war powers provisions, I think have worked. They have worked to force the dialogue, to force the President to take into account what Congress might do, what Congress's actions could be if things do not turn out as rosy as the generals and the CIA tell them they are going to be.

To change the war powers provisions is for Congress to abdicate any serious role in the commitment of troops on the ground.

Again, whether in the next 4 years or in the next 5 years, whether a Republican or a Democratic President, think of yourself as a Member of Congress who voted to get rid of the war powers provision, think about yourself at a town meeting, and they are saying, "Congressman, my son is in a battlefield today. I want you to bring him home." Your answer is going to be, "I get to be consulted by the President."

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

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

Mr. HYDE. Mr. Chairman, why does the gentleman assume paralysis on the part of Congress when it comes to appropriating money? Is the gentleman not aware that we have cut off funds time and time again for military operations? And the gentleman, as a Member of Congress, could join in the consensus that can be developed and cut the water off immediately.

Mr. GEJDENSON. The problem with simply dealing with the funding issue, we saw at the tail end of the Vietnam war, we have seen it in so many other instances, that the Administration, one has multiple resources.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. GEJDENSON] has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. GEJDENSON was allowed to proceed for 1 additional minute.)

Mr. GEJDENSON. Mr. Chairman, Administrations have multiple resources for smaller wars that they can operate without direct funding, and additionally, what it leaves us with is only one option to review the process, and often an option that is very difficult to bring to the floor.

My HYDE. I just think the gentleman underestimates the power of Congress.

Mr. GEJDENSON. I have been here not as long as has the gentleman from Illinois, but there is no question the

power of Congress is enhanced by a law that gives us a role and a positive action in the process rather than simply being consulted.

□ 1630

The consultation process again is a very weak situation to find yourself in. The President fulfills the law if he calls up the Congress and tells them what he is doing. I think it is much better, both for Congress' responsibility and the President's responsibility, to force Congress to either take an action or, through its lack of action, to give the President support for his policies, and also clearly to give Congress and the American people some time to view the developments in the field.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an extremely important debate. Although I was not going to talk on this issue, this is an issue that can affect the lives of many, many Americans, and I think that we all have to have our say. I rarely disagree with my friend, the gentleman from Illinois [Mr. HYDE]. He is one of the best members, by far, that we have on this committee, and I have sat next to him in the International Relations Committee for 10 years.

On this particular issue, which is of paramount importance, I listened closely to the comments from our former Presidents that were quoted here on the floor and from the people who worked in the White House. They are very eloquent. But, as my colleagues know, every president finds Congress inconvenient and an intrusion, but we are a democracy, not a monarchy, and that is why it is so important for Congress to be involved.

The American people have a right to have a say, and the American people, especially on issues of war where we send our sons and daughters into harm's way, certainly should have a right to speak out.

I once went on TV and debated the repeal of the War Powers Act with Representative Solarz. While debating, I said, yes, we have to repeal the War Powers Act. But when we stop to consider what we have seen since 1973, there is a reason why the War powers Act resolution was passed by this Congress. The history shows as I see it, that there are only two central issues involved in the War Powers Act: first, how to ensure that the president consults with Congress before U.S. troops are sent into hostilities; and second, that Congress must approve the use of forces or else they will be withdrawn within 60 days.

Now in the last 22 years there have been 40 occasions when the Presidents have consulted with Congress under provisions of this act, and these have covered events from Lebanon, to the Persian Gulf, to Haiti, Somalia and even to Bosnia. Twice Congress has invoked the act in authorizing the use of troops in combat, in Lebanon and also in the gulf war.

However, the crux of the law, which is forcing the withdrawal of U.S. troops when Congress does not approve, has never been invoked. There are some 12 cases that have come before the courts, and the courts have not become involved. This is the history of the War Powers Act.

But let me suggest to the members that this is probably the most important time to debate this resolution, because we are on a brink of war today. I mean that last night we had some 1,500 troops ordered out of Germany and flown down into Italy to get ready to jump into Bosnia, into that civil war. So this is the time to debate this issue, because the deepening crisis in the Balkans may lead us at some point to invoke the war powers to withdraw these forces.

After all, the American people are not in favor of this intervention. In matters of months, or weeks, or even days we may be grateful that we have the War Powers Act on the books. I want to be able to go back home and tell my people, You're darned right, I spoke up on the floor of Congress about this. This is an issue that involves the lives of young men and women here in our country, and it's important for us to speak out.

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

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

Mr. HYDE. I want to suggest to the gentleman I am as concerned as he is with the lives of young people. I have been in combat, I was in an invasion, so I am very sensitive to that.

Now will the gentleman tell me why is it, does he believe, that Congress is impotent to stop within one day any military engagement if we cut off the funding? Is the gentleman aware of how many times we have done that?

Mr. ROTH. Yes, I will—

Mr. HYDE. Why are we impotent? Why do we need this act which is a nullity—

Mr. ROTH. Let me take back the balance of my time, and I will be happy to respond. I say to the gentleman: With war powers you're giving the President 60 days to withdraw those troops. If he doesn't withdraw those troops, Congress is intervening.

I feel that Congress has not only a right, but has an obligation, to speak out in cases of America getting into war. That is why I think that the war powers resolution at certain critical times is something that we should have. We should have the power—

Mr. HYDE. When has it been used?

Mr. ROTH. I think twice, once in Lebanon and once in the gulf war.

Mr. HYDE. Nobody ever conceded that that was for the War Powers Act.

Mr. ROTH. I know that is your view, but let me take back the balance of my time and say the reason the President, I think, has been more sensitive to Congress is because we have had the war powers resolution on the books. I think, if we had not had the war powers

resolution on the books, the President may not have been that sensitive to Congress.

I do feel that it is very important for the Congress to speak out. In my opinion, repealing war powers is like abolishing the fire department just because there has not been a fire in the last couple of years. We are facing an intervention in Bosnia right now. Just because Congress has not used the War Powers Act—

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(By unanimous consent, Mr. ROTH was allowed to proceed for 3 additional minutes.)

Mr. ROTH. For example, I think we are facing a very perilous time right now in Bosnia, and, as I mentioned before, there is a looming crisis. If we repeal the War Powers Act now in the face of a wider war in the Balkans, this Congress could, in my opinion, be guilty of dereliction of our duty to the American people and the young Americans whose lives may be at risk.

I feel that we in Congress have an obligation to speak out, and I am sorry that we have not been speaking out more forcefully in Bosnia. If the President is going to put 25,000 troops in Bosnia, why is this Congress not speaking out? Why are we not debating that issue on the floors?

On Friday we lost a pilot in Bosnia, one man, one American, and today it is Wednesday. We still have not found him. We do not know if he is alive or dead. Now we are getting ready to put 25,000 troops into Bosnia, and this Congress is not debating this issue.

I think we are being derelict in our duty, quite frankly, and I think that is why the war powers resolution is important, because it keeps Congress in the act. But if the President, as we have seen, is listening to people other than Congress, I think that is why the war powers resolution is so important.

How many of my colleagues here are aware just how close we are to fighting in Bosnia? I certainly hope we are aware of it. The Clinton Administration has promised to send some 25,000 ground troops into Bosnia. This is very serious; it is serious for our troops.

Sure, the people here are not going to be fighting, but the kids off the dairy farms in Wisconsin, small cities of Wisconsin, are going to be fighting, and I do not want them going into Bosnia without my having a right to speak up on the floor and having this entire Congress debating that issue. That is why this is important.

We all too often have been derelict in our duty. We have had 40 engagements since the War Powers Act was instituted, and only twice, only twice, have we invoked the war powers, and I think it is very important, especially at a time like this, that we not repeal the war powers resolution.

It has not harmed our foreign policy. We have had it for 22 years. Show me one instance where it has done any

harm. It has not done any harm, so why repeal it?

With this administration seemingly bent on jumping into the quagmire, we simply cannot afford the risk.

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

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

Mr. HYDE. Can the gentleman envision Saddam Hussein taking comfort in the fact that after 60 days maybe the troops would be withdrawn while Congress dithered?

Mr. ROTH. Reclaiming my time, I say to the gentleman, Congress did not dither. I was here on the floor, and so were you, and so was everybody else when we voted to give George Bush, the President, the power to go into the Gulf War. So we were in that decision, and it didn't stop, hinder, us in any way because we had the war powers resolution.

I do not think that the war powers resolution ties the hands of a President, and I say, You're never going to be able to do that, but I think what it does is put Congress into the equation, into the debate. When we go into these issues of life and death overseas, I think it's not only right but it's proper, and it's our duty to do that.

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

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

Mr. HYDE. I just want to say I was here in 1975, and I remember it was 2 o'clock in the morning, and we were debating, and we debated—the total debate lasted three weeks, and President Ford wanted authority to send troops to get our people out of Saigon, and Congress never could reach a decision, and I remember John Connolly—John Conlan, I guess his name was, from Arizona—standing there saying, "It's Dunkirk over there. We're getting pushed in the sea."

Congress could never come to closure. The President finally sent the troops anyway, but that is what it was—

Mr. ROTH. Reclaiming my time, in the 22 years that we have had the War Powers Act on the books, it has not inhibited the President for a second in any particular time, and the Congress has got to be involved in these important issues.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(On request of Mr. BERMAN and by unanimous consent, Mr. ROTH was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, would the gentleman yield for a question?

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

Mr. BERMAN. Through the gentleman I would like to ask the gentleman from Illinois:

"I think there is a good case that the 60-day provision creates a level of uncertainty and can create an expectation in the enemy that doesn't serve

U.S. national interests. But you don't need to repeal the War Powers Act to do that. You need to deal with the 60-day requirement, and I just wonder how the gentleman feels about that particular concern, given that it is not enough to say the appropriations process. If you are talking about rescinding the appropriations for the military in the middle of a fiscal year, you are talking about getting the votes to pass it to override a veto. It's very different than the majority of the Congress cutting off—as simple as cutting off the appropriations in the middle of the year. That can't happen."

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my colleague from Illinois for graciously letting me go out of sequence here, although it does keep a continuity of pro-con, pro-con, and I will try and be brief here because I have pride of ownership here.

H.R. 1111 was the only bill in either body all year building up to this debate. I am indebted to my friend, the gentleman from Illinois [Mr. HYDE], for carrying this. I am going to put Mr. HYDE's article, which I think says it all, when we go back into full House, and I will ask permission to do that at the end of the debate, and I am really curious to see how this debate is going to turn out because it has been an excellent debate, and I have got friends all over this.

As a matter of fact, the reason I am a bit antsy and about to get a hernia to get my chance is I have got the Secretary of Defense, William Perry, and Chairman of the Joint Chiefs, Shalikashvili, sitting there in the National Security Committee, and I do not want to send one single American young man or woman, not even fighter pilots, not "Deny Flight," not top cover, not close air support. No American from this country, or Canada for that matter, should die for Europeans again in another civil war inside Bosnia-Herzegovina, and look what is seemingly contradictory. I am trying to give the President more power to act, and the reason I ask for that number 1111 is because this gives the Commander-in-Chief the ability to move quickly, effectively, unilaterally in our national interests before a prolonged debate here brings in Europe, Asia and Africa's opinions, and it enables him to move decisively.

Now obviously I am doing this for future Presidents. Nobody thinks about some of these military expressions like over hill or over dale, or off we go into the wild blue yonder, when you think of our Commander-in-Chief, let alone Semper Fidelis or Semper Paratus. However, I am doing this for history, for the Presidents to come. I would not go back through all the President's letters.

Suffice it to say this:

"Somalia proved the point of Mr. HYDE and myself, Mr. FUNDERBURK. So-

malia proved that the current chain of command is more concerned about meeting requirements of the war powers resolution than ensuring that we deploy adequate combat power when necessary. If it weren't for this darned War Powers Act, we never would have thought twice about lending one M-1, one tank, or one Bradley. They had six of those at Waco. We didn't have one to blow through those road blocks on the ground in those filthy alleys of Mogadishu. We would have had our AC-130 Specter gunships in there. American troops would have had the support they needed, and maybe not one or most of the 19 of best-trained sergeants and helicopter crews would have died in the alleys of Mogadishu."

Please support the Dornan-Hyde amendment. It is time to repeal the War Powers Act, and I look forward to an overwhelming vote today, and I tell the gentleman in front of my colleagues, "Mr. DURBIN of Illinois, I owe you one."

Mr. DURBIN. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, I respect my colleague, the gentleman from Illinois [Mr. HYDE], and I respectfully disagree with his amendment.

□ 1645

One of the saddest responsibilities of any Member of Congress is to stand at the funeral of a fallen soldier. Many of us have had to do it. After the crack of the rifles, after the honor guard has folded the flag from the casket into a neat tri-corner and handed it to the family, it is often our responsibility to walk over to the family of the fallen serviceman and to strain to find some words to say.

I do not know that I could walk up to the family of a soldier who has died in the invasion of a foreign land, and say I am very sorry, but Congress voted just a few weeks ago not to have any voice in the decision as to whether your son or daughter would go to war. You elected me as your Representative, but I had no voice in a premeditated declaration of war which ultimately took the life of your son or daughter. You gave me your voice in Congress to represent you, and I gave it away. I could not say that.

Our Constitution could not make it clearer. Article I, section 8, clause 11 of the Constitution confers on Congress, the House of Representatives and the Senate alone, alone, the power to declare war, and the War Powers Act, imperfect though it may be, is an effort to carry out the intent of our Constitution, the clear unambiguous intent of that Constitution, to require Congress, and the American people through them, to enter into a debate and deliberation before we send our sons and daughters off to die.

I think today, 22 years after the fact, we may have forgotten the circumstances of the creation of this War Powers Act. It is said that those who ignore history are doomed to repeat it.

This act was enacted in 1973 over the veto of President Richard Nixon. It followed the Vietnam war. It was an extraordinary situation. Congress came together, Democrats and Republicans, and rebuked the sitting President of the United States and said "We have learned our lesson. Vietnam has taught us a bitter lesson. Never, never, never again will this country allow so many wonderful young men and women to give up their lives without the kind of full-scale national debate of this Nation through its Congress."

Then we enacted the War Powers Resolution, after 58,000 Americans lost their lives in an undeclared war which Robert McNamara now concedes as unwinnable in his infamous apologia. An America ravaged by the divisive national debate over Vietnam, an America devastated by the loss of so many good men and women in that war, an America cynical over being lied to and misled by Presidents of both political parties, that America of 1973 passed this law and vowed to do everything in its power to avoid any repetition of the national tragedy of Vietnam.

So today, 22 years later, we come to repeal the law, to walk away from it, to basically abdicate our congressional responsibility, to say to this President and every President to come, it is your responsibility. It is your war. Come see us, consult us, talk to us. If we get upset with it after it is done, we will probably try to address it through an appropriations process.

Like so many other actions we have taken over the last several months, this is a further erosion of the power of everyone sitting in this gallery and everyone listening to my voice who elects a man or a woman to come and stand in this well before this microphone and speak for them. It takes away that power. It takes away the authority of your family to be represented in that national debate.

As I reflect on what I have accomplished in the years that I have served in the House of Representatives, one of my proudest moments was to cosponsor a resolution with former Congressman Charles Bennett before the Persian Gulf war. That resolution brought every Member of the House of Representatives to the floor in an all-night session to express their most heartfelt views as to whether or not we should engage in war. It was the finest hour of this Chamber in all the years that I have served. We stood tall for the constitutional principle that it was our responsibility to declare that war and to decide whether anyone's life would be risked. And we passed that resolution, saying it was the congressional responsibility, by a bipartisan vote of 302 to 131. We then went on to vote on the question.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 3 additional minutes.)

Mr. DURBIN. Mr. Chairman, as was alluded to by the gentlewoman from Colorado, after that debate, after the bipartisan decision that it was Congress' responsibility to decide whether we would go to war, we voted on the question. You could have heard a pin drop in this Chamber. People were waiting to see what would happen. It prevailed. President Bush's position prevailed. And even those, and I was one, who were critical of the idea of engaging in that war then said the debate is over. We stand behind the men and women whose lives are on the line. And we went forward, united as a Nation, to a swift and decisive victory.

Now, I know when the Constitution was written wars were conducted in a much different fashion. It took months, sometimes years, to muster an army and to bring about a war. There was plenty of time for deliberation. We live in a different time. The Commander in Chief of the United States, the President, has that express authority in the Constitution. He must respond to emergencies immediately. He cannot wait for Congress to debate it. The President of the United States as Commander in Chief must take defensive actions immediately. He cannot wait for a committee hearing.

But in a Persian Gulf war situation, with a premeditated deliberation, we had a chance as a nation to decide as a nation what we would do. This decision today, if we adopt the Hyde amendment, completely walks away from this congressional opportunity and responsibility.

To argue that we could take the funds away once the war has started, sure, that could happen, over months, maybe even over years, as we debate back and forth the right language, whether an appropriation will be changed, whether we can override a veto. Sure, Congress has a voice in it, but only a voice, and a muted one, because of this amendment.

I implore my colleagues not to seize this amendment as the opportune moment today in today's circumstances, but to reflect on the history that led up to this war powers resolution, the history of Vietnam, the history that taught us as a country and as a Nation we must stand together as a people and debate whether or not we engage in premeditated war.

Mr. Chairman, I urge my colleagues to oppose the Hyde amendment.

Mr. FUNDERBURK. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. HYDE. Mr. Chairman, I just want to say I listened awestruck by what the gentleman from Illinois just got through saying. It appears to me that he really believes this act, this war powers resolution, which the Congressional Reference Service 2 days ago said, with respect to your question re-

garding the number of instances when the Congress has utilized the war powers resolution since its enactment in 1973 to compel the withdrawal of U.S. military forces from foreign deployments, we can cite no single specific instance when this has occurred.

It has never been used. The gentleman seems to imply that Congress would be in a state of paralysis if we got into a combat situation. I would tell the gentleman, but he knows this, we have a Committee on Appropriations, a Committee on Armed Services, a Committee on International Relations, and they would be vigorously holding hearings and disbursing legislation, and we control the purse. The existence or nonexistence of the War Powers Act is utterly irrelevant.

I thank the gentleman.

Mr. FUNDERBURK. Mr. Chairman, I am proud to stand with Chairman HYDE and Congressman DORNAN as an original sponsor of this amendment.

Mr. Chairman, there is no more vocal critic of this administration's foreign policy and its misuse of the military than this Member. My district borders Fort Bragg. The soldiers of the 18th Airborne Corps have borne the brunt of the Clinton administration's misadventures in Somalia and Haiti. As we speak the Clinton administration is even contemplating action in Bosnia. But, the issue here is not the competence of Bill Clinton. The issue is whether we will be faithful to the Constitution and restore the delicate balance of power between the President and the Congress.

There will be some who say that the timing of this amendment is wrong. They argue that with war in Bosnia looming we should maintain the status quo. That argument is wrong on two accounts. First, adhering to the original intent of the Framers is never wrong. Second, the repeal of the War Powers Act increases the President's responsibility for explaining to the American people the reasons for expanding our role in Bosnia. Repeal the War Powers Act now and Mr. Clinton can't say his Bosnian policy was hamstrung by the Congress.

Mr. Chairman, despite events in Bosnia, this isn't a partisan fight. Every President since 1973, Republican and Democrat, has urged the repeal of the War Powers Act. Plain and simple, it is a ticking time bomb. If we don't diffuse it now, at a time of relative peace, it has the potential to explode during a great national crisis. In a strange way, this act, first promoted by the so-called peace movement of the 1960's and 1970's, reduces deterrence, increases the risk of war, and places our combat troops in greater danger.

Let me put this debate in some historical context. The conflict between congressional and Presidential war powers is as old as the Constitution. But, until the twin disasters of Watergate and Vietnam, the President's authority over the deployment of American troops had been relatively undis-

puted. The War Powers Act, passed over the veto of President Nixon in 1973, changed that. The act was the centerpiece of the activist, radical Vietnam/Watergate Congress.

As Ambassador John Norton Moore notes, the first problem is that the act itself is a product of a myth—the myth that somehow the Vietnam war was “a presidential war” and if Congress only had a veto over the President's war powers there would have been no lives lost in Indochina. That myth is nonsense. From the time of the 1964 Gulf of Tonkin resolution, the Congress passed appropriation after appropriation to pay for the increase in troop levels and material requested by the White House. The late Sam Ervin, the primary opponent of the War Powers Act and the leading constitutionalist in the Congress, argued that each Vietnam resolution and appropriation was a “declaration of war in the Constitutional sense.”

Congress was a full and equal partner in the decision to prosecute the war. Only when the war became unpopular did the Congress try to shift the blame and the result was this misguided legislation.

This act is clearly unconstitutional. At its heart is an attempt by the Congress to define the war powers of the President. The Congress has no such authority. The President's power comes solely from the Constitution of the United States not a temporary majority on Capitol Hill. Congress has the power to provide the President with an Army and a Navy and to declare war but it has no constitutional authority to deny the President his right to deploy and engage American forces in any action short of offensive war.

Section 5 of the act contains the most egregious violations of the Constitution.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. FUNDERBURK] has expired.

(By unanimous consent, Mr. FUNDERBURK was allowed to proceed for 2 additional minutes.)

Mr. FUNDERBURK. Mr. Chairman, it requires the President to withdraw troops in any situation in which hostilities are possible within 60 days of the deployment. It gives the Congress a legislative veto over the constitutional prerogatives of the Executive. This is a flagrant attempt by the Congress to exercise the Commander-in-Chief authority vested by the Framers in the President.

Section 5 is also practically dangerous. It tells friend and foe alike that the President's commitment of force is only good for 60 days, after that American resolve is left to the whim of 535 Secretaries of Defense in the Congress. It sends a signal that if the Congress can't determine the propriety of the President's actions, this act automatically assumes that the President is wrong and it works as a silent veto over his decision. Knowing that American forces will disappear in 60 days

might encourage an enemy to fight harder or wait us out in order to gain a political victory.

We have been lucky so far. But we can't continue to gamble with American security. What happens during a crisis to a President who considers the War Powers Act unconstitutional? The President must either give up his right to uphold and defend the Constitution or force a fight with the Congress at a moment of maximum danger to America. Can we afford to have such a momentous decision left up to the unelected justices of the Supreme Court? Let's head that disaster off right now. Mr. Chairman, it is long past time to repeal this dangerous legacy of the Vietnam era—it is time to dispose of the War Powers Act.

Support the Hyde-Dornan-Funderburk amendment.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

□ 1700

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

Mr. HAMILTON. Reserving the right to object, Mr. Chairman, we are prepared on this side at some point to enter into a limitation of time and agree to a unanimous consent request. We do have a bit of a problem here, because there is an important briefing going on now in the Committee on National Security on Bosnia. I am informed that several of those Members would like to speak.

May I ask if the gentleman would defer his request for maybe 15 or 20 minutes, and we will try to reach an agreement.

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

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

Mr. GILMAN. Mr. Chairman, I will be pleased to defer for another 15 minutes.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for his cooperation.

Mr. GILMAN. Mr. Speaker, I withdraw my unanimous consent request.

The CHAIRMAN. The unanimous-consent request is withdrawn.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is interesting, if you followed the debate, the discussion of the repeal of the War Powers Act, what we have here actually is a partial repeal of the War Powers Act without due deliberation.

The committees of jurisdiction, the Committee on International Relations, has held no hearings and has marked up no legislation; the Committee on National Security, which is vitally concerned, has held no hearings and

has marked up no legislation. Yet before us suddenly springs full blown a proposal to partially repeal the War Powers Act and to substitute a shadow of the constitutional powers delegated to the Congress by the Constitution.

We would be better served if this were an absolute repeal. It would be cleaner, and it would not give anyone the impression that the role of Congress was "the President shall in every possible instance," that is a pretty big loophole, "consult with," does that mean, Congress, who are they? All 435? I am a member of Congress. Would I be consulted with? Would I have an opportunity to represent the people of my district? No. A few people could be selected; one person could be selected. What does it constitute? This is a shadow of the authority that was granted to the Congress by the Constitution.

I admit that the War Powers Act is, in fact, effective and at the end of my 5 minutes I will sketch out a fix. But to partially repeal it and instead impose a very weak, prior consultation loophole-ridden provision certainly gives solace to those who believe that the commander in chief, the president, is pre-eminent. Unfortunately, none of the Framers of the Constitution felt that was a very good idea.

If you would refer to James Madison's notes on the Federal Convention, he quotes:

Mr. Sharman thought it stood very well. The Executive should be able to repel and not to commence war. "Make" better than "declare," the latter narrowing the power to much.

Mr. Gerry never expected to hear in the Republic a motion to empower the executive alone to declare war.

Mr. Mason was against giving the power of war to the Executive because not safely to be trusted with it; nor to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but facilitating peace. He preferred "declare" to "make."

On a motion to insert "declare" in place of "make," it was agreed to.

That is reserved to the United States Congress, as is the power to raise armies.

The gentleman, the esteemed gentleman from Illinois has pointed out, certainly we have the powers of the purse, but once you of deployed troops, secretly, after consultation with one or more Members of Congress, if the opportunity arose and it was convenient for the President, once those troops are on the ground, under hostile fire, is this Congress going to stand up and repeal the funds immediately? No. Member after Member will come to the well and say, we must stand with the Commander in Chief, we must stand behind those troops, no matter how ill-intentioned the initial deployment. This Congress is not going to have anymore guts to cut off the funds than it does to use the implementation of the act and to require that the President submit a report, which has not happened during my time in this Congress.

The key here is prior restraint before we get into a shooting war, before we

have had casualties, before emotions run high. Prior restraint was in the Senate version of the War Powers Act and, had we adopted the Senate version instead of the more watered-down House version, we would have an effective War Powers Act. We can fix the War Powers Act. We can require prior restraint and require consultation as the Framers of the Constitution intended.

It is no surprise that four former Presidents have said, "Repeal the War Powers Act." Of course, every Executive, as the Framers of the Constitution pointed out, is wont to foreign adventures without the restraint of this body, without having to go through a torturous debate before the U.S. Congress on the passing of resolutions.

But remember, again, if we are to do this through the appropriations of the powers of the purse, if a President has gone forward and if the Congress, a majority of the elected representatives of the people should say, "Let us restrain the President, let us bring the troops home," the President could veto that resolution and it would require a supermajority of the Congress to exert our constitutional role.

Under this act, if we adopt this amendment, this is not a repeal of the War Powers. If we adopt this amendment to the War Powers Act, future Congresses will require a two-thirds majority in order to restrain the President's war-making authority, certainly nothing that the Framers of the Constitution would have envisioned, nor endorsed.

There is a fix to War Powers. It is possible. Three modifications: a return to the concept of prior restraint, as was in the original Senate bill, defining in advance those uses of the armed forces in hostilities for which the President needs no prior authorization; a prohibition on any other use of the Armed Forces in hostile situations and on any of the permissible uses lasting longer than 60 days.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

(By unanimous consent, Mr. DEFAZIO was allowed to proceed for 1 additional minute.)

Mr. DEFAZIO. A prohibition on any other use of the Armed Forces in hostile situations and on any of the permissible uses lasting longer than 60 days, unless such use is authorized by Congress, and using purse string restrictions to enforce the prohibition; and providing for judicial review.

This is key. I am one who has gone to try and defend the constitutional prerogatives of the Congress several times in the last decade. But the courts will not act. We need to give standing so we need to provide for judicial review by conferring standing to bring suit upon Members of Congress in the event of presidential noncompliance and limiting the court's discretionary powers to dismiss such cases.

That would fix War Powers. That would reassert the war-making powers

of the United States Congress. But if we adopt this amendment to War Powers, not repeal, we will superimpose and put in place a mere shadow of the power of Congress. And, yes, some Members of Congress might be consulted if it is convenient for the president and then we will have a war. I do not believe that that is what the American people want.

Mr. COX of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the preceding speaker in the course of his remarks acknowledged that the War Powers Resolution that we have before us that has been in effect for the last 22 years is toothless and weak. It is the weak version that was adopted that contains no restraint whatever on the Commander in Chief exercising the war power legitimately given to the Congress under the Constitution. In fact, it is a 60-day grace period during which this resolution unconstitutionally purports to confer that power for a time on the president.

I rise in wholehearted support of the amendment of the gentleman from Illinois [Mr. HYDE] to repeal the War Powers Resolution. It is now, and has been every day since it was passed, unconstitutional.

As has been pointed out several times in the course of this debate, President Clinton, President Bush, President Reagan, President Carter, President Ford and President Nixon all have said that this War Powers Resolution in effect for the last 22 years is injurious to the national security of the United States.

It is harmful to the United States. This resolution weakens both the President and the Congress. It is that bad. In time of crisis, it actually increases the risk of war. Most importantly for purposes of this debate, it offends two centuries of our constitutional history.

First let us take a look at how it weakens the Congress. It is very important to recognize that that is exactly what this is all about. It is a 60-day abdication of Congress's legitimate war-making power. Article I, Section 8, clauses 1 and 11 of the Constitution give to Congress the power to provide for the common defense and to declare war. There is no requirement that the Congress wait 60 days in order to exercise its constitutional authorities in these respects.

But the War Powers Resolution with its 60-day grace period purports to give the President *carte blanche* to wage war for a full 2 months without any congressional authorization, just as President Clinton did in Haiti. The War Powers Resolution has provided political cover for this Congress to sit back and do nothing for months, to abdicate its responsibility so that later it can take political pot shots at the President and the Commander in Chief after our troops are already in the field.

It has bread flabbiness in the real war-making power of this Congress. It

has caused this body to retreat utterly and shamelessly as it did in Haiti when the then-Speaker of the House went so far as to prevent this House of Representatives from even debating the use of force in Haiti.

It weakens the Congress as well as the President. Here is how it is weakening the President. The vesting clause, Article II, section 1 of the Constitution, unambiguously grants to the President, not to the Congress, the totality of the executive power. Article II, section 2 of the Constitution provides that the President shall be the Commander in Chief of the Army and Navy. For centuries American Presidents have relied on these sweeping grants of authority to use our Armed Forces in a host of contexts without prior congressional action such as responding to attacks or threats on American forces, citizens or property, or when secrecy or surprise are essential.

No one thinks that we ought to have weeks and weeks of debate before the Commander in Chief could act in those circumstances or where the necessity for an immediate military response leaves no opportunity for congressional action. But the War Powers Resolution in effect over these last 22 years purports to shrink these historic inherent Presidential powers to just one circumstance: a direct attack on the United States.

Thankfully the War Powers Resolution was not on the books for a single one of the major wars in which our Nation has been involved over 200 years. It is a distortion of our Constitution. It ignores the entire course of our constitutional history. If it were correct, then Presidents Adams, Jefferson, Lincoln, Grant, Wilson, FDR, Truman and Eisenhower were all lawbreakers.

No American President of either party, including President Clinton, has ever recognized perversion of our constitutional order. None has ever pretended to follow its terms. It is instructive that in the course of this debate not a single Member has pointed to a single instance in which the War Powers Resolution was in fact invoked to withdraw U.S. troops from combat. It has not ever happened.

The War Powers Resolution claims to force an end to hostilities in 60 days unless Congress has affirmatively acted. This unwise and inflexible rule has emboldened our enemies. They have every reason to doubt our resolve.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX of California was allowed to proceed for 2 additional minutes.)

Mr. COX of California. It has tempted our enemies to think that America's staying power in any conflict is limited to those 60 days. It is ironic that this measure enacted 22 years ago ostensibly for the purpose of limiting the use of force, minimizing it, has vastly magnified the risks of war, and it will

continue to do so every day that it is on the books.

The War Powers Resolution illegitimately pretends to allow Congress by simple concurrent resolution to compel the President to break off military action. That is a flatly unconstitutional legislative veto. As the chairman, the gentleman from Illinois [Mr. HYDE], has pointed out so eloquently, through the exercise of its legitimate constitutional powers this Congress has ample means to achieve the same result.

Mr. Chairman, we can redress a grave constitutional injury today. We can improve the stature and the standing of Congress. We can protect our legitimate war-making prerogative by repealing the War Powers Resolution. We can strengthen the Commander in Chief simultaneously and restore his legitimate constitutional authority. And we can better defend the national security against tyrants and other external enemies by letting the world know our staying power in any conflict extends beyond a mere 60 days.

Mr. Chairman, our Constitution is right. The War Powers Resolution is wrong. Let us repeal it today for the sake of our national security and for the peace of the world.

□ 1715

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say first of all that I think the gentleman from Illinois, Mr. HYDE, has performed a genuine service here in bringing this amendment forward. There just is not any doubt at all that the War Powers Act just has not worked well.

The gentleman from Illinois has a serious amendment. It needs to be and is being carefully discussed. He very well points out that there are serious flaws in the War Powers Resolution. He is correct when he says that no President accepts the War Powers Resolution in its current form. He is correct, I think, when he says that the 60-day clock provision means the Congress can control by inaction, and thereby play into the hands of an adversary.

He is correct, I think, when he says that the concurrent resolution mechanism does not work. Put aside constitutional questions, which are serious, but that mechanism does not work. The statute does not define hostilities, and that allows the executive branch to stretch the meaning of it beyond rationality. The consultative process could stand a lot of improvement. I concede all that. I acknowledge that.

On the constitutional level, although it has not been finally determined, the concurrent resolution mechanism has likely been rendered moot by the Chadha decision on legislative vetoes. The 60-day clock by which congressional silence or inaction requires a President to bring the troops home very likely steps over the line into the President's Commander-in-Chief powers.

Having said all of that, on the constitutionality of the core principle behind the War Powers Resolution, it is at that point that I think that the gentleman from Illinois [Mr. HYDE] and I disagree. I believe that the Constitution absolutely requires that Congress share with the President the decision to send troops abroad for combat. We do not always do it, we often do not like to do it, but I do not think that we should cede the power away. That is the way I read the gentleman's amendment.

Mr. Chairman, it is very important to recognize the advantages of the War Powers Resolution. Despite all of its deficiencies, there are some real advantages to it. The decision to commit American forces to combat is the gravest decision that a government makes. Presidents are not infallible. They do make mistakes. They are surrounded by aides, almost invariably aides who favor the executive power. When faced with a judgment about committing troops abroad, I believe that the President needs the balanced judgment from the legislative branch.

The core principle behind the War Powers Resolution is that sending troops abroad requires the sound collective judgment of the President and the Congress. I do not think that principle should be abandoned. The War Powers Act provides a framework for shared decision making. It gives the President strong incentive to consider the opinion of the Congress, and I think most of us who served in the Congress before the War Powers Act and after the War Powers Act understand that presidents now are much, much more careful about consulting with the Congress with the War Powers Resolution than without it. It provides a precedent process to get congressional advice to consult with the Congress, and it does, I think, give the Congress some leverage on this key decision of sending troops into combat.

Mr. Chairman, the argument is made that the War Powers Resolution weakens the President's hand. I believe I would argue just the opposite. When the Congress goes on record in support of the President's judgment to send combat troops abroad, that collective judgment strengthens the President's hand. I think it strengthens the role of the United States in the conflict, because it shows that the Congress and the American people support the President. Absent the clear indication of support what a congressional authorization provides, the President and his policies are vulnerable to every blink of public reaction when U.S. forces face hostilities.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(By unanimous consent, Mr. HAMILTON was allowed to proceed for 3 additional minutes.)

Mr. HAMILTON. Mr. Chairman, we do a lot of signal sending in this body. I think the signal sending we do today

is important. I have come down on the side that repealing the War Powers Act sends the wrong signal, because, as others have stated, it represents an abdication of our powers. It gives the President a kind of a green light for his action without the legislative branch, except consultation.

The argument is made, of course, that we have the power of the purse, and we certainly do, and that that is enough. I do not think I can agree with that. The power of the purse is not equivalent to Congress sharing the critical threshold decision, up front, about whether to send troops at all. The power of the purse is usually, not always, but usually exercised after the fact, weeks after the fact, sometimes months after the fact.

It is true that we can cut off funding any time for a given operation. It is very difficult to cut off funding before an operations starts, although we have done it on occasion, but it is difficult to do. Presidents are going to fight, as they should, to keep their options open. However, it is also difficult to cut funding after the troops are in the field. Senator Javits I think rightly pointed out that Congress can hardly cut off appropriations when we have American troops fighting for their lives in the field.

Mr. Chairman, I understand that the gentleman from Illinois has received a number of endorsements from former Presidents. However, I do not think that should surprise anyone. Former executives are not exactly disinterested parties in questions about war powers authority. This discussion goes to the very heart of what our institutional responsibilities are. Institutional prerogatives govern the war powers debate. It is not surprising that Presidents want fewer restrictions on their ability to take action.

However, I believe that the Congress should hold tenaciously to the power to share the tough decision about putting troops into battle. I look upon the act of repealing the War Powers Act as an act of abdication by the Congress of its power.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(By unanimous consent, Mr. HAMILTON was allowed to proceed for 1 additional minute.)

Mr. HAMILTON. Mr. Chairman, the Congress can stand against a President. The Congress can stand beside a President. What Congress must not do is to stand aside. Congress should not cede its constitutional responsibilities. We are a co-equal branch of government.

Of course, consultation is necessary and important, but it is not enough when it comes to the War Powers Resolution. This is an extraordinarily important debate that the gentleman from Illinois, [Mr. HYDE] has opened up. I know him well enough to know, and I have visited with him about it, that this amendment is the beginning,

and not the end, of a serious dialogue on the war powers. It is my hope that his amendment, if it is adopted, is not the final proposal, but I do think our vote today sends a signal.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. HAMILTON was allowed to proceed for 3 additional minutes.)

Mr. HAMILTON. Mr. Chairman, if we are prepared to cede congressional power on this important decision, then the vote is yes. However, if Members believe, as I do, that Congress has a role to play when we send these troops into action, that we ought to be in on that decision, even though we reluctantly take that decision, or try to avoid it, then I think Members should vote against this amendment.

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

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

Mr. HYDE. Mr. Chairman, I thank my friend for a thoughtful, well reasoned, and illuminating statement, which is typical of the gentleman. I just want to simply say in Vietnam there was not a bullet shot, there was not a gun held by a GI, that was not authorized and paid for by this Congress, and this Congress can stop it, or can make it go ahead any time it wants.

I suggest again to the gentleman that my amendment requires us to know, to be in at the take-off as well as the landing, to be not only informed but to be given reports, periodic reports. Then we have the power to stop it or go ahead, and be a full partner. We would be the dominating partner, because the President cannot wage war without our funding it.

Lastly, the lesson of Vietnam, to anybody who is not deaf, dumb, and blind, is that you cannot carry on a war without the support of the people. That means the support of Congress. We are, under the Constitution, under the power to appropriate and raise the money and spend it, we are full partners. We are the senior partner with the executive.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(By unanimous consent, Mr. HAMILTON was allowed to proceed for 1 additional minute.)

Mr. HAMILTON. Mr. Chairman, the gentleman from Illinois, of course, always states well and eloquently his position. I think the problem with the gentleman's position is that there comes a critical point, a very critical point when you have to decide to commit these troops or not. The power of the purse really is not involved at that point. We want the power at that critical point, at the threshold of the decision, to be part of that decision.

It is not enough just to be consulted. We have to be consulted, but it is not

enough. We are a co-equal branch of government. This is the most important decision a government makes, and we ought to be in on that threshold decision when it is made, not later when we take up the appropriations bill.

Mr. GILMAN. Mr. Chairman, we have now had 13 Members speak on this debate.

I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

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

Mr. HAMILTON. Reserving the right to object, Mr. Chairman, the problem I confront here is that we have a list of 8 speakers on our side remaining. That could easily jump by a couple. A cut-off at 6 o'clock, 15 minutes on each side, would just be extremely limiting.

Mr. Chairman, I wonder if the gentleman would agree to 6:30.

Mr. GILMAN. Mr. Chairman, we only have three speakers on our side. Would the gentleman agree to 6:15 as a cut-off time?

Mr. HAMILTON. Mr. Chairman, I would agree only to 6:30.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 1 hour, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

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

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 30 minutes.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

□ 1730

Mr. UPTON. Mr. Chairman, I thank the author of the amendment for yielding me the time as he knows that I am opposed to his amendment.

Mr. Chairman, I rise in opposition to this amendment for a number of reasons. As the previous speaker indicated, I do believe very strongly that we need a shared responsibility between the branches of the Government. I can remember well, probably the biggest vote that I have ever cast, certainly the biggest vote that I have ever cast was to give President Bush the authority to go into the gulf war. I view the War Powers Act as one of the major issues back then as to why the President came to this body and came to the American people and persuaded them convincingly that that was the right vote. I am not so certain that he would have done that had there not been a War Powers Act.

I have talked to Members of Congress on this floor today who have indicated

that had he not come to the House floor, they probably would have voted to impeach him, and yet they still voted for the resolution as it passed that night in January on a fairly convincing vote.

Mr. Chairman, I remember well an earlier vote that same night, the Bennett resolution, a resolution that passed in this floor 302-131. It expressed the sense of Congress that the Constitution vested the power to declare war on Congress and that the President must gain congressional approval before any offensive military action could be taken against Iraq. That was a check and a balance. That is what this Government is about, a check and a balance.

As I look at the votes that were cast on overriding the President's veto, President Nixon back in 1973, I look at a number of my colleagues past and present. I passed one today, Larry Coughlin, who voted to override the President that day. But I look at some of the names, Mr. Edwards and Dickinson of Alabama, later became the ranking members on the Committee on Armed Services here in the House and served in a distinguished way and on Appropriations as well. I look at Mr. Rousselot from California who voted to override, at the gentleman from Illinois [Mr. CRANE], still in the House, and Mr. Erlenborn and Mr. Anderson. I look at TRENT LOTT, now the majority whip in the Senate, who voted to override. I look at my own former Members from Michigan, Bill Broomfield, who were ranking Members of this committee. I look at Mr. Frenzel.

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

Mr. UPTON. I yield to the gentleman from Illinois. I wish the gentleman had been in the Congress in 1973.

Mr. HYDE. Mr. Chairman, I would just point out to the gentleman that there was another issue overhanging that debate and that vote. The President had just gone through the Saturday night massacre. There was nobody more vulnerable on this planet than Richard Nixon, and I dare suggest, without knowing, a lot of those people wished to show a lack of support for the President because of the problems he was having. I could be wrong but I would just like to offer that. I thank the gentleman.

Mr. UPTON. Again, I respect the gentleman from Illinois tremendously, but this is an issue that puts the Congress as a player in making decisions that are certainly, I think, the biggest ones that we make, sending, whether it is our children or our friends' and neighbors' sons and daughters off to war. I believe that it has to be more than a consultation process, it has to be one where we can take some action. Again, I look at the gulf war. I do not believe that President Bush may have come to this body seeking our approval without that hanging over his head. He did so, and he did so admirably. He made the point and we had strong bipartisan sup-

port. Thank goodness it was the right decision for all of us to live by.

I would just suggest that perhaps we do need reform of the War Powers Act, having seen it play now for 20 some years. But I do not know that revocation is the answer. I would certainly welcome hearings before the Committee on National Security and others to look at ways that we can improve the bill rather than repeal it. I urge my colleagues to vote no.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] is recognized for 30 minutes. Does he choose to yield time?

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] is recognized for 7 minutes.

Mr. SKAGGS. Mr. Chairman, I thank the gentlemen for yielding me the time.

Mr. Chairman, I have great respect for the gentleman from Illinois and believe that he has offered what is almost a good amendment. In a debate like this about one of the most significant powers that the Constitution grants to the Congress, I think it is well to look back to the thoughts of one of the Founders and perhaps the Father of the Constitution. Madison observed as follows about this power, and I quote:

Those who are to conduct a war cannot in the nature of things be proper or safe judges whether a war ought to be commenced, continued or concluded. They are barred from the latter functions by a great principle of free government . . .

In other words, the Executive who would be charged with the prosecution of the war should not be considered the proper authority for determining whether to commence one.

We clearly have constitutional problems with the current War Powers Resolution. I think in order to understand those, we really need to parse out the kinds of situations that we face that implicate the war power provisions of the Constitution.

First clearly we have those actions that truly involve the commencing of war in a constitutional sense. I would assume that the gentleman would agree that in those cases, the power of Congress is paramount. It is not a matter of consultation or reporting or a shared power. It is our responsibility, and no one else's, to make the decision.

Then there are all other cases, deployments of one sort or another, emergency responses, humanitarian efforts, all of the variations on the theme in which I believe we have to concede a good deal of constitutional authority to the President of the United States both as Commander in Chief and as the individual with authority under our system to conduct the foreign policy of the country.

The War Powers Resolution impinges on the constitutional authority on the one hand of the President in some instances where it is our paramount responsibility to act. And it impinges on the constitutional authority of the President as Commander in Chief in some instances, in those other wide-ranging examples that fall short of the commencement of war in a constitutional sense.

It is a defective statute constitutionally with respect to both the executive and the legislative branches and the responsibilities we each have under the Constitution.

This amendment is perhaps unfortunate in that it does not go far enough and simply repeal the War Powers Act in toto. Or better yet, we should attempt a constitutionally coherent effort to explain and to state the respective roles of the executive and the legislative branches with respect to military action abroad.

Instead, this partial repeal, I fear, will leave a remainder of the War Powers Resolution that carries an unfortunate implication. And that implication is that the presidential authority in war is restrained only by a consultative and reporting requirement. I do not believe that is what the gentleman intends. It is certainly not what the Constitution permits. But relative to the current state of debate as reflected in the War Powers statute, that I think is the only inference to draw from making this change.

I think we do a great disservice to the constitutional responsibility of the Congress under Article I if we appear to tilt too far in expressing deference to the executive.

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

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

Mr. HYDE. Mr. Chairman, I think it is a fact of modern history that declarations of war are gone. I think they are anachronistic. I do not think they will happen. Clearly the Constitution assigns the declarations of war function to Congress and only to Congress. But declaring war has consequences in a technologically advanced world that nobody wants to face.

Had we declared war against Vietnam, the fear was China and Russia would have had to declare war against us. So you get into a cascading snowball situation. Instead what you do is you call it a police action, as we did in Korea, or you call it something else, but you do not formally take that giant leap of declaring war.

So we are back to the President as Commander in Chief having the authority to move troops around but we always have the inescapable function of Congress, and that, too, is constitutional, to provide the appropriations. Without the appropriations, they cannot get a drink of water.

Mr. Chairman, I just suggest that requiring consultation does not exhaust

Congress's authority. We have the untrammelled authority to unappropriate, disappropriate funds. That is the key, and that makes us the king of the hill. I suggest that by repealing the foolish, nonsensical, unusable parts of the War Powers Resolution and requiring the President to keep us informed comprehensively, we enhance the use, ultimate use of our appropriation authority.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I simply disagree with the way the gentleman characterizes the ultimate impact of what he is proposing. I think it really would be a default to the executive on the powers that we must hold.

I think the gentleman makes a good argument for amending the Constitution, perhaps, to reflect current times. I would disagree with that step, but that is the argument he is really making. In fact, I think we need a more constitutionally subtle and discrete approach to this issue than is encompassed in his amendment, perhaps one that would be the product of a full committee hearing and deliberation process in both the Committee on International Relations and Committee on National Security.

In any case, under these circumstances with this debate on this bill, I would reluctantly urge a "no" vote on the gentleman's amendment.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

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

Mr. Chairman, I have been in the Committee on National Security this afternoon listening to testimony by the Secretary of Defense and by the Chairman of the Joint Chiefs, and so I missed the earlier part of this debate.

I wonder if the gentleman from Illinois would answer some inquiries, some questions that I have regarding his amendment.

The first is, would you explain as briefly as possible just what you repeal. Second, would you please explain the purpose behind that.

I would like to add, if I may, is it not correct that Presidents in recent years, and my recollection is that during my term in Congress, which is the same as my friend from Illinois, that the Presidents have complied with the notification portions of the War Powers Act without acknowledging its force and effect.

Mr. HYDE. If the gentleman will yield, as a practical matter, the Presidents are wise enough to consult with Congress, let Congress know because you can not keep a secret when you move troops around the world. So the President has consulted. But no President has acknowledged it was pursuant to the War Powers Resolution. It was just common sense and comity between two co-equal-and-essential-to-each-other branches of government.

Mr. SKELTON. But would the gentleman answer my first question.

Please explain what you repeal and the basic reason therefor.

Mr. HYDE. Yes. Section 2707(a)1, the War Powers Resolution, is repealed. That is the law that requires the President after 60 days to bring the troops home if we have not acted affirmatively to support the presence of the troops there. In other words, by doing nothing, the President has to call everybody home, which gives a false expectation to our adversaries, if they just wait us out. It has never been tested in court. No President ever, of either party, has recognized it as constitutional. It is unworkable. I am just trying to clean up the law so we have left a requirement of consultation and reporting timely and comprehensive and we always have that appropriations authority. You will remember the Boland amendments which cut off funds for the Contras. We passed one every year over my objection, but we did. Just one example of Congress cutting off funds for belligerencies we did not agree with.

Mr. SKELTON. My next question, if you recall, deals with a bit of history back in the 1940 era, early 1941, when President Roosevelt made certain actions, particularly with the United States Navy. How would the War Powers Act have affected him?

Mr. HYDE. It would not. What we did was transferred destroyers to Great Britain. He declared them surplus.

Mr. SKELTON. No, no. In his activities in having patrols acting against the submarines of the Nazis at the time in the North Atlantic. Does that ring a bell?

Mr. HYDE. If he was sending troops into hostilities or into a place where hostilities were imminent, that is the language of the War Powers Resolution.

Mr. SKELTON. So, in other words, the War Powers Act had it been in effect in 1940-41 would have affected what President Franklin Roosevelt did at the time, is that correct?

Mr. HYDE. I do not know what knowledge Congress had of what was going on. If they knew and were looking the other way, as I suspect was the truth, nothing would have happened.

Mr. SKELTON. I thank the gentleman.

□ 1745

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

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

Mr. Chairman, every American schoolchild learns to respect and revere the Constitution of our country and those who wrote it. It is a near perfect document, an expression of extraordinary wisdom. But it was not without flaw.

Among those flaws has been a 200-year conflict in authority between the commander-in-chief and the powers incumbent upon him and the war-making

powers of this Congress. The problem was masked for many years. But time, changes in technology and diplomacy made a collision inevitable, the speed of war, the powers of weapons, the change of diplomacy. That collision came most dramatically in Vietnam.

The result was not simply the loss of life of thousands of Americans after a constituency for that war in this Congress and among our people had evaporated. There was another price, the near loss of legitimacy of this Government in its actions.

It has been suggested by the gentleman from Illinois that this Congress was not without recourse, at any moment we could have abandoned the providing of appropriations, withdrawn funding, and by doing so expressed the wishes of our constituencies and ourselves. And indeed in the final analysis, after more than 10 years of combat that is exactly what happened. But the War Powers Act was enacted because Members of Congress themselves found that that choice was inadequate. Members were not going to choose to take away appropriations from our own sons and daughters who were fighting and dying while they were in combat. They would not do it, and neither would we. It was not a sufficient power. We needed the right to express ourselves before the Nation engaged in combat.

The War Powers Act itself may not have been a perfect expression either. Indeed, from Grenada to Lebanon, for different reasons and different circumstances, we have seen the flaws in the act itself. But it has nevertheless in our own time been a valuable method of expression for this Congress, creating at a minimum a period of consultation, a consultation, a sharing of power between the Congress and the Presidency that did not exist when FDR invaded Nicaragua, or when Lyndon Johnson sent forces to the Dominican Republic.

In our own time that power has been shared and has been different. Would the marines have stayed in Haiti for 30 years if the Congress had had power when Woodrow Wilson acted. Would we have remained for a generation in Nicaragua when Roosevelt acted? It has been different and it has been better because of the War Powers Act.

Maybe George Bush never accepted its constitutionality. Maybe he did not agree and maybe today he would like to see us repeal it. But when he was faced with a judgment in the Persian Gulf, he was quick to bring Members of this Congress to the White House, and quick despite his objections to seek a congressional vote, because he understood not a problem, but an opportunity in the War Powers Act. He wanted Saddam Hussein to know that this was no Vietnam, you will not divide the American people in combat, that the Congress and the Presidency will act together, and so he did not seek to avoid a vote, he wanted it, because he knew of what it telegraphed to Iraq. That vote more than anything

else brought the United States allies and showed solidarity.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. The time is controlled by the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I regret I do not have the time.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent the gentleman from Indiana have 2 more minutes on his time.

The CHAIRMAN. The Committee is operating under an existing unanimous-consent agreement which equally divides the time on the Hyde amendment.

Mr. HYDE. What was the gentleman's request?

Mr. TORRICELLI. I asked unanimous consent for an additional 2 minutes.

Mr. HYDE. We should have an equal division then.

The CHAIRMAN. The gentleman has asked unanimous consent that the amount of time be extended by 2 minutes.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield 2 additional minutes?

Mr. HYDE. Of course I yield 2 minutes to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, there are many reasons why this system has survived for so long when so many other constitutional systems around the world have faltered, but there may be one which is more important, the idea of refusing to centralize power in the American constitutional system. Admittedly, this has been a conservative idea, central to conservative doctrine in the American political system, that no one individual and no one institution would monopolize power.

Ironically, a great Member of this House, a leader in the conservative movement, the gentleman from Illinois [Mr. HYDE], today would repeal this idea, and leading us back to a different time when one man, one institution in this Government could so control constitutional power.

I rise today in defense of that conservative idea, because cutting off appropriations is not an answer, and in an age with the technology today that exists, when the gentleman from Illinois is correct that war may no longer be formally declared, to give that power to one man is more dangerous than when Lyndon Johnson had it, more dangerous than when Franklin Delano Roosevelt had it. This constitutional system serves best by insisting that the Congress share in that right, and that the lessons of Vietnam and the opportunities of the Persian Gulf remain with us.

When there is a better way to distribute power, better than the Persian Gulf war lessons, better than the resolution we would repeal today, let us do it. It is not before this House today.

I thank the gentleman for yielding me the time.

Mr. HYDE. Would the Chair tell me how much time I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 17 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 20 minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I came to the floor this afternoon planning to support the Hyde amendment, and have been giving it a lot of thought since then and have decided to change my mind, one of those rare times where the debate on the floor actually affects somebody's decision.

I agree with so much of what the gentleman says. First of all, the argument that this law could be at the center of congressional participation in the decisions about whether or not to go to war. When you get right down to a law that no President has ever considered constitutional, no court has ever been willing to enforce, and in most instances Congress has not even been willing to implement just does not I think, make a lot of sense to me.

This is law that at its heart and at the part that Mr. HYDE wishes to change and repeal, since once the President submits a report pursuant to the War Powers Act, within 60 days after the hostilities or the imminent threat of hostilities for U.S. forces within 60 days either Congress has to extend, has to grant that authorization for additional time or the forces must come back.

In the Lowry case, in the reflagging of the Kuwaiti tankers, the district court in response to the lawsuit seeking to compel a determination that the Presidential information on the reflagging of the Kuwaiti tankers constituted a report said we are not going to get into that, we are not going to declare it a report. If the report has not been made pursuant to the War Powers Act, the 60 days do not run. So the act becomes meaningless and it has become meaningless in any legal sense.

The more interesting question is whether the act serves a purpose. There has been some discussion on the floor. Initially it was stated on the floor that in fact President Bush decided to come to the Congress with the authorization for the use of force in the Desert Storm because of the existence of the War Power Act, and that that played some role in this decision. Others have said that really played no role in the decision, and of course I do not know the full story of what went on in his mind. But what I do know is that the Committee on International Relations should conduct hearings on this

subject. We should look at modifications. We should get rid of the 60-days requirement. I think we should change the threshold. There are a lot of times where our forces are in imminent threat of hostilities where we do not want to trigger any particular congressional action.

We should look at a meaningful consultative process that has an ongoing precedent the Executive Branch involved. If we pass the Hyde amendment today without more attention to what that consultative process will be, and that were to go into law, we have no leverage to get the more meaningful consultative process from a President who would like to see the repeal of the 60-day requirements and of the requirement for the report which triggers any time period set.

So I would suggest a better course, and I do it very reluctantly, is to vote against the Hyde amendment today, for the Committee on International Relations have hearings, to draw up a bill which goes to the heart of what the gentleman from Illinois, Mr. HYDE, does but provides for a more meaningful consultative process with the executive branch, and hand the administration a package which allows them to get out of a requirement which they do not consider constitutional, which, as the gentleman from Illinois [Mr. HYDE] points out, in some cases give aid and comfort to our adversaries by giving them hope that the Congress will not act, even though no one argues that the President will listen to what the Congress said on this subject anyway or is legally compelled to listen, get rid of that 60-days requirement and substitute a more carefully drafted consultative process and I would urge, and thereby maintain some legislative role in those decisions.

So I would like to get a separation of two different kinds of questions. In Desert Storm I think the President was constitutionally compelled to come before Congress. I considered it would have been an impeachable offense for him to engage in that kind of attack with time for preparation, with a date certain set, without coming to Congress. I am not sure Mr. HYDE agrees with me. I would like to go through a process where we seek to separate the more minor incidents, which it does not work to have a congressional role, from the more serious incidents where we want to preserve the core congressional functions.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

□ 1800

Mr. TORKILDSEN. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, the distinguished gentleman from Illinois [Mr. HYDE], the Chair of the Committee on the Judiciary.

The Constitution grants the President the power of Commander in Chief of our Armed Forces. Yet, the Founding Fathers also granted Congress the authority to "organize, arm, and discipline" an army.

At our country's founding, we were insulated from attack by foreign powers by two vast oceans. Thus it wasn't necessary to keep large peacetime armies. Congress effectively limited the President's authority to make war by not funding large, peacetime standing armies.

The framers of the Constitution were so intent on keeping a too-powerful chief from making war, that not only did they give the power to make war to the Congress, they also specifically prohibited, in the Constitution itself, any appropriation to raise and support armies from lasting more than two years.

But as our country grew, and technology made the insularity of the oceans limited at best, it became necessary, in our own national interest, to keep and maintain large armies in peacetime as well as during conflict. However, in funding these large peacetime armies, Congress was giving up much of its constitutionally authorized role in determining whether or not make war.

The War Powers Resolution was passed in 1973 as one way to re-assert the Congress' constitutional authority to determine whether or not any President can make war in the name of the people of the United States.

With passage of the War Powers Resolution, Congress sought—rightfully so—to restore its legal authority to determine whether or not U.S. armed forces are involved in war.

Today we are faced with an amendment which would effectively repeal the War Powers Act, and replace it with a requirement for simple consultation by the President with Congress.

As a member of the National Security Committee, I am aware of many arguments for and against the War Powers Resolution. Clearly, the War Powers Act does need to be amended, both to take into consideration the many new missions we ask our troops to perform, and to make it work in times of crisis. Amending it is far different than repealing it.

Now is not the time for Congress to give up its role in determining whether or not troops are committed to combat. I urge my colleagues to defeat the repeal of the War Powers Act, and work together for the logical amendment the act requires.

Mr. HAMILTON. Mr. Chairman, does the gentleman have further speakers?

Mr. HYDE. Mr. Chairman, I have three more speakers left, and I understand, if I yield the gentleman 2 minutes, we will then be permitted to close.

Mr. HAMILTON. We are prepared to let you close, but let me make sure I understand how this debate plays itself

out. My understanding is that you will want to call a quorum call?

Mr. HYDE. Correct.

Mr. HAMILTON. That would be toward the end here, after which there will be four speakers, two on each side? Is that correct?

Mr. HYDE. That is correct.

Mr. HAMILTON. Although we have the privilege of closing under the unanimous consent, it is my understanding the Speaker would like to speak, and we will be glad to yield him the privilege of speaking last.

Mr. HYDE. Mr. Chairman, I thank the gentleman.

Does the gentleman require 2 additional minutes?

Mr. HAMILTON. We may before we are through. The gentleman may hold them in reserve.

Mr. HYDE. I will hold them in reserve. All right.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, the War Powers Act has become a resolution without meaning, honored in its breach rather than in its compliance. It has cost us credibility at home and abroad. It is time to reform it.

It is time to get back to basics, to a basic understanding of the separation and the balance of powers in our carefully crafted system of government.

Coequal does not mean the same. While the executive branch has certain powers, Congress likewise has certain powers. From time to time, in certain areas, these may converge, but they do not coincide. There are differences and shall always and should always remain differences.

I have been honored over the years to work very closely on national security matters. As a matter of fact, at the time the war powers resolution was being debated and passed and enacted I was working in national security matters for the CIA. I know, as do other Members of this great learned body, how swiftly the affairs and matters of national security are, arguably, subject to the war powers resolution come up, how quickly they can change, how difficult it is to anticipate, except, of course, by our adversaries, how the War Powers Resolution would play itself out and constrict the ability of our commander-in-chief to operate.

We cannot tie the hands of our commander-in-chief, because when we do that, when we tie his hands, we cost the lives of our soldiers, and it is improper and unconscionable to put their lives at risk.

That is why, Mr. Chairman, for over 25 years our Presidents, Republican and Democrat alike, have found way after way after way around the War Powers Resolution, because it does not work. It will not work, Mr. Chairman.

The amendment fashioned by the learned chairman of the Committee on the Judiciary brings this long out-of-balance resolution and separation of

powers back into balance for both parties and for both branches of Government, and importantly, also in the eyes of our allies and adversaries alike in the world.

Let us remove this cloud, this fog hanging over the ability of our Government of which we are both a part, the Congress and the President, to conduct coherent and effective national security policy around the world in the most dangerous situations imaginable.

I rise in strong support of the amendment offered by the learned gentleman from Illinois.

Mr. GILMAN. Mr. Chairman, can the Chair tell us how much time is remaining on each side?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 15 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 14 minutes remaining.

Mr. HYDE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 358]

Abercrombie	Castle	Engel
Ackerman	Chabot	English
Allard	Chambliss	Ensign
Andrews	Chapman	Eshoo
Archer	Chenoweth	Evans
Armey	Christensen	Everett
Bachus	Clayton	Ewing
Baesler	Clement	Farr
Baker (CA)	Clinger	Fattah
Baker (LA)	Clyburn	Fawell
Baldacci	Coble	Fazio
Ballenger	Coburn	Fields (LA)
Barcia	Coleman	Fields (TX)
Barr	Collins (GA)	Filner
Barrett (NE)	Collins (IL)	Flake
Barrett (WI)	Collins (MI)	Flanagan
Bartlett	Combust	Foglietta
Barton	Condit	Foley
Bass	Conyers	Forbes
Bateman	Cooley	Ford
Becerra	Costello	Fowler
Beilenson	Cox	Fox
Bentsen	Coyne	Franks (CT)
Bereuter	Cramer	Franks (NJ)
Berman	Crane	Frelinghuysen
Bevill	Crapo	Frisa
Bilbray	Creameans	Frost
Bilirakis	Cunningham	Funderburk
Bishop	Danner	Gallegly
Bliley	Davis	Ganske
Blute	de la Garza	Gejdenson
Boehlert	Deal	Gephardt
Boehner	DeFazio	Geren
Bonior	DeLauro	Gibbons
Bono	DeLay	Gilchrest
Borski	Dellums	Gillmor
Boucher	Deutsch	Gilman
Brewster	Diaz-Balart	Gonzalez
Browder	Dickey	Goodlatte
Brown (CA)	Dingell	Goodling
Brown (FL)	Dixon	Gordon
Brown (OH)	Doggett	Goss
Brownback	Dooley	Graham
Bryant (TN)	Doolittle	Green
Bryant (TX)	Dornan	Greenwood
Bunn	Doyle	Gunderson
Bunning	Dreier	Gutierrez
Burr	Duncan	Gutknecht
Burton	Dunn	Hall (OH)
Buyer	Durbin	Hall (TX)
Callahan	Edwards	Hamilton
Camp	Ehlers	Hancock
Canady	Ehrlich	Hansen
Cardin	Emerson	Harman

Hastert	McInnis
Hastings (FL)	McIntosh
Hastings (WA)	McKeon
Hayes	McKinney
Hayworth	McNulty
Hefley	Meehan
Hefner	Meek
Heineman	Menendez
Herger	Metcalfe
Hilleary	Meyers
Hilliard	Mfume
Hinchee	Mica
Hobson	Miller (CA)
Hoekstra	Miller (FL)
Hoke	Mineta
Holden	Minge
Horn	Mink
Hostettler	Moakley
Hoyer	Molinari
Hutchinson	Mollohan
Hyde	Moorhead
Inglis	Morella
Istook	Murtha
Jackson-Lee	Myers
Jacobs	Myrick
Jefferson	Nadler
Johnson (SD)	Neal
Johnson, E.B.	Nethercutt
Johnson, Sam	Neumann
Johnston	Ney
Jones	Norwood
Kanjorski	Nussle
Kaptur	Oberstar
Kasich	Obey
Kelly	Olver
Kennedy (MA)	Ortiz
Kennedy (RI)	Orton
Kennelly	Owens
Kildee	Oxley
Kim	Packard
King	Pallone
Kingston	Parker
Klink	Pastor
Klug	Payne (NJ)
Knollenberg	Payne (VA)
Kolbe	Pelosi
LaFalce	Peterson (MN)
LaHood	Petri
Lantos	Pickett
Largent	Pombo
Latham	Pomeroy
LaTourette	Porter
Lazio	Portman
Leach	Poshard
Levin	Pryce
Lewis (CA)	Quillen
Lewis (GA)	Quinn
Lewis (KY)	Radanovich
Lightfoot	Rahall
Lincoln	Ramstad
Linder	Rangel
Lipinski	Reed
Livingston	Regula
LoBiondo	Reynolds
Longley	Richardson
Lowey	Riggs
Luther	Rivers
Maloney	Roemer
Manton	Rogers
Manzullo	Rohrabacher
Markey	Ros-Lehtinen
Martini	Rose
Mascara	Roth
Matsui	Roukema
McCarthy	Roybal-Allard
McCollum	Royce
McCrery	Rush
McDade	Sabo
McDermott	Salmon
McHale	Sanders
McHugh	Sanford

Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Trafficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1830

Mr. TANNER. Mr. Chairman, I thank my friend from Indiana for yielding. I do not think I will take all of 2 minutes. I did not intend to speak on this matter, but I served on a committee with Larry Hopkins from Kentucky some years ago as we tried to perfect the War Powers Act. I served in the Navy during the Vietnam war, and I went into the Navy in 1968. By the time I got off of active duty or discharged in 1972, I saw our country divided as maybe never before, at least since the Civil War.

Now, as imperfect as the War Powers Act is, my friends, it does put the Congress in the mix to express the will of the people into the equation. I saw during those 4 years our country divided in a way perhaps it has not been since the Civil War.

My friends, it does put the Congress into the mix to express the will of the people. Any administration, be it the Kennedy, Johnson, or Nixon administration as it was in Vietnam, is going to get into matters that it cannot extricate itself. Never again let us go into war with bullets flying and people dying without the expressed will of the American people, at least with some resolution by the Congress, so that we do have that critical mass of popular support for whatever it is we may do. I really believe it is critical, even though it is imperfect, that we stay involved in the process.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 15 minutes remaining, the gentleman from Indiana [Mr. HAMILTON] has 11 minutes remaining.

Mr. HYDE. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me speak from a practical standpoint in favor of the Hyde amendment. In the last couple years we have had real problems with peacekeeping, for instance, and I have always felt that the President should get authorization from Congress before he deploys troops in peacekeeping mission. But I separate peacekeeping from war making. And I think there is a distinctive difference, and I think it is very difficult for us to insist on the convoluted war powers requirements for a President to make decision on sending troops into battle.

Now, I remember vividly, and Vietnam war hangs over us with all the concerns and problems that we had, but I remember vividly going to meet with President Bush upstairs in the White House. And the thing we discussed it how long would the American public support a war in Saudi Arabia. As we discussed that, there were recommendations that probably the public would support it anywhere from 6 months to the next election. And this all grew out of the hostilities that were throughout the country during the Vietnam war.

□ 1828

The CHAIRMAN. Four hundred five Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

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

My prediction was that the public would support this deployment for about 6 months. And after 6 months, if you remember, we started to get requests, or at least in my office I did, we started to get requests from people in my district that were serving overseas in the hardship position that these folks ought to come home. It is never popular to put people in harm's way. Nobody believed that the Congress would pass an authorization to send troops into harm's way.

As a matter of fact, I remember after talking to the public at home, I came up and called General Scowcroft, who was the national security advisor at that time, and I said to him, I think the Congress, because the public supports the need for national security and the importance of the Middle East and the energy supply, they will support an authorization to go to war. An awful lot of people did not agree with that. But when the Congress met and debated, one of the finest debates that this Congress has ever been involved in, we did the right thing. By an overwhelming margin in the House we authorized this great Nation to send our young people into harm's way.

It worked out fine, and that is the way it should be. We had public support. We called up the Reserves, and we did it the right way.

The danger in the War Powers Act in my estimation is by inaction. We can stop the President from making a decision. We should have to take action. It should be hard. No President is going to send troops into harm's way without a national security reason. It is not an easy thing.

I supported President Reagan all through the Central American crisis. I supported President Bush in Saudi Arabia. I opposed him in Somalia because I felt Somalia was a mistake and we would not be able to solve it. It was an internal problem. I oppose using ground forces in Bosnia except to extract U.N. forces under NATO.

But let me say this: I believe that when the American people elect a President, that President should have the leeway and the right to send people into harm's way with the advice and counsel of the Chiefs of Staff. I do not believe that in an emotional situation the Congress should be able to stop this in any way. I do not think there should be hope that because we have something on paper that the Congress of the United States is going to stop the President from making the right decision.

So I support very strongly what the gentleman from Illinois [Mr. HYDE] is trying to do in getting rid of this. Now, can we do something in the future? I do not know. But at this time in our history, I think it is up to this Congress to step up and say that it is the President's prerogative, and if we want to take exception to that, we can stop the appropriation funds.

So I strongly support and urge the Members of this Congress to vote for

the Henry Hyde amendment and to eliminate the War Powers Act.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, members of the committee, I was here many years ago when we debated the War Powers Resolution. It was back in my black haired days and many days have gone by. And I recall the debate vividly, Mr. Chairman. It was a significant debate. A freestanding resolution came to the floor as a product of a deliberative and substantive legislative process.

To the consternation of a number of my colleagues on this side of the aisle, I found myself, Mr. Chairman, in opposition to the War Powers Resolution and was one of the few Democrats who voted against the resolution. And I did so for several reasons. One, I felt that the War Powers Resolution diminished the clarity of the Constitution on the issue of Congress' role in war making.

Second, I felt that it was a mistake to allow the President to introduce American forces into a situation and seek retroactive approval from the Congress of the United States. I thought that our Founders thought brilliantly and thoughtfully and creatively about the issue of war making and war powers, because that was a grave decision that the body politic would engage in.

While I believe, Mr. Chairman, that the post-cold-war era has introduced a new period in American and world history and that the War Powers Resolution should be looked at, we may very well need a new instrument to guide us through this transitional period into the new world of the 21st century. But I would submit, though I believe in the need for a new instrument and while in the early 1970 I opposed the War Powers Resolution, I find myself today on the floor of Congress asking my colleagues to oppose the amendment before us for two reasons: One, on process, and, two, on substance.

With respect to process, Mr. Chairman, the War Powers Act is no small piece of legislation. The War Powers Act is not a minor instrument in our government. This is a high profile instrument. It is a contentious issue. There are thoughtful people on all sides of the question of what should be an appropriate instrument that guides us in the context of the post-cold-war world. I believe that this issue is so important that the policy with respect to war making, the role of the Congress of the United States vis-a-vis the President, is so significant, that it should not come to the floor simply and solely as an amendment. Though I would agree that there is some debate here, this is the end product of the legislative process, not where it should begin.

It should begin in subcommittee and in full committee, where we hear and understand the subtleties and the nuances of any significant policy that af-

fects our lives and millions of people in this country and throughout the world. The War Powers Resolution does just that.

So I would suggest that we oppose it, first, because of the process being flawed. We should not come to the floor with policy considerations so exceptional and so profound and so extraordinary, and we simply debate them here on the floor of Congress. It needs to be substantive, deliberative, and thoughtful. Hearings were not held, markups were not held. This is much too large.

Second, to the issue of substance. As I understand the resolution, it, A, repeals the War Powers Resolution, and, two, puts in place the following: A consultative process. The President consults with the Congress of the United States, with reporting requirements that are weaker than in the present War Powers Resolution.

There are some of us, Mr. Chairman, in the body politic who believe that the role of Congress goes far beyond simply one of being consulted. There are times when this gentleman believes that we need prior approval.

I would remind a number of my colleagues, some of whom were not here in the context of the debate on the Persian Gulf that the distinguished former speaker spoke to, this gentleman took the President of the United States to court trying to protect and defend the Congress' constitutional prerogatives in war making.

So there are thoughtful and courageous people on both sides of the issue, some who think it is simply one of consultation, others who believe that we should embellish upon that with prior approval. I am simply saying that this does not get us here.

Finally, and in conclusion, I think that the gentleman from Illinois [Mr. HYDE] is attempting to do something important. This is not the forum, this is not the product. I urge my colleagues to oppose the amendment.

Mr. HAMILTON. Mr. Chairman, I yield myself the balance of my time on this side.

The CHAIRMAN. The gentleman is recognized for 6 minutes.

Mr. HAMILTON. Mr. Chairman, let me begin by simply saying that I think that the gentleman from Illinois [Mr. HYDE] has performed a genuine service in bringing before this body the question of a repeal of the War Powers Resolution. There is no doubt that the resolution has many defects to it. The gentleman from Illinois and others are quite right when they point out those defects.

There is no President that accepts the War Powers Resolution. You are right about that. The 60-day clock provision means that the Congress can control whether or not we have combat troops there by inaction. That does not make any sense. I acknowledge that.

□ 1845

The concurrent resolution mechanism does not work; so all of us agree,

I think, in this Chamber that the War Powers Resolution needs major revision. But I want to put out to you what the Hyde amendment says. In its very first substantive sentence, the War Powers Resolution is repealed. I want Members to think a little bit about what that means.

One of the mysterious attributes of this body is that we do not sometimes want the power that the Constitution gives us. And that is exactly what a repeal of War Powers means here. I believe that the Constitution absolutely requires the Congress to share with the President the decision to send troops into combat. Presidents make mistakes. Presidents are not infallible. And the gravest decision that a government makes, do you send young men and women into war, is a decision that should be made not by any person alone, even if that person is the president. It should be made with a collective judgment. And is that not the theory of the Constitution, that the war making power requires a collective judgment of the President and the legislative branch?

That is the core of the War Powers Resolution. The other parts of it need to be corrected; but do not cede away the core power of the resolution because, when you do that, you are walking away from the constitutional power of the Congress.

The War Powers Resolution has been helpful. Any of us in this Chamber who served before the War Powers Resolution and then served after the War Powers Resolution knows that presidents today consult a lot more with the Congress after the War Powers Resolution was enacted.

Now, what does the amendment do by the gentleman from Illinois, [Mr. HYDE]? It does not acknowledge that Congress should share in this most important decision to go to war. It means that on this most important decision we are not a coequal branch. We say: Mr. President, please consult with us. We do not even require him to consult. We just say in every possible instance consult. The President can ignore us under this amendment if he wants to. The Congress becomes on this most important power a junior partner who will be consulted or not as the President chooses. Do not cede away this power. Work with us to improve it.

I have talked with the sponsor of this amendment. He is a very reasonable man. I think he believes that this amendment is not the end but the beginning of a serious effort to revise and strengthen the War Powers Act. I believe that to be the case. But repealing the War Powers Act now sends a signal to the American people, and that signal is that we abdicate our power in this body and we give it to the President of the United States *carte blanche*, *carte blanche* authority. I do not see how we can do that. I do not see how we can do it and read the Constitution of the United States.

We give a green light unchecked to the President, and we send that message that we have no role up front.

Now, the point is often made that we have the power of the purse. But just think about that. There comes a critical point whenever you are making a decision to commit troops, we all know it, there is a critical point. And that critical point is when the decision is made to send them in or send them out. That is when you want the Congress involved, not months later when you are dealing with the power of the purse.

Sure, we can cut off funding. But it is very difficult to cut off funding beforehand because you want to keep your options open. It is very difficult to cut off funding after the fact because the troops are already in the field. I am not saying we do not ever do it. I am just saying it is extremely difficult to do it.

I think the Congress of the United States on this question of war powers can stand against the President. I think there are times when we should stand beside the President, but Congress should not stand aside when American soldiers go into combat; and that is precisely what this amendment puts forward.

I urge a vote in order to keep the constitutional powers of this institution. I urge Members to vote "no" on the Hyde amendment.

Mr. HYDE. Mr. Chairman, I yield myself 1 minute.

I want to respond very briefly. There is no *carte blanche* authority given to the President by this amendment of mine. This amendment strengthens. There is nothing requiring notification in the War Powers Act. This amendment says the President shall in every possible—not may—shall report to Congress before, before the troops go in; and then after the introduction, the President shall. So we will be informed. The same thing goes for the report.

We are not required to leave our common sense out in the Rotunda. The facts of life are Lyndon Johnson could not even go to his own convention because the people did not support what he was doing in Vietnam. And that lesson has not been lost on anybody with a room temperature IQ. So do not think the War Powers Act forces the President to consult. No President who wants to survive another week will omit consulting.

Mr. Chairman, I yield 9 minutes to the Speaker of the House, the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me.

I rise for what some Members might find an unusual moment, an appeal to the House to, at least on paper, increase the power of President Clinton. And here we are in the middle of the Bosnian exercise with troops in Haiti and with all sorts of concerns, and yet I stand here to say that for America, the right thing to do is repeal these provisions, for America.

The reason is simple. First of all, I listened carefully to my good friend, the gentleman from Indiana [Mr. HAMILTON], who I think is a very serious and a very committed scholar of this. But he said something that all of us need to be aware of. He said, he complained, "We have no role up front." I want to make two points about this, because he is right. We have no role up front.

We have no role up front because in an age of instantaneous change, as we were tragically reminded in Oklahoma City, there are times and moments when you need what the Constitution called "the Commander in Chief." And once we have designed the military and we have paid for the military and we have established the framework and we have created the laws, within the legal framework of those laws in an emergency the Commander in Chief has to actually act as the Commander in Chief.

And that has been true of both parties. In fact, it was true of George Washington. It was true of Thomas Jefferson. People who say I am a Jeffersonian conservative, well, Jefferson sent the Marines to Tripoli and then told this Congress.

So the fact is, in the real world, if we are going to be honest with our constituents, a Commander in Chief exercising those powers with American troops scattered across the planet and, I think, over 100 different countries, if you count various advisory groups, they are there. We did advise. We passed the appropriations. We said, we established the Congress. We maintained the Navy, to use the two terms, and we established the Army and maintained the Navy, and the fact is they are there.

And if tomorrow morning somebody were to attack our troops, there would be an instantaneous, immediate reaction. And I certainly hope, for one, they would not stand there taking casualties waiting for the President to come to the Congress to see if we could report out a resolution to allow our troops to defend themselves.

My good friend would say, the War Powers Act does not stop that. Exactly. What the War Powers Act says is if the President decides to notify us that the troops are in imminent danger, then we have 60 days. I have been through this drill. I was through this drill with President Reagan. I was through this drill with President Bush. I am now going through this drill with President Clinton. Let me tell you what happens.

We get committed somewhere. And then the military comes in and says, you could pass this. But if you pass this, you are now saying to every terrorist, why do you not kill some Americans to force them out? Do you want to set the standard that Americans are targets so that the Congress can be pressured and suddenly everybody in senior leadership in both parties. Somebody says, Well, maybe we do not

want to make Americans targets; maybe we do not want to set up Americans to get killed. What happens?

Let me give you an example from the Clinton administration. A letter, written July 21, 1993. It said about Somalia, in a situation where people were being killed, "intermittent activity, intermittent military engagements involving U.S. forces overseas, whether or not constituting hostilities, do not count." So an ambush in Mogadishu, the loss of 18 American lives, that does not count. They are not in imminent danger.

Nobody jumped up, the Democratic leadership did not return to the floor, the then chairman of Committee on International Relations did not rush to the floor, did not say, 18 Americans have died. Clearly, are in imminent danger.

Instead everybody agreed, let us hold hands, let us not risk any additional Americans being killed.

Why, if that is the case, why am I for repealing this?

Because it sends exactly the wrong signal to both branches. It says the Congress is just enough involved to have everybody downtown wandering in circles and being confused, and it says to the Congress, oh, you really have a role. You want to cut off troops in Haiti or Somalia or you want to cut off troops in Bosnia, there is an easy way to do it. It is called the power of the purse.

In fact, we have done it before. In the case of Lebanon, we did it. In the case of Somalia we did it. We used the appropriations process exactly as the Federalist Papers described and exactly as the Founding Fathers wanted, and we had a clean and a decisive choice.

Where we are responsible, which is the money, we said, No, after this date get out, period, end of story.

Now, we negotiated to make sure the day was a safe one. We negotiated to protect our troops. But we exercised the power of the Congress without having a complicated, convoluted, and profoundly dishonest law. Because what this law does is it says to every administration, do not tell the truth. If Americans are in imminent danger, do not say it because if you say it, you will trigger the War Powers Act. And by the way, if it triggered the War Powers Act and we did not pass something and you had a strong President, they would promptly say, as the Clinton administration said last year, it does not count. And they would stay. And guess what, the only way you could get them out would be to pass an appropriations bill to cut off the funding or to impeach the President.

So what I am begging for is clarity. Let us return to a system that worked from the founding of the country to the mid-1970's. Let us return to a system that says, we in Congress have awesome power. If we do not pass an appropriations bill, nothing happens. There is no government. There is no Army.

There is no Navy. But if we delegate powers to the President and we establish a framework of law and we agree to establish something to happen, let us actually allow the Commander in Chief to be Commander in Chief.

And I asked my good friend, the gentleman from Illinois [Mr. HYDE], to allow me to close because I think the American nation needs to understand that as Speaker of the House and as the chief spokesman in the House for the Republican party, I want to strengthen the current Democratic president because he is the President of the United States. And the President of the United States on a bipartisan basis deserves to be strengthened in foreign affairs and strengthened in national security. He does not deserve to be undermined and cluttered and weakened.

When we get to disagreements, we will have the right place to have them. But this particular bill was wrong when it was passed. It has not worked in 20 years. And it is wrong now. And we should clean up the law, get it back to the constitutional framework and allow the President of the United States to lead in foreign policy with us deciding on key issues by our power of the purse.

□ 1900

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 17, as follows:

[Roll No. 359]

AYES—201

Archer	Clinger	Gallegly
Army	Coburn	Ganske
Bachus	Collins (GA)	Gekas
Baessler	Combest	Gillmor
Baker (CA)	Cox	Gingrich
Baker (LA)	Crane	Goodlatte
Ballenger	Crapo	Goodling
Barr	Creameans	Goss
Bartlett	Davis	Graham
Barton	de la Garza	Greenwood
Bass	Deal	Gutknecht
Bateman	DeLay	Hancock
Bilbray	Diaz-Balart	Hansen
Bilirakis	Dickey	Hastert
Bliley	Doolittle	Hastings (WA)
Blute	Dornan	Hayworth
Boehner	Dreier	Hefley
Bono	Dunn	Heineman
Borski	Ehlers	Henger
Brownback	Ehrlich	Hilleary
Bryant (TN)	English	Hoke
Bunn	Everett	Holden
Bunning	Ewing	Horn
Burr	Fawell	Hostettler
Burton	Fields (TX)	Hoyer
Buyer	Flanagan	Hunter
Callahan	Foley	Hutchinson
Calvert	Forbes	Hyde
Canady	Fowler	Inglis
Castle	Fox	Istook
Chabot	Franks (CT)	Johnson, Sam
Chambliss	Franks (NJ)	Jones
Chapman	Frelinghuysen	Kelly
Christensen	Frisa	Kim
Chrysler	Funderburk	King

Kingston	Murtha	Sisisky
Klink	Myers	Skeen
Klug	Myrick	Smith (MI)
Knollenberg	Nethercutt	Smith (NJ)
Kolbe	Neumann	Smith (TX)
LaFalce	Norwood	Smith (WA)
Largent	Nussle	Solomon
Latham	Ortiz	Souder
LaTourette	Orton	Spence
Lewis (CA)	Oxley	Stenholm
Lewis (KY)	Packard	Stockman
Lightfoot	Petri	Talent
Linder	Pickett	Tate
Livingston	Pombo	Taylor (NC)
Longley	Porter	Tejeda
Manzullo	Portman	Thornberry
Martinez	Pryce	Thornton
Matsui	Quillen	Tiahrt
McCollum	Radanovich	Vucanovich
McCrery	Roberts	Walker
McDade	Rogers	Wamp
McHale	Ros-Lehtinen	Weldon (FL)
McHugh	Royce	Weldon (PA)
McIntosh	Salmon	Weller
McKeon	Sanford	White
Mica	Saxton	Whitfield
Miller (FL)	Schaefer	Wilson
Mink	Seastrand	Wolf
Molinari	Sensenbrenner	Young (AK)
Mollohan	Shadegg	Young (FL)
Moorhead	Shaw	Zeliff
Moran	Shays	Zimmer

NOES—217

Abercrombie	Foglietta	Meyers
Ackerman	Ford	Mfume
Allard	Frank (MA)	Miller (CA)
Andrews	Frost	Mineta
Baldacci	Furse	Minge
Barcia	Gejdenson	Moakley
Barrett (NE)	Gephardt	Morella
Barrett (WI)	Geren	Nadler
Becerra	Gibbons	Neal
Beilenson	Gilchrest	Ney
Bentsen	Gilman	Oberstar
Bereuter	Gonzalez	Obey
Berman	Gordon	Olver
Bevill	Green	Owens
Bishop	Gunderson	Pallone
Boehlert	Gutierrez	Parker
Bonior	Hall (OH)	Pastor
Boucher	Hall (TX)	Payne (NJ)
Brewster	Hamilton	Payne (VA)
Browder	Harman	Pelosi
Brown (CA)	Hastings (FL)	Peterson (MN)
Brown (FL)	Hayes	Pomeroy
Brown (OH)	Hefner	Poshard
Camp	Hilliard	Quinn
Cardin	Hinchev	Rahall
Chenoweth	Hobson	Ramstad
Clay	Hoekstra	Rangel
Clayton	Jackson-Lee	Reed
Clement	Jacobs	Regula
Clyburn	Jefferson	Reynolds
Coble	Johnson (SD)	Richardson
Coleman	Johnson, E. B.	Riggs
Collins (IL)	Johnston	Rivers
Collins (MI)	Kanjorski	Roemer
Condit	Kaptur	Rohrabacher
Conyers	Kasich	Rose
Cooley	Kennedy (MA)	Roth
Costello	Kennedy (RI)	Roukema
Coyne	Kennelly	Roybal-Allard
Cramer	Kildee	Rush
Cunningham	LaHood	Sabo
Danner	Lantos	Sanders
DeFazio	Lazio	Sawyer
DeLauro	Leach	Scarborough
Dellums	Levin	Schiff
Deutsch	Lewis (GA)	Schroeder
Dingell	Lincoln	Schumer
Dixon	Lipinski	Scott
Doggett	LoBiondo	Serrano
Dooley	Lowey	Shuster
Doyle	Luther	Skaggs
Duncan	Maloney	Skelton
Durbin	Manton	Slaughter
Edwards	Markey	Spratt
Emerson	Martini	Stearns
Engel	Mascara	Stokes
Ensign	McCarthy	Studds
Eshoo	McDermott	Stump
Evans	McInnis	Stupak
Farr	McKinney	Tanner
Fattah	McNulty	Tauzin
Fazio	Meehan	Taylor (MS)
Fields (LA)	Meek	Thomas
Filner	Menendez	Thompson
Flake	Metcalf	Thurman

Torkildsen	Vento	Williams
Torres	Visclosky	Wise
Torricelli	Volkmer	Woolsey
Towns	Walsh	Wyden
Traficant	Ward	Wynn
Tucker	Waters	Yates
Upton	Watt (NC)	
Velazquez	Waxman	

## NOT VOTING—17

Bonilla	Klecza	Peterson (FL)
Bryant (TX)	Laughlin	Stark
Cubin	Lofgren	Waldholtz
Dicks	Lucas	Watts (OK)
Houghton	Montgomery	Wicker
Johnson (CT)	Paxon	

□ 1917

Mr. SCARBOROUGH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that debate on the amendment about to be considered and all amendments thereto be limited to 60 minutes, to be equally divided and controlled by myself and the gentleman from Indiana [Mr. HAMILTON].

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

Mr. ACKERMAN. Mr. Chairman, reserving the right to object, I would like to ask the distinguished chairman if he has discussed this at all with the minority.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, I do not believe it has been discussed with the minority.

Mr. ACKERMAN. In that case, I will be compelled to object, Mr. Chairman.

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

Mr. ACKERMAN. Mr. Chairman, further reserving the right to object, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, how many speakers does the gentleman have on his side on this amendment?

Mr. ACKERMAN. We are not sure right now, but we would be delighted to discuss it with the gentleman. We think it is in the neighborhood possibly of anywhere from 4 to 6.

Mr. GILMAN. If we could agree on some reasonable time, if the gentleman will yield further, we have until 9 o'clock to wind up this evening. We have one other major amendment to consider this evening.

Mr. ACKERMAN. I think that we would be very amenable to discussing it on a staff level at this point while this amendment is being debated.

Mr. GILMAN. We will be pleased to discuss it further with the gentleman's staff.

Mr. Chairman, I withdraw my unanimous consent request.

## AMENDMENT OFFERED BY MR. ACKERMAN

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

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: On page 67, after line 9, insert the following new section:

**SEC. 501. CONSOLIDATION REPORT.**

(A) REPORT.—No agency of the United States Government may be abolished or its functions transferred or consolidated with

another such agency pursuant to this division or any other provision of this Act relating to reorganization unless the Director of the Congressional Budget Office and the Director of the Office of Management and Budget independently calculate and submit to the Congress a joint report analyzing the costs and benefits of any such action.

(b) CONTENTS OF REPORT.—The cost/benefit analysis required by subsection (a) shall include, but not be limited to—

(1) An assessment of direct and indirect costs for the first five years associated with the implementation of the provisions of this division or any other provision of this Act relating to reorganization; and

(2) The effects of consolidation on personnel, management systems, real property, decisionmaking processes, administrative costs, and costs associated with terminating, amending, renegotiating, or negotiating existing and new contracts.

(c) FURTHER CONGRESSIONAL ACTION REQUIRED.—Notwithstanding any other provision of this act, if the Director of the Congressional Budget Office and the Director of the Office of Management and Budget either jointly or independently determine and report that the costs associated with the consolidation required by this division or any other provision of this act relating to reorganization exceed the fiscal year 1995 operating costs of the affected agencies, such provisions shall not become effective unless—

(1) the President determines that such consolidation is in the national interest of the United States; or

(2) a joint resolution is enacted specifying that such provisions shall become effective upon enactment of such resolution.

Redesignate sections 501 through 511 as sections 502 through 512.

Mr. ACKERMAN. Mr. Chairman, this amendment is modeled on principles that the majority has articulated in this chamber since January, and it is my hope that we will have strong bipartisan support for its adoption. Members on both sides of the aisle—whether they support consolidation within the State Department or not—should find this amendment very attractive. We should know what our actions will cost or save before we engage in a massive reorganization.

The amendment is designed to ensure that this body does not unknowingly write a blank check in the course of passing this bill, something that concerns all of us who are trying to save taxpayer dollars from frivolous Government spending.

For those who are not on the International Relations Committee, let it be known that there is presently no way of knowing if the bill, as reported, will save one penny as a result of reorganization.

Under this bill, we abolish three agencies and direct the former heads to report to work and assume new roles within the State Department. Yet there is no specific plan on how this will be accomplished.

There is no plan in place to reduce any staff. There is no plan in place to eliminate the cost of maintaining buildings, if indeed any are found not to be needed, and there is no plan in place to determine the costs and savings in buying out leases and service contracts. In fact, as the legislation is

written, a consolidation plan is not required until March 1996.

How do we do this in the blind? Without this amendment we will be passing a blank check bill. At this point, there is simply no way to conduct a cost-benefit analysis because under the bill we won't even see a plan until March 1996.

To rectify this problem my amendment does the following:

First, it requires a joint report from the Director of OMB and the Director of the CBO, who is a Republican, requiring an analysis of the costs and benefits of the proposed plan for the first 5 years it is in effect. The report will cover effects of consolidation on personnel, management systems, real property, decision making processes, administrative costs and costs associated with terminating, amending or negotiating existing and new contracts.

What if the proposed consolidation doesn't save money, but actually costs more money? That might come as a surprise to some. But you may want to go forward anyway—and you can.

Second, if the report indicates that the costs of the reorganization exceed the fiscal year 1995 operating costs of the agencies, the President may determine it is in the national interest and proceed—and don't forget, this bill applies to the next president. If the President does not make that determination, the Congress must enact a joint resolution specifying that the consolidation, if more costly, may proceed.

My goal here is simple: It is to guarantee that the Congress know and understand the costs of its action, and then proceeds to act with that knowledge. This provision is consistent with the vision of the Republican majority who have shown a consistent dedication to rigorous application of cost-benefit analysis. I look forward to strong bipartisan support in adoption of this amendment.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Ackerman amendment.

Mr. Chairman, our colleague, the gentleman from New York, has put forth an amendment, but in reality what the amendment really does is to put a hold, to absolutely gut the provisions of the bill. This bill, as written in this section, will allow the consolidation of ACDA, AID and USIA functions within the State Department.

Of the organizations that are in an unusual fashion expressing support for this bill today, the support is coming because we are in fact consolidating the agencies that now exist as separate agencies, AID, ACDA and, of course, USIA. That is the reason we are having the taxpayer groups and so many other conservative groups, who ordinarily would never come out and suggest that we ought to vote for a foreign assistance bill, but in fact it is one of the major ways that we are saving an extraordinary amount of money.

I want to call my colleagues' attention to a couple of changes that the committee made in the course of deliberations on the proposal to consolidate

these agencies. One of the most important concerns I had early in the process was the fact that we may be burying ACDA, the arms control agency, and their recommendations, too deep in the bureaucracy of the State Department. So in fact we amended that and moved the placement so that the director of ACDA will be making recommendations not through some layer of bureaucracy but directly to the National Security Council, to the President. It cannot be delayed, cannot have his recommendations deferred or set aside by some assistant Secretary of State or even the Secretary of State.

The other thing I wanted to mention is the fact that while the concept started in the other body and was once enunciated in the House bill at its earliest stage of having a separate foundation run what are now the programs of the Agency for International Development, that concept was jettisoned. Indeed, what we have kept is an assurance by the organization proposed that the programs of the Agency for International Development in its new home, it is not being eliminated, it is being placed and consolidated into the State Department, that those programs will in fact be a tool or set of tools to be implemented by the President of the United States.

□ 1930

After all, the development policies and the other programs run by the Agency for International Development ought to be under the direction of the President so that they can indeed serve our national interests, our foreign policy objectives.

So I would say to my colleagues, if they vote for the Ackerman amendment they are basically gutting the bill's savings provisions, the part that conserves our dollars and makes a better use of them, they are gutting the consolidation efforts that we have shown in this bill.

Importantly, the Ackerman amendment gives the Director of the Office of Management and Budget an independent veto over this consolidation. A new statute would be required to override the veto. Now those are the kind of decisions I think properly are left to the Congress of the United States and not to CBO and not to OMB. I do not think we need additional studies. If there are savings in this approach, I think it is a rather extraordinary circumstance that they would have to demonstrate. It is very clear that the savings in the bill are in significant part because of this consolidation.

So I urge my colleagues to reject the Ackerman amendment and to leave what we have crafted in the way of a consolidation effort. I think it focuses the programs, the decisionmakings that do relate to our foreign policy where it ought to be in the State Department but with careful placement of these three new subcomponents.

I ask my colleagues to vote against the Ackerman amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Ackerman amendment.

Mr. Chairman, I support the Ackerman amendment for one very simple reason: I think the matter of arms control policing is much too important to be left in the hands of the State Department. I recognize the efforts made by the committee to try to ensure that ACDA will in fact still directly report to the National Security Agency. But the fact is that so long as the Arms Control and Disarmament Agency remains in any way a part of the State Department, it will be under pressure, regardless of the bureaucratic boxes, it will be under pressure to follow the party line of the agency. And with all due respect to the State Department, and I have a lot of respect for it, I think the Congress needs to know that it has an absolutely independent and fiercely independent agency which will call the shots as they see it when they are evaluating whether other countries who share this globe with us are in fact in compliance with arms control agreements or not. And so long as the arms control agreements or not. And so long as the arms control agency is folded into the State Department, we will always have the tendency of the State Department to want to take into account other factors, and they will bring pressure on ACDA to take into account other factors such as our political relationships with those countries.

Political relationships are important. But when it comes to arms control, this Congress needs to be able to know that it has the unvarnished facts, and I think there are just too many pressures on the State Department to assure that we are going to get those unvarnished facts, and therefore I would oppose what the committee does.

I cannot think of any more important information which the Congress needs to have than to know whether or not some other country in the world is either violating or getting close to violating arms control agreements which they have signed.

I do not want to have even the slightest scintilla of pressure be brought on an arms compliance evaluating agency to take into account the fact that we need to have good relations with another country, or we need to take into account what is happening with the political opposition in that country. It just seems to me that the primary obligation of this Congress is to have clear, straight information, and I think we risk the fact that we will not have it if ACDA is submerged into the State Department.

So I would strongly urge that the Ackerman amendment be supported. All it says is that this action cannot take place until there is a cost-benefit analysis. That to me refutes the argument of my good friend from Nebraska, with whom I very seldom disagree on foreign policy issues. It just seems to me in this case the Congress' over-

whelming interest in having absolutely neutral, straight, hard-nosed information about whether other countries are giving us a snow job or not in terms of their compliance overrides all other considerations. We ought to vote for this amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, have no doubt about it, this amendment would gut the reform that the Republicans have brought to the foreign policy establishment of this country. The American people voted for change. We have come forward with a bold plan of reform, and what we have now is an attempt to derail that reform, to study it to death.

In answer to some of the arguments that have been made, whether it is arms control or whether it is AID policy, or whether it is communications policy, these are not separate efforts. These are not things that operate and should operate independently of a global strategy. These are part and should be part and parcel of a global strategy, part of the same effort. This is what is behind our whole reform proposal to take arms control, AID decisions, and communications and put them into the State Department so that we can have what this country needs, and that is bold leadership on the part of the executive rather than what we have had in the last 10 years, which is quite often nothing more than an attempt by people who hold executive power to reach a consensus among independent agencies.

The fact is that if we are going to be efficient in the post-cold war world we need to make sure that our organizational structure is more efficient, and is operating with decisive leadership, which is exactly what you cannot have when you have different agencies operating independently.

What we are trying to do is consolidate, reform, and restructure the foreign policy apparatus of the United States in order to bring down costs and to make the system more efficient. What this amendment would do is prevent that reform, and maintain an ineffective status quo.

We need to provide American ambassadors, for example, more flexibility in their decisions with lower budgets, because they will have lower budgets. If we do not restructure at a time when we are bringing down the budgets of our foreign policy establishment, if we do not give them more flexibility, we are going to end up with a worse foreign policy apparatus. We need to change the way our foreign policy establishment has been doing business because this is a different world. And there is no way that you can force these types of reform decisions to be made than to force this type of restructuring by a reform process.

Again what we have here is a proposal to study our reform measures to death. Instead it is time to act decisively, time to move forward, time to

change the status quo, and not sit back in indecisive studying of the problem.

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

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

Mr. ACKERMAN. I appreciate the gentleman's yielding.

First, Mr. Chairman, the gentleman misinterprets my intent. I am not intending for anything to be studied to death. I do not want it to be studied any more than the time necessary to make the appropriate decision, but the gentleman refers, as previous speakers have referred, to the supposed fact, and it may or may not be true, that this bill as constructed is going to save money. And the only thing that I am asking and those who support this bill are asking is, where is the savings? Has there been, as you have called for time and time again, a cost-benefit analysis of any major change? Perhaps it is going to cost less, perhaps it is going to cost more. Without any delay, why can we not have somebody tell us where the savings are, where is it going to be more efficient, how many dollars. Could the gentleman tell me within \$100 million how much we might save? There is not penny of savings in the bill.

Mr. ROHRABACHER. Reclaiming my time in order to answer the question, we are bringing down these budgets, and by restructuring we are forcing those people, those managers within the system, to be more efficient, to make decisions that will make their operation more effective within decreased budgets. The fact is that in the post-cold-war world we need some restructuring, and we perhaps need our ambassadors in foreign countries to be able to operate a little bit more independently even though their budgets in foreign countries will be less than what they were 10 years ago at the height of the cold war.

Mr. ACKERMAN. If the gentleman will yield further, as the gentleman knows, within the bill presently there is no plan for restructuring. The bill calls for a plan to be put forth by March of 1996. So there is no plan on which to base any costs. Why is there opposition to having somebody do an analysis of whether this will cost or save money?

Mr. ROHRABACHER. There is a reform plan.

Mr. GILMAN. Mr. Chairman, we have only one remaining speaker.

The CHAIRMAN. The Chair would advise the Members we are under the 5 minute rule.

Mr. ACKERMAN. Mr. Chairman, in answer to the gentleman's question, we have five additional speakers who are present in the room right now.

The CHAIRMAN. The Chair is proceeding under the 5 minute rule.

Mr. GILMAN. The gentleman has five additional speakers?

Mr. ACKERMAN. That is correct.

Mr. GILMAN. We have only two. Would the gentleman consent to unani-

mous consent to wind up all debate by 8 o'clock?

Mr. ACKERMAN. If he will limit each of his speakers to 1 minute each and allow us the balance of the time, the answer is yes, but obviously we have more speakers than he.

Mr. GILMAN. We are pleased to limit our speakers so we can wind up by 8 o'clock if we can share the time equally.

Mr. ACKERMAN. I have to object; if the gentleman has two speakers and we have five, splitting the time equally would not be equitable.

Mr. GILMAN. We will be pleased to try to limit our speakers to 3 minutes each and reserve the balance for the gentleman's side.

Mr. ACKERMAN. We will try to exercise the maximum restraint possible. We are not interested in dragging this out, but we do have Members who have signed up.

Mr. GILMAN. May I further suggest that we limit the remaining speakers to 3 minutes each on both sides?

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

Mr. ACKERMAN. Reserving the right to object, Mr. Chairman, I withdraw my reservation to object, but not to the 8 o'clock ceiling. But we will limit subsequent speakers to 3 minutes each.

Mr. GILMAN. Mr. Chairman, I withdraw my initial unanimous-consent request and I ask unanimous consent that each speaker be allowed 3 more minutes so we can wind up the debate at an early hour.

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

Mr. ACKERMAN. Reserving the right to object, Mr. Chairman, I just want to make it clear we are talking about this amendment specifically, and we are not amending the 5-minute rule to now be known as the 3-minute rule for the remainder of the debate on this particular bill.

The CHAIRMAN. It is the understanding of the Chair it will be this amendment and amendments to this amendment.

Mr. ACKERMAN. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. HAMILTON. Mr. Chairman, I rise in support of the Ackerman amendment.

The CHAIRMAN. The gentleman from Indiana is recognized for 3 minutes.

Mr. HAMILTON. Mr. Chairman, I think what strikes me about the provision in the bill with respect to reorganization is that we simply do not know what the bill's impact is on people, on costs, on the ability to carry out the mission. I do not know whether we make any savings with this bill or not, the reorganization.

□ 1945

The chairman of the Subcommittee on International Economic Policy, during the committee debate, said there are no savings from the consolidation in this bill. The word "abolish" is used several times in the bill to abolish AID, abolish USIA, abolish ACDA, and put them all into one organization, but all of the functions of those agencies are continued. So we are simply moving boxes around, as far as I can see.

What it does, the reorganization proposal, is to vastly expand the State Department. It doubles the number of employees in the State Department. It triples the budget of the State Department.

Now, all of us agree that government has to be downsized, and I want to say that the Administration has worked pretty hard at that. Staff has already been reduced by 2,300 in the foreign policy agencies. That has contributed \$500 million in cost savings thus far. It has pledged to cut another \$5 billion from the international affairs budget from 1997 through the year 2000.

I want to point out that the Congressional Budget Office has not done any study on the potential cost savings that would result from the consolidation mandated by this bill, and it is important to compare the processes here with the processes used in the Defense Department and the intelligence agencies, where you really had a bottom-up review. Compare this bill with the approach taken in the intelligence community today, also a bottom-up review, but here we have no rationale. We are not connecting the changes in reorganization with the problems in American foreign policy.

There is no effort to tie these reorganization proposals to any improvement in American foreign policy, and I simply do not have a good idea of what this reorganization does in terms of improving American foreign policy.

The Ackerman amendment gives us the ability to know what we are buying into in this bill, and through that amendment we will find out whether there is money to be saved or there is not, whether decisionmaking will be enhanced or it will not be, whether effectiveness will be improved or it will be diminished.

So this amendment, which mandates a cost-benefit analysis of agency reorganization prior to the implementation of any reorganization or consolidation plan, makes a lot of sense to me in terms of management.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that the Members of this Chamber have had a chance to look at this amendment. You know, this is a very craftily adopted, created amendment. This amendment is very clever. It is Machiavellian in an effort to undo a major provision of this bill.

I do not know if the people have all read this amendment, but when you read it there are a couple of sentences in here. It say, look at this, "Unless

the Director of the Congressional Budget Office and the Director of the Office of Management and Budget, independently, calculate and submit to the Congress a joint report, nothing can be done.

In other words, you have got 100 Senators, 435 Congressmen, and two bureaucrats can stifle the entire Congress and the will of Congress. That is what this amendment says, if you take a look at the amendment from line 5 to line 9. This amendment really guts the main provision of this bill.

Now, our bill consolidates three out-of-date Cold War agencies. And how many times have you been home when people have said, "Hey, our government is too big, our government costs too much?" And basically what we are trying to do with this bill is take these three agencies and downsize them.

The American people have loudly and clearly told us again and again that our government has gotten too big and costs too much. What is at issue here is basically a fight between the people who want to change what is happening in our government and the people who are fighting for a status quo. That is really at issue here, and the agents opposed to change are fighting a rear guard action here to gut the bill. It is the old adage, if you cannot defeat the bill, gut the bill.

The President actually is given here a heck of a lot of authority. We are giving the President, under this bill, tremendous authority. He has all the advantages to structure this any way he wants, plus we are not giving him until tomorrow morning to do it. We are giving him 3 years to bring about this change. That certainly is enough. We are leaning over backwards to be fair.

No one can argue the President is being disadvantaged. He has got all the time and all the abilities and all the advantages in carrying this out.

This amendment merely says that we want change, and that change has to come about. This amendment is the old liberal welfare state philosophy of big government, of study, study, study, study. Study? How many studies do you need? You do not need any more studies. No matter how many studies are going to come here, you are going to make a decision whether to cut the government or not.

Study, study, study, spend, spend, spend, but the real objective is to delay, delay, delay.

What we are saying is we want to move forward. The American people have spoken, and we are saying that we are going to go ahead and downsize this government.

Yes, we are going to move ahead, and we want to work with you, but we cannot allow you to totally stymie us and to keep us from doing what we have pledged to the American people that we will do. Let us do what the people have repeatedly asked us to do.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(On request of Mr. ACKERMAN, and by unanimous consent, Mr. ROTH was allowed to proceed for 1 additional minute.)

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

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

Mr. ACKERMAN. I can understand and appreciate the gentleman's strong aversion and opposition to study. But could the gentleman cite for me one penny's worth of savings in this bill that you do not want to study? Not a dollar, not a thousand, not a million, not a billion. One penny. Tell me where it is saved in this bill.

Mr. ROTH. We are bringing these three agencies into the State Department.

Mr. ACKERMAN. At what cost?

Mr. ROTH. We are downsizing them by one-third; each agency will be downsized by a third. Therefore, the cost of the agencies should be downsized by a third. That is what we are doing in this amendment.

Mr. ACKERMAN. If the gentleman will explain how much the cost that offsets that in avoiding or renegotiating existing contracts.

Mr. ROTH. Reclaiming my time, and I appreciate the gentleman getting me more time—

Mr. ACKERMAN. Tell me how that saves more money on balance.

Mr. ROTH. Reclaiming my time, we are going to be saving, because when we put these three agencies into the State Department, we are mandating to the President that when he brings these agencies in, he has to downsize them by a third.

Mr. ACKERMAN. You do not mandate he saves any money?

Mr. ROTH. Each one of these agencies will be downsized by a third. That is where the savings are going to be. This is a poor amendment, and I hope we all vote against it.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

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

I think, let us step back and take a look at what is going on. The majority party has put a bill on the floor which is a frontal assault on the President's authority to conduct foreign relations, micromanages to a level that the Democrats during Ronald Reagan's presidency never even presumed to go to, and massively slashes the amount of money spent on the foreign relations function.

But they have got a problem because some of their members said they never would vote for anything, and the bill still is a \$17 billion bill and they have got to get their members to vote for it. So they say, "Well, this does something else. This reforms the foreign affairs agencies by consolidating them." It gives total discretion, or pretty close to total discretion, to the executive branch as to how to consolidate it. There is no inherent savings in the consolidation.

The gentleman from New York has pointed out why the act of consolidation will cost money, but now they can say it is reform, it is slashing, and it is attacking the President, so maybe now they can pick up the votes.

The gentleman from Wisconsin [Mr. ROTH], my friend, says we are cutting each by one-third. You could leave the agencies separate and cut them by one-third. The act of consolidation does nothing to save money. What it does do is ensure commercial interests, like they did in Iraq, will supersede non-proliferation issues when you eliminate the Arms Control and Disarmament Agency. What it does take independent radios and make them subordinate to the geopolitical relationships between countries, moves that independence which allows an accurate voice of what is going on in a country to be broadcast to that country where there is a dictatorship, where there is an absence of free press, and has caused conservatives, who are very much supportive of bringing that word to those countries, to oppose this consolidation.

What it does is make development assistance goals and humanitarian goals subordinate to government-to-government relationships. There are major bad policy consequences from the consolidation.

There are no savings. But now you can say you slashed and you reformed and you have attacked the President, and maybe you can pick up your party's members who said they would never vote for an even \$17 billion Foreign Assistance Act.

The amendment offered by the gentleman from New York [Mr. ACKERMAN] calls that bluff by saying, through a cost-benefit analysis, demonstrate the act of consolidation saves money. It puts you to the test. If this is the goal of consolidation, you will have no objection to the Ackerman amendment.

If the goal is simply to put a label of reform onto a bill, then you probably want to oppose the Ackerman amendment.

I urge adoption of it.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, well, let me just stress that I think we have probably exaggerated the debate.

The fact is the Department of State can well function with the consolidated basis. The foreign policy of the United States can well function in a more decentralized basis.

As perhaps the only Member of this body who has served in one of these agencies as a Foreign Service Officer, having spent 2 years in the Arms Control and Disarmament Agency, it is my sense that for long term continuity the country's foreign policy probably operates better on a decentralized basis. We have a long and proud history of the United States Information Agency, under great leadership, of great independence and respect. Likewise with the Arms Control and Disarmament Agency, and while AID is obviously a

controversial mission, we have had distinguished people serve at the Agency for International Development.

I would only rise to stress whether one is for or against this bill, it should not relate to the outcome of this particular amendment.

My view is to be sympathetic to it, and I will support it, but I would also stress that one can consolidate and function effectively. It all is a matter of leadership at any given point in time, and here we are involved in kind of a great political science debate in the sense of sometimes agencies of government, like business, are better off consolidated; sometimes, depending on leadership, they are better off with decentralized leadership. Sometimes there is a case for flux, where one has one circumstance to change it. Sometimes, in addition, there is a case for stability.

Now, having said that and having noted that one can reach opposite conclusions, I think in the long term the best interest here is for stability and for decentralization and, therefore, I think on balance the Ackerman amendment makes the most sense at this particular time.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

I urge my colleagues to support the Ackerman amendment. It quite clearly gives us the opportunity to take a more careful look at what I think is the not carefully thought through proposal for consolidation that is in the base bill.

Mr. Chairman, effective foreign policy should represent the pursuit of enlightened self-interest. One of the most pressing interests in American foreign policy today is to control the spread of weapons of mass destruction. This becomes more and more important as regional and ethnic conflicts continue to explode across the globe. Today, more than ever before, it is in our critical self-interest to maintain an agency that advocates, negotiates, implements and verifies effective arms control, nonproliferation, and disarmament policies, strategies and agreements. That agency is the Arms Control and Disarmament Agency.

Independent status means that ACDA brings to the policy table an expert and undiluted arms control viewpoint. Often, this viewpoint differs from the State Department's perspective, which must be primarily concerned with diplomacy. That is why ACDA was created and that is why ACDA has continued to prove its worth to U.S. national security over the years.

H.R. 1561 eliminates ACDA's independent voice on arms control. It eliminates the ACDA's Director's access to the President, the National Security Advisor and the Secretary of State. It expels ACDA from inter-agency policymaking process where significant arms control and nonproliferation decisions are made.

To understand the efficacy of ACDA's role in the foreign policy process one

need only to look at recent newspaper headlines. I find it ironic that earlier this month, during the same week when the International Relations Committee proposed its abolition, ACDA's director was with the President at a summit in Moscow working on important national security matters while ACDA's deputy director was in New York securing one of the greatest American post-Cold War foreign policy successes—permanent extension of the Nuclear Nonproliferation Treaty.

Negotiation of the permanent extension of NPT was reached against the odds. Without the relentless effort of ACDA's expert negotiators over the last 3 years we might not have the NPT today. The protection that NPT helps provide against nuclear proliferation benefits all Americans.

The supporters of H.R. 1561 claim that ACDA is a cold war relic. This claim shows how out of touch the authors of this legislation are with the realities of the foreign policy environment we face. Given the remaining dangers of Russian overarmament, and the new dangers of the post-cold-war world, ACDA is a relic today only if weapons of mass destruction are a rumor and proliferation is a myth.

The authors of H.R. 1561 claim that it would save money by eliminating an independent ACDA. In fact, according to the Congressional Research Service, it will cost \$10 million to eliminate ACDA.

ACDA's basic budget is \$50 million. According to the U.S. Strategic Command, the existing strategic arms limitation treaties have saved about \$100 billion. Since these treaties took about a decade to negotiate, you could argue that there's a payoff of 200 to 1 from ACDA. I suspect that the impact of this ill-conceived legislation will be the reverse—one bill and 200 new problems caused by the disruption, dislocation, and crippling reductions contained in this bill.

The creation of a mega-bureaucracy that absorbs ACDA comes at the worst time—as the U.S. Government is pursuing the biggest and broadest arms control and nonproliferation agenda in history. Now is not the time to be dismantling the one agency whose sole mandate is to formulate, negotiate, and verify arms control and nonproliferation policies and agreements.

This bill ought to be called the "American Leadership Reduction and Avoidance Act of 1995." By silencing ACDA's independent voice on arms control and nonproliferation issues this bill presents a serious threat to the future security of this country. The purpose of ACDA is to bring the arms control perspective to the table when foreign policy decisions are made. This perspective has helped protect America and the world from dangerous proliferation of nuclear, chemical and biological weapons of mass destruction for a third of a century. Now is not the time to stop or shrink from responsibilities of leadership.

□ 2000

Now is not the time to be dismantling the one agency whose sole mandate is to formulate, negotiate, and verify arms control and nonproliferation policies and agreements. I urge a "yes" vote for the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment before the House.

Mr. Chairman, this amendment requires that the Directors of the Congressional Budget Office and the Office of Management and Budget to submit a joint report to the Congress analyzing the costs and benefits of proposals to abolish or consolidate the U.S. Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency. This cost/benefit analysis will allow this Congress to make an informed decision that fully considers the effects of consolidation of agencies on the personnel and management systems involved.

I support the goal of achieving a balanced budget over seven years, but I believe that we need to focus on the hard working citizens, many who live in Northern Virginia, who face possible job loss as a result of the agency consolidations proposed by this bill. I serve on the Subcommittee on Government Management, Information and Technology where we are currently reviewing the costs and benefits of many of the consolidation and downsizing proposals that would reshape the Executive Branch of the Federal government. During our recent hearings, it has become evident that so-called downsizing and consolidation efforts can have the unintended consequence of actually increasing costs to the federal government. For example, it costs the federal government an average of \$35,000 for each employee that is terminated from the civil service. This amendment would provide for enough time to make an informed decision regarding agency consolidation—a decision that could avoid the unintended costs associated with massive layoffs.

Earlier this year, I strongly supported several measures that emphasize cost/benefit analysis and informed decision-making by regulatory agencies. My support for this amendment on agency consolidation is consistent with my support for regulatory reform. Congress has a fiduciary duty to ensure that it takes the time to consider the costs of legislative proposals. I urge my colleagues to join me in support of this amendment to delay the consolidation of U.S. AID, USIA, and ACDA, to preserve jobs, and to avoid an unintended waste of tax dollars.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman

from New York [Mr. ACKERMAN] because it addresses one of the most egregious aspects in this bad bill. The problem with the proposal to gut the Agency for International Development, the United States Information Agency and the Arms Control and Disarmament Agency by putting them into the State Department is that it compromises the mission of every one of those agencies.

The mission of the State Department, my colleagues, in diplomacy. That is not the mission of AID, USIA and ACDA.

The mission of the United States Agency for International Development is to maximize the economic and the human potential of everyone around the world and, by doing so, create market opportunities for American industry.

The mission of the U.S. Information Agency is very simply truth, not truth that complies with State Department policy that is politically oriented, that is acceptable, but simply, plainly credible truth. That is what the USIA delivers around the world.

And the mission of the Arms Control and Disarmament Agency is to save us expenditures and arms procurement by enabling us to control the proliferation of nuclear, chemical and biological weapons.

Of all the times in history to think about gutting the mission of the Arms Control Disarmament Agency, when we know how able dictators, tyrants, crazy nuts around the world have access to lethal weapons, and we are going to gut the mission of the Arms Control and Disarmament Agency? Of all the times to gut the mission, to compromise the mission or the Agency for International Development.

Consider the fact that as we move into the next millennium, the 21st century, there will be five new human beings born every second of every day, and three of them are going to go hungry, without adequate housing, without decent medical care. The Agency for International Development can enable them to become not desperate, hostile people, but constructive members and contributing to a world of peace and economic and social stability and, by doing so, create markets throughout the world for the American economy.

That is what the Agency for International Development does, and let me quote just from the New York Times here on USIA.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. MORAN] has expired.

(By unanimous consent, Mr. MORAN was allowed to proceed for 15 additional seconds.)

Mr. MORAN. In his directive granting the United States Information Agency independence, independence which would be eliminated by this bill, President Eisenhower empowered it to explain imaginatively the correlation between United States policies and the legitimate aspirations of other people

of the world. Now is not the time to tear the United States Information Agency from that appointed task.

President Eisenhower knew what he was doing. He would vote against this bill, but he would certainly support the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the opponents of the amendment offered by the gentleman from New York [Mr. ACKERMAN] are saying that what his amendment would essentially do is gut the bill. I say that unless we have the Ackerman amendment, we are gutting America's role in the world.

I said it before, and I will say it again. Did we spend billions upon billions of dollars to fight and win the cold war, only to throw it away after we are successful? American foreign aid, only 1 percent of the budget, has worked. The people pushing this bill—and I oppose the bill because I think the bill is an isolationist bill; I think the President is exactly right on that—the people pushing this bill are saying that consolidation of AID, ACDA, and USIA would be a good thing.

Well, how do we know? I say to my colleagues, "If you are for the Contract for America, then you ought to be for this amendment. All we are saying is do a cost-benefit analysis, see if indeed there will be savings, and then make an intelligent judgment after we see what the cost-benefit analysis says."

Voting this way is buying a pig in a poke. We do not know if it is going to save money. In fact, many of us believe it will lose money. We do not know if it is going to be more effective. In fact, many of us believe it will be less effective.

I like AID, ACDA, and USIA as independent. Do we really want them rolled into the State Department? They have different roles. Do we really want them under the thumb of the State Department? I do not.

I say to my colleagues, "The only plausible reason you can make to consolidate is if it saves money, and, my colleagues, if it doesn't save money, then what are we doing this for?"

So all my colleague from New York is saying is, "Let's do a cost-benefit analysis, which my friends on the other side of the aisle often talk about the cost, they often talk about wasteful government programs, they often talk about downsizing and consolidating if it saves money, but if it doesn't save money, what are you doing? You are shifting the bureaucracy from one part to the next, and you're probably making for a less efficient agency."

So again, whether my colleagues are for this consolidation or whether they are not, and I am not, what detriment can a cost-benefit analysis do. If it, indeed, saves money, it would seem to me that my friends on the other side of the aisle would have something to bolster their argument to consolidate, and, if it loses money, I would think a lot of

people on both sides of the aisle would not want to vote for it anyway.

So let us stop having our heads in the sand. Let us stop having the fervor of consolidation and downsizing only. Let us do something that makes sense. Where there is fat, let us cut it out. If it makes sense to consolidate, let us consolidate, and, above all, let us look at the cost. A cost-benefit analysis is right for America.

Again I say to my colleagues, "If you supported the Contract, you should be for this. Everybody ought to be for this on both sides of the aisle, so I urge my colleagues to support the Ackerman amendment."

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to vote against the amendment offered by the gentleman from New York [Mr. ACKERMAN]. It seeks to gut our whole reorganization structure, and I merely want to quote from two former Secretaries of State.

James Baker said,

Your proposal is breathtaking in its boldness and visionary in its sweep. It represents the fundamental reorganization needed if we are to transform government institutions to meet foreign policy challenges of the twenty-first century.

Then Larry Eagleberger, former Secretary said:

With regard to the consolidation, I am already on record in testimony before Senator Helms in enthusiastic support of what his committee and yours seek to accomplish. By abolishing the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency, the bill will eliminate bureaucratic overlap, improve efficiency, save money, and enhance the ability of the Executive branch to advance American interests abroad.

I urge my colleagues to vote against the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. MOAKLEY. Mr. Chairman, there are many reasons to oppose this bill. It undermines the ability of the U.S. Government to conduct foreign policy. It abdicates U.S. leadership worldwide. It wastes our resources on moving boxes when the challenges of the post-cold-war world demand our attention, and it ties the President's hands and eliminates many of the tools at his disposal. National Security Advisor Tony Lake rightly calls it the "unilateral disarmament" of American foreign policy.

Under the reorganization provisions of this bill, we stand to lose a foreign policy tool which is vital to our national security. The Arms Control and Disarmament Agency is charged with solving the nuclear, chemical, biological, missile technology and conventional arms proliferation problems of our day. ACDA is a small, lean agency with a budget of only \$50 million. Yet the U.S. Strategic Command tells us that the strategic arms treaties ACDA administers save the nation's taxpayers about \$100 billion.

In its present form, ACDA's Director has an independent voice and direct access to the President, the National Security Council and

the Secretary of States. But this bill buries the director under three levels of bureaucracy. To make his voice heard, he will first have to make his case to an Assistant Secretary, then to an Undersecretary, and then to the Secretary of State.

State Department decisions, by nature, are often grounded in diplomacy and sensitive to the political considerations of other nations. ACDA has no entrenched interest in diplomatic relations. Thirty years ago, it stood alone in support of a nuclear non-proliferation treaty that the State Department opposed out of deference to some of our allies. It stood alone in support of a ban on deployment of multiple-warhead land-based missiles in the SALT treaty negotiated by Richard Nixon. When that effort failed, it took twenty years to negotiate a new agreement (START II) to remove the highly-threatening Soviet land-based missiles. And ACDA was the key to getting the Soviet Union's radar at Krasnyarsk removed as a violation of the ABM treaty in spite of reluctance at the State Department.

An independent ACDA has made tremendous contributions toward peace. Ralph Earle, Deputy Director of ACDA, recently put it this way:

If one thinks that arms control implementation and compliance can largely take care of itself; that the dangers of proliferation are overblown; that the chemical weapons terrorism in Japan was a fluke; and that we should let arms and sensitive dual-use technologies flow abroad more freely, then the proposed legislation may be the way to go.

But, Mr. Chairman, I submit that our President—and our country—needs the full range of tools to make the most informed and effective decisions. The Arms Control and Disarmament Agency is a vital agency built around highly trained arms control specialists. Our national security necessitates its independent voice, its unique expertise, and its direct access to the highest levels of government. The reorganization provisions proposed in this bill will cost us money, disrupt arms control and non-proliferation progress, and surrender valuable expertise. They are harmful to our nation's security and I urge their rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 233, not voting 24, as follows:

[Roll No. 360]

AYES—177

Abercrombie	Boucher	Cramer
Ackerman	Browder	Danner
Baesler	Brown (CA)	Davis
Baldacci	Brown (FL)	de la Garza
Barcia	Brown (OH)	DeFazio
Barrett (WI)	Clay	DeLauro
Becerra	Clement	Dellums
Beilenson	Clyburn	Deutsch
Bentsen	Coleman	Dingell
Berman	Collins (IL)	Dixon
Bevill	Collins (MI)	Doggett
Bishop	Conyers	Dooley
Bonior	Costello	Durbin
Borski	Coyne	Edwards

Emerson	Lewis (GA)
Engel	Lipinski
Eshoo	Lowe
Evans	Maloney
Farr	Manton
Fattah	Markey
Fazio	Martinez
Fields (LA)	Mascara
Filner	Matsui
Flake	McCarthy
Ford	McDermott
Frank (MA)	McHale
Frost	McKinney
Furse	McNulty
Gejdenson	Meehan
Gibbons	Meek
Gonzalez	Menendez
Gordon	Mfume
Green	Miller (CA)
Gutierrez	Mineta
Hall (OH)	Mink
Hamilton	Moakley
Harman	Mollohan
Hastings (FL)	Moran
Hilliard	Morella
Hinchee	Murtha
Holden	Nadler
Hoyer	Neal
Jackson-Lee	Oberstar
Jacobs	Obey
Jefferson	Olver
Johnson (SD)	Ortiz
Johnson, E. B.	Owens
Johnston	Pallone
Kanjorski	Pastor
Kaptur	Payne (NJ)
Kennedy (MA)	Payne (VA)
Kennedy (RI)	Pelosi
Kennelly	Pickett
Kildee	Pomeroy
Klink	Poshard
LaFalce	Rahall
Lantos	Rangel
Leach	Reed
Levin	Reynolds

NOES—233

Allard	Cunningham	Heineman
Andrews	Deal	Henger
Archer	DeLay	Hilleary
Armey	Diaz-Balart	Hobson
Bachus	Dickey	Hoekstra
Baker (CA)	Doolittle	Hoke
Baker (LA)	Dornan	Horn
Ballenger	Doyle	Hostettler
Barr	Dreier	Hunter
Barrett (NE)	Duncan	Hutchinson
Bartlett	Dunn	Hyde
Barton	Ehlers	Inglis
Bass	Ehrlich	Istook
Bateman	English	Johnson, Sam
Bereuter	Ensign	Jones
Bilbray	Everett	Kasich
Bilirakis	Ewing	Kelly
Bliley	Fawell	Kim
Blute	Fields (TX)	King
Boehlert	Flanagan	Kingston
Boehner	Foley	Klug
Bono	Forbes	Knollenberg
Brewster	Fowler	Kolbe
Brownback	Fox	LaHood
Bryant (TN)	Franks (CT)	Latham
Bunn	Franks (NJ)	LaTourette
Bunning	Frelinghuysen	Lazio
Burr	Frisa	Lewis (CA)
Burton	Funderburk	Lewis (KY)
Buyer	Gallagher	Lightfoot
Callahan	Ganske	Lincoln
Calvert	Gekas	Linder
Camp	Geren	Livingston
Canady	Gilchrest	LoBiondo
Cardin	Gillmor	Longley
Castle	Gilman	Luther
Chabot	Goodlatte	Manzullo
Chambliss	Goodling	Martini
Chapman	Goss	McCollum
Chenoweth	Graham	McCrary
Christensen	Greenwood	McDade
Chrysler	Gunderson	McHugh
Clinger	Gutknecht	McInnis
Coble	Hall (TX)	McIntosh
Collins (GA)	Hancock	McKeon
Combest	Hansen	Metcalf
Condit	Hastert	Meyers
Cooley	Hastings (WA)	Mica
Cox	Hayes	Miller (FL)
Crane	Hayworth	Minge
Crapo	Hefley	Molinari
Cremeans	Hefner	Moorhead

Myers	Ros-Lehtinen	Stockman
Myrick	Roth	Stump
Nethercutt	Roukema	Talent
Neumann	Royce	Tate
Ney	Salmon	Tauzin
Norwood	Sanford	Taylor (MS)
Nussle	Saxton	Taylor (NC)
Orton	Scarborough	Thomas
Oxley	Schaefer	Thornberry
Packard	Schiff	Tiahrt
Parker	Seastrand	Torkildsen
Peterson (MN)	Sensenbrenner	Upton
Petri	Shadegg	Vucanovich
Pombo	Shaw	Walker
Porter	Shays	Walsh
Portman	Shuster	Wamp
Pryce	Skeen	Weldon (FL)
Quillen	Smith (MI)	Weldon (PA)
Quinn	Smith (NJ)	Weller
Radanovich	Smith (TX)	White
Ramstad	Smith (WA)	Whitfield
Regula	Solomon	Young (AK)
Riggs	Souder	Young (FL)
Roberts	Spence	Zeliff
Rogers	Stearns	Zimmer
Rohrabacher	Stenholm	

NOT VOTING—24

Bonilla	Houghton	Paxon
Bryant (TX)	Johnson (CT)	Peterson (FL)
Clayton	Klecza	Spratt
Coburn	Largent	Stark
Cubin	Laughlin	Thornton
Dicks	Lofgren	Waldholtz
Foglietta	Lucas	Watts (OK)
Gephardt	Montgomery	Wicker

□ 2029

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mrs. Waldholtz against.

Mr. MASCARA changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 1561, the American Overseas Interests Act of 1995. By eliminating important foreign policy functions of the Federal Government this bill retreats from our obligations as Americans and human beings to the neediest citizens of the world. As the recent tragedies in Rwanda and Bosnia clearly demonstrate, this is not time for America to retire from the world community.

The stated objective of the American Overseas Interests Act, is the elimination of the Agency for International Development [AID]. The U.S. Information Agency [USIA], and the Arms Control and Disarmament Agency [ACDA] in addition to slashing \$1.8 billion in foreign aid, international broadcasting, and diplomatic functions funding from the administration's requested level. In fact 29 percent of the development assistance for child survival programs, African development aid, disaster assistance, and Latin American and Caribbean aid will be cut by this draconian legislation. This shortsighted and rushed legislation will reorder American foreign policy objectives by abolishing foreign and peace organizations, interfering with the foreign policy prerogatives of the President and substantially cutting assistance to friends of America in great need.

The American Overseas Interests Act of 1995 that we are considering here today is completely out of balance. H.R. 1561 seeks to isolate the United States by restricting America's role in the world. It recklessly cuts U.S. contributions to the United Nations and U.S. peacekeeping operations. It would be an abdication of American humanitarian leadership overseas to support this legislation.

Contrary to the representations of the supporters of this bill, foreign aid constitutes less than 1 percent of the U.S. budget. This small investment is leveraged further by a public-private partnership involving several hundred U.S.-based charitable organizations. Without the U.S. contributions of seed money, these cuts in aid will be devastating.

Foreign aid is no giveaway. These dollars work as an effective means of developing and expanding U.S. export markets. In fact, the recipients of U.S. Foreign aid constitute the fastest growing market for U.S. exports. In the past 10 years, our exports to developing countries have more than doubled from \$71 to \$180 billion. This valuable trade results in thousands of badly needed jobs for American workers.

Mr. Chairman, H.R. 1561 is not only a bad deal for the American economy, it also compromises the President's initiatives in foreign affairs. In a seven to one decision, the U.S. Supreme Court in *United States v. Curtis-Wright Export Corp.*, 299 U.S. 304 (1936) held that because of "fundamental differences" in national power with respect to internal and external affairs, the President of the United States possesses additional prerogatives in the foreign affairs field that, in my opinion, this legislation compromises.

This bill imposes restrictions and limitations on the President's special authorities that would hamper the ability of the United States to respond to rapidly changing international circumstances. Therefore, the constitutionality of the American Overseas Assistance Act is in question and should be carefully examined prior to any further consideration of this bill.

A dramatic example of the negative impact this legislation would have on the President's prerogatives in foreign affairs is the fact that H.R. 1561 directly inhibits vital Presidential objectives such as—implementation and funding for the framework agreement with North Korea; debt reduction for poorer nations; democracy building and market reform in Russia; and funding for worldwide family planning activities.

Contrary to the arguments that have been made by the supporters of H.R. 1561, President Clinton has proposed a budget that reasonably addresses the overseas interests of the United States. President Clinton's fiscal year 1996 foreign affairs budget has two key initiatives; reasonable consolidation and maintenance of our obligations to our friends and the world's neediest people.

The administration has proceeded vigorously with its efforts to streamline AID, ACDA, USIA, and the Department of State. Under the administration's efforts, foreign affairs agencies are reducing staffing by 4,700 positions, cutting bureaucratic layers and duplication, eliminating low-priority posts and programs, reengineering their business processes, and establishing common administrative services. The administration has taken these steps to enhance the efficiency and effectiveness of these agencies.

By contrast, the approach of H.R. 1561 is to simply eliminate AID, ACDA and USIA. This extreme action would result in an unwieldy, costly, and ineffective compromise of U.S. foreign policy objectives and would constitute an abdication of American humanitarian leadership overseas.

The ironic truth about H.R. 1561 is that it will actually weaken our influence overseas

and therefore compromise our national defense, prestige, and effectiveness. As a result of the bill's redirection of \$1.8 billion away from programs that help uplift the world's poor, American interests will be compromised.

Mr. Chairman, there is no doubt that with the end of the cold war the United States now reigns supreme as the world's only superpower. Over the past 7 years, our foreign policy has undergone a massive undertaking to adjust to a post-cold-war world which has allowed us to maintain a better balance of our domestic and foreign interests. Because of these changes in world politics, the United States is faced with an unprecedented opportunity to redirect funds to relieve problems here at home and help improve the lives of our friends overseas.

Mr. Chairman, unfortunately, as a political maneuver, the current majority has attached to this bad bill provisions authorizing aid to Israel and her Mid-East peace partners. This insulting and cynical attempt to force those of us who support Israel to endorse the overwhelmingly shortsighted and offensive objectives of H.R. 1561 will not work.

My record in Congress supporting issues important to Israel and the Mid-East peace process has been consistent and steadfast. In the form of foreign aid, trade relations, and support for the peace process, I have recognized the wisdom of a vital Israel and a fair peace process. Despite the fact that I have been forced to vote against this bill, rest assured I will do all that I can to ensure that the President's budgeted aid for Israel and the Mid-East peace process is delivered by this Congress.

In closing, H.R. 1561 reflects my colleagues' desire to sacrifice the interests and obligations of the American people in exchange for isolationism and inhumanity. I urge my colleagues to vote against this bill.

Mr. GILMAN. 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. WALKER) having assumed the chair, Mr. GOODLATTE, 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. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, had come to no resolution thereon.

#### SCHEDULE FOR FURTHER CONSIDERATION OF H.R. 1561

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

Mr. MORAN. Mr. Speaker, I have asked unanimous consent to inquire of the chairman of the Committee on International Relations the schedule for tomorrow so that we understand what amendments might come up. I would like to inquire of the chairman

of the Committee on International Relations the implications of the decision to rise at this point.

I understand that there is an hour and 45 minutes left of debate. We have at least three Democratic amendments scheduled: the gentleman from Maryland [Mr. HOYER], the gentleman from California [Mr. BERMAN], the gentleman from New Jersey [Mr. ANDREWS]. However, with an hour and 45 minutes tomorrow, it is conceivable that, particularly if the chairman was to oppose the Burton amendment, that the chairman might have two amendments in succession which would preclude the ability of the Democrats to offer any of our amendments.

I would like some assurance from the chairman that the Democrats will be able to offer an amendment after the subsequent Republican amendment to this bill.

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

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

Mr. GILMAN. Mr. Speaker, I have been informed that 1 hour and 45 minutes remain on full debate on this bill. We have a manager's amendment which is en bloc, a number of amendments, and then we have the Burton amendment. And whatever additional time that may be remaining, we will try to accommodate the gentleman.

Mr. MORAN. Mr. Speaker, I would suggest to the Chairman that is the reason for the inquiry because that may very well take up the full space of the 1 hour and 45 minutes which means that there would be two Republican amendments. There would not be the opportunity for any Democratic amendment to be offered, if that were the schedule. That is the concern of the minority side.

Mr. GILMAN. Mr. Speaker, if the gentleman will continue to yield, we will try to urge the Members to keep their remarks as brief as possible and the Berman amendment will be next following the Burton amendment.

Mr. MORAN. Can the Chairman assure us that we will get a Democratic amendment, at least one Democratic amendment considered tomorrow.

Mr. GILMAN. It will depend on the amount of time that we will be able to save with the debate on those two measures.

Mr. MORAN. This side would much appreciate the Chairman cooperating.

Mr. GILMAN. We will try to do our best to allow some time for additional amendments.

#### ON AMENDMENTS TO H.R. 1561

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, does that mean that no one else will be able to offer amendments? We have only got this 1 hour and 45 minutes and, as you know, I have a very, I think, important amendment dealing with immigration,

which I do not even think should be in this bill. Does that mean that we are not going to have time to get to anybody else's amendment?

Mr. GILMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, it will all depend on the amount of time that we can conserve in the remaining time that has been allotted to us by the rule. We have an hour and 45 minutes remaining, and we will try to work with the minority as best we can.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just like to note that under this unfair rule we have, the quorum call, a totally unnecessary quorum call came out of the time for amendments. We will probably have one less amendment because for no valid parliamentary reason, we spent about 25 minutes with a quorum call so somebody could get a bigger audience. And under the crazy rule we have, a quorum call comes out of the time and the quorum call has probably eclipsed one amendment.

Mr. GILMAN. Mr. Speaker, if the gentlewoman will continue to yield, let me explain that on four occasions this evening, I attempted to arrive at unanimous consent to cut back on the debate time so we would have additional time left for other amendments.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentlewoman will continue to yield, I do not regard it as an acceptable trade-off that you cut off debate time to have a quorum call. I do not think cutting debate on important amendments is an acceptable defense of a very arbitrary and unfair rule.

#### CLARIFICATION SOUGHT CONCERNING DEBATE ON BOSNIA AMENDMENT

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

Mr. THOMAS. Mr. Speaker, reserving the right to object, I will not object if the request is something other than an imploring of the chairman that someone else be allowed to offer an amendment. If the request is something other than that, I will not object.

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

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

Mr. ENGEL. Mr. Speaker, I have a question for the chairman.

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

The SPEAKER pro tempore. Without objection, the gentleman from New York [Mr. ENGEL] is recognized for 1 minute.

There was no objection.

Mr. ENGEL. Mr. Speaker, I would like to inquire of the chairman, with the big events in Bosnia this past week, we are dealing with a very, very important foreign aid bill. I know that the gentleman from Maryland [Mr. HOYER] has an amendment which I am sure the American people would like to see debated.

I just find it incongruous that we are being denied, for whatever reason; I am not blaming anyone, but the way it is working out, it seems that Mr. HOYER will not be allowed to put forth his amendment which would call for an end to the arms embargo. I think this is a very, very important vote on a very important amendment at a very important time.

I am wondering if I could somehow or other ask unanimous consent or ask the chairman if we can somehow get some time to debate Mr. HOYER's amendment because I think the American people want to see us debate it and it is too important to just push it to the side.

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

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

Mr. GILMAN. Mr. Speaker, I will be pleased to respond to the gentleman. We all share the concern about the Bosnia situation. Tomorrow afternoon we will be having a hearing on Bosnia in the Committee on International Relations. I discussed the Bosnia amendment with the gentleman from Maryland [Mr. HOYER]. We talked about trying to have sufficient time to properly debate that measure on a single standing bill rather than to take it up as part of this in a very short and limited period of time.

I assured Mr. HOYER that I would try to work with him in bringing that measure to the floor at an early date following the consideration of this measure.

#### ON BOSNIA

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

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York, the chairman of the committee. As the Members of this House know, I, along with the gentleman from New York [Mr. GILMAN] and others, offered an amendment last year that dealt with lifting the arms embargo to allow the Bosnians to defend themselves. This situation has gone on now for almost 3 years. The largest number of refugees since the Second World War have been created as a result of this confrontation and over 100,000 deaths. Genocide is occurring.

I regret that it appears, based upon the schedule that is going forward now, that I will be precluded from offering this amendment, which I believe is critically timely today and will be critically timely tomorrow.

I would hope that we could configure the schedule tomorrow so that I would have a half an hour to offer this amendment at the end of the other amendments so that this House can address this issue. It is critical. It is on the front page of every newspaper in Europe and the United States. It is in the councils of the armed forces of every NATO nation. And it seems to me it is timely now for this Congress to speak.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-83)

The Speaker pro tempore laid before the House the following veto message from the President of the United States:

##### *To the House of Representatives:*

I am returning herewith without my approval H.R. 1158, a bill providing for emergency supplemental appropriations and rescissions for fiscal year 1995.

This disagreement is about priorities, not deficit reduction. In fact, I want to increase the deficit reduction in this bill.

H.R. 1158 slashes needed investments for education, national service, and the environment, in order to avoid cutting wasteful projects and other unnecessary expenditures. There are billions of dollars in pork—unnecessary highway demonstration projects, courthouses, and other Federal buildings—that could have been cut instead of these critical investments. Indeed, the Senate bill made such cuts in order to maintain productive investments, but the House-Senate conference rejected those cuts.

For example, H.R. 1158 would deprive 15,000 young adults of the opportunity to serve their communities as AmeriCorps members.

It would deprive 2,000 schools in 47 States of funds to train teachers and devise comprehensive reforms to boost academic standards.

It would reduce or eliminate antiviolence and drug prevention programs serving nearly 20 million students.

It would prevent the creation and expansion of hundreds of community development banks and financial institutions that would spur job growth and leverage billions of dollars of capital in distressed communities across the country.

And it would seriously hamper the ability of States to maintain clean drinking water, thus jeopardizing the health of residents.

In the end, the Congress chose courthouses over education, pork barrel highway projects over national service, Government travel over clean water.

At my instruction, the Administration has provided alternatives to the

Congress that would produce greater deficit reduction than H.R. 1158, cutting even more in fiscal year 1995 spending than is included in H.R. 1158. But the spending reductions would come out of unnecessary projects and other spending, not investments in working families.

My position on this legislation has been made clear throughout the legislative process. The Administration strongly and consistently opposed the House version of the bill because it would have unnecessarily cut valuable, proven programs that educate our children, invest in our future, and protect the health and safety of the American people. We worked closely with the bipartisan leadership of the Senate to improve the bill, and I indicated my approval of those improvements. Regrettably, the conference went well beyond the spending reductions contained in the bipartisan compromise despite my Administration's consistent urging to adhere to the Senate bipartisan leadership amendment.

In addition, I continue to object to language that would override existing environmental laws in an effort to increase timber salvage. Increasing timber salvage and improving forest health are goals that my Administration shares with the Congress. Over the last 6 months, my Administration has put in motion administrative reforms that are speeding salvage timber sales in full compliance with existing environmental laws. It is not appropriate to use this legislation to overturn environmental laws. Therefore, I urge the Congress to delete this language and, separately, to work with my Administration on an initiative to increase timber salvage and improve forest health.

My Administration has provided the Congress with changes that would enable me to sign revised legislation. I urge the Congress to approve a bill that contains the supplemental funding included in H.R. 1158—for disaster relief activities of the Federal Emergency Management Agency, for the Federal response to the bombing in Oklahoma City, for increased antiterrorism efforts, and for providing debt relief to Jordan in order to contribute to further progress toward a Middle East peace settlement—along with my Administration's alternative restorations and offsets.

I will sign legislation that provides these needed supplemental appropriations and that reduces the deficit by at least as much as this bill. However, the legislation must reflect the priorities of the American people. H.R. 1158, as passed, clearly does not.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 7, 1995.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the journal, and the veto message and the bill will be printed as a House document.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the message of

the President, together with the accompanying bill, be referred to the Committee on Appropriations.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, I do not intend to object, but I would simply use this reservation to ask the distinguished gentleman from Louisiana what the intention of the committee would be with respect to the disposition of the president's veto message.

Do we intend to take this up for a vote or, if you do not, do you intend that there would be a new bill? If so, what do you think the timing would be and what would be your intention with respect to trying to work out a compromise accommodation?

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I am making this unanimous consent request to refer the veto message of the president on H.R. 1158 to the Committee on Appropriations so that, basically, we can terminate discussion on this bill and get it behind us.

Frankly, sending the bill to the committee, it will help us clear the air so we can see if there might be a way we can reach an agreement on a different approach that will satisfy the president. There is no point in proceeding further on H.R. 1158. I do not believe that the votes are present to override the veto. I am disappointed that we have reached this point because I believe it is a good bill. Frankly, I wish the president had signed it. I think he would have been better served had he does so. But he has decided to veto it.

Now, we need to spend our time productively on fiscal year 1996 appropriations bills, not by continuing to argue about the merits and faults of this bill. So I would hope that the gentleman would not object and that we can send this message to committee, and we can go ahead and confer with the representatives of the White House in hopes that we might come up with an alternative agreement.

Mr. OBEY. Continuing my reservation of objection, Mr. Speaker, I would simply say that I do not necessarily share the gentleman's judgment about the wisdom of the president's veto. I think under the circumstances it was correct. But I do hope that we will be able to get together and work out a rational compromise so that we can proceed to the regular appropriations process without too much delay intervening.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will continue to yield, the gentleman has summarized my own feelings in that the sooner we get to a final settlement of this matter, the better. Every day that goes by, the American taxpayer loses some \$25 million in savings. That is one estimate that I have seen. The fact is that the

bureaucracy continues to spend money. And if we are going to reap anything near the \$9.2 billion in savings that this bill gave us, we need to reach a conclusion, reach an agreement with the White House as expeditiously as possible.

□ 2045

But we would expect that the leadership of both sides of the aisle in the House would work with both sides of the aisle on the other side of this Congress and work in turn with the White House and develop a new bill, hopefully within the next few days.

Mr. OBEY. Mr. Speaker, I thank the gentleman. I would simply say that I hope that next time around, we can find reductions that do not in fact attack programs for seniors and children in order to provide tax increases for very high income people that we cannot afford under these circumstances.

Mr. LIVINGSTON. The gentleman's characterization of the bill is not my own. I would only say that when one attempts to downsize Government, nobody is going to be completely satisfied, but of course the purpose in referring this message to committee and then developing another bill is to come up with a compromise which is satisfactory to a majority of the House, a majority of the Senate, and one that will gain the President's signature, and doing all that will take compromise.

Mr. OBEY. Mr. Speaker, I hope in any bill that can be produced, we can protect the Brewster amendment.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message of the President to H.R. 1158, and that I might include tabular and extraneous material.

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

There was no objection.

#### CLEANER WATER

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous matter.)

Mrs. SEASTRAND. Mr. Speaker, last week the Santa Maria Times, a local newspaper in my district on the central coast of California, let the Sun shine on some of the arguments big government groups and the Clinton administration had made against our clean

water bill, which will give local communities more flexibility to solve their water problems. I quote:

When courting small business and voters frustrated by government, the Clinton administration decries "regulatory overkill," yet whenever anyone proposes actually loosening any particular Federal dictate, the Administration balks. Thus, the rewrite of the Clean Water Act passed 240 to 185 by the House of Representatives, with votes from 45 Democrats. It has inspired the President's most demagogic rhetoric in weeks.

Mr. Speaker, I agree with the Santa Maria Times editorial, which continues to point out that groups such as the National Governors Association, which the President once headed, the National League of Cities, the U.S. Conference of Mayors, and the Association of Metropolitan Sewer Agencies, all endorse this legislation. Let us finish with the hard rhetoric and continue with clean water for our local communities.

Mr. Speaker, I include for the RECORD the article of June 1, 1995, in the Santa Maria Times:

[From the Santa Maria Times, June 1, 1995]  
DIRTY FIGHT, CLEAN WATER

When courting small business and voters frustrated by government, the Clinton administration decries "regulatory overkill." Its touted blueprint for "reinventing government" prescribes a periodic weeding out of cumulative, obsolete, inconsistent and unnecessary regulations.

Yet whenever anyone proposes actually loosening any particular federal diktat, the administration balks. Thus, the rewrite of the Clean Water Act passed 240-185 by the House of Representatives recently (with votes from 45 Democrats) has inspired the president's most demagogic rhetoric in weeks.

At a propaganda event staged in Washington, D.C.'s Rock Creek Park, Bill Clinton caricatured the bill as written by "the lobbyists who represent the polluters." The bill's effect, he said, would be to put "poisons" in the water our children drink.

It is hard—make that impossible—to believe that the National Governors Association (which Clinton once headed), the National League of Cities, the U.S. Conference of Mayors and the Association of Metropolitan Sewerage Agencies all would knowingly endorse legislation so blatantly contrary to the public good. The bill the president vows to veto must have flaws but it cannot be the piece of unconscionable recklessness that the president so irresponsibly described.

Who are these polluters, for example? They are city dwellers, mall shoppers, users of roads and parking lots, and farmers. The major outstanding water issue is known as "nonpoint" pollution, the dirt that ends up in sewers and streams not because some profit-hungry corporation dumps it there but because rain water washes it off fields and parking lots and city streets.

Those striving to provide citizens safe drinking water and fishable and swimmable rivers and lakes are local governments. These are the same counties and municipalities that are stretched thin meeting increased demands for neglected children's services and economic development, road and bridge repair, police, courts and prisons. Nothing is gained by pretending that resources are infinite for any of these priorities, even clean water.

Admirably, the House bill nearly doubles the federal revolving loan fund to help local

authorities pay for sewage treatment. Its major thrust is to give states more flexibility in regulating storm water and other runoff from the landscape. It does not alter standards for the purity of water people drink.

Whether this bill has found the optimal definition for wetlands we are not prepared to say. That and the other issues will be tackled anew by the Senate. They will be tackled it appears, without constructive input from a president busy with scare tactics as his re-election campaign nears.

#### H.R. 1561: NO MORE BUSINESS AS USUAL IN FOREIGN POLICY

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

Mr. HORN. Mr. Speaker, one of the most important bills to come before this Congress is the American Overseas Interests Act of 1995, H.R. 1561.

For the first time in nearly half a century, it will provide focus on American foreign policy instead of the fragmentation which is provided by a separate United States Agency for International Development, the United States Information Service—including cultural affairs, and the United States Agency for Arms Control and Disarmament. At last, these agencies will clearly be directly responsible to the Secretary of State of the United States, the President's first Cabinet officer, the person who needs to advise the President on various aspects of foreign affairs.

This legislation will save over \$3 billion in the next 2 years. It will provide focus not only in organization. It will eliminate 23 assistant secretaries. It will provide less money and more direction. This legislation is long overdue and much-needed.

Vote for the American Overseas Interests Act.

Mr. Speaker, I am including a summary of the key features of H.R. 1561, as follows:

The American Overseas Interests Act, the first Republican foreign policy bill in over 40 years, changes "business as usual" five ways:

1. *Three Major Agencies Killed.*—AID, USIA, ACDA folded into State Department, eliminating hundreds of jobs, including 23 at the level of Assistant Secretary or higher.

2. *Cuts Spending.*—Cuts nearly \$1 billion from FY95 appropriated levels in FY96, over \$2 billion in FY97. Cuts more than \$21 billion from International Affairs spending below the FY95 baseline over seven year "glide path" to balanced budget. With Brownback Amendment, bill fully meets Budget Resolution.

3. *Kills Dozens of Lower-Priority Programs.*—Housing Guarantee Program, PL-480 Title III food aid program, U.S. funding for over a dozen international agencies. Development assistance, though important, is cut by \$750 million in FY96 and \$998 million in FY97.

4. *Focuses on Vital U.S. Interests.*—Funds antiterrorism assistance, Russian disarmament-related programs, NATO expansion aid, antinarcotics assistance, aid to Israel and Egypt (Camp David Accords).

5. *Punishes Adversaries.*—Cuts off aid to countries that provide weapons to terrorist states, give aid to Cuba, or vote against us in the U.N.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MORELLA). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

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

#### TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to comment today about the Supreme Court decision limiting the powers of the States to prohibit those States from enacting term limits.

Madam Speaker, the majority opinion in U.S. Term Limits versus Thornton, as Justice Thomas points out in dissent, reflects a fundamental misunderstanding of the 10th amendment's reservation of powers to State governments and the people. While the 5 to 4 decision may be a setback for term limits, it is only a temporary one. The closeness of the vote, and the strength of the dissent's argument, means that less harm was done to the term limit movement than is generally believed.

The fundamental issue in Thornton is not term limits, but the power of States and citizens to add to the three qualifications that are spelled out in article I for Members of Congress: age, citizenry, and residence. While the majority makes a cogent and correct argument that the Constitution bars Congress from setting additional qualifications, it fails to demonstrate that the States are barred from adding qualifications. The thrust of the majority's argument is that allowing States to set additional qualifications could lead to abuses of the electoral process. The majority said the Founders would have opposed such abuses, and therefore must have meant to bar the states

from adding qualifications. But the fact, as the dissent points out, is that the Constitution is silent on the matter. And the 10th amendment could not be more clear: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The plain language of the Constitution says that unless the Constitution prohibits states from adding qualifications about who can represent them in Congress, they should have the ability to do so. Whether a particular qualification, such as not having served more than three terms in the U.S. House, is a good idea or not is irrelevant.

If one accepts the majority opinion, then all other state qualifications are unconstitutional. These would include requirements that Congressman must live in the district that they represent, or that they not be a convicted murderer. Justice Thomas points out the absurdity of the situation where states have the right to restrict those who can vote in an election, but not the right to say who can run when he says: "the people of each state must leave open the possibility that they will trust someone with their vote in Congress even though they do not trust him with a vote in the election for Congress."

Actually, the Arkansas law would allow Congressmen to serve more than three terms, it just would require them to be a write-in candidate. The majority ruling was that this disadvantages a class of candidates, and holds that an amendment with the purpose of handicapping a class of candidates is in violation of the Qualifications Clauses and cannot stand. As the dissent again points out, this would mean that one could argue that the current congressional campaign finance system disadvantages challengers, and thus is unconstitutional. The same arguments could be raised against any redistricting plans of the various states.

It has not been well-reported that the implications of the majority opinion could go well beyond term limits. As other related issues come before a future Supreme Court, it is possible that the U.S. Term Limits versus Thornton decision will be overturned. Of course, this would be well into the future. An interesting question is, where do we go from here?

I am committed to term limits, and have directed the House Clerk to take my name off the congressional roll after six terms. I believe a majority of Americans now realize that our government is going to be better led by a citizen legislature than by career politicians. The court decision means that neither Congress nor the States can impose term limits by statute. Unless the decision is overturned, there must be a constitutional amendment to allow for term limits. While term limits supporters are often divided on the exact constitutional language for term limits, I expect them to agree on a

form which will be able to gather the necessary two-thirds vote. Despite having a majority in the House in favor of term limits, the vote was 61 short of passing a constitutional amendment in March. Should the people continue to pressure the Congress a constitutional amendment will be enacted.

Another option is the use of Article 5 to call for a constitutional convention. While it is true that all 27 constitutional amendments have come through the Congress, mounting a drive for a convention would add to the pressure on Congress to pass a term limit amendment and would keep the movement on the front burner in each of the States.

I believe strongly that the citizens of each of our 50 States have the right to choose how to govern themselves. The people of any State should be able to enact and enforce qualifications for their representatives. Term limits address the broader issue of limiting the growth of our leviathan government. As George Mason said during the general debate on the ratifying of the constitution in 1778: "Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people from whence he was taken." Congress must not become a perpetual body. It must be made up of citizen legislators who, in the words of Thomas Jefferson, "might have in idea that they were at a certain period to return into the mass of people and become the governed instead of the governors." Term limits will accomplish this and States deserve to have their 10th amendment rights be recognized.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 5 minutes.

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

#### IMMIGRATION LAW ADVERSELY IMPACTED IN FOREIGN AID BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Madam Speaker, I take the floor to talk about a very serious promise that I think has been broken. Early on, we heard a lot of people talking about how wonderful it was that we were going to have open rules, open rules when we discussed issues in this Congress, and everybody said, oh, that's great, and finally we are going

to be able to discuss everything fully and so forth.

Well, next week we are going to be bringing the Armed Services Committee bill to the floor, and I know it is now called the National Security Committee, but that bill comes to the floor. I have served on that committee for 22 years, and we have always brought it to the floor under an open rule. I hear this time it is going to be closed. They are going to narrow it down and it is going to be closed.

Today we just ended the foreign affairs bill that has been on the floor. We used to call it foreign aid. Now it has got some other fancy title. It is basically foreign aid. But let me tell you, it is under a very narrow, narrow, narrow rule in which many of us are not going to be able to discuss some very critical issues in there.

The issue that I wanted to talk about, and if we do not get to discuss this with an amendment, I hope people vote against this whole bill, is the portion of what we are doing to the immigration law. I do not even think it belongs in this bill, but we are severely modifying the immigration law to apply in a whole new way. Let me tell you what we are doing.

Right now the immigration law says you cannot emigrate to the United States unless you prove that that law, the laws of the land, are being discriminated in how they are applied against you. There is a discriminatory application against you because of your beliefs, and, therefore, you are not being treated equally.

Let's take it into some neutral area that many people won't get as impassioned about. Let's talk about conscription. If a person lives in a country that has universal conscription and you are upset about conscription and do not believe in the draft, you cannot emigrate to the United States on the basis that you don't believe in the draft and you are living in a country where there is a draft, so, therefore, you have the right to come here.

You could come to the United States if you had been out leading the movement against the draft and because of that your country put you in jail or because of that your country did all sorts of other discriminatory acts toward you. Then you would be made a political refugee because you had been out exercising your political rights in your country and they had made a target of you. That is how we have enforced the law.

However, in this bill, we are changing it vis-à-vis population policy, and we are saying that if a person does not like the population policy of the country that they are in, they can then come to the United States because they feel that they are going to be discriminated against.

□ 2100

Boy, is that a change. Boy, is that a major change. And I think that because we do not understand the great

body of case law that has grown up in this area we are apt to do very serious damage if we let this bill go through without dealing with this issue and trying to educate Members with this issue.

The problem that I have is I am not on the committee so I do not know how I get recognized. There is a whole hour and 45 minutes left with any number of Members on the committee that have not even had their amendments recognized. And when the hour and 45 minutes goes, boom, the hammer comes down, that is it, vote on the bill, it is out of here.

I just am very, very shocked that we have so soon forgotten our pledge to have open rules, and I think in the area of foreign affairs we have had open rules every time I remember. I know the distinguished gentleman from Maryland [Mr. HOYER] has a very critical amendment that he would like to offer that is on the front pages of every newspaper. I probably disagree with him on how I would vote, but I think he has the right to offer it, and I just find it very surprising that we are not going to permit that, and in an hour and 45 minutes tomorrow that is it, we are done.

Maybe on this globe we may have all sorts of global issues discussion, there may be all sorts of different things that were not dealt with; they fall off the table and we adjourn.

I just think the American people should be more than aware that there is a lot of talk about open rules, but I have not seen one in a long time.

I am going to ask the gentleman from Maryland, has he seen any open rules wandering around this Chamber anywhere?

Mr. HOYER. I have not seen any open rules, if the gentlewoman will yield, that really give open debate, and that is the issue. The gentlewoman mentions the 6 hours of debate or the hour and 45 minutes. The tragedy for the American public and for the House of Representatives is that of that hour and 45 minutes, 45 minutes to an hour may be taken up in simply voting, no debate, no consideration, no thoughtful exchange of ideas as to what is good and bad policy.

Mrs. SCHROEDER. The gentleman is absolutely correct. It is a very sad day.

The SPEAKER pro tempore (Mrs. MORELLA). Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

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

#### LIFE EXTENDING AND LIFE SAVING DRUG ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, as was aptly described by Carl B. Feldbaum, president of the BioTech Industry Organization, "Life-saving new drugs do take too long to reach the people who need them."

From my district in Montgomery County, PA, I have heard many a compelling story from constituents with cancer, Lou Gehrig's Disease, epilepsy, or AIDS who speak of the difficulties in accessing the medicines they need because the approval process in our country is so prolonged and, in effect, they have to turn to other countries where the products are available.

Don't get me wrong. The Food and Drug Administration serves a valuable purpose in maintaining high safety and efficacy standards. However, it is important to note that the FDA's actions directly affect the lives of patients and the ability of physicians to provide state-of-the-art care for their patients.

In addition, the FDA regulates businesses that produce 25 percent of America's gross national product, so the Agency's actions also impact our country's economic well-being. The pharmaceutical industry is an excellent example. The United States leads the world in discovering new drugs yet, all too often, these drugs are available overseas first. The United States is far and away the world leader in biotechnology, but many biotechnology firms are moving clinical trials overseas because of red tape imposed on them by the FDA. These are very troubling trends that do not bode well for the economic future of the United States, or for the economic future of Pennsylvania.

In my 13th Congressional District of Pennsylvania alone, we have 10 facilities of 4 major pharmaceutical companies. Together, these facilities employ more than 11,000 people. I would not want to see any of these constituents lose their jobs because FDA regulation is prompting companies to conduct some of their work overseas.

Americans want safe medicines. They want a strong FDA that will keep unsafe products off the market but, I believe, they want to see more emphasis on the value of giving patients quicker access to safe and effective new medicines. That is why, today, I am introducing the Life Extending and Life Saving Drug Act. We need to take action as soon as possible for the great benefit of this Nation's patients, physicians, and our emerging industry. I look forward to working with my colleagues to act quickly on this critical piece of legislation.

#### THE TIMBER AMENDMENT IN THE RESCISSIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Madam Speaker, today the President of the United States vetoed the rescission

bill that had been worked on for many weeks in this Congress by the House and the Senate and then in conference, and in that rescission package were many things that I think are important to the Nation, but one thing that was very important for forest health was the timber salvage amendment. The salvage amendment called for increasing forest health by allowing and actually requiring the Forest Service to get rid of the large portion of the dead and dying and deceased timber in our national forests.

We have several problems in the national forests. First of all there have been billions of board feet, there are somewhere between 20 and 30 billion board feet that are dead and dying in the forest that need to be taken out. The dead trees in the West are accumulating so fast that forest fires are not only burning along the ground as they once did, they are now burning to high degrees because of the buildup of dead and dying timber that has already accumulated in the forests. They reach temperatures of over 2000 degrees. They bake the land, charcoal runs over in the streams, it makes it almost impossible to come back and reforest in those areas. Many thousands of acres have been blown down through wind damage. These are also hard to reforest, to return to forest health.

Insects and disease in our national forests are not only consuming parts of our national forests but they are moving over into private lands. Most silviculturalists recognize the only way to stop the insect-infested movements is to destroy the tree, take out the host tree, either burn it or use it if you can get to it early enough, remove it so that there is not the location for the insects to move on year after year.

We know all of this because we have over 100 years of silviculture at our disposal, both from our best universities that have taught forestry going back almost 100 years when the first school of forestry started in this country. We know it from numerous experimental stations that we have, both private, Federal, and State and at university centers. We know it because silviculture is a science that is taught and studied and is probably one of the best informed sciences that we have because we have been studying for over 100 years in this area now.

With all of this accumulated knowledge we allow special interest groups in Washington to take in hundreds of millions of dollars, scaring people with misinformation, bad science, and pandering to politicians. The President has bought their message, hook, line, and sinker, because according to a Wall Street Journal story about the polling of the environmental organizations in Washington, we find that over 93 percent voted for Mr. Clinton. They are primarily far left. The report also showed that they are contrary in most of the things they report to the actual science that we know in these areas.

What we tried to do with the timber amendment that we had was to give the Forest Service the tools and the responsibility to move into the forests and move out the dead and diseased trees. The President today in his veto message said, and I am quoting, "I have done more for logging than any other single person in this country." Well, the President told us his first term here in 1993 that he was cutting the budget deficit with his \$100 billion tax increase; then he came to Congress and said he was increasing the deficit by over \$1 trillion in his 4 years in office. He told us that he was working to balance the budget, and he did not. He has told this Congress many things. His story in foreign policy and Bosnia has changed no fewer than six times just in the last few weeks, so when he says that he has done more for helping the forests, the unemployed forest people in the Pacific Northwest or other parts of the country, it should be taken with a grain of salt by now. Certainly if you ask the forest families, the tens of thousands of people who are unemployed because of his misinformation and policy he has put in place in the Pacific Northwest, they will tell you very quickly how much he has done for the resource in this Nation.

So, those of us in Congress by a vote of 277 in the House, which is almost two-thirds of this body, spoke out for forest health, and today the President has vetoed that.

It will come back to him. It will be back if there is another rescission package brought forth. It will be back in the Interior appropriations bill, because those of us that recognize the true science in silviculture, the health of our national forests, and recognize the phony misinformation that the President is getting, is wrong, we are going to see that that legislation is put back before him again and again.

His closing statement in his veto message was that we had with our timber amendment abolished all environmental legislation. Clearly, he could not have studied this himself. He took this right out of the radical environmental fringe that houses itself in Washington and puts out so much misinformation. It is ludicrous to think that a timber salvage amendment could abolish all of the environmental legislation that this country has passed in the last 20 years. It boggles the mind to think that we could even do it, much less have done it.

So I would ask the President to go back and reconsider what he has just said and the misinformation, and sign this bill for the families of America and the resources of this country and our forest health.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

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

#### CONSTITUENTS INTERESTED IN A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, during the 10 days that we were home for the break, the many constituents that I met with had concerns on a lot of different subjects, budget matters, they are very concerned about us balancing the budget. I said many, many times over the last 10 days that the third largest expenditure of our national budget is interest on the debt. And in 2 years that interest on the debt will exceed all military spending, all of the expenditures for the Coast Guard, the Army, the Navy, the Marines, and the Air Force and so forth. We will pay more money, more interest money to the bond holders on the national debt than we will for all of the armed services. I think this is absolutely atrocious, and found that most constituents agree. They want us, they are screaming for us to balance this budget. They realize that there will be some reductions in spending, some reductions in projections, and some elimination in consolidations of various programs, and yet what the folks of the First District of Georgia are saying is if you are going to balance the budget and you are going to do it across the board, that is fine. Do not do it on the backs of the veterans, do not do it on the backs of elderly, do not do it on the backs of children, do it across the board.

When I explain to them the Kasich budget proposal, in most cases people said that is a balanced approach, that is the way to handle this tremendous problem, because as we look at spending over a trillion dollars more than the current budget allocation in the next 7 years, people understand that in many cases we are not talking about budget cuts but we are talking about reducing the projected increase.

□ 2115

And yet people want that budget balanced.

They are also interested in this tax relief. It is a shame that the United States other body on the other side of the hall has not quite caught on the American people are sick and tired of paying taxes.

The average middle-class family paid a 2 percent tax burden in the 1950's as a percentage of Federal income tax. In the 1970's, that 2 percent went to 16 percent. In the 1990's, it is 24 percent.

The middle-class families of America today are paying 40 to 50 percent of their income in taxes, and they are sick and tired of it. They cannot afford it.

And most families, both spouses are working simply because of the economic necessity of paying taxes. It does not get them ahead, it just keeps them standing still and breaking even.

The middle class needs relief. The tax relief bill passed by the House actually benefitted 75 percent of the American people in the middle-class category.

We have got to help the middle class, and our package does that. But more importantly than that, giving the people their own money back, not confiscating it from them in the first place, allows them to buy more hamburgers, more CD players, more cars, more houses. When they do that, businesses expand. They create jobs. New workers create new revenue. History shows, and I went back to 1956, the Treasury Department numbers, and looked at it. Our revenues have increased every time taxes were low; the revenues to the national budget actually increased.

And what is so important about that is that our projection is that if the economy grows over 1 percent more than the current projection, then in the next 7 years we will have another \$640 billion of revenue added to the current budget, and if that is the case, it will be a lot easier to balance the budget without further reductions and caps and so forth.

Although many people are saying, "Do not worry about those cuts," because one of the major objectives we want out of the 104th Congress is to reduce the size of government. People are tired of government micromanagement. They are tired of Washington bureaucrats telling them how to run the show. They are saying, "We can handle our problems just fine on a local basis. Let our local nonprofits or our for-profits handle it. Let our local city councils and county commissions handle it. Let State governments do it. Take things, particularly major decisionmaking, out of Washington."

Another thing I found that the folks in the First District of Georgia are very concerned about is welfare reform. Simply put, they just do not want people who are able to work paid for not working. The middle-class families are out there working 40, 50, 60 hours a week, breaking their back. They are tired of doing it for the benefit of a huge Washington bureaucracy and able-bodied public assistance recipients. They are tired of it.

If somebody needs a helping hand, we want to help them. But if they are just going to take a free ride, then it is time to tell them to get off the train and help start fueling the engine with the rest of us.

Madam Speaker, I found these things over and over again, not just during the current district work break but all along as I have been in public office, that people are saying this is what we want, this is what we want out of Washington, "We want less; we want more personal freedom."

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. ARMEY), for today, on account of official business.

Mrs. WALDHOLTZ (at the request of Mr. ARMEY), for today, on account of family illness.

Mr. WICKER (at the request of Mr. ARMEY), for today after 5:45 p.m. and on Thursday, June 8, on account of attending Base Realignment and Closure Commission hearings concerning his district.

Mr. MONTGOMERY (at the request of Mr. GEPHARDT), for today after 5 p.m. and the balance of the week, on account of official business.

Ms. LOFGREN (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

Mr. KLECZKA (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. SPRATT (at the request of Mr. GEPHARDT), for today after 8 p.m. and the balance of the week, on account of personal family business.

#### 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 Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. CHRYSLER) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes each day, today and June 8.

Mr. FIELDS of Texas, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, today and June 8.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, June 8.

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, June 13.

Mr. KINGSTON, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous material:)

Mr. LIPINSKI.

Mr. WILSON.

Mrs. MINK of Hawaii in two instances.

Mr. GEJDENSON in two instances.

Mr. BERMAN.

Mr. FATTAH in two instances.

Mr. MARTINEZ.

Mr. DIXON.

Mr. PALLONE.

Mr. MINETA.

Mr. FOGLIETTA.

Mr. WARD.

Mr. MILLER of California.

Mr. SKELTON in three instances.

Mr. GORDON.

Mr. RAHALL.

Mr. STARK.

Mr. HAMILTON in four instances.

Mr. CARDIN.

Mr. TORRES.

Mr. MOAKLEY.

Mr. VISCLOSKY.

Mrs. MALONEY in two instances.

Mr. POMEROY.

Mr. UNDERWOOD.

Mr. DINGELL.

Mr. BONIOR.

Mr. OLVER.

Mr. WYDEN.

Ms. NORTON.

Ms. SLAUGHTER.

Mr. TEJEDA.

(The following Members (at the request of Mr. CHRYSLER) and to include extraneous matter:)

Mr. BAKER of California in three instances.

Mr. OXLEY.

Mr. DAVIS in two instances.

Mr. DUNCAN in two instances.

Mr. PORTER.

Mr. GALLEGLY.

Mr. COBURN.

Mr. FORBES.

Ms. MOLINARI.

Mr. SOLOMON.

Mr. CAMP.

Mr. MCCOLLUM in two instances.

Mr. LEWIS of California in two instances.

Mr. CRANE.

Mr. SMITH of New Jersey.

Mr. SHUSTER in two instances.

Mr. DORNAN.

(The following Members (at the request of Mr. TAYLOR of North Carolina) and to include extraneous matter:)

Mr. MATSUI.

Mr. PAYNE of New Jersey.

Mr. ANDREWS.

Mr. SAXTON.

Mr. BENTSEN.

Mr. HOBSON.

Mr. MEEHAN.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. BROWN of Ohio.

Mr. WYDEN.

Mr. BERMAN.

Mrs. JOHNSON of Connecticut.

Ms. FURSE.

Mr. MILLER of California.

Mr. GORDON.

Mr. CARDIN.

#### BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 6, 1995:

H.R. 1158. An act making emergency supplemental appropriations for additional dis-

aster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

#### ADJOURNMENT

Mr. KINGSTON, Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 1995, 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:

971. A letter from the Secretary, Department of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1994, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

972. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

973. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for lease four naval vessels to the Government of Mexico, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

974. A letter from the Director, Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense, transmitting a report on the progress of the Department of Defense toward the achievement of the goal to award 5 percent of DOD contracts to small disadvantaged business, historically black colleges and universities and minority institutions, pursuant to 10 U.S.C. 2323(i); to the Committee on National Security.

975. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Philippines, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

976. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps Program in the Department for fiscal year 1994, pursuant to 16 U.S.C. 1705; to the Committee on Economic and Educational Opportunities.

977. A letter from the Secretary of Education, transmitting a follow-up report on the recommendations of the National Advisory Council on Educational Research and Improvement's Presidential Advisory Committee, pursuant to section 6(b) of the Federal Advisory Committee Act, as amended; to the Committee on Economic and Educational Opportunities.

978. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1993, describing the activities and accomplishments of programs for persons with developmental disabilities, pursuant to 42 U.S.C. 6006(c); to the Committee on Commerce.

979. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to title VIII of the Foreign Relations Authorization Act

for fiscal year 1990-91, as amended, pursuant to Public Law 103-236, section 583(b)(2) (108 Stat. 489); to the Committee on International Relations.

980. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95-22: Emigration Policies of the Republic of Romania, pursuant to 19 U.S.C. 2432(a); to the Committee on International Relations.

981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification that it is in the national interest to grant assistance to Guatemala, pursuant to 22 U.S.C. 2370(q); to the Committee on International Relations.

982. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the removal of items from the U.S. munitions list, pursuant to 22 U.S.C. 2778(f); to the Committee on International Relations.

983. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC-29-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

984. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the Kuwait (Transmittal No. DTC-27-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

985. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Egypt (Transmittal No. DTC-30-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

986. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102-138, section 181 (105 Stat. 682); to the Committee on International Relations.

987. A letter from the General Counsel of the Navy, transmitting a draft of proposed legislation to authorize the transfer of eight naval vessels to certain foreign countries; to the Committee on International Relations.

988. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the inspector general for the period October 1, 1994, through March 31, 1995 and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

989. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-59, "Human Services Spending Reduction Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

990. A letter from the District of Columbia Board, transmitting financial disclosure statements of board members, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

991. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; to the Committee on Government Reform and Oversight.

992. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled "Federal Employees Emergency Leave Transfer Act of 1995"; to the Committee on Government Reform and Oversight.

993. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report on settlements for calendar year 1994 for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

994. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1994, pursuant to 36 U.S.C. 1101(4), 1103; to the Committee on the Judiciary.

995. A letter from the Chairman, U.S. Sentencing Commission, transmitting the 1994 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

996. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's report to Congress pursuant to section 2(d) of the Negotiated Rates Act of 1993; to the Committee on Transportation and Infrastructure.

997. A letter from the Secretary, Department of Energy, transmitting the 18th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science.

998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on International Relations and National Security.

999. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for fiscal year 1996, pursuant to Public Law 101-508, section 4002(g)(1)(B) (104 Stat. 1388-36); jointly, to the Committee on Committees on Ways and Means and Commerce.

1000. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the fifth in a series of annual reports on the subject of intermarket coordination, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Agriculture, Banking and Financial Services, and Commerce.

1001. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report on intermarket coordination, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Commerce, Banking and Financial Services, and Agriculture.

#### 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. YOUNG of Alaska: Committee on Resources. S. 523. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes (Rept. 104-132). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 260. A bill to provide for the de-

velopment of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; with an amendment (Rept. 104-133). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1070. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake" (Rept. 104-134). Referred to the House Calendar.

#### 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. MINETA (for himself, Mr. LIVINGSTON, Mr. SAM JOHNSON, Mr. SKELTON, Mr. YATES, Mr. HOYER, Mr. STUPAK, Mr. LIGHTFOOT, and Mrs. CUBIN):

H.R. 1753. A bill to require the Secretary of the Treasury to mint coins in commemoration of the subjects recommended by the Citizens Commemorative Coin Advisory Committee in accordance with section 5153 of title 31, United States Code, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BROWN of Ohio (for himself and Mr. LATOURETTE):

H.R. 1754. A bill to amend title XVIII of the Social Security Act to permit a supplier of durable medical equipment under part B of the Medicare Program to furnish an upgraded item of such equipment to a Medicare beneficiary, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. MCHALE, Mr. SHAYS, Mr. DEAL of Georgia, Mrs. WALDHOLTZ, Mr. KLUG, Mr. BARRETT of Wisconsin, Mr. MINGE, Mr. DICKEY, Mr. MEEHAN, Mr. ZIMMER, Mr. STENHOLM, Mr. ROBERTS, Mr. HORN, Mr. BLUTE, Mr. LAUGHLIN, Mr. POSHARD, Mr. SHADEGG, Mr. KILDEE, Mr. BROWDER, Mr. LOBIONDO, Ms. PRYCE, Ms. DANNER, Mr. SALMON, Mr. LATOURETTE, Mr. HANCOCK, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. BROWNBACK, Mr. UPTON, Mr. SOUDER, Mr. SANFORD, Mr. INGLIS of South Carolina, Mr. JACOBS, Mr. ENGLISH of Pennsylvania, Mr. FOX, Mr. HUTCHINSON, Mr. PARKER, Mrs. LINCOLN, Mrs. MORELLA, Mr. BALLENGER, Ms. FURSE, Mr. LEACH, Mr. GOSS, Mr. TORKILDSEN, Mr. BARTLETT of Maryland, Mr. FOLEY, Mr. WHITE, Mrs. SCHROEDER, Mr. THORNBERRY, Mr. GILCHRIST, Mr. SCHAEFER, Mr. BARRETT of Nebraska, Mr. WAMP, Mr. DORNAN, and Mr. BAKER of Louisiana):

H.R. 1755. A bill to provide for the establishment of an official mass mailing allowance for Members of the House of Representatives, and for other purposes; to the Committee on House Oversight.

By Mr. CHRYSLER (for himself, Mr. BROWNBACK, Mr. KASICH, Mr. LIVINGSTON, Mr. SOLOMON, Mr. CRANE, Mr. BOEHRER, Mr. PAXON, Mr. PARKER, Mr. METCALF, Mr. COOLEY, Mrs. CHENOWETH, Mr. NEUMANN, Mr. SCARBOROUGH, Mrs. MYRICK, Mr.

KNOLLENBERG, Mr. GUTKNECHT, Mr. LAHOOD, Mr. SANFORD, Mr. GRAHAM, Mr. WELDON of Florida, Mr. HILLEARY, Mr. JONES, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. WELLER, Mr. KLUG, Mr. NETHERCUTT, Mr. MCINTOSH, Mr. STEARNS, Mr. SMITH of Michigan, Mr. RADANOVICH, Mr. SALMON, Mr. CHABOT, Mr. FOX, Mr. LARGENT, Mr. BONO, Mr. TIAHRT, Mr. CREMEANS, Mr. MILLER of Florida, Mr. HAYWORTH, Mr. HUTCHINSON, Mr. WICKER, Mr. HASTINGS of Washington, Mr. FUNDERBURK, Mr. FRISA, Mr. THORNBERRY, Mrs. WALDHOLTZ, Mr. NORWOOD, Mrs. SEASTRAND, Mr. BASS, Mr. EWING, Mr. SHADEGG, Mr. HOEKSTRA, Mr. CAMP, Mr. LINDER, Mr. UPTON, Mr. WHITE, Mr. RIGGS, Mr. TATE, and Mrs. SMITH of Washington):

H.R. 1756. A bill to abolish the Department of Commerce; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, the Judiciary, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. OWENS, Mr. TOWNS, and Mr. GEJDENSON):

H.R. 1757. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of paramedic intercept services provided in support of public, volunteer, or nonprofit providers of ambulance services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. BEVILL, Mr. BARRETT of Wisconsin, and Mr. DURBIN):

H.R. 1758. A bill to provide for a Federal response to fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 1759. A bill to ensure that any person who served aboard the vessel H.M.T. *Queen Mary* and who was awarded the American Theater Campaign Ribbon for service in World War II is able to obtain a replacement for that ribbon if it has been lost, destroyed, or rendered unfit for use; to the Committee on National Security.

H.R. 1760. A bill to provide a military survivor annuity for widows of certain retirement-eligible reserve members of the uniformed services who died during the period between the establishment of the military survivor benefit plan and the creation of the reserve-component annuity under that plan; to the Committee on National Security.

H.R. 1761. A bill to eliminate the Medicare peer review system; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself, Mrs. VUCANOVICH, Mr. CALVERT, Mr. FOX of

Pennsylvania, Mr. MCDERMOTT, Mr. DOOLITTLE, Mr. CHRISTENSEN, Mr. HASTINGS of Washington, Mr. SCHIFF, and Mr. BROWDER):

H.R. 1762. A bill to amend the Internal Revenue Code of 1986 to deny Federal tax return information to States which impose an income tax on the pension income of individuals who are neither residents nor domiciliaries of the State; to the Committee on Ways and Means.

By Mr. FOX (for himself, Mr. CLINGER, Mr. MCINTOSH, Mr. FORBES, Mr. NEY, Mr. ENGLISH of Pennsylvania, Mr. KNOLLENBERG, Mr. LONGLEY, Mr. NORWOOD, Mr. MICA, Mr. STOCKMAN, Mr. KINGSTON, Mr. SOUDER, Mr. GUTKNECHT, and Mr. HOSTETTLER):

H.R. 1763. A bill to require the review of all Federal departments and agencies and their programs and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FUNDERBURK:

H.R. 1764. A bill to amend title 28, United States Code, to provide for the protection of civil liberties, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGLEY:

H.R. 1765. A bill to amend the Immigration and Nationality Act to deny visas and admission to aliens who have been unlawfully present in the United States for more than 1 year until they have been outside the United States for 10 years and to repeal the provision allowing adjustment of status of unlawful aliens in the United States; to the Committee on the Judiciary.

By Mr. HOBSON (for himself, Mr. SAWYER, and Mrs. JOHNSON of Connecticut):

H.R. 1766. A bill to provide for the establishment of a modernized and simplified health information network for Medicare and Medicaid, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON (for himself, Mr. EDWARDS, and Mr. MONTGOMERY):

H.R. 1767. A bill to amend title 38, United States Code, to provide for cost recovery by the Department of Veterans Affairs of the cost of health care delivered to veterans who are eligible for care under the Medicare Program; to the Committee on Veterans' Affairs, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself, Mr. KOLBE, Mr. BARTLETT of Maryland, Mr. EWING, Ms. MOLINARI, and Mr. UPTON):

H.R. 1768. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCOLLUM:

H.R. 1769. A bill to provide adequate funding for the Financing Corporation, to provide for the merger of the deposit insurance funds, to merge the positions of Comptroller of the Currency and Director of the Office of Thrift Supervision, to provide for the conversion of savings associations into banks, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY:

H.R. 1770. A bill to amend the Office of Federal Procurement Policy Act to improve the acquisition workforce of civilian Federal agencies; to the Committee on Government Reform and Oversight.

By Mr. WAXMAN:

H.R. 1771. A bill to amend the requirements of the Federal Food, Drug, and Cosmetic Act for the labeling of food for pesticides and for other purposes; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 1772. A bill to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex; to the Committee on Resources.

By Ms. MOLINARI:

H.R. 1773. A bill to amend the United States Housing Act of 1937 to provide for more expeditious evictions from public housing, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. NADLER (for himself, Mr. RANGEL, Ms. LOWEY, Mr. FROST, Mr. SERRANO, and Mr. MANTON)

H.R. 1774. A bill to redesignate General Grant National Memorial as Grant's Tomb National Monument, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. ENGEL, Mrs. MALONEY, and Ms. LOWEY):

H.R. 1775. A bill to amend the Internal Revenue Code of 1986 to provide for the restoration of the prior law formula for the inclusion in gross income of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. PAYNE of New Jersey, Mr. WATTS of Oklahoma, Mr. WOLF, Mr. RANGEL, Mr. BONIOR, Mr. DEL-LUMS, Mrs. MEEK of Florida, Ms. VELAZQUEZ, Mr. CONYERS, Mr. MFUME, Mr. LAZIO of New York, Mr. TUCKER, Mr. CLYBURN, Mr. WYNN, Mr. FROST, Mr. FILNER, Mr. JEFFERSON, Mr. WARD, Mr. SPRATT, Mr. HASTINGS of Florida, Mr. MARTINI, Mr. LIPINSKI, Mr. THOMPSON, Ms. JACKSON-LEE, Mr. DIXON, Mr. STOKES, Mr. OWENS, Mr. ACKERMAN, Mr. BRYANT of Texas, Mr. FATTAH, Mr. SERRANO, Mrs. KENNELLY, Mr. REED, Mr. GONZALEZ, and Mr. BENTSEN):

H.R. 1776. A bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots; to the Committee on Banking and Financial Services.

By Mr. OBERSTAR:

H.R. 1777. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Government Reform and Oversight.

By Mr. PALLONE (for himself, Mr. JONES, Mr. SMITH of New Jersey, Mr. ROSE, Mr. GEJDENSON, Mr. HINCHEY, Mr. TORRICELLI, Ms. DELAURO, and Mr. NADLER):

H.R. 1778. A bill to prohibit the Department of the Interior from expending any funds for a mid-Atlantic coast offshore oil and gas lease sale; to the Committee on Resources.

By Mr. SENSENBRENNER:

H.R. 1779. A bill relating to the tariff treatment of certain plastic flat goods; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mr. SOLOMON, Mr. DOOLITTLE, Mr. BAKER of California, Mr. FOLEY, and Mr. BARTON of Texas):

H.R. 1780. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on

the earned income of individuals and on business taxable income, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Ms. ROYBAL-ALLARD, Mr. TORRES, Mr. WAXMAN, Mr. FILNER, Mr. MINETA, Mr. MILLER of California, Ms. ESHOO, Ms. WOOLSEY, Mr. LANTOS, Mr. MATSUI, Mr. HORN, Ms. PELOSI, and Mr. DELUMS):

H.R. 1781. A bill to provide for the continuation of the operations of the California Urban Environmental Research and Education Center; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1782. A bill to amend the Federal Election Campaign Act of 1971 to provide for election day registration for elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mrs. VUCANOVICH:

H.R. 1783. A bill to require a change in a regulation under the Occupational Safety and Health Act of 1970; to the Committee on Economic and Educational Opportunities.

By Mrs. VUCANOVICH (for herself and Mr. THOMAS):

H.R. 1784. A bill to validate certain conveyances made by the Southern Pacific Transportation Company within the cities of Reno, NV, and Tulare, CA, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ZIMMER (for himself, Mr. SCHUMER, and Mr. CHRISTENSEN):

H.R. 1785. A bill to amend the Internal Revenue Code of 1986 to promote capital formation for the development of new businesses; to the Committee on Ways and Means.

By Mr. HAMILTON:

H. Res. 162. Resolution amending the Rules of the House of Representatives to provide for the consideration in each Congress of a congressional reform resolution, and for other purposes; to the Committee on Rules.

By Mr. MILLER of California (for himself, Mrs. FOWLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHUMER, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. CALVERT, Mrs. CLAYTON, Mr. ENGEL, Mr. FATTAH, Mr. FOX, Mr. FROST, Ms. FURSE, Mr. GENE GREEN of Texas, Mr. HEINEMAN, Mr. HINCHEY, Mr. JOHNSON of South Dakota, Mr. KLECZKA, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Ms. MCKINNEY, Ms. MOLINARI, Ms. NORTON, Ms. PELOSI, Mr. RANGEL, Ms. RIVERS, Mr. SERRANO, Ms. SLAUGHTER, Mr. STEARNS, Mr. THOMPSON, Mr. ACKERMAN, and Ms. DELAURO):

H. Res. 163. Resolution commending the Police Athletic League; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

107. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to memorializing the U.S. Postal Service to issue a stamp honoring Joshua Lawrence Chamberlain; to the Committee on Government Reform and Oversight.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. MARTINI.  
 H.R. 43: Mr. HILLIARD and Mr. TORRICELLI.  
 H.R. 60: Mr. MCCOLLUM, Mr. KIM, Mr. MCKEON, Mr. RIGGS, and Mr. KINGSTON.  
 H.R. 62: Mr. SHADEGG.  
 H.R. 65: Mr. HAYES.  
 H.R. 67: Mr. SOUDER.  
 H.R. 94: Mr. HERGER, Mr. KLUG, Mr. MCINNIS, Mr. YOUNG of Alaska, and Mr. PETERSON of Minnesota.  
 H.R. 103: Ms. SLAUGHTER, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Ms. WOOLSEY, and Mr. COBURN.  
 H.R. 104: Mr. MCCOLLUM, Mr. STEARNS, and Mr. PAXON.  
 H.R. 109: Mr. FATTAH, Mr. TORKILDSEN, Mr. ENSIGN, Mr. MILLER of California, and Mr. TOWNS.  
 H.R. 123: Mr. RIGGS and Mr. BAKER of Louisiana.  
 H.R. 218: Mr. HERGER, Mr. PETE GEREN of Texas, and Mr. BUNN of Oregon.  
 H.R. 239: Mr. GORDON.  
 H.R. 353: Mrs. MORELLA and Mr. MORAN.  
 H.R. 359: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BROWDER.  
 H.R. 396: Mr. SOLOMON and Mr. CALVERT.  
 H.R. 399: Mrs. JOHNSON of Connecticut.  
 H.R. 468: Mr. FORBES and Mr. ENSIGN.  
 H.R. 488: Mr. TORKILDSEN.  
 H.R. 491: Mr. PARKER, Mr. COOLEY, Mr. SMITH of Texas, Ms. DANNER, Mr. GOSS, and Mr. DOOLITTLE.  
 H.R. 497: Mr. CANADY, Mr. BAKER of Louisiana, Mr. GENE GREEN of Texas, Mr. BATEMAN, Mr. HUTCHINSON, and Mr. SHAW.  
 H.R. 526: Mr. HEFNER and Mr. LEWIS of Kentucky.  
 H.R. 530: Mr. KNOLLENBERG, Mr. ALLARD, Mr. PORTER, Mr. COMBEST, Mr. HEFLEY, Mr. HAYES, Mr. QUILLEN, and Mr. MCCOLLUM.  
 H.R. 539: Mr. FIELDS of Louisiana, Mr. POMEROY, Mr. LIVINGSTON, and Mr. EMERSON.  
 H.R. 559: Mr. DEFAZIO and Mr. ACKERMAN.  
 H.R. 625: Mr. CONDIT and Ms. ROSLEHTINEN.  
 H.R. 661: Mr. HAMILTON.  
 H.R. 708: Mr. CLEMENT, Mr. BENTSEN, and Mrs. WALDHOLTZ.  
 H.R. 733: Mr. TORKILDSEN.  
 H.R. 734: Mr. TORKILDSEN.  
 H.R. 739: Mr. SOUDER, Mr. LINDER, and Mr. BACHUS.  
 H.R. 752: Mr. EDWARDS, Mr. BENTSEN, Ms. BROWN of Florida, Mr. CANADY, Mr. DEAL of Georgia, Mr. PETE GEREN of Texas, Mr. GENE GREEN of Texas, Mr. INGLIS of South Carolina, Mr. MANTON, Ms. MCCARTHY, Mr. SALMON, Ms. WOOLSEY, Mr. ZIMMER, Mr. BLILEY, Mr. HANSEN, Mr. FOX, and Mr. FIELDS of Texas.  
 H.R. 771: Mr. ENGEL, Mr. PASTOR, Mr. REED, and Ms. DELAURO.  
 H.R. 777: Mr. CONYERS, Mr. CUNNINGHAM, Mr. EHLERS, Ms. FURSE, Ms. LOWEY, Mr. MINETA, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, Mr. WYNN, and Mr. SOLOMON.  
 H.R. 778: Mr. BEREUTER, Mr. CONYERS, Mr. CUNNINGHAM, Mr. EHLERS, Ms. FURSE, Ms. LOWEY, Mr. MINETA, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TAYLOR of North Carolina, and Mr. WYNN.  
 H.R. 779: Mr. COOLEY, Mr. DELLUMS, Mr. EHLERS, Mr. ENGEL, Ms. LOWEY, Mr. SOLOMON, and Ms. VELÁZQUEZ.  
 H.R. 780: Mr. COOLEY, Mr. DELLUMS, Mr. EHLERS, Mr. ENGEL, Ms. LOWEY, Mr. SOLOMON, and Ms. VELÁZQUEZ.  
 H.R. 782: Ms. NORTON.  
 H.R. 783: Mr. SENSENBRENNER, Mr. GANSKE, and Mr. NORWOOD.  
 H.R. 785: Mr. RIGGS.  
 H.R. 789: Mr. LONGLEY, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. YOUNG of Alaska, Mr. BALLENGER, Mr. CASTLE, and Mr. DOOLEY.  
 H.R. 803: Mr. CHAPMAN, Mr. PALLONE, Mr. PAYNE of Virginia, and Mr. TORKILDSEN.

H.R. 820: Mrs. CLAYTON, Mr. TAYLOR of North Carolina, Mr. SKAGGS, Mr. DEAL of Georgia, Mr. HINCHEY, Mr. LA TOURETTE, Mr. BROWDER, Mr. ENGLISH of Pennsylvania, and Ms. MCCARTHY.

H.R. 858: Mr. VENTO, Mr. NETHERCUTT, Mr. WILSON, Mr. MENENDEZ, Mr. PASTOR, Mr. JOHNSON of South Dakota, Mr. TRAFICANT, Mr. BARTLETT of Maryland, Mr. NEAL of Massachusetts, and Mr. CONDIT.

H.R. 860: Mr. PETRI.

H.R. 873: Mr. FUNDERBURK, Mr. HOKE, Mr. MARTINI, Mr. GOODLATTE, Mr. HOEKSTRA, Mr. CHABOT, Mr. GILMAN, Mr. EVERETT, Mr. BUNNING of Kentucky, Mr. LATHAM, Mr. LA TOURETTE, Mr. SCARBOROUGH, Mr. CANADY, Mr. BARR, Mr. SCHAEFER, Mr. WAMP, Mr. LOBIONDO, Mr. FRISA, Mr. HOBSON, and Mr. DIAZ-BALART.

H.R. 881: Mr. MENENDEZ.

H.R. 882: Mr. PASTOR and Mr. SOLOMON.

H.R. 927: Mr. SALMON and Mr. SANFORD.

H.R. 957: Ms. DELAURO.

H.R. 972: Mr. HOEKSTRA.

H.R. 994: Mr. CUNNINGHAM, Mr. FROST, Mr. INGLIS of South Carolina, and Mr. RADANOVICH.

H.R. 995: Mr. SOUDER.

H.R. 996: Mr. SOUDER.

H.R. 997: Mr. CRAMER, Mr. HUTCHINSON, Mr. SOLOMON, Mr. SOUDER, and Mr. YOUNG of Alaska.

H.R. 1003: Mr. HALL of Ohio, Ms. DUNN of Washington, Mr. LATHAM, Mr. SPRATT, and Mr. REYNOLDS.

H.R. 1010: Mr. WYDEN, Mr. REYNOLDS, and Mr. JOHNSTON of Florida.

H.R. 1020: Mr. GALLEGLY, Mr. POMEROY, Mrs. LINCOLN, Mr. ACKERMAN, Mr. GOSS, Mr. MCHUGH, Mr. CHAMBLISS, Mr. BOUCHER, Mr. HASTINGS of Florida, Mr. MARTINI, and Mr. COOLEY.

H.R. 1023: Mr. BONO, Mr. PAYNE of New Jersey, Mr. BRYANT of Texas, Ms. DELAURO, and Mr. BEVILL.

H.R. 1039: Mr. DOOLITTLE.

H.R. 1046: Mrs. MEEK of Florida, Mr. FRAZER, Mr. DELLUMS, and Mr. LIPINSKI.

H.R. 1061: Mr. JEFFERSON, Mr. SKEEN, Mr. FARR, Mr. SABO, and Mr. SMITH of Texas.

H.R. 1066: Mr. REYNOLDS.

H.R. 1073: Mr. MONTGOMERY, Mr. BORSKI, Ms. NORTON, Mr. STUPAK, and Mr. MARKEY.

H.R. 1074: Mr. MONTGOMERY, Ms. NORTON, and Mr. STUPAK.

H.R. 1078: Mrs. MALONEY, Ms. RIVERS, and Mr. DELLUMS.

H.R. 1090: Mr. TAYLOR of North Carolina, Mr. FRAZER, and Mr. KILDEE.

H.R. 1111: Mr. SOUDER.

H.R. 1114: Mr. HOBSON, Mr. WALSH, Mrs. SMITH of Washington, Mr. MARTINI, and Mr. GILLMOR.

H.R. 1161: Mr. MCCOLLUM.

H.R. 1162: Mr. TANNER and Mr. MARTINI.

H.R. 1175: Mr. SAXTON, Mr. MILLER of California, Mr. STUDDS, Mrs. MORELLA, Mr. MANTON, Mr. MONTGOMERY, Mr. GILCHREST, Mr. LOFGREN, Mr. REED, Mr. JOHNSTON of Florida, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. TORKILDSEN, Mr. PICKETT, Mrs. MINK of Hawaii, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. JONES, Mr. PALLONE, Mr. MARKEY, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. QUILLEN, Mr. KENNEDY of Massachusetts, Mr. METCALF, Mr. ROMERO-BARCELO, Ms. PELOSI, Mr. FRAZER, Mr. LOBIONDO, Mr. GEJDENSON, Mr. BATEMAN, Mr. KLUG, Mr. BILBRAY, Mrs. FOWLER, Mr. HILLIARD, Ms. SLAUGHTER, and Mrs. SEASTRAND.

H.R. 1203: Mr. SOLOMON, Mr. HERGER, Mr. HOBSON, and Mr. MARTINI.

H.R. 1220: Mr. GUTKNECHT and Mr. SOUDER.

H.R. 1221: Mr. EVANS, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. FROST, Mr. HOLDEN, and Mr. OLVER.

H.R. 1242: Mr. TAYLOR of North Carolina, Mr. CREMEANS, and Mr. NUSSLE.

H.R. 1256: Mr. MARTINI.  
 H.R. 1274: Mr. MEEHAN, Mr. LOBIONDO, Mr. EVANS, and Mr. RADANOVICH.  
 H.R. 1288: Mr. HAMILTON.  
 H.R. 1291: Mr. BAKER of Louisiana.  
 H.R. 1294: Mr. GANSKE.  
 H.R. 1298: Mr. DOOLEY, Mr. CONDIT, and Mr. POMBO.  
 H.R. 1299: Mr. MATSUI and Mr. SERRANO.  
 H.R. 1362: Mr. SHADEGG, Mr. PETRI, Mr. DAVIS, Mr. COMBEST, Mr. HUTCHINSON, Mr. NEY, Mr. MICA, Mr. STOCKMAN, Mr. STENHOLM, and Mr. ROBERTS.  
 H.R. 1403: Mr. BORSKI and Mr. COYNE.  
 H.R. 1444: Ms. WOOLSEY, Mr. TORRES, Mr. DEFAZIO, Ms. SLAUGHTER, and Mr. BEILEN-SON.  
 H.R. 1460: Mr. ENGEL.  
 H.R. 1493: Mr. WOLF, Mr. MCCOLLUM, Mr. DOOLITTLE, Mr. BATEMAN, and Mr. PICKETT.  
 H.R. 1499: Mr. WAMP, Mr. LUTHER, Mr. MARTINI, Mr. BAKER of Louisiana, and Mr. MCCOLLUM.  
 H.R. 1504: Mr. ABERCROMBIE, Mr. CONDIT, Mr. PETE GEREN of Texas, and Mr. FILNER.  
 H.R. 1514: Mr. SPRATT, Mr. STENHOLM, Mr. BUNNING of Kentucky, Mr. PETERSON of Minnesota, Mr. HOBSON, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. MCCOLLUM, Mr. CRAPO, Mrs. MEYERS of Kansas, Mr. FRELINGHUYSEN, Mr. BENTSEN, Mr. FIELDS of Texas, Mrs. MYRICK, Mr. POMEROY, Mr. CHAMBLISS, and Mr. LUCAS.  
 H.R. 1532: Mr. BURTON of Indiana and Mr. FOX.  
 H.R. 1537: Ms. KAPTUR.  
 H.R. 1542: Mr. FAWELL.  
 H.R. 1560: Mr. FATTAH, Mr. LEWIS of Georgia, and Mr. MONTGOMERY.  
 H.R. 1566: Mr. PALLONE and Mr. MARTINI.  
 H.R. 1591: Mr. HASTINGS of Florida and Mr. BONIOR.  
 H.R. 1594: Mr. DORNAN, Mr. BAKER of California, Mr. BUNNING of Kentucky, and Mr. HOBSON.  
 H.R. 1604: Mr. SHAW, Mr. DAVIS, Mr. PORTMAN, Mr. LATOURETTE, Mr. GUNDERSON, and Mr. SOLOMON.  
 H.R. 1610: Mr. BOUCHER, Mr. SOLOMON, and Mrs. MORELLA.  
 H.R. 1618: Mr. SOLOMON, Mr. MILLER of Florida, Mr. ALLARD, Mr. GENE GREEN of Texas, Mr. BARTLETT of Maryland, Mr. CHAMBLISS, Mr. INGLIS of South Carolina, Mr. MEEHAN, Mr. ENSIGN, and Mrs. MYRICK.  
 H.R. 1627: Mr. ARCHER, Mr. CAMP, Mr. CHRISTENSEN, Mr. COBURN, Mr. HERGER, Mr. KANJORSKI, and Mr. COSTELLO.  
 H.R. 1640: Mr. HUTCHINSON, Mr. SOUDER, Mr. MCINTOSH, Mr. BAKER of Louisiana, Mr. FORBES, Mr. SHADEGG, Mr. BRYANT of Tennessee, and Mr. NORWOOD.  
 H.R. 1677: Mr. TEJEDA, Mr. BRYANT of Texas, Ms. DELAURO, Mr. FROST, and Mr. EHRlich.

H.R. 1684: Mr. BEILENSEN, Mr. DIAZ-BALART, Mr. SHAW, Mr. LIVINGSTON, Mr. BILLIRAKIS, Mr. ROMERO-BARCELO, and Mr. NORWOOD.  
 H.R. 1713: Mrs. WALDHOLTZ, Mr. HASTINGS of Washington, Mr. DOOLEY, and Mr. BONO.  
 H.R. 1735: Mr. GENE GREEN of Texas, Ms. JACKSON-LEE, and Ms. VELAZQUEZ.  
 H.R. 1744: Mr. RAMSTAD, Mr. COX, and Mrs. JOHNSON of Connecticut.  
 H.J. Res. 79: Mr. GILLMOR, Mr. THOMPSON, Mr. SANFORD, and Mr. KLUG.  
 H.J. Res. 91: Mr. PETRI and Mr. ENGLISH of Pennsylvania.  
 H. Con. Res. 50: Mr. SAXTON.  
 H. Con. Res. 62: Mr. DELLUMS, Mr. DEUTSCH, Mr. EVANS, Mr. FRAZER, Ms. JACKSON-LEE, Mr. MEEHAN, Mr. MORAN, Ms. NORTON, Mr. PALLONE, Ms. RIVERS, and Mr. THOMPSON.  
 H. Res. 94: Mr. FRANK of Massachusetts, Mr. DOYLE, Mr. WALSH, and Mr. CHAPMAN.  
 H. Res. 153: Mrs. MALONEY, Mr. CLYBURN, Mr. NEAL of Massachusetts, Mr. WILLIAMS, Mr. UNDERWOOD, Mr. McDERMOTT, Mr. BONIOR, Mr. LAFALCE, Mr. BROWN of California, Mr. FRANK of Massachusetts, Mr. FOGLETTA, Mr. SCHUMER, Mr. PAYNE of New Jersey, Mr. LANTOS, Mr. SANDERS, Mr. RUSH, Mr. PALLONE, Ms. BROWN of Florida, Mr. ROMERO-BARCELÓ, Mr. DEFAZIO, Mr. TOWNS, and Mr. OWENS.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

*[Omitted from the Record of May 2, 1995]*

H. Res. 123: Mr. NETHERCUTT.

#### PETITIONS, ETC.

Under clause 1 of rule XXII:

23. The SPEAKER presented a petition of the New York City Council, NY, relative to the Federal Bankruptcy Code; which was referred to the Committee on the Judiciary.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1530

OFFERED BY: MRS. MINK

AMENDMENT NO. 1: At the end of title III (page 153, after line 25), insert the following new section:

#### SEC. 396. PROVISION OF TRANSPORTATION FOR HUMANITARIAN PURPOSES IN PACIFIC RIM REGION.

(a) AUTHORITY TO PROVIDE TRANSPORTATION.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§2643. Provision of transportation for humanitarian purposes in Pacific Rim region

“(a) AUTHORITY.—(1) Notwithstanding section 1344 of title 31, the Secretary of Defense may provide persons described in subsection (b) and equipment described in subsection (c) with transportation on a space-available basis—

“(A) to an airport or port in a country or other entity in the Pacific Rim region from an airport or port in the United States; and

“(B) to an airport or port in the United States from an airport or port in a country or other entity in the Pacific Rim region.

“(2) Transportation provided under subsection (a) shall be provided without charge.

“(b) PERSONS COVERED.—Persons eligible for transportation under this section are—

“(1) minor children residing in the Pacific Rim region who have been admitted for necessary medical treatment at a medical facility in the Pacific Rim region, but who are unable to afford the costs of transportation to the facility; and

“(2) in the case of any child described in paragraph (1), one adult attendant.

“(c) EQUIPMENT COVERED.—Equipment eligible for transportation under this section is limited to equipment intended for health or humanitarian use by a nonprofit organization at the ultimate destination of the equipment.

“(d) CONDITIONS.—The Secretary may provide transportation under subsection (a) only if the Secretary determines that—

“(1) the provision of that transportation is not inconsistent with the foreign policy of the United States;

“(2) the transportation is for humanitarian purposes; and

“(3) adequate arrangements have been made with sending and receiving entities before the provision of such transportation at the location of departure and arrival.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2643. Provision of transportation for humanitarian purposes in Pacific Rim region.”.