HOUSE OF REPRESENTATIVES—*Thursday, November 18, 1993*

The House met at 10 a.m.

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

Teach us, O God, to focus not only on what must be accomplished in our duties and in our lives, but also on what should be done for our good and the good of people everywhere. We have received the gifts of faith and hope, but we concentrate on what seems near at hand and forget the nurture of our hearts and souls and the very fabric of our character. Ennoble us, sustain us, support us, and strengthen our resolve that we will grow in grace and in the knowledge of Your will, now and evermore. Amen.

NOTICE

To save costs, no interim issues of the Congressional Record will be printed between the last meeting of the first session of the 103d Congress and the first meeting of the second session. Statements submitted by Members to be printed in the Congressional Record should be received by the Official Reporters of Debates no later than the 1st day of the session.

By order of the Joint Committee on Printing.

WENDELL H. FORD, CHAIRMAN.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. TORRES] come forward and lead the House in the Pledge of Allegiance.

Mr. TORRES 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 433) entitled "An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2401), "An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

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

S. 986. An act to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes;

S. 1667. An act to extend authorities under the Middle East Peace Facilitation Act of 1993 by six months; and

S. Con. Res. 31. Concurrent resolution concerning the emancipation of the Iranian Baha'i community.

CONTINUING SAGA OF JOHN DEMJANJUK

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

Mr. TRAFICANT. Mr. Speaker, the saga of John Demjanjuk continues. The Sixth Circuit Court in Cincinnati officially revoked the 1986 extradition order. The court said the Justice Department played a game, win at any cost, and threw out the facts, withheld the facts.

The court also said that the Justice Department perpetrated a fraud on the courts, lying to the courts.

The court also said that the Justice Department succumbed to outside pressures, and with reckless disregard for the truth, even after knowing since 1981 this man was not Ivan, they prosecuted him as Ivan.

Mr. Speaker, win at any cost, fraud, reckless disregard for the truth. Who looks like the Nazi now?

Israel did not go forward with any case against Demjanjuk because, Members of Congress, Germany said the ID card is a phony.

Mr. Speaker, let us get some justice in this case.

PASS THE UNEMPLOYMENT COMPENSATION BILL

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

Mr. APPLEGATE. Mr. Speaker, first of all I want to extend my congratulations to the President for his big victory yesterday, and although I opposed him, now the wounds must be healed, and I think what we have to do is try to work together with the President to achieve his hopes and goals.

No. 2, I appeal to the leadership of this Congress to get the unemployment compensation bill out of committee and get it passed. The unemployed are either running out of money or they are out of money right now.

This is the most critical issue we have to face right now. Do not let American workers suffer because of political bickering.

Christmas is coming on, my friends. Let us get it out now. And I say to my colleagues: Do not leave Washington without it, because you may not be coming back.

THE VOTERS WILL NOT WAIT MUCH LONGER

(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, the taxpayers we are sworn to serve are not going to take it much longer. If you do not believe me, take a look at any public opinion poll. And if you don't believe the polls, take a look at the latest election results.

Last November, dozens of Members were elected to this body because they promised a program of reform—congressional reform, tax and budget reform, campaign reform, lobbying reform. And the Democrat leadership promised that we would get the opportunity to vote on those reforms.

Well, it has not worked out that way. Budget and tax reform? Nope. In fact, the Democrat majority in this Congress enacted the largest single tax increase in American history and added a trillion dollars to the national debt.

Campaign reform? Nope.

Lobbying reform? Nope.

Congressional reform? Nope.

Mr. Speaker, the Democrat leadership would do well to heed the message received in Virginia and New Jersey and New York. Because if you do not soon allow us to vote on meaningful reform, the same message is going to be

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heard next November in Washington, DC. Loud and clear.

NO ADJOURNMENT WITHOUT PASSING UNEMPLOYMENT COMPENSATION EXTENSION

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise this morning to call on my colleagues to join me in opposing adjournment until the House passes an unemployment compensation extension.

Recently the Democrat leadership told reporters they were not sure whether the measure would be acted upon before adjournment. My colleagues, hard-working people in my district have been counting on this extension to pay their mortgages and buy groceries. These people are calling my office daily expressing their heartfelt fear that they will lose their homes and be forced to go onto welfare.

Where is the fairness? Where is the compassion? How come Members on both sides of the aisle are not up in arms? How come the leadership casually suggests that we would rather go home than vote on extending unemployment compensation benefits?

I am struck by the sad irony of expressing concern and sympathy for workers yesterday, and neglecting their desperate needs yet one more day here.

I understand the problem of the Senate amendment, but we must not allow these benefits to be stalled. Many families in my district have little to be thankful for this Thanksgiving if we do not act on extending unemployment compensation benefits before we leave here. Today is not a minute too soon.

Join me in urging the Speaker to bring this bill to the House floor for our consideration immediately.

CONGRESSIONAL REFORM? NO SUCH LUCK

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

Mr. THOMAS of Wyoming. Mr. Speaker, just when we thought it might be possible for Congress to improve its ratings with the public through bipartisan activity and voting in the national interest, we read a story in the Washington Times which begins:

> A House reform panel stalled yesterday in its attempt to pass a comprehensive package of congressional reforms when its Members failed to agree on how to do their job.

□ 1010

Let us take a little walk back in time. Last November a record number of reform-minded freshmen were elected to Congress. The Democrat leadership immediately promised that we would soon have an opportunity to vote on substantive congressional reform. That was 1 year ago.

Now we are prepared to adjourn this session of Congress. We are no closer to seeking a reform package on the floor than we were last November.

Why is that? Very simple. Democrats have controlled this body for 40 years. They have fallen in love with the status quo; they have fallen in love with absolute power. They are not willing to part with it.

Mr. Speaker, a word of advice: Let us reform the House. It is what we were elected to do. It is the right thing to do.

BIPARTISAN APPROACH TO HEALTH CARE NEEDED

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

Mr. ZELIFF. Mr. Speaker, now that NAFTA is behind us, we must turn our attention to health care. We should utilize the same bipartisan NAFTA coalition to work together to develop true health care reform that we can all agree on. We need to pass those reforms we can all agree on.

That means passing the elimination of preexisting conditions, passing antitrust modifications, passing tort reform, passing antifraud measures, raising the self-employed's tax deduction, streamlining the administration process, and giving the States more flexibility.

We should do these things now, Mr. Speaker. Let us start cutting costs now.

These agreed-upon reforms should be passed immediately, Mr. Speaker, and then we can begin to cut costs today. We should act now.

Mr. Speaker, again, some of the things we do not need: We do not need to socialize our medicine, we do not need a mandated business approach where we mandated benefits to be paid for by small business to put people out of work, we do not need more government bureaucracy and inefficiency. But what we need is a commonsense approach to solving our Nation's health care problems.

Let us do it together, but let us do it right now.

REGULATORY REFORM MUST BE ADDRESSED

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

Mr. MICA. Mr. Speaker, once again the Rules Committee of the House of Representatives is attempting to deny an opportunity to debate one of the most important questions facing Congress and our Nation.

The Rules Committee has turned its back on bipartisan pleas to act on regulatory reform. They have denied the House the chance to bring the commonsense risk cost benefit language to the floor.

As we elevate EPA to a cabinet-level position the Rules Committee has shut the door on making sense of EPA's clouded mission.

The leadership of this House has ignored the pleas of cities, counties, and States nearly bankrupted by unfocused Federal regulations.

The leadership of this House has ignored the pleas of business and industry that are reeling from the costly impact of Federal regulation.

More than any trade treaty, this action by the Rules Committee will ensure that the United States sends jobs and business overseas.

Maybe they can be smug this morning that they pulled one over on the House, but what they have really done is shafted the American people.

NONVIOLENT CIVIL DISOBEDIENCE SHOULD NOT BE A FELONY

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

Mr. SMITH of New Jersey. Mr. Speaker, there is an elemental difference between those persons who employ violence or the threat of violence as a means to an end and those who utilize peaceful nonviolent expressions of dissent such as sit-ins or sidewalk prayer.

The plain language of H.R. 796, Mr. Speaker, blatantly and wrongfully eliminated the difference by elevating nonviolent acts of civil disobedience committed by pro-lifers from a misdemeanor category to that of a felony. Under the bill a woman who simply sits in front of an abortion clinic door or sidewalk and gets in the way of an abortionist would be deemed a felon and could be thrown into prison for 1 year for the first offense and 3 years for the second offense.

The Smith substitute that I will offer today imposes strict penalties on those, Mr. Speaker, who use force or the threat of force.

I believe that we ought to go after those who bomb clinics or in any way are involved with violence but not after those who are involved in nonviolent civil disobedience.

Other causes in the past used nonviolent civil disobedience in order to get their point across; from the civil rights movement to AIDS activists to a whole host of causes, whether you agree or disagree, use nonviolent civil disobedience. To turn them into felons would be an atrocity.

LET US DELAY ON EPA

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

Mr. GINGRICH. Mr. Speaker, as most of our Members now know, the other body intends to take up the North American Free-Trade Agreement and begin the crime bill and go home probably by 2 o'clock on Saturday.

I would hope that the Democratic leadership of the House would look at this and then begin to slow down and focus in on what we can practically do. Let me talk about one specific bill which I hope will not come up in precisely the spirit of comity that we developed yesterday.

The Environmental Protection Agency bill, it seems to me, should not come up for three reasons. First, according to the Vice President's report, this particular bill will cost taxpayers an additional $1.2 billion, and I think at the present time, until that is worked into the President's budget, adding another $1.2 billion is the wrong signal.

Second, the ranking member of the Committee on Government Operations, the gentleman from Pennsylvania [Mr. CLINGER], is incapacitated. He has worked hard on this bill. He can be here in time to do it when we come back. Nothing is going to happen to this bill between now and the beginning of next year. Therefore, it should not come up.

But, third, every Member who believes in stopping unfunded mandates, every Member who has been going back home telling their mayors and their county commissioners, "I am against unfunded mandates" should vote against the rule, because this rule does not make in order the amendment on unfunded mandates, and this rule does not make in order the Johnston amendment from the Senate which passed overwhelmingly on risk assessment and rationality, and this rule, in its current form, is a rule which I think may well go down.

So this will be a test vote on unfunded mandates, and I think every Member who is concerned about unfunded mandates will want to vote no on the rule.

I hope the leadership will pull the bill. Let us negotiate a little bit and come back in January with a rule we can agree on.

PASS CRIME BILL THIS YEAR

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

Mr. CLEMENT. Mr. Speaker, I had the honor of accompanying President Clinton on his trip last weekend to Memphis where he addressed the 86th Annual Holy Convocation of the Church of God in Christ.

The President spoke about the violent crime gripping our cities and communities across this great Nation. I wish you could have seen the chord he struck with the audience when he talked about drugs, crime, and violence that are ravaging our communities.

The audience applauded the loudest when President Clinton talked about passing legislation to make our streets safer.

Mr. Speaker, 37,000 people die each year from gunshot wounds, many of them our children. Gangs bent on violence flourish in our schools and on our city streets. We are all at risk. Violent crime has touched nearly every family in America.

The public is afraid and demanding action. A recently published Washington Post-ABC news poll shows that crime is the most important issue facing the country.

I do not believe we should adjourn this year until Congress enacts and sends to the President tough anticrime legislation. I encourage the Members of the House to get behind our President and encourage our leadership, both Democratic and Republican, to set aside one day before we adjourn to debate and pass a crime bill.

Let us give the American people a Christmas gift and end these atrocities in our society today.

CRIMINAL JUSTICE SYSTEM MUST OFFER TRAINING FOR OFFENDERS

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

Mr. KINGSTON. Mr. Speaker, this morning as I was jogging around the Washington Monument, I noticed a worker there who was shoveling water off the sidewalk and throwing it onto a high bank next to the sidewalk; yet, with every shovelful, the water simply trickled back down on the sidewalk. "How absurd," I thought, "what typical government inefficiency."

And yet, as I jogged on, I thought, "You know, that is what we do in our criminal justice system." We, every day, have police officers locking up criminals for the fifth, sixth, seventh, eighth, and ninth offense, throw them into jail, and they run back out onto the street.

For the worker, common sense would have told him to simply put a bulwark, put a drainage ditch, let the water be absorbed into the soil, let it be productive, but, no, the water simply came back down.

Mr. Speaker, when we get folks in our jail system, we need to have training programs, we need to have worker programs, we need to keep them in jail and not let them out until they are ready to be productive.

I hope as we review these many crime bills that we move in that direction.

CRITICAL NEGOTIATIONS ON GATT

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

Mr. REGULA. Mr. Speaker and my colleagues, many of the complaints on NAFTA, certainly by the opponents, were that there was very little input from the Members of Congress in the drafting of this agreement. Consequently, it contained buried in the 3,000 pages a lot of things that we may be surprised were, as time goes on, but that is history.

What I want to bring to your attention is that during the next 4 weeks there will be a critical negotiation taking place in Geneva to hopefully wrap up the GATT negotiations, the General Agreement on Trade and Tariffs.

□ 1020

This involves 116 countries, it involves a potential $6 trillion in additional economic activity worldwide, and certainly we should all be paying attention to this. It ranges from intellectual property to administrative trade laws.

Mr. Speaker, I want to make a point, and that is that our fast-track legislation included not only NAFTA but GATT. So if we are not going to be faced with, suddenly, a treaty that we have no choice to amend or change, we need to get involved now.

I would urge you, if you have concerns, if your business community has concerns, that you should express those concerns to our trade ambassador forthwith because if things go as they hope to, by December 15 the GATT treaty will be wrapped up, and it has far greater significance for the future than does NAFTA in terms of economic activity.

KASICH-PENNY COMMON CENTS PLAN

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

Mr. PORTMAN. Mr. Speaker, Congress will have an opportunity later this week to get serious about cutting Government spending. Let us seize that opportunity.

The President's recent budget-cutting proposal does not go nearly far enough. It only cuts $11 billion over 5 years from the Federal budget—small change to a Nation facing annual deficits of over $200 billion. And, the administration wants to plow even these modest savings into new Federal spending. We must—and we can—do better.

Fortunately, we will have a stronger alternative to support in the Kasich-Penny common cents plan. This bipartisan package makes nearly $100 billion in cuts, ten times as many as the President proposed. And, unlike the

President's proposal, it mandates that all the savings go toward deficit reduction.

The common cents plan hits nearly every part of the budget: Even the White House staff: Even Congress—finally, we lead by example.

It's not perfect, but I believe the package as a whole is effective and fair. It delivers real cuts, the kind many of us in this chamber pleaded for during the budget battle.

If we cannot make these cuts, what hope is there of ever getting control of the debt? Passing this plan is just common sense.

POST-NAFTA: WE CAN COME TOGETHER AGAIN

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

Mr. BOEHNER. Mr. Speaker, it is the morning after the NAFTA vote. The Sun has come up, we are still alive, and the Republic still stands strong. As we dust ourselves off from last night's bruising battle, let us turn our attention to what remains to be done. Just as the Congress came together after the gulf war vote. Let us see if we can come together now.

NAFTA is here and here to stay. It is in all of our interests, if we are truly servants of the people, to assure that it is a success and lives up to the promise its supporters held out.

To my colleagues who opposed this treaty, sighting the heavy costs of employment and regulation in America, I say this: listen to your own words. Maybe we should do something about lessening the burden on America's employers so they are not tempted to seek refuge elsewhere.

And to my colleagues who supported the treaty, we must remain diligent in our efforts to assure that America's business community does not just take the money and run. Let us hold them accountable to their promises of job growth in America.

Mr. Speaker, yesterday's battle is over. But the war to keep America an economic powerhouse continues. Let us all move forward together to win that war.

MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1993

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 303 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. 322.

□ 1024

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. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, November 16, 1993, the amendment offered by the gentleman from Utah [Mr. HANSEN] had been disposed of and title IV was open for amendment at any point.

Are there further amendments to title IV?

Mr. LEHMAN. Madam Chairman, I move to strike the last word.

Madam Chairman, I do so only to inform the House where we are at in this debate. As I understand it, we are into title IV, we had finished all the contentious amendments to the legislation, and we will move in a few minutes on the motion to recommit from the Republican side and follow that with a vote on final passage. This will be a historic vote in the House, since this act has not been substantially amended since 1872, when it was first put into effect.

As far as I know, there are no other amendments, but there are two votes coming shortly, one on the motion to recommit and the other on final passage.

Mrs. VUCANOVICH. Madam Chairman, I move to strike the requisite number of words.

I would just like to point out a few things that have been said during this debate that needed a little clarification.

Several of our Members who have supported this bill talked about the foreign ownership in the United States gold mining industry. I would like to point out who owns the typical ounce of gold produced in the United States.

Seventy percent of the gold owned in the United States is owned by the United States ownership of production. Sixteen percent is Canadian ownership, 7 percent British ownership, and 7 percent the rest of the world.

We have heard there is a lot of control and ownership of the leading U.S. gold mines. I would like to point out that 17 United States-majority control or ownership; two mixed Canadian and United States control or ownership; three majority control; three Canadian majority control or ownership; two British majority control or ownership; and one the rest of the world.

It is important that you are aware of some of these recent transactions. There are three that I would like to point out: Sir James Goldsmith of London sold his substantial holdings in Newmont Mining, which is the largest gold mining company in the United States. The second one, Hansen of England, sold its two major gold mines in the United States to Santa Fe Pacific Gold of New Mexico. And, third, Homestead Mining company of San Francisco acquired International Corona, a leading Canadian gold mining company.

On the reverse side of this equation, the United States owns much of the Canadian industry. The United States accounts for 80 percent of the total foreign direct investment in Canada. Canada is the biggest customer for United States exports of goods and services.

United States investors and institutions own or control substantial portions of industry in the Canadian economy: 20 percent of the wood and paper sector, 24 percent of the energy sector, 51 percent of the electronic and electrical sector, 47 percent of the petroleum production, and 27 percent of the minerals and mining sector.

So I think some of these arguments are very flawed about ownership by foreign companies.

□ 1030

Madam Chairman, I would like to point out that there are some flaws in the jobs impact, which the Department of the Interior's own economic modeling of the royalty scheme shows.

I would just like to take a minute to remind my colleagues, the figures of Secretary Babbitt are not true mining job loss estimates. They are net jobs loss; in other words, many more than 1110 direct and indirect job losses are expected with the 8 percent gross royalty of H.R. 322; but the supporters of this bill say new jobs will be created in abandoned mine reclamation, and new Government employment necessary under this bill.

Madam Chairman and my friends, these partially offsetting new jobs will not be created unless there is public lands mining upon which to collect rent, royalty and the user fees in this bill.

Mining jobs create new wealth, and that is what pays the freight for the abandoned mines restoration.

I think it is critical that the committee go back to the Department of the Interior with several different royalty proposals and choose one that does not lead to large mining job losses because of production foregone due to a confiscatory royalty policy. Only in this way will there possibly be enough money in the abandoned mine reclamation fund in title 3 of this bill to accomplish its objectives, which I support and which are paralleled in the Senate's already-passed bill.

Statement of administrative policy and other supporting information follows:

H.R. 322—MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1993

The Administration strongly supports H.R. 322, as reported by the House Natural Resources Committee. This legislation meets all of the Administration's major objectives for Mining Law reform by ensuring that:

The system of patenting (selling) public land into private ownership is abolished;

Taxpayers receive a reasonable return in royalties for the use of public lands;

An annual claim maintenance fee is imposed to curtail the speculative use of mining claims for non-mining purposes and assure diligent development of those claims;

Public lands that have higher values for other uses are not open to mining; and

Adequate standards are provided to govern mining operations and assure that reclamation occurs.

PAY-AS-YOU-GO SCORING

H.R. 322 would affect receipts; therefore, it is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act (OERA) of 1990.

OMB's preliminary PAYGO scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 322 were enacted, final OMB scoring estimates would be published within 5 days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending and receipts will be reported to Congress at the end of the congressional session, as required by OBRA.

PAY-AS-YOU-GO ESTIMATES

(In millions of dollars)

	1994	1995	1996	1997	1998	1994–98
Outlays	−4	−4	−28	−136	−136	−308

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 17, 1993.

Hon. GEORGE MILLER,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 322, the Mineral Exploration and Development Act of 1993. This estimate replaces CBO's previous estimate of the cost of H.R. 322, dated November 12, 1993.

The attached estimate corrects language regarding the possibility of litigation arising if affected parties were to assert that their property rights had been taken by the federal government as a result of H.R. 322. This version reflects the fact that only claim holders, and not private property owners, would be affected by the bill and might bring suit against the government.

Enactment of H.R. 322 would affect direct spending and could affect receipts. Therefore, the bill would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, NOVEMBER 17, 1993

1. Bill number: H.R. 322.

2. Bill title: Mineral Exploration and Development Act of 1993.

3. Bill status: As reported by the House Committee on Natural Resources on November 9, 1993.

4. Bill purpose: H.R. 322 would make a number of changes to the Mining Law of 1872, the primary law governing the production of hardrock minerals on federal lands.

Title I of the bill would establish new procedures for locating a mining claim on federal lands. In addition, this title would change the acreage covered by each claim from 20 to 40 acres, deem any unpatented claim a converted claim and make it subject to the provisions in the bill, and impose new fees for claim maintenance.

Title II would establish new requirements for the management of mining activities on federal lands and new environmental standards. The bill would require federal agencies—primarily the Department of the Interior (DOI) and the Department of Agriculture (USDA)—to:

Review, approve, and modify, if necessary, mine operation plans and issue permits before mineral exploration or production could begin;

Establish, monitor, inspect, and enforce rules for mining and reclamation activities;

Inspect permit holders for evidence of financial assurance to meet the conditions of the bill;

Collect penalties for violations of the provisions of the title;

Study federal lands before mining activities can be conducted to determine whether such lands are suitable for mineral development;

Take steps to phase out mining activities in conservation system units; and

Establish user fees to cover costs of processing permits and related activities.

Title III would establish an annual royalty totaling 8 percent of the net smelter return from all minerals produced on federal lands. (The net smelter return is calculated by deducting the cost of certain refining steps from the gross value of the minerals produced.) The bill would establish procedures for collecting the royalties and penalties for underreporting.

Title III also would establish an Abandoned Locatable Minerals Mine Reclamation Fund to be administered by DOI. The fund would receive claim maintenance receipts, royalty income, penalties, and certain other receipts collected by the federal government for mineral activities on federal lands. These funds would be available, when appropriated, to carry out administrative responsibilities associated with the bill and to conduct reclamation and restoration activities on land and water resources affected by mining activities.

Title IV contains administrative provisions that would provide the Secretary of the Interior and the Secretary of Agriculture with authority to carry out the provisions of the bill. The title would require that no patents be issued for any mining claim located after January 5, 1993. This title also would:

Require the Secretaries to conduct inspections and carry out enforcement activities to ensure compliance with the provisions of the bill;

Establish procedures for citizen suits, administrative review, and judicial review;

Authorize affected agencies to collect fees to cover certain costs incurred in administering the provisions of this bill; and

Provide for the adjustment, every ten years, of all fees and rentals to reflect inflation.

5. Estimated cost to the federal government:

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Authorizations:					
Estimated authorizations of appropriations	41	51	63	67	70
Estimated outlays	36	50	61	66	69
Direct spending:					
Estimated budget authority	−2	−2	−52	−114	−114
Estimated outlays	−2	−2	−52	−114	−114
Revenues:					
Estimated revenues	(1)	(1)	(1)	(1)	(1)

[1] CBO cannot estimate this amount.

The costs of this bill fall within budget function 300.

This table does not include the potential costs that could result if claim holders affected by the bill successfully claim that their property rights have been taken by the federal government as a result of the cessation of patenting after January 1993. CBO has no basis for estimating the extent or the result of such litigation.

Basis of Estimate:

Authorizations. H.R. 322 would significantly change the way the federal government manages the exploration for and development of hardrock minerals on federal lands. Based on information provided to CBO by DOI and USDA, we estimate that enactment of this bill would increase the costs of managing federal lands and minerals by $50 million to $70 million annually over the next five years, assuming appropriation of the necessary funds. (Costs for fiscal year 1994 would be lower because only part of the year remains.) These administrative costs would result from provisions in titles II and IV requiring DOI and USDA to: process and approve mining applications and reclamation plans ($13 million in fiscal year 1994, growing to $23 million in fiscal year 1998); determine which lands are unsuitable for mineral development (about $15 million annually); monitor and inspect exploration and mining operations, and enforce compliance with the provisions of the bill ($11 million to $21 million annually); and administer a royalty collection program and the resulting trust fund (about $10 million annually, once the royalty collection program and trust fund are fully implemented).

There is some uncertainty as to how provisions in the bill requiring the agencies to conduct unsuitability reviews would be implemented. If the agencies interpret such requirements as compelling them to conduct a nationwide review of lands and to produce National Environmental Protection Act documentation as soon as possible after enactment, the bill would result in significant costs over the five-year period. If suitability studies were conducted on a smaller "project-by-project" scale, however, costs would be less. Based on information from the DOI and USDA, CBO believes that the agencies would be most likely to approach the suitability studies on a project-by-project basis. In addition, if the agencies interpret the bill as requiring them to conduct extensive subsurface mineral and hydrologic inventories on significant portions of federal lands before any mining activities could occur, then the costs could be higher. Based on information from the committee staff, CBO believes that the subsurface inventories would not be required. If both of these high-cost options were pursued, however, the costs of H.R. 322 could be $20 million to $200 million a year higher than shown in the table.

Direct Spending. Enactment of the bill also would increase federal offsetting receipts—thereby decreasing direct spending outlays—by an estimated $284 million over the 1994–1998 period. These receipts would result from royalty collections, user fees established to cover administrative costs, and an increase in maintenance fees for new claims.

H.R. 322 would impose a royalty collection on the net smelter return on the production of minerals on federal lands. CBO estimates that royalty collections would result in additional offsetting receipts of about $245 million over the 1996–1998 period. We assume that annual gross value of production for minerals on public lands would be about $1.5

billion annually, assuming that no new patents are issued after enactment of the bill. We estimate that the net smelter return would be about 90 percent of the gross value of production, and that production would decline slightly each year after the imposition of a royalty. We expect that a federal government would begin to collect royalties in the spring of 1996.

The bill also would require DOI and USDA to impose user fees on applicants to cover the costs of permitting, and would authorize the agencies to establish user fees to cover the cost of other administrative activities by the bill. Because the agencies would determine the fees, it is difficult to predict the exact amount that would be collected. Based on information from DOI and USDA, CBO assumes that the agencies would set fees at a level that would cover administrative costs for certain, but not all, permitting activities. CBO estimates that fees would be collected starting in fiscal year 1996, and would result in additional offsetting receipts of about $10 million annually. Receipts could vary considerably from this figure, depending on how the fees are set.

H.R. 322 would make permanent the $25 claim application fee and the $100 claim maintenance fee established in the Omnibus Budget Reconciliation Act of 1993 and would increase the fee for new claims to $200. CBO estimates that this provision would result in additional receipts of about $2 million annually. Claim holders would be able to reduce their royalty payments by the amount of their claim maintenance fee each year, however, and CBO estimates that about half of the fees collected would be applied to royalty payments. As a result, the net increase in receipts would be $2 million in fiscal years 1994 and 1995, but would drop to $1 million a year in fiscal years 1996–1998.

Enactment of H.R. 322 could increase direct spending if certain claim holders affected by the bill successfully claim that, as a result of section 417, their property rights have been taken by the federal government and if compensation is paid out of the Claims, Judgments and Relief Acts account. Section 417 would limit the ability of claim holders to purchase the federal land covered by their mining claims to those claimants who had submitted a patent application by January 5, 1993. More than 100 patent applications were either submitted after the January deadline or are currently being adjudicated and thus would not be eligible for transfer to private ownership under the terms of this bill. It is possible that some of these claimants would go to court claiming that their property rights had been taken by the federal government. CBO has no basis for estimating the extent or the result of such litigation.

The bill would establish penalties for a number of violations. The collection of penalties would result in additional revenues, but CBO cannot predict the extent to which companies would violate the new mining provisions or whether those violators would be required to pay penalties.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 322 would increase offsetting receipts—thereby decreasing direct spending outlays—by $284 million over the 1994–1998 period. These outlay savings would result primarily from the collection of royalties and user fees.

Some direct spending could result if certain claim holders affected by the bill successfully claim that, as a result of the bill, their property rights have been taken by the federal government and if compensation is paid out of the Claims, Judgments and Relief Acts account. CBO has no basis for estimating the extent or outcome of any litigation related to this bill.

Finally, the provisions of H.R. 322 establishing penalties for violating terms of the bill could increase federal revenues, but we have no basis for estimating the magnitude of such revenues.

The following table summarizes CBO's estimate of the pay-as-you-go impact of this bill:

	1994	1995	1996	1997	1998
Change in outlays	−2	−2	−52	−114	−114
Change in receipts	(1)	(1)	(1)	(1)	(1)

[1] CBO cannot estimate this amount

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Patricia Conroy.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

[From the Arizona Tribune, Aug. 31, 1993]

MINING INDUSTRY NOT IN DANGER—NO CAUSE FOR ALARM

If we're to believe the urgent warnings of the Arizona Mining Association, Congress is about to shut down the mining industry, costing thousands of jobs here and across the nation. The lobbying group even sponsored a rally in Globe on Saturday that drew 2,000 people to say "adios" to the object of their scorn—H.R. 322.

Gov. Fife Symington got the crowd churned up by declaring it "wrong to have federal policy that threatens to extinguish a way of life."

And he might have a point, if that is what H.R. 322 would do. But it won't.

What it will do is put some reasonable and long-overdue controls on the virtually free access miners and mining companies have had to federal lands since a post-Civil War Congress dreamed up fabulous incentives to speed the settlement and exploitation of the West.

If H.R. 322 passes in the House and a companion measure, S. 257, is approved in the Senate, it will be the first time ever that the federal government requires of the hard-rock mining industry anything approaching the kinds of conditions it places on virtually every other industry that uses public lands.

Little in these measures would affect current mining activities in Arizona or elsewhere. They are aimed primarily at easing environmental damage from future mines and generating royalties similar to those paid by coal miners, oil companies and loggers.

The Arizona Mining Association knows this, of course, but nonetheless has shamelessly played on the worst fears of working Arizonans to stir some public opposition to the bills. The governor should have known better than to be used as a front man in this propaganda ploy.

The few regulations there are governing hard-rock miners were set by the Mining Law of 1872, but they are aimed almost exclusively at encouraging mining by setting minimal requirements. Essentially by staking a claim, digging a few holes and paying a few dollars an acre, miners have been able to establish ownership of vast amounts of formerly public lands.

The policy worked well in terms of drawing settlers to the West and tapping the region's vast mineral wealth. Copper mining was one of Arizona's cornerstone industries for a century and still is a major contributor to the state's economy despite a steep decline the past two decades, due largely to foreign competition.

While mining has created wealth, jobs and tax revenues, it has not had to pay royalties to compensate the public for exploitation of lands that belonged to everyone. Mining interests have had carte blanche not only to strip lands of their mineral wealth without having to heal the resulting scars, but have been able to sell those lands for huge profits.

While having little impact on existing mines, H.R. 322 would require future mines to operate in an environmentally sound manner and to pay an 8 percent royalty on mineral value, substantially less than royalties paid on coal, oil and gas extracted from public lands.

The bill also would give the federal government the authority to weigh mining against recreation and other uses, would do away with patenting and require miners to reclaim mined lands.

In short, it would require of mining the same kinds of responsible economic and environmental conditions placed on other enterprises that glean profit from natural treasures that belong to all Americans.

And that's good public policy.

[From the Sacramento Bee, Mar. 26, 1993]

ENDING PUBLIC LAND GIVEAWAYS

The wooden signs that have for decades welcomed visitors to California's national forests feature a slogan—"Land of Many Uses"—that speaks volumes about how much those acres have been logged, mined and grazed. To be really telling, however, the slogan ought to have included an epithet—"at Rock-Bottom Prices."

And it's not just the national forests, where stands of trees have been sold below cost to timber companies. Federally owned deserts and mountains have been leased or sold off for mining and public pastures for grazing, all at a fraction of what they would cost on the real market. It all amounts to a public subsidy for private ranching, mining and logging companies that often profit enormously from such sweet deals.

But after years of allowing this to continue, Congress and a more environmentally conscious White House appear ready to make some significant changes. The Clinton administration is pursuing a new federal land policy that would depart sharply from the way the government has traditionally administered hundreds of millions of acres—500 million in the West alone. If Congress approves, the Department of Interior will charge fair market prices for timber and raise the rent on ranchers who are now able to graze cattle on federal land—which is often grazed bare—for about a fifth of what it would cost to lease private property.

But perhaps most important, Congress may overhaul the antiquated 1872 Mining Law, enacted to encourage settlement of Western lands but which also has allowed miners to buy federal land for as little as $2.50 an acre and pay no royalties no matter how much they extract. Sen. Dale Bumpers of Arkansas is determined to see that stopped; he's introduced a revision (S 257) that would require miners to rent land for $25 an acre and pay royalties (roughly 10 percent) on what they take out.

The higher fees and royalties could bring in as much as $1 billion over five years—assuming use of the lands does not drop more sharply than expected in response to higher

costs. Some of that money would be used to repair rivers, forests, range lands and wildlife habitats that have been sorely neglected. It's about time the public domain was treated as something other than a bargain basement.

[From the New Mexican, Sept. 4, 1993]

MINE-LAW RALLIES: REFORM IS OVERDUE

How fitting that the mining lobby's latest roadshow reaches New Mexico on Labor Day weekend.

A rally is scheduled for noon today at the Roundhouse. Nearby, at the same time, environmentalists will be holding a rally of their own.

The focus of the megabucks mine-industry rally, replete with bused-in participants, is jobs—jobs the metal companies claim would be wiped out if Congress reforms a mining law passed during the scandal-ridden presidency of Ulysses S. Grant, and unchanged since then.

Enacted at a time of "Manifest Destiny" and seemingly infinite space and resources, the 1872 Mining Act helped make America a great industrial power. It also allowed mining companies to trash vast areas of the Four Corner states while paying not a dime for the copper, lead, silver and gold they gouged from the earth.

As for the miners who hammered and dug through the rocks, southwestern history is peppered with acts of highhandedness that gave rise to labor unions.

And job security? It was there only as long as lodes were. When the mines played out, the companies left town. Those who wanted work would have to move, too.

Today, hand-drills and spades have given way to gargantuan earth-scrapers. The effect is higher productivity and fewer jobs. Copper production has soared in the past decade, while jobs have disappeared at an alarming rate.

To be sure, 2,000 New Mexicans have, for the while, good jobs at the mines down in the Silver City area—but that figure is down from 11,000 just 14 years ago. Miners today are only about a quarter of a percent of the New Mexico workforce. And much as mine companies would like to blame mine-law reformers for those job losses, the fact is that they've done away with those jobs in New Mexico while fending off reform in Washington.

We'll hear today from the mining lobby that a proposal by Rep. Nick Rahall, D-W. Va., for reclamation and a reasonable 8 percent royalty on minerals from public lands would cost thousands of jobs nationwide.

For one thing, the mining companies here and elsewhere are working private land; property they picked up for just $2.50 an acre, thanks to our archaic federal mine law. for another, if Congress finally gets around to making mine companies clean up after themselves, it would mean more, not fewer, jobs.

The Rahall reform bill is being raised as a bogeyman that will drive the mining industry to South America. We have news for anyone who would swallow that line: American corporations have been mining that continent with cheap labor for most of this century.

The mines' only real argument against reform is that they've had their way with the West for 120 years, and that any changes could cut into their profits.

With Phelps Dodge alone making profits of a quarter of a billion dollars a year, that's not much of an argument.

The conservationists' rally won't likely be the big production that the mines are staging—but they can be expected to drill some shaft-sized holes in the argument against long-overdue mine-law reform.

[From the Arizona Republic, Sept. 12, 1993]

WIMPY FIRMS CAN'T GET OFF THE U.S. DOLE

(By Stephen Tuttle)

American big business is a wimp. Their mouths have been so firmly attached to the breast of government largesse for so long they appear completely unable now to remove them. Which is going to make the public's continued demand for change all the harder for any politician to accomplish.

It's a simple matter. Nearly every major business entity, and their congressional representatives, believe massive change is needed—just so long as the impact falls on somebody else. And since the "somebody else" is always thoroughly represented too, nothing ever really changes.

We hear almost constantly about all kinds of spending programs that sound patently ridiculous. A few million for the honey bee industry, a quick $30 million for angora goat farmers, bizarre military hammers and toilet seats, payments to farm operators to not grow some crops, and on goes the list, almost endlessly. But the industries receiving the tax breaks, subsidies, price supports, handouts or whatever the particular program might be called believe their particular government benefit is essential.

In fact, they tell us quite regularly they absolutely cannot survive unless we keep digging into our pockets to help them out.

MINING HIGH ON THE LIST

We have several examples here in Arizona, none better than the mining industry, which benefits primarily from what they don't have to pay instead of what they receive. In 1872, Congress decided that federal lands should be made available to mining operations for $2.50 per acre, they would pay no federal royalties and there was no requirement they rehabilitate the land they mine. Unlike everything else on Earth, those land costs have remained unchanged for 121 years. There is now afoot a plan to increase the land costs, charge a royalty and institute some land restoration plans. The mining industry tells us it cannot survive such a change.

The mining industry claims it will lose 40,000 jobs, prices for raw materials will skyrocket, and some have even talked about moving to South America. All because they apparently have counted on the notion that even though everything else has increased in price, their land costs would stay the same in perpetuity.

It is the same story with cattle ranchers, whose federal grazing fees haven't changed in a ridiculously long time. They too claim they can't survive with new fee structures and environmental requirements.

But neither can the cotton farmers survive without their goodies, nor the citrus farmers. We have to keep getting funding for the Central Arizona Project, we have to keep giving all kinds of breaks to any company that wants to relocate here, we have to protect our military bases. And for every local tax-funded project and program we might think is essential, a favor or vote must be traded for one somewhere else that somebody else believes is essential.

The system is self-perpetuating because nobody ever volunteers to get off the dole. They instead invest millions of dollars, spend thousands of hours and exert untold pressure on elected representatives to continue whatever program has made them a beneficiary. While at the same time making impassioned pleas to save the "private enterprise" system. Private enterprise, an unfortunately anachronistic notion, now exists only among very small businesses unable to figure a way to get on the governmental gravy train.

PERENNIAL PATIENTS

To put this in medical terms (and we will soon be hearing an amazing amount of self-serving palaver from the health care industry), business has become a patient suffering from severe hypochondria who instead of trying to survive on his own, demands more and more care. The more we provide, the less likely it becomes that the patient will ever recover.

The irony of all the I-want-change-so-long-as-it-affects-somebody-else posturing is that no industry will die without their government handouts. Some companies will close, some jobs will be lost, some new companies will open and new jobs will be created.

The mandate for change the experts saw in the 1992 elections will be mythological so long as someone is willing to trade millions for nonsense like Steam Town, USA, and millions for nonsense like the National Helium Reserves. Once we recognize the government larder is empty—even for our own pet projects—maybe we can move on to the real money spenders, the exponentially expanding number of entitlement recipients.

If we want real change, we have to begin recognizing that fiddling at the edges is not going to make a difference. It is time to reassert our independence by demanding an end to almost all government freebies. Even ours.

[From the Albuquerque Journal, July 24, 1993]

POLL FINDS SUPPORT FOR MINING LAW CHANGES

(By Ed Moreno)

SANTA FE.—New Mexicans want regulations of hard-rock mining and reform of an 1872 federal law that now allows miners to buy public land cheap and not pay royalties, according to a poll.

The poll was commissioned by the New Mexico Environmental Law Center and paid for through a $9,000 grant from the San Francisco-based Tides Foundation's 777 Fund.

The poll shows that more than three-fourths of the voters in the survey want the state to have a mining reclamation law. New Mexico is one of only two states without such a law, said Douglas Meiklejohn, director of the law center.

"We're going to use it to try to convince legislators of the need for a hard-rock mining law. We're very hopeful something will happen on the state level," Meiklejohn said Wednesday.

Meanwhile in Congress, a House bill to reform the 1872 Mining Act approved by the House Interior Committee on June 24 would ban ownership of claimed land and require royalties and reclamation.

David Henderson, state representative of the National Audubon Society, said reform bills have failed in the Senate. But Sen. Pete Domenici, R-N.M., who supports reforms less sweeping than the House bill, said Wednesday he thinks a bill may pass this year.

In New Mexico, a bill to regulate hard-rock mining never got out of committee during the 1992 Legislature, despite backing from Gov. Bruce King.

The poll shows that 78 percent of voters want the state to regulate hard-rock mining as strictly or more strictly than coal mining. Hispanics generally favor stronger regulation, as do residents of Albuquerque and northern New Mexico.

Coal mines now must conform to environmental, job safety and reclamation standards, but hard-rock miners, those that extract copper, silver, uranium, gold, lead, zinc, pumice and other minerals, aren't regulated.

The poll also shows that 57 percent of the people believe hard-rock mining disrupts public lands, whereas 24 percent of the people believe mining can coexist with other uses such as recreation, grazing and wilderness.

The results show that less than one-fourth of the people know of the 1872 federal law by name. But when given some information about the law, they favor changes, a poll summary says.

For instance, between 91 percent and 84 percent said a miner's right to buy claimed land for $2.50 to $5 an acre wasn't fair.

And 81 percent of the people also believe the 1872 law is in need of reform because it doesn't require miners to reclaim the land or pay royalties to the federal government.

Henderson said that while Sen. Jeff Bingaman, D-N.M., hasn't taken a firm position on possible reform, Domenici has thwarted even a watered-down reform bill.

Domenici said Wednesday he supports reforms, but only those that won't hurt the domestic mining industry.

He said a moderate bill offered by Sen. Dale Bumpers of Arkansas was a "Trojan horse" designed to get the issue to a House-Senate conference committee, where more of the farther-reaching House bill would be adopted.

Domenici said he wouldn't ban ownership of claims outright, but would require reclamation of any mining site under state or federal law.

And he said he supports a "revision" clause that would return the land to the government if it is used for something other than mining.

Domenici's proposal also doesn't require companies to pay royalties to the government because of fears the additional cost "will significantly diminish mining in the United States," he said.

The poll by Research and Polling Inc. in late June sampled 400 registered voters. The results have a margin of error of plus or minus 5 percent, said pollster Brian Sanderoff.

[From the Great Falls Tribune, Feb. 20, 1993]

POLL SHOWS SUPPORT FOR MINING LAW CHANGE

(By Bob Anez)

HELENA.—A large majority of Montanans want changes in the 120-year-old federal mining law that are opposed by the industry, a poll by the Northern Plains Resource Council shows.

The chairman of the organization of farmers, ranchers and environmentalists said Wednesday the survey results support the group's demand for updating the 1872 law.

"It's important for us to understand where the people stand," said Richard Parks of Gardiner.

Gary Langley, executive director of the Montana Mining Association, dismissed the poll as skewed against the industry.

"I don't think they're in the mainstream of public thinking," he said of Northern Plains members. "I think they're a bunch of radicals that want to stop mining, and they took a loaded poll."

Parks said results of the poll are being released now because House Interior Committee action is expected soon on proposed changes in the mining law.

The telephone survey of 501 randomly selected registered voters likely to vote in the general election was conducted Dec. 2-4. The margin of error is plus or minus 6 percent.

The survey showed 88 percent of respondents favor updating a provision of the mining law allowing companies to buy public lands and hard rock minerals for $2.50 to $5 per acre.

The poll also indicated 60 percent want the law changed to require royalty payments. In addition, 77 percent said hard-rock mining should be regulated at least as strictly as the coal industry.

MOTHER LODE VERSUS MOTHER NATURE

(By John Skow)

Guerrilla Theater note, environmental division, bad-pun subdivision: last month Sierra Club members in Jackson, Wyoming, operating as the Not Yours, Mine, Mining Co., staked a claim to U.S. Forest Service land, now leased to the Snow King Resort and used for a ski lift. The point was to demonstrate that under archaic U.S. law, such claiming of the right to lease public land for mining is entirely legal. At present time, plans for actual mining were not firm.

The Sierra Club cutups are not the most impudent manipulators of bad U.S. mine law. New techniques for extracting bullion from low-grade ore have touched off a little-noticed gold rush in the West, devastating huge areas, often at high-altitude sites that almost inevitably pollute the headwaters of rivers. A worst example in the making, environmentalists fear, is a gold mine that Noranda Inc., a big Canadian firm operating through a subsidiary of a subsidiary called Crown Butte Mines, intends to operate in fragile Montana high country 2.5 miles from the northeast corner of Yellowstone Park and entirely surrounded by the Absaroka-Beartooth Wilderness.

The mining industry sees nothing outlandish in the risk Crown Butte proposes to take with the nation's oldest national park, and nothing funny about the claiming of ski runs by environmental jokers. Hard-rock mining (for gold, copper, silver and other metals) once ruled the Rocky Mountain states. The industry is foreign-dominated now (18 of the 25 largest gold mines in the country are owned by non-U.S. firms, most of them Canadian). Only one Western job in 1,000 is directly tied to metal mining. But mining interests have not lost the knack of command, nor have most Rocky Mountain legislators lost the habit of subservience. Attempts in Congress to reform the key U.S. law, passed in 1872 and not substantially revised for hard-rock mining since then, have failed so far in the Senate. A pallid bill introduced by Republican Senator Larry Craig of Idaho is industry-approved and reforms nothing.

There is real reform in a House measure offered by Representative Nick Rahall, a West Virginia Democrat. It calls for suitability reviews of hard-rock mining proposals (similar to reviews for coal-mine leases), an end to "patenting" (buying U.S. lands for an absurd $5 an acre), federal reclamation standards (now left to states) and an 8% royalty paid to the U.S. on net production. Oil, gas and coal leases on federal land require a 12.5% gross royalty, but hard-rock mining pays nothing to the U.S., and a suitability review is an airy dream. Which is why mining-industry money has watered the grass roots of pro-development "wise use" groups such as People for the West. And why David Rovig, until recently president of Crown Butte, the outfit that has Yellowstone in its sights, solicited $1,000 contributions for Rahall's 1992 election opponent. Rahall won, but there is no certainty that his mining reform, now incorporated in a bill offered by Democratic Representative Richard Lehman of California, will reach a House-Senate conference and emerge with its pants on, let alone without having its watch and wallet stolen.

One way to see how mining has scarred the land is to fly with Bruce Gordon, chief pilot of an environmental flying service called Lighthawk, and Roger Flynn, his interlocutor, who runs a one-man environmental law firm in boulder called the Colorado Mining Action Project. From Denver the Cessna 210 heads south to New Mexico, then north along the spine of the Rockies above ulcerated earth where the land has bled money—from gold at Victor near Pikes Peak, and at Battle Mountain near San Luis, Colorado; and from molybdenum at Questa in northern New Mexico and at the vast Amax mine near Leadville. The hawk's-eye view shows the wreckage of mountains, dead land that will not revegetate, soured rivers, towns left to wither when mineral prices dropped and distant corporate directors cut their losses.

The rawest and most recent disaster is Summitville in the San Juan Mountains of southern Colorado. Over the plane's intercom, Flynn tells its shabby history. In all, some 280,000 ounces of gold were extracted, worth $98 million at today's price of $350 per oz. But the mine's leach pad, designed to catch sodium cyanide flushed through pulverized rock to dissolve gold, had been installed badly, in midwinter. It leaked, and the resulting solution of heavy metals in the acidic drainage poisoned 17 miles of the Alamosa River, which waters farms and ranches in the San Luis Valley. After a required bond for reclamation costs was raised from $2.2 million to $7.2 million, Galactic Resources Ltd., the mine's Canadian owner, abruptly declared bankruptcy and walked away last December. Summitville is now a Superfund site, and cleanup may run as high as $100 million.

But the Lighthawk flight continues north toward what many environmentalists fear will be a new Summitville and a new Superfund disaster. The plane threads through the grand, jagged peaks of the Wind River Range in Wyoming and on to the wild and isolated northeastern corner of Yellowstone National Park. Gordon stands the Cessna on one wing, circling a few hundred feet above Cooke City, Montana, a drowsy, ragtag little mountain burg that is a summer gateway to the park.

Just above town are a couple of 10,000-ft. peaks: Crown Butte, which is a spectacular, striated pillar, and Henderson, a hulk that bears old scars from open-pit mining. Digging petered out here in the 1950s—as it happened, only a few feet short of the mother lode. Underneath Henderson, recent exploration has shown, are ore deposits said to be worth $1 billion. It is here that Noranda's subsidiary Crown Butte is pushing hard to start up a large 24-hour-a-day gold mine and processing mill. Workings would be underground and no cyanide would be used, but Yellowstone Park's director of resource management, Stu Coleman, has said that from an environmental point of view, Henderson Mountain is "probably the worst possible place in the U.S. for a gold mine."

It is hard to argue with Coleman. The mine threatens the environment, as well as the social and economic stability, of Yellowstone Park and nearby Wyoming. Exploratory drilling has already scared away many of the area's elk, moose, bighorn sheep and grizzly bears. The project would turn tiny Cooke City, whose winter population is about 100, into a mining town (though Crown Butte

proposes the extraordinary measure of segregating its 320 construction workers and 150 miners in a mountainside work camp).

But the biggest problem here and throughout the Rockies is acidic drainage. Gold-bearing rock tends to contain large quantities of sulfur, which form sulfuric acid when exposed to air and water. The acid puts such highly toxic metals as copper and cadmium into solution, and the poisons kill aquatic life. That happened before when Henderson was mined in the '50s.

What Crown Butte proposes is to dig out 56 acres of wetlands, moose-breeding ground high on the mountain, and building a 77-acre lake to hold toxic mine residues called tailings. This mass, weighing about 5.5 million tons, would be held back by a 90-ft.-long earth-fill dam (earthquake-proof), say the company's engineers), and lined with clay and long-lasting plastic. At the end of the mine's 15-to-20-year life, the water level would be lowered and the crushed sulfate tailings would be capped with rock and dirt. The remaining water would be stagnant, not flowing. Thus the supply of oxygen would be cut off, and formation of acid would stop.

Stop for how long? The scheme has never been tested in a man-made impoundment, nor at 9,000 to 10,000 ft. in mountainous terrain subject to very heavy snowfalls, avalanches, flooding, severe underground seepage and seismic activity. If, or when the tailings dump fails, it will funnel heavy metals into Fisher Creek, which becomes the Clarks Fork of the Yellowstone River, the only "wild and scenic" river in northwestern Wyoming. If the Army Corps of Engineer's or the Environmental Protection Agency vetoes the wetlands destruction, the next best site would require a more complicated dam, and if, or when, it failed, the mess would head downstream of Yellowstone Park.

Hard-rock miners tend to think of themselves as semiheroic, crustier than cowboys, and when a site is inconvenient, they say, "You mine where the ore is." Henderson's ore is entirely surrounded by environmentalists. The Absaroka-Beartooth Wilderness is not more than a mile away on all sides. Just a bit farther, 2.5 miles to the southwest, is the great national park.

And just below Henderson are the people of Cooke City, each of them, in winter, a full 1% of the vox populi. Everyone agrees the 400 or so summer people are mostly against the mine, but summer people don't count here or anyplace else. Winter people, real Cooke City people, are split more or less down the middle. Jack Williams, a folk artist who was hurt years ago in a mine cave-in, favors Crown Butte, and so does his wife Bertie. Carpenter Jim Barrett, head of a home grown environmental group called the Beartooth Alliance, objects to being pushed around as well as to the way the mine's advance men have explained, very politely, what they are going to do to Cooke City. Outfitter John Graham, a burly, grizzled hunting guide, says wearily that the mine's trucks and drilling rigs have ruined the area for his clients. "They've got that stuff in their backyards," he says. "they don't want to see it here."

Allan Kirk, Crown Butte's chief exploration geologist, does a good job of guiding skeptical visitors around the mine site, explaining the care with which crews have been contouring and reseeding—"mitigating" is the word—old mine wreckage. Orange-stained, acidic water, the beginning of Fisher Creek, flows out of an old adit (mine entrance), but Kirk says large-scale plugging with cement and waste rock will prevent such seepage from dribbling out of Henderson's far side and downstream to Yellowstone. Will this work in a watery, fractured mountain?

"There are risks in all human activity," says Kirk.

Crown Butte claims to have risked about $30 million so far in exploration and environmental cleanup. What it would gain is clear; about half of the $1 billion in ore is thought to be recoverable. What the northern Rockies would gain is less certain. Yellowstone Park's fragile buffer forests would suffer more industrial invasion, if not environmental damage. Montana would get small royalty payment, but Wyoming, which would absorb most of the social impact, would get nothing. There is no large population of unemployed miners in the area, which is getting along fairly well from tourism. Peter Aengst, an activist for the Greater Yellowstone Coalition, repeats a familiar complaint: "Crown Butte gets the mine, and Yellowstone gets the shaft."

Some such assessment may have prompted Senator Max Baucus, a Montana Democrat, to write a surprising letter to Crown Butte's management. Calling himself a friend of mining, he nevertheless said he was unwilling to gamble a national treasure—Yellowstone—against short-term economic gain. Damage from a failed tailings pond, warned Baucus, could be "cataclysmic" and "irreversible." He didn't say what should be done with the tailing—truck convoys to NIMBY ("not in my backyard") land are a possibility—but if an on-the-mountain tailings pond is necessary, mine plans "should be abandoned."

Baucus' letter, though it may stiffen the spines of the regulating agencies, probably won't be enough to stop the mine. Noranda and Crown Butte may well get a permit to operate. A draft environmental-impact statement is expected by summer, shepherded by the Forest Service and the Montana State Lands Department, two agencies generally considered to be pro-development. The fact is that the outdated 1872 mining law, which treats the U.S. as if it were an underdeveloped country to be exploited, does not allow the agencies to say no to a permit. They can say only "yes, provided . . ." and see that federal and state laws governing clean air, clean water, wetlands and endangered species are enforced. If a mine corporation is rich and determined enough, it can pay for a lot of environmental compensation. Noranda, for instance, expects to pay roughly $8 million for damage to grizzly-bear habitat at another Montana mine site.

Other expenses are not so excessive. Most of Crown Butte's land on Henderson Mountain is privately owned, but with reforms of mine law pending, the company is hurrying to patent 45 acres of federal land, about a fifth of the mine site, containing $200 million worth of ore. As mine scandals go, this one is trifling. In Nevada the Canadian-owned American Barrick. Resources Corp. will probably be allowed to patent 1,793 acres, worth about $10 billion, for a nifty $8,965. Still it is worth noting that under the 1872 law, Crown Butte will buy its 45 acres from U.S. taxpayers and own it for the remainder of eternity for exactly $225.

Mr. THOMAS of Wyoming. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we talked a good deal about this bill a couple days ago, but I simply want to rise and talk a little bit specifically about mining, but in general about jobs, jobs in the public land States of the West.

When we talk about mining, we are talking about jobs. We are talking about good jobs. We are talking about the opportunity to create more jobs.

When we talk about public lands, we are talking about an economic aspect of the West that is peculiar. We are talking about the opportunity for States that have 50 to 80 percent public lands within their States to have the kind of public policy on lands that allows for economic growth, that allows for jobs in the West, allows for growth in the West.

When we talk about western public lands, we are talking not only about mining, we are talking about grazing, we are talking about the cost of water, we are talking about moratoriums on oil and gas, we are talking about limits on timber, we are talking about an assault on the economy of the West.

Clearly, that is one that has been designed by the Department of the Interior and the Secretary.

So we need to take a look at what we are doing when we talk about jobs.

I do not think there is any question but what there needs to be a modernization of the mining law. We all agree upon that, but we do not need to strangle the economic future of the West to do something about reforming mining law.

It is interesting, it seems to me, that we spent, and properly so, all day yesterday specifically, and we have spent almost all this year talking about jobs, building jobs, creating jobs.

Now we are talking today about reducing jobs, about losing jobs.

The same folks who spoke so passionately yesterday about workers are the same ones who are willing to have more and more regulation, the same ones who are suspicious of profits and the opportunity to make profits, the same ones who make it impossible to have incentives to invest to create jobs.

Madam Chairman, it does take investment to create jobs. It takes some tenure in order to get that investment back. It takes reasonable regulations. We cannot have businesses drowned in regulations. It takes an opportunity to make a profit. There is nothing evil about profits. That is the incentive to create jobs.

Madam Chairman, I am for mining reform, but not this mining reform. Have we heard that before?

We can do better and we can do a little better today, and we can do a great deal better when we have our conference committee.

Madam Chairman, let us have a mining reform bill that does not strangle opportunity, that does not reduce jobs, but indeed has a balance of both economic opportunity and environmental protection.

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

Madam Chairman, as we conclude this debate, I remind my colleagues once again about the historic event on which we are about to embark.

The distinguished chairman of the subcommittee, the gentleman from California, in his opening remarks 2 days ago spoke of some of the history of the efforts to reform the 1872 mining law.

Back in 1865 on the House floor, Representative George Washington Julian called the efforts to enact what eventually became the mining law of 1872 legislative madness.

He noted on this House floor, and I remind you, this was in 1865, 7 years prior to enactment of the law:

> The United States have let the mineral lands open to our people and to the greed of monopolists from foreign countries for the past 16 years during which time $1 billion have been extracted without a dollar of revenue to the National Treasury.

One hundred twenty-eight years later, the debate continues. We have had a healthy debate over the last couple days over this issue. It has been through the entire legislative mill for a number of years. I think that has been very productive to our efforts to strike a proper balance here. If we do not enact this law, then I fear that the mining industry's ability to continue mining on public lands in the West would be severely threatened. So it is in the interest of the industry that we have this reform. It is in the interest of the American taxpayers that we have this reform as well.

Most importantly, Madam Chairman, it is in the interest of our environmental legacy in the western parts of our country that we ensure that no longer do we have the mining landscapes, the red water streams, the open mine shafts which kids fall down in and are killed, but that we have responsible mining reclamation at the same time that we continue to provide jobs for our people, not only in the mining industry, but in the reclamation of these mine sites as well.

So again, Madam Chairman, I conclude by asking the House to defeat this motion to recommit and to pass this historic reform of the mining law of 1872.

Mr. SKAGGS. Mr. Chairman, I rise to express my support for reform of the 1872 mining law—but my reluctant opposition to this bill in its current form.

There is no question that we need to reform the mining law. It might have made sense 120 years ago to give away public land as an inducement to get young men—and young women—to go West. But we long ago repealed the Homestead Act, and it's long past time to reform the general mining law to meet the needs of today's West.

The mining law's patenting provisions have been badly abused, resulting in billions of dollars of Federal lands being sold for a few dollars an acre. The thousands of abandoned mines in the West must be reclaimed, and a Federal reclamation standard imposed to ensure that in the future mined lands will be restored. A reasonable royalty payment should be required for commercial use of public lands, to provide the taxpayers with a fair return of use of their property.

But as much as I think we should overhaul the mining law, I still find this bill to be the wrong reform. Simply put, it goes too far. If passed in its current form, it would impose too great an economic burden, and too many unworkable regulatory burdens, on the mining industry.

Let me focus on the one provision that concerns me the most—having to do with the question of royalties payments.

Earlier this year, when Secretary of the Interior Bruce Babbitt appeared before the Interior Appropriations Subcommittee, I asked him for the justification for his recommendation of a 12½ percent gross royalty on hard rock mining. In response, the Department provided very little information and data. What they did provide supported a 3½-percent gross royalty—not a 12½-percent gross royalty.

The bill before us today does not go as far as Secretary Babbitt's original recommendation, but it would impose an 8-percent gross royalty. The committee report, however, indicates that private royalty rates range from 2 to 8 percent of gross income. For gold, the report states that 5 percent is the most typical rate.

In other words, it appears that if this bill were pass in its current form, the Federal Government would charge more to mine on public lands than other landowners charge to mine on their land. I know of no reason to justify that.

On royalties, as on some other issues, it seems that this is a bill prepared in anticipation of an eventual compromise with a very different bill already passed by the Senate—a bill that leaves far too much of the current law intact. I can understand the desire of the leaders of the House Committee on Natural Resources to position themselves so a compromise with the Senate will produce a reasonable final bill. But I am not willing to vote for a bill that represents a bargaining position for conference more than it represents a piece of legislation ready to be signed into law.

Despite my vote, I expect this bill to be passed by the House today. I encourage its managers to work with the Senate to produce a more realistic and reasonable reform of the mining law. When they do, I will enthusiastically join in voting for that version.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. TORRES] having assumed the chair, Mrs. KENNELLY, 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. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, pursuant to House Resolution 303, she 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.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, 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, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CRAPO

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

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

Mr. CRAPO. I am opposed to the bill, Mr. Speaker.

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

The Clerk read as follows:

> Mr. CRAPO moves to recommit the bill, H.R. 322, to the Committee on Natural Resources, with instructions to report back promptly to the House with recommendations that will result in no net loss of jobs as measured by existing Department of the Interior economic models.

The SPEAKER pro tempore. The gentleman from Idaho [Mr. CRAPO] is recognized for 5 minutes.

Mr. CRAPO. Mr. Speaker, the instructions that we seek on this motion are quite simple. This House should tell the Committee on Natural Resources to go back into session and to craft an amendment to H.R. 322 that would undo the net job less result which the gross royalty provisions in the bill will cause.

Mining is an $86 billion a year industry which supports American families and communities, and passage of H.R. 322 will result in a net loss of $5.7 billion in economic output.

□ 1040

The mining industry is directly responsible for providing 500,000 Americans with jobs. The sponsors of H.R. 322 admit that passage of the bill could lead to the loss of 5 percent of the American mining jobs. This loss is predicted by the Department of the Interior's own analysis of H.R. 322.

The accounting firm of Coopers and Lybrand have studied H.R. 322 and suggest the impact could be even larger, and I would like to point out on the chart we have, the summary here of a number of different approaches, what kind of a job impact could happen.

If my colleagues will notice the first line, the Department of the Interior's own study is that in the first year alone over 1,100 jobs or 1,100 jobs could be lost with a net impact in revenue of $11 million.

The Coopers and Lybrand study, which projects out over 10 years, shows that the job impact could be as high as 44,000 jobs. The economist Michael Evans has projected over the same 10 years, with different analysis, that at least 18,000 jobs could be lost.

The point is that, regardless of whether we accept the Coopers and Lybrand approach, the Evans approach or the Department of the Interior approach, we are going to have serious job loss under this bill.

The Western Governors Association has also expressed strong opposition to H.R. 322, and they are concerned that it establishes a complex and duplicative system unresponsive to States' needs and preempts the roles of the State. We should not be doing this while we are at the same time causing this kind of job loss, and I would like to direct my colleagues' attention to the second chart here, just an example in Idaho.

In Idaho, at the Thunder Mountain mine the hard rock mining has 110 full-time employees. Under reclamation, only 4 to 10 employees, part of them seasonal. The average salary of a miner when that mine was operating was $34,000. The average salary of reclamation workers, $12,500. On the total annual payroll, $3.7 million when the mine was in operation. Now, $75,000 to $80,000 under reclamation. The status of employment under operation, all positions were long-term jobs. Now, under reclamation, limited transitional jobs. The annual taxes paid; impact on the Treasury was $1,065 under full-time operation. Under reclamation, none except for the sales tax on supplies.

This is just one example of what can happen as we start reducing our mining industries with oppressive laws that do not take into consideration job loss, and the purpose of this motion is to ask that this body send this bill back to the committee so that we can take care of those jobs that are going to be impacted by the harsh provisions of its terms.

Mr. LEHMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. TORRES). The gentleman from California [Mr. LEHMAN] is recognized for 5 minutes.

Mr. LEHMAN. Mr. Speaker, I admit to being somewhat confused by the gentleman from Idaho's motion, since by all accounts, except those advanced by the mining industry, H.R. 322, as amended, will result in a net-zero-job loss, if not an actual increase in jobs.

According to the Department of the Interior's economic models and to the Congressional Budget Office, H.R. 322, as amended, will not result in a massive loss of jobs. The Department's economic models indicate that an 8 percent net smelter return royalty could, at certain prices, result in the possible loss of 640 jobs—that's out of 45,000 jobs that are currently attributed to the mining industry.

On the other hand, the Congressional Budget Office reports that an 8 percent gross income royalty applied to reclamation would result in a net gain of 1,200 jobs.

But, economic models aside and let's face it—we can each drag out any number of "economic theories" or "models" to support our contradictory positions—it is widely recognized that western Federal lands are seen as much more than a storehouse of extractable merchandise. These public lands provide the economic base upon which the current settlement of the West depends. Recreation, wildlife, and scenic beauty are all critical to the West's future.

H.R. 322, as amended, will protect that environmental base which has become an integral part of the region's economic base. It will do this in several important ways. First, it will dislodge the misleading place mining enjoys due to the unquestionable advantage it has under current law.

Second, H.R. 322 will allow other uses of the land to be given equal consideration.

Finally, H.R. 322 will create jobs and improve the environmental quality of the area by restoring lands damaged by past mining practices.

In simple terms, H.R. 322 will create jobs.

H.R. 322 will require the Federal Government to be a responsible landowner and require those mining companies which extract hard rock minerals from Federal lands to act in the same manner the oil, gas, and coal industries are already required to act on Federal lands.

Since the revenues generated by H.R. 322 will be used to reclaim abandoned mine sites, it will create jobs. According to the Bureau of Labor Statistics, 26 jobs will be created for every $1 million spent cleaning up these old mine sites.

The CBO estimates that the bill will, by 1997, raise $114 million a year.

It should also be noted that the hard rock industry has, by necessity, been a very resilient industry. It has always faced an uncertain market where prices can fluctuate widely. Between 1987 and 1992, gold prices suffered a 40-percent decline. In just 6 months this year, the price of gold has fluctuated from $325 an ounce to $410 an ounce. It then began to move quickly downward. The gold industry has not been thrown into wide turmoil by these changes. Instead, the industry has dramatically increased to record levels of production.

But, statistics aside, what is the role that mining plays in the western economy? Despite the popular portrait of the Gabby Hayes prototype perpetuated, in large part by the mining industry, hard rock mining actually plays a minuscule role in terms of western employment.

The fact is that only about 1 job in 1,000 is directly related to metal mining in the West.

And, further, all metal mining does not occur on Federal lands. Only 53 percent of all land in the West is Federal land and only 15 percent of the value of hard rock mineral production can be attributed to Federal lands. And, less than 1 percent of copper production in the West comes from Federal lands.

If the current rush to patent continues, as is expected, the percentage of active mining on Federal lands, which would be subject to H.R. 322, would significantly decline.

Therefore, since only one in a thousand western jobs depends on metal mining and only one in six of those jobs would be affected by H.R. 322, one can only conclude that H.R. 322—with or without further analysis by the Department of the Interior—is going to affect only a tiny sliver of western jobs.

Consequently, because H.R. 322 will help protect an important segment of the western economy and will reinvest the revenues it raises in the West, putting people to work repairing that land from past damage, the net impact is positive.

H.R. 322 will strengthen the western economy and put people to work. If only the direct employment impacts associated with the reclamation programs are considered in concert with the direct employment impacts on mining jobs, the result is a net increase of 1,200 jobs.

Finally, facts aside—which in this case are clearly on the side of approving H.R. 322—the motion to recommit is clearly nothing more than a stall tactic designed to further protect an industry which has managed to hoodwink the Congress time and time again into thinking it needs some kind of special socialized welfare protection.

Today, we have a chance to bring hard rock mining into the 20th century.

This is a historic moment.

I urge my colleagues to defeat the motion to recommit and go on to approve H.R. 322 as amended.

Mr. Speaker, I yield to the gentleman from West Virginia [Mr. RAHALL], who certainly deserves our praise this morning for bringing us to this important point.

Mr. RAHALL. Mr. Speaker, this legislation will create jobs.

Under this bill, we are creating an abandoned locatable minerals reclamation fund for the purpose of restoring the damages caused by past mining practices.

This fund is modeled after the abandoned mine reclamation fund for coal mined lands that we established under the Surface Mining Control and Reclamation Act of 1977.

And the fact of the matter is that for each $1 million spent in reclaiming abandoned mined lands, about 26 direct and indirect jobs are created.

These are good paying jobs in the construction industry.

Furthermore, I would submit that by providing for a more efficient regime under which the hard rock mining industry will operate on public lands, this bill will also promote employment at active mining operations.

Prior to the passage of legislation of this nature, we always hear predictions of gloom and doom.

For example, in 1977, coal production was at about 600 million tons per year. At the time, the coal industry said that if we passed the Surface Mining Act, it would cause their demise.

Today, 16 years later, coal production is close to 1.2 billion tons per year.

So I would suggest that we will not experience the type of job loss the opponents of this bill suggest.

I urge the defeat of the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 148, nays 270, not voting 15, as follows:

[Roll No. 576]

YEAS—148

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fields (TX)
Fowler
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Montgomery
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Walsh
Wolf
Young (FL)
Zeliff

NAYS—270

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—15

Bacchus (FL)
Chapman
Clinger
Dicks
Ford (TN)
Grandy
Hoke
Klink
McCrery
Ridge
Rose
Sisisky
Washington
Wilson
Young (AK)

□ 1109

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

Messrs. HAYES, EWING, and BUYER changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRES). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 316, nays 108, not voting 9, as follows:

[Roll No. 577]

YEAS—316

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon

Goss
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Huffington
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
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Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—108

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Ewing
Fields (TX)
Gekas
Gillmor
Goodling
Grams
Hancock
Hansen
Hayes
Hefley
Herger
Hoekstra
Hoke
Houghton
Hunter
Hutchinson
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
Kingston
Knollenberg
Kolbe
Kyl
Lewis (CA)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Michel
Molinari
Myers
Nussle
Orton
Oxley
Packard
Paxon
Pombo
Quillen
Quinn
Roberts
Rogers
Rohrabacher
Royce
Santorum
Schaefer
Skaggs
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Walsh
Young (AK)
Zeliff

NOT VOTING—9

Chapman
Clinger
Dicks
Gilchrest
Klink
Martinez
Ridge
Rose
Wilson

□ 1127

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 322, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 300

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 300.

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

There was no objection.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 313 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 313

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 796) to assure freedom of access to clinic entrances. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendment numbered 4 in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1130

The SPEAKER pro tempore (Mr. TORRES). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 313 is the rule providing for the consideration of H.R. 796, the Freedom of Access to Clinic Entrances Act of 1993.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered as read; all points of order against the committee substitute are waived.

No amendments to the substitute are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order, manner, and for the time specified in the report. The amendments shall be considered as read and are not subject to further amendment.

Further the rule waives all points of order against the amendment to be offered by Representative SMITH of New Jersey.

Mr. Speaker, the four amendments made in order under this rule include a comprehensive substitute which provides an alternative approach to the problem addressed by the bill as well as three other amendments to perfect the bill's language.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 796, the bill for which the Rules Committee has recommended this rule, was developed in response to the growing problem of orchestrated violence at reproductive health clinics all across the Nation. In recent years, the level of this violence has escalated. The list is long and sad: vandalism, arson, bombing, gassing, physical attacks, death threats, shootings, and murder—against clinic staff, as well as their families and their children, and against the women who need the health services these clinics offer.

The statistics tell a horrible story: Between 1977 and April of this year, over 1,000 acts of violence were reported against clinics and health care providers. These include: 36 bombings; 81 arsons; 131 death threats; 84 assaults; 2 kidnappings; 327 clinic invasions; and 1 murder.

Over 6,000 clinic blockades and other disruptions of clinic activity were reported during that period.

Just this past March, Dr. David Gunn of Florida was shot and killed; murdered, by an antiabortion activist.

This past August, Dr. George Tiller was shot and wounded in Oregon, because he performed legal abortions at a reproductive health clinic.

And just last month, a 19-year-old youth set fire to a Texas clinic, causing $50,000 worth of damage. This was the ninth women's health center to be damaged by fire so far this year.

These acts of violence do not only hurt those directly hit; they also affect the thousands of women who need to use these clinics for their health care. More than 90 percent of the clinics that have experienced blockades or violence also provide other health services, in addition to abortions. And many of the clinics targeted for blockades and harassment are located in rural areas. They are frequently the only source of reproductive medical care for the women they serve. Disruptions in the operation of these clinics has therefore deprived many women of a wide range of badly needed medical services, including pregnancy and prenatal care.

While it is true that most State and local law enforcement have the authority to police such violations of their criminal codes, in reality this often does not happen. In some cases, the locality does not have the resources to battle large-scale, long-term interstate lawlessness, including trespass, vandalism, and assault. In other cases, they simply choose not to do so. Clearly, a Federal remedy is the only answer if we are standardize law enforcement and offer all clinics the same protection.

Until early this year, Federal courts could act to restrain clinic blockades. But once the Supreme Court ruled, in the Bray decision, that the Ku Klux Klan statute no longer offered protection to clinics and providers, we were left with no legal means of ending the disruptions; no way to keep these clinics open and safe for women, their doctors or nurses; and no way to guarantee this constitutionally protected right.

Attorney General Janet Reno has testified that no other Federal law is applicable in this situation. She noted that—

> The reluctance of local authorities to protect the rights of individuals provides a powerful justification for the enactment of Federal protections; protections that have been evoked previously by Congress in passing laws to protect civil rights.

This bill will fill the gap and provide these protections. The National Association of Attorneys General supports the bill, for just that reason. As does the American Medical Association, and the League of Women Voters, among many others.

It is important to note that this bill will not abridge anyone's right to conduct peaceful, lawful protests at clinics. What it will do, however, is make reproductive health clinics safe for the men and women who work there, as well as for the women who need their services. These health care professionals and their patients need our help, and I urge my colleagues to provide it for them by supporting this rule and this important legislation.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], the minority whip.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I strongly urge my colleagues to vote down this rule. I think this rule is a tragic, tragic mistake. It is a mistake, first of all, because we are dealing with freedom-of-speech rights that are central to America.

I think when you look back at the entire history of the civil rights movement, when you look back at the antiwar movement, if we had applied these kinds of restrictions and this kind of language, it would have distorted that entire experience and would have gravely threatened the rights and the liberties of Americans, and in that sense, I think this bill as it is currently written is explicitly dangerous to the right of Americans to dissent and the right of Americans to protest.

I strongly favor any actions that are needed to end violence. I believe anyone who is engaged in violence against a fellow American deserves jail and that every American deserves protection against violence. But there are free-speech issues here that are very, very important.

The use of words like "intimidation" is a judgmental word. If you are standing 3 feet away but staring at a person, are you intimidating them? If you are a father or a mother trying to talk to your daughter, are you intimidating them? Under what circumstances will this be applied?

I want to make two sets of points; the first is in urging a "no" vote, look at the amendments that were defeated. There was a Gekas-Stenholm amendment which would have extended the protection against demonstration to include other lawful activities. There was a Kennedy amendment which would extend the protection from assault or interference to individuals who engage in lawful activities in the vicinity of an abortion facility. There was an Inglis amendment to strike language allowing private citizens to bring suit under this bill. There was a Klink amendment to redefine the definition of physical obstruction in order to remove peaceful sit-ins and similar passive demonstrations from the scope of the bill.

Notice the way that this bill is designed. First of all, it is one more example of another trial-lawyer-enrichment bill. It is one more effort to extend to the private citizen the right to go to court, the incentive to show up and have one more trial lawyer file one more triple-damages suit, to have one more opportunity for legal blackmail, to have one more settlement out of court, to enrich the lawyers one more time.

□ 1140

So I understand why, if you are a trial lawyer, this might be a good bill, because you are going to have more business.

Second, notice that this particular rule blocks from amendment Democrat and Republican efforts to amend this bill. Third, notice that this bill would, in effect, stop precisely the kinds of civil disobedience which were at the heart of what the civil rights movement was all about.

Let me make a second point, and that is that there are significant threats here that are not clear. As I understand it, in the other body the bill was amended to provide a provision excepting from the penalties and civil remedies any parent or legal guardian of a minor. That is, in the bill as drafted in the other body, as I understand it, if you were a parent or a legal guardian and you had a 12-year-old, 13-year-old, 14-year-old about to walk into an abortion clinic, you would not be subject to these provisions if you were obstructing or intimidating your 12-, 13-, 14-year-old daughter. This bill in its current form will not protect parents, will

in fact make them subject to a lawsuit so they could face the prospect of being sued by their daughter, with the trial lawyer taking the usual cut of the money, and they would be subject to triple damages.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. I thank the gentleman for yielding.

Mr. Speaker, the DeLay amendment, which takes care of the problem of which the gentleman speaks, is in this rule.

Mr. GINGRICH. If my friend from New York would answer: Why did she then reject the Inglis amendment?

Ms. SLAUGHTER. We rejected some of the amendments because they were incorporated into the Smith amendment.

Mr. GINGRICH. I meant the Kennedy amendment.

Ms. SLAUGHTER. And some for nongermaneness.

Mr. GINGRICH. But I am correct, am I not, in saying the Kennedy amendment, No. 6, which specifically does what I just said, does not take care of it?

Ms. SLAUGHTER. I believe it is the DeLay amendment, I say to the gentleman from Georgia, that does specifically what he is talking about.

Mr. GINGRICH. Very well. I appreciate the gentlewoman's correcting me.

The Kennedy amendment in fact extended protection from assault or interference from individuals who engage in unlawful activities in the vicinity of an abortion clinic is afforded those seeking reproductive health services.

I would urge everyone to vote for the DeLay amendment in the bill.

Let me go on and point out that of the five amendments defeated, several were offered by Democrats and several were offered by Republicans. But my point would be twofold:

First, the bill, as it is currently written, extends to the words "obstruction" and "intimidation" a level of interpretation which I do not believe we have ever had in American legal tradition and which is a violation of free speech. It is one thing to say, as I would say, no one should engage in violence and we should protect people from violence; it is another thing to say the Federal Government is now going to put you at risk because of your free-speech activities and it is potentially going to put you in jail and is going to put you at risk for a lawsuit with triple damages by somebody who is out there trying to make a buck on what may well in fact be a nuisance lawsuit.

Second, there are legitimate amendments which should be made in order for both Democrats and Republicans. It is very unfortunate that the leadership of this House has gotten into the habit of strangling the rights of amendments for both Democrats and Republicans.

I think we should have a "no" vote on the rule and then support a rule to bring the same bill up with the full amendment capability so that this bill could be corrected so that it could be supported.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I rise today in opposition to this restrictive rule. Along with our colleague, Mr. GEKAS, I had wished to offer an amendment which would have extended the protections established in H.R. 796 to other equally important areas. Unfortunately, our amendment was not allowed to be debated on the floor and therefore I intend to vote against this rule and H.R. 796.

Although I oppose the bill, I support the stated intent of the authors in attempting to address the serious problem of violent and inappropriate activities by some extremist groups. Regardless of one's position on the reproductive health services debate, murder and violence cannot be condoned or allowed to go unpunished. If this bill did only what its supporters claim, I would be leading the fight for its passage.

For example, the authors of H.R. 796 claim the bill targets "* * * conduct that is not protected by the first amendment. Shootings, arson, vandalism, death threats, and chemical attacks—that's the kind of violence and terror that H.R. 796 is intended to stop." This simply is not so. The bill goes much further by prohibiting conduct which "* * * intimidates, or interferes with any person, or attempts to do so * * *" And, it provides for a private right of action against a specific group of people, those who protest abortion rights.

You don't have to be a legal scholar to see the intent or the practical consequences of these loosely worded and legally undefined prohibitions. H.R. 796 would effectively abate peaceful antiabortion protests as well as the allegedly targeted violent protests, because of the chilling effect of the private right of action triggered by such a nebulous legal standard. Most people will make the logical choice of not participating in peaceful protest for fear of being sued for damages of $5,000 per violation for actions which may be construed to intimidate or interfere with a woman attempting to obtain an abortion or a doctor who performs reproductive health services.

What is so frustrating to me is that the authors of this bill know this, despite what they may say. I know because I introduced legislation in the 101st Congress which addressed an equally serious problem of inappropriate and violent activities directed toward animal research laboratories and agri-business. Researchers were being threatened and vitally important research destroyed along with the facilities for the sake of animal rights.

I introduced a bill that paled in comparison to H.R. 796's prohibited activities, but like H.R. 796 did include a private right of action so that researchers whose life's work was destroyed by arson or theft could sue for damages from the violators. I was told by some of the primary supporters of H.R. 796 that my language was totally unacceptable on the grounds that it would violate these protestors' constitutional rights. In fact, I want to submit for the RECORD a copy of a letter I received from the ACLU which expressed their constitutional reservations to my Farm Animal and Research Facilities Protection Act.

Last year, my break-in bill was eventually enacted into law, but not without substantial amendment. The bill enacted into law prohibited only criminal acts and was stripped of its civil right of action. Even though my original bill had overwhelming support in the Congress, these changes had to be made to clear the House Judiciary Committee. Ironically the members of that committee are the authors and strongest supporters of H.R. 796.

As stated earlier, H.R. 796 has created an entirely new legal standard for one category of individuals, a legal standard that will be challenged as unconstitutional under the first amendment. There are valid questions that must and will be asked, and the attorneys and courts will hammer out many constitutional nuances if H.R. 796 is successfully signed into law.

This brings me to why I am here today. I believe that if we are going to set forth this new legal standard for protestors of reproductive health services, we should also apply it to other controversial activities. For example, if it is not appropriate for an abortion protestor to intimidate a woman seeking her legal choice to reproductive health services, then I believe it should also be inappropriate for a striking worker to intimidate another worker attempting to cross the picket line to exercise his or her right to work. What's the difference between an abortion protestor chaining himself or herself to a piece of office furniture in a clinic and an environmentalist chaining himself or herself to a tree that a logger is attempting to cut down. In both cases there is interference such as the bill references. How are the thousands of human lives which are lost from the destruction of years of biomedical research less valuable than the lives of doctors or young women threatened by force, threat of force, or physical obstruction at a reproductive health services clinic?

I have a folder with me this afternoon with just a small sampling of the

extremely disturbing threats, intimidations, and outright deaths involved in cases of labor strikes, animal research, forestry production, and so forth. Just as I find the death of a doctor in a clinic or the bodily harm done to women seeking to enter such clinics extremely distressing and unacceptable, I find the story of deaths and death threats in these other situations equally alarming. In all cases there are already criminal penalties for criminal activity. What distinguishes the protections of this bill are the stated combination of criminal and civil penalties which come into play for whoever engages in "threat of force, * * * intimidates, or interferes with any person or class of persons * * *" obtaining or providing reproductive health services.

Addressing these concerns is the intent of the amendment Mr. GEKAS and I had wished to offer during consideration of H.R. 796. While our amendment would not have dealt with the bill's constitutionality problems, it would have applied its new legal standard equally to other controversial and potentially egregious activities. By applying a what's-good-for-the-goose-is-good-for-the-gander rule to the bill, I believe we could have created a more valid bill to which everyone has a vested interest in developing the best and most just language and standards possible.

Unfortunately, our amendment is not allowed by this restrictive rule. Therefore, I will oppose it and encourage my colleagues to do the same. I regret having to do so because, as I said at the beginning of my remarks, I believe there is a very valid concern which was the original impetus for this legislation. I would embrace the opportunity to vote for the legislation which H.R. 796's promoters say they are bringing to the floor today. Unfortunately, the rhectoric does not match the legislative language of H.R. 796 and I thus must unfortunately oppose this bill.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. I thank the gentleman for yielding to me.

Mr. Speaker, I want to point out to my colleague, Mr. STENHOLM, that the reason his amendment was not allowed is because it was nongermane to the bill.

Mr. STENHOLM. I would make a statement here again, a simple question: Why is it nongermane? What is the difference between an individual or a group of individuals that will chain themselves to a fence in front of a reproductive services clinic or those that would do the same thing in front of a research laboratory designed to provide research on the information necessary to protect the lives of countless thousands? What is the difference?

And I am not an attorney. That is why I get in trouble on arguments like this. I am not smart enough, you tell me, to come down and to look at the legal nuances. When you talk about germaneness, I am not smart enough, you tell me. I do not understand what is the difference.

All we are saying is, if the language that those of you who are smart enough to determine what is legal, what is constitutional, what goes back to 1964, why not just apply it to every instance? What are we afraid of? Why is it that we cannot have a simple amendment saying it should be applied to everything? We agree. I agree with everything the supporters are saying about this. But I am puzzled as to why we only apply it to one category. What is the difference between an environmentalist who chains themselves to a tree in protest of the cutting down of the tree, or spiking the tree that might cause an individual harm? What is the difference between the issues? We are talking about, we all agree—and that is why the gentlewoman who totally correct in the rule and the bill last year in which we did get almost unanimous support, we were able to come together.

But now we find new and different and unusual language, and all we say with our amendment is why not or should we not be allowed to have it apply to this, to have it adapted to this bill also? That is the simple question we ask. I do not understand it.

Perhaps some of you can understand it. In the meantime I would strongly urge all of my colleagues vote down this rule. Let us allow questions such as that which Mr. GEKAS and I are raising to be debated on the floor of the House and to have perhaps some of us who do not understand all the constitutional nuances understand—we can vote, we can make commonsense judgments to this question.

Please vote down this rule and give us a chance.

MONTANA SHOOTING
SPORTS ASSOCIATION,
Missoula, MT, November 16, 1993.

RUSSELL MIDDLETON,
c/o Congressman Stenholm, U.S. House of Representatives, Washington, DC.

DEAR RUSSELL: On March 13, 1990, a well-publicized event occurred in Montana where several protestors interfered with a lawful bison hunt near the northern border of Yellowstone National Park.

On that day, three hunters were attempting to hunt bison, an activity authorized by the Montana Legislature. Professional protesters known to have connections with Earth First, Fund for Animals, and the Animal Liberation Front made several attempts to interfere with the hunt. These protesters are thought to have been paid, professional protesters.

First, the protesters attempted to herd the bison away from the hunters. Having failed in that objective, one protestor stabbed a bison hunter with a ski pole to prevent the hunter from shooting. This incident was filmed and carried on national television. Another protester stepped in front of the rifle of a hunter who was just about to squeeze off a shot at a bison. Both protesters were arrested and cited, the first with assault, the second with violations of Montana's hunter harassment law.

The second protester was convicted in Justice Court, and appealed to the District Court. The District Court dismissed charges on the grounds that the Montana hunter harassment law violated the protesters First Amendment freedom of expression. The State of Montana has appealed this dismissal to the Montana Supreme Court, the Montana Shooting Sports Association has entered an amicus appearance, and this matter is now pending before the Montana Supreme Court.

Please let me know if I can provide any further information.

Sincerely yours,

GARY S. MARBUT,
President.

STRIKE VIOLENCE

Mr. HATCH. Madam President, I rise to notify Members of the Senate that Eddie York died last week.

Who is Eddie York?

Eddie York was 35 years old. He was from Dingess, WV. Killed by a single shot to the back of his head, Eddie York is the latest victim of strike violence.

Madam President, the United Mine Workers of America have been on strike for almost three months against the members of the Bituminous Coal Operators Association [BOCA]. Today, some 16,000 miners are on strike and are affecting operators who produce approximately 15 percent of the coal mined in the United States.

Eddie York is the latest example of how violence is often threatened and executed as a negotiating tool by some unions.

In the past, UMWA strikes have been dominated by shootings, arson, property destruction, and the intimidation of employees.

As a result of the union's tactics in its strike against Pittston, the union was fined $52 million by a State court in Virginia for contempt.

This year, the strike has again been dominated by shootings, arson, and vandalism. Strikers have derailed trains, shot electrical transformers, and burned vehicles and property. They have damaged or destroyed millions of dollars worth of property. They have physically attacked company personnel. The lives of the spouses and children of supervisors and other employees have been endangered.

One community lost its entire electrical service when someone disabled the power station that provided service to the Old Ben mine in Indiana. 2,000 people were without electricity, including eight people who are on life support systems. Fortunately, the Red Cross and the local sheriff's department were able to provide temporary relief and shelter for these people, but it will cost more than $500,000 to fix the damage.

This latest tragedy is all the more senseless because Eddie York, a back-hoe operator, did not even work for the mining company. He worked for an independent contractor, and he was cleaning a reclamation pond on the property, which he had done for years. This was not work performed by the union.

He was shot and killed in Logan County, WV, as he attempted to leave the mine. I understand that it is extremely dangerous to enter or exit most of the mines that are being struck. This mine was no exemption. People have to be escorted on and off the property, and most individuals will only drive in convoys for safety.

Two security vehicles escorted Mr. York and another person off the property. After

the vehicles left the property and were driving on a public road, strikers began hurling rocks. Shots were fired from a wooded area; several shots hit other vehicles in the convoy. Eddie York's truck was hit at least three times according to the police. It was the third that appeared to be the fatal bullet.

Madam President, there is no possible justification for such a crime.

As one of the few Members of this body who has belonged to a union, I firmly believe in the right of employees to organize, to join a union, and to exercise their right to strike.

But, a union should not be permitted to wage a campaign of terror during a strike. A labor dispute should not be an excuse for violence. The right to strike is not a right to vandalize, harass, or commit murder.

Unfortunately, labor violence continues to occur.

On July 1, 1993, several companies petitioned the National Labor Relations Board to enjoin the UMWA from continuing to break the law by engaging in violence and other prohibited acts. Unfortunately, the NLRB has now taken three weeks to consider this request and may take many more. If the problem is as serious as many feel, then the Board should act immediately. If there is no truth to the petitioner's request, then the union has a right to have the petition rejected just as quickly. It is troubling to me that the NLRB drags its feet on this question. How much more time before someone else is killed?

For years, I have attempted to persuade this body to take the violence being committed during labor disputes more seriously. Unfortunately, my efforts have not been successful. Some have attempted to trivialize this issue, claiming that reports of violence are greatly exaggerated. Others have suggested that violence is simply part of the process, providing a kind of "boys will be boys" justification for this egregious behavior. These arguments are ridiculous.

Eddie York was not the first person to have died as a result of union violence. He was not the first person to have had rocks thrown at his car. He was not the first person to have been assaulted or to have had his family threatened. There are countless other American workers in other States who have been victims of these reprehensible union tactics whose names have never appeared in the newspaper.

Those of us in Congress must simply begin taking strike violence more seriously. We cannot justify it or sweep it under the rug.

Consequently, before this body considers new legislation to provide even greater powers to unions during a labor dispute, I urge that they take a careful look at the adequacy of current law to stop union violence. I hope Senators will remember Eddie York.

I have to say that this is serious stuff. I do not believe that union leaders want violence. I do not believe they can condone or justify the violence like what happened to Eddie York. I do not believe that good union leaders appreciate that type of conduct, but it is happening, and it is happening during what many feel is a legitimate strike. There are differences. People do have to fight it out from time to time, but there is no excuse for killing an innocent third party, like Eddie York. I, frankly, think we have to do something about it.

AUGUST 16, 1988.

You are truly a fiend! And your so-called "research" is nothing less than torture and murder.

The only punishment that you are entitled to is to have your eyes gouged out and be bolted to a frame through your ——, then be smeared all over your body with cat food and turn all the hungry cats in Berkeley loose on you, to tear you limb from limb * * * slowly!

A hex on you and your family * * * you will all die slow horrible deaths! And then you will burn in Hell!

DECENT HUMAN BEINGS.

MAY 1, 1990.

People such as yourself make me sick! The experiments that you perform are ludicrious. They help none, but they do manage to maim and kill many cats. Animals were not put on this Earth for some insensitive a—— like yourself to exploit, maim, and kill them. I don't know how you are able to sleep at night being conscious of your actions. You must not care about anyone or anything but yourself. You are a no good mother —— and I am a very wealthy person with power. I'm going to pay through the nose to have some big, fat, slimy, —— capture you and experiment on you. Perhaps they will cut off your ——. At least you will get a taste of your own medicine.

Die you filthy ——. —— you and your parents for living—every bone inside my body yearns to smash your —— head in you low life maggot—if I ever meet you I swear to God I'll rip your —— —— off and stuff them down your throat—do you have the guts to write back to me—I don't think you do you —— worm.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. GEKAS] who had a hand in this amendment which was turned down, which is not germane but could have been made germane by the Committee on Rules.

Mr. GEKAS. Mr. Speaker and Members of the House, that is exactly correct. The gentleman from Texas [Mr. STENHOLM] quite properly raised a note of indignation that the Committee on Rules, in the person of the gentlewoman from New York, would say that the Gekas-Stenholm proposition should not be debated because it is not germane. That is an excuse that we can no longer tolerate.

The Committee on Rules time and time again, to suit its purposes or the leadership's, the Democratic leadership's purposes, waives germaneness like it is a wave of the hand. And when the minority, to try to protect the Gekas-Stenholm attempt the other day, refused to accept a request to waive germaneness. The question of the lady from New York is: Is the Rules Committee empowered to waive germaneness? The answer is "yes."

□ 1150

So we cannot tolerate the excuse of nongermaneness. That is the explanation for the gentleman from Texas. They did not want to waive germaneness to allow our amendment to apply in the floor debate.

Ironically, I say to the gentlewoman from New York, I voted in favor of this proposition in committee. The gentlewoman from New York and her counterparts in the Rules Committee are violating or abusing me as a voter in favor of this piece of legislation.

The fact that they would not let us debate it, to allow it to apply to nuclear facility demonstrators, to animal rights demonstrators, to tree lumberjack demonstrators, to other kinds of facilities which also are recipients of the indignation of the public or groups of people who oppose that kind of action, we do not want to hear about germaneness anymore. It can be waived and it should have been waived.

I am a proponent of this legislation, and now I am constrained to vote against it because they did not allow me to help your cause by helping others to vote for the bill to allow constant and good and reasonable amendments to be offered to it.

I resent this germaneness bit, and I will vote "no" on the rule and ask everybody to vote "no" on the rule.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

This bill before us is not like other bills. This is in response to an emergency. What the bill will do, it will protect gravely threatened rights. I heard that expression used earlier by the gentleman from Georgia, for whom I have great respect.

This legislation is in response to a nationally orchestrated campaign of violence and it protects gravely threatened rights.

H.R. 796 is legislation in response to a nationally orchestrated campaign of violence and vandalism against reproductive health clinics, as well as physical blockades and invasions of clinics. These illegal activities have been preventing women from obtaining health care services, and threatening the lives of health care providers.

From 1977 to April 1993, more than 1,000 acts of violence against reproductive health providers were reported in the United States, including 36 bombings, 81 arsons, 131 death threats, 84 assaults, 2 kidnapings, 327 clinic invasions, and 1 murder. Since January 1992, 71 chemical attacks have been reported in 15 States as well. And in a recent nationwide survey, 50 percent of the clinics responding reported experiencing extreme violence—with 25 percent of those clinics having experienced physical invasions or chemical attacks in 1993 alone.

This is another reason why the amendment that was mentioned, the Stenholm-Gekas amendment, was not found in order. This is in response to a national emergency.

The bill is also in response to the January Supreme Court ruling in Bray

versus Alexandria which created a gap in Federal law. Federal injunctive relief is no longer available for clinics under Federal civil rights laws.

H.R. 796 will give the Federal Government the power to act when State and local authorities cannot or will not act to guarantee access to these clinics where women, especially poor women, go for a wide range of services that include family planning, prenatal examinations, mammograms, Pap smears, as well as abortion services.

The bill applies only to the use of force, threat of force, or physical obstruction that intentionally injures, intimidates, or interferes with any person who is obtaining or providing reproductive health services.

The bill protects all expressive conduct, including peaceful picketing or other peaceful demonstration protected by the first amendment. We are talking about illegal conduct, not peaceful picketing.

This bill is not about abortion—it is about protecting women's access to reproductive health services.

And may I in response to comments made on the rule indicate that the bill, carefully crafted, does state that nothing in this section shall be construed to prohibit any expressive conduct, including peaceful picketing or other peaceful demonstrations protected from legal prohibition by the first article, the first amendment to the Constitution. I would like to stress that, because you are going to hear from opponents of the rule and opponents of the bill that it infringes on first amendment rights. It could not be more explicit in the bill.

The bill is not about abortion. It is about protecting women's success to reproductive health services. It has been carefully crafted to protect the first amendment rights, as I mentioned. It has been narrowly drawn to specifically address this problem, without providing too broad a Federal role.

This is another response to the amendment that was considered not germane.

Changes were made in both the subcommittee and full committee in an effort to further clarify and improve the bill.

The rule is a fair rule. It allows a McCollum-Schumer amendment, a delay amendment, a Smith substitute, and a motion to recommit. The Smith substitute includes the substance of most of the remaining amendments offered at the Rules Committee.

This rule provides for an extensive debate on the bill, and I urge my colleagues to support it.

Mr. Speaker, I would like to comment in response to what was also stated with regard to one of the amendments offered that would redefine physical obstruction. Clinic blockades are preventing women from obtaining reproductive health services and denying them their rights to such care. It is important to remember that those who demonstrated in the sixties, these were attempts to obtain the rights of citizenship denied to African-Americans. The blockades of clinics now are attempts to deny persons their rights, to deny them medical services, and in some cases services that their lives depend on.

Mr. Speaker, I ask this body to approve the rule.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kentucky [Mr. BUNNING].

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

Mr. Speaker, I rise in strong opposition to this so-called freedom of access to clinic entrances bill. I oppose this bill because it is a blatant violation of the rights secured by the first amendment and because it punishes people, not for a crime, but for their viewpoint.

This bill is narrowly focused. It targets one single group—people who oppose abortion. The language in the bill, however, is so broad and vague that pro-lifers will have to live with the fear of unknowingly violating Federal law, and facing the financial risk of having to defend themselves against phony allegations that they violated the act. This is insane.

Almost 30 years ago this body passed the Civil Rights Act of 1964. Before passage of this act, there were sit-ins and protests all around the country; some were peaceful and some were not. Civil rights groups then were as much or more potentially violent than today's pro-life groups. Yet, we did not outlaw civil rights protesters of the 1960's because of their viewpoint or motivation then—and we should not outlaw prolifers for the way they think now.

People have a right to have an opinion on abortion. People have a right to oppose abortion. I know it is not politically correct—but we have that right.

Accompanying that right is the right to organize peacefully and to protest peacefully. This bill would seriously damage that right.

No one should be afraid to exercise their right of free speech guaranteed under the first amendment. A right you cannot exercise is no right at all.

This bill is blatantly discriminatory. It would punish citizens not just for what they do—but for what they think. It would seem that big brother has released the thought police in the Halls of Congress.

The discriminatory features of face are all too obvious. It singles out prolife groups because they protest abortions at abortion clinics. How can we justify it? How can we justify singling out this one single group of people when there are so many other groups doing the same things?

This bill slashes the first amendment to ribbons for one single group.

Yes, we should punish violence. Yes, we should punish threats of violence. But this bill goes beyond that. It would punish people engaged in nonviolent, free speech, which is perfectly lawful.

This bill comes close to home for me. My wife, two of my own daughters, and their families, and one of my sons-in-law are deeply involved in Operation Rescue. Not one of them poses any kind of threat of violence whatsoever. They truly are peaceful people. They just have strong feelings about the issue of abortion. And they are dedicating their lives to bringing an end to abortion. And that is not a crime—it should not be a crime.

My wife Mary, my daughters Joan and Bridget and their children should have the same right to express their beliefs as any other citizen who is willing to take a stand on an issue that is important to them. They should not be made Federal criminals because of the motivation or the beliefs behind their actions.

It will be a day of shame for the House if we decide to criminalize speech that we do not agree with. I urge my colleagues to look closely at this unconstitutional bill and to reject it.

□ 1200

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, as cochair of the Congressional Caucus for Women's Issues and a cosponsor of this bill, I rise in support of the Clinic Entrances Act. In 1774, John Adams said that "we are a government of laws, not of men". This is basic principle upon which our Government was founded. Of course, we are today a government of both men and women, with a diversity of views and ideas. But we are a nation of laws, and that is what distinguishes our democracy from other forms of government.

This legislation is designed to protect and strengthen existing laws which guarantee the women of our Nation the right to seek and obtain critical health care services, including reproductive health services. This bill also attempts to prevent the increasing violence which has permeated the debate about a woman's fundamental right to reproductive health services.

The debate has been transformed from one of words to one of bombings, arson, vandalism, death threats and murder. The women of America deserve better than this. They do not deserve harassment. They deserve respect. They do not deserve to face threats of violence, they deserve a safe haven for health services. And they do not deserve a renegotiation of their rights. Women deserve to have their rights and freedoms protected and preserved.

It is indeed regrettable that we have had to come to this point, that we

must still fight to guarantee women equal and safe access to care services. "Is there a need for this legislation?" some might ask. Consider the facts: From 1977 to 1993, more than 1,000 acts of violence against providers of reproductive health services were reported. Sixteen reproductive health clinics were burned and more than 100 incidents of vandalism were reported last year alone, in each case more than double the previous record. Last year alone, 83 health facilities for women were blockaded. In addition, almost one-fourth of reproductive health clinics surveyed reported staff resignations as a direct result of the violence—staff that could not be replaced because of continued threats. Clearly, something must be done.

What kind of clinics have been targeted for these tactics? Clinics which provide not just reproductive health services such as abortion, but clinics which provide essential pediatric care, prenatal care, childhood immunizations, diagnosis and treatment of STD's, contraceptive services, pap smears, mammograms for breast cancer, and other forms of counseling for women—even for battered women seeking solace and refuge from abusive relationships. In fact, more than 90 percent of clinics provide these health services in addition to abortion.

What kind of women—and men—suffer most from threats of violence and vandalism at these health centers? The low-income women who depend on such clinics for their personal health care needs. The rural women who already face burdens and barriers by traveling long distances to seek health care in times of need, in times of stress. The men and women who provide these essential health services to those who seek them, nurses, doctors, and volunteers, many of whom are men and women who too often bravely risk their lives simply to guarantee women their fundamental, constitutional rights.

Today, just as in the days of John Adams and other guarantors of freedoms, our Government should be a nation of laws, not a people who are above the law, and who seek to harass, or threaten, others because of their beliefs or their personal choices. The first amendment of our constitutional guarantees—to everyone—the right of free speech. But it does not allow our citizens to commit senseless acts of violence.

Let us be clear about what this bill does not do. It does not prevent individuals from exercising their first amendment rights. It does not prevent lawful picketing or protest without force. It does not prevent citizens from free speech. And it does not prevent peaceful protest. What this bill does prevent is forceful, threatening acts which would clearly deny a woman her right to access to reproductive health services.

Passage of this bill sends an unmistakable message to our country: violence will not be tolerated, while women will continue to have access to the health care they need and deserve. It is a clear choice. It is a necessary choice.

I urge my colleagues to support this much needed and timely bill.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from New York [Ms. SLAUGHTER] for yielding this time to me, and I want to say I think this is a very, very important day. We have been waiting to have this bill come to the floor for a very long time, and I am sorry some of my friends on the other side would not yield when I was trying to intervene to tell them that their fears, or their misconceptions, are absolutely that, misconceptions.

Let me, first of all, say to the gentleman from Kentucky [Mr. BUNNING] that every one of his family members he is so concerned about can speak out, can think, can do anything they want because the first amendment of the Constitution says the Congress shall make no laws. So, if this law interfered with speech or any kind of peaceful protest, it would be thrown out on its face. It does not. What this is is in the grand American tradition of one's freedom ends where the other person's nose begins. I say to my colleagues, "In other words, you may speak, you may protest, you may do whatever you want, so long as it is peaceful. When it becomes violent, or when you begin to stop allowing anyone else to exercise their rights to certain actions, then it's gone." So, I certainly hope the gentleman hears that.

To my friend who came forward from the Committee on the Judiciary, yes, he did vote for this bill. We were very proud of his cosponsorship. He asked, "Why can't they add all these other things?" I think he knows the answer to that.

The Committee on the Judiciary does not believe in federalizing anything because the State and local area is supposed to take care of it unless it is overwhelming the State and local area or unless there appears to be groups that are going around through interstate commerce trying to shut down clinics, or whatever, or like the animal rights thing, or unless they find that there are certain localities where people will not enforce the law when it comes to constitutional principles. We do not sit around here and think, "Gee, what else could possibly happen," and add that to the bill. Mr. Speaker, we have waited, and waited and waited for this to come in, and I introduced a bill almost like this 10 years ago when we began to see this kind of violence come up against clinics.

Now let me add another thing that I think is so critical. We are not talking about property here. We are talking about women. We are talking about clinics where women get their primary care. Ninety-some percent of the women going to these clinics get their health care there during their reproductive years. They get cancer screening. They get physicals. They gets shots. They get all sorts of things. They may get their prenatal exams. They may get all sorts of care there. This is where they go. It is their one-stop shop.

Remember, under the whole new health care thing OB/GYN's are considered primary care givers, and what is happening? We have had groups of people who have tried to keep women from getting in to get a very primary, basic constitutional right; that is, access to health care, access to their health care and their physical needs, and that is what this says the Federal Government can move in and deal with if the local authorities cannot deal with it. That is what it is, if they are overwhelmed, or if they are not of a mind to deal with it because they feel basically women have this constitutional right.

□ 1210

Now, I cannot imagine why anybody wants the Federal Government to move out and take over law enforcement all over the country, and I do not think we do. I think we look very, very hesitantly at moving into these areas, and the Committee on the Judiciary, I think, is very, very keen on making sure that first amendment rights stand up, that everybody can have their American entitlement to protest, to say what they want, to continue on, but we cannot have somebody ordaining themselves to move forward and say, "I am not going to let anybody else have their rights."

That is what this is about. It is really very, very simple, and I think all women just want desperately to be treated as citizens, not as property, not as pawns, but as citizens able to have constitutional rights and able to exercise them in the way that anyone with an American citizenship birthright should be able to.

I am proud to be here to bring this bill to the floor, and I hope all the Members vote for this rule because I think with so much of what we are hearing today, we can answer every one of those issues.

Mr. Speaker, I ask the Members to please vote on the facts and not on our fears. Let us guarantee women their constitutional rights to health care.

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

Mr. DORNAN. Mr. Speaker, I rise against the rule and against H.R. 796.

I agree with the analysis of the gentleman from Georgia [Mr. GINGRICH]

that all of the amendments offered upstairs should have been found germane and made in order.

Mexico's budget is about 3 percent of our Gross Domestic Product, and yet we gave 8 hours to that debate. This is a debate about civil rights and freedom of expression and the right to peaceably assemble to redress ills in our country.

The distinguished gentlewoman who just spoke said that this is about women going for primary prenatal care. Believe me, no woman of any age who is excited about the growth of human life, a human life in her body, goes to an abortion clinic for prenatal care.

And why are the liberals so ashamed to use the word "abortion" in this well? My distinguished friend, the gentlewoman from Maine, who spoke just before the last speaker, just says, "health care" as a euphemism for "abortion." That it is simply called reproductive health care. But of course, it is anti-reproductive health care. It is stopping reproduction, not assisting it. My daughters, one of my sons, and my wife have all called me in the Cloakroom this morning after watching this debate, and they are asking why there is such shame attached to abortion that we have to use all these code words around here.

In all the history of this House, no woman who has ever served here has come to that lectern or to this one and said, "It's no big deal. I've had an abortion."

Rush Limbaugh, whether you like him or not, reaches every single acre of America. On 630 some stations yesterday he said that "We are so cavalier about killing 1,600,000 little babies in their mothers' wombs for all 9 months, and for any reason whatsoever, or for no reason at all, that our society has become desensitized to the value of human life. Then we wonder why young kids are shooting one another." I have said as much myself on the House floor many times.

You cannot have this cavalier attitude about the destruction of human life with an immortal soul ordained by God in the womb and not expect a death cult to spread across this land.

When somebody spikes a tree and a lumberjack loses his arm, as happened last year, as loathsome as that is, there is no rush to have a Federal law against the environmental extremist. We find these extremists in every movement in this country. Why pick on pro-lifers only?

When somebody is walking down Fifth Avenue and throws animal blood on a woman with a fur coat, who wants to make that a Federal crime? Is that not intimidation? Is that not conduct?

When homosexual activists came into the Cathedral where I was baptized, the beautiful St. Patrick's, and chained themselves to the pews and threw condoms and used every foul obscenity they could think of, I was personally outraged and offended, but I did not want to see Federal laws making this a crime.

Mr. Speaker, I want to put 14 points in the RECORD today, and I hope that I have time to do that during general debate, about the civil rights and the restriction of people who assemble peaceably.

I am a strong opponent of abortion. But I am also just as strong an opponent of anybody who would betray the pro-life movement by bombing a clinic or by shooting a human being, even if it is an abortionist who murders 50 babies a day. You do not shoot them. That betrays the movement.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume just to make one comment, if I may.

Ninety-three percent of all the clinics that provide abortion services also provide services for menopause, breast/ovarian cancer, prenatal care, infertility problems, and adoption. That is 93 percent of all the clinics.

Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding time to me again, because I just wanted to respond to some of the comments I have heard over and over again.

Again we have in print now a reproduction right from the bill which talks about first amendment rights being preserved. I commend this to my colleagues so they can see that nothing should be construed as prohibiting any expressive conduct, including peaceful picketing as protected by the first amendment, et cetera.

Second, I have a list of the Members of the United States Senate who have been antichoice, pro-life, whatever the term that we want to use is, who voted for this freedom of access to clinics entry bill, because they believe, like all of us do in this Chamber, that we cannot condone violence. It is very un-American, and it is cruel.

The gentleman who just spoke talked about the fact that these clinics provide only abortion services. We have had many people testify that they have gone there for Pap smears, mammograms, and for a series of tests. And I would like to call to his attention that unfortunately in Lancaster, PA, there was a health care clinic that was bombed that provided no abortion services at all. Evidently the people who did it thought it did.

Why is there a need for this? There is a need because we have an organization that has said that they defend the use of force to stop abortion, wherever force is necessary, and they have a declaration that says that.

Mr. Speaker, Americans need to be preserved. The first amendment needs to be preserved, and this is something all of us can come together on in our fight against violence.

Mr. GOSS. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, I rise in opposition to the rule and to the bill, the Freedom of Access to Clinic Entrances Act of 1993 [FACE]. This legislation is not about abortion rights. The relevant questions before us today deal with other, equally significant rights, particularly States' rights and first amendment rights under the Constitution.

Perhaps more fundamentally, why do we seek today to further criminalize activities that are already illegal.

Murder, the use of force, the threat of force and intentional injury are abhorrent offenses, and are already treated as such under existing laws.

I am gravely concerned about violent acts such as the murder of Dr. David Gunn in Pensacola earlier this year. I recognize the severity of this crime. Thankfully, our criminal justice system in Florida is already working to ensure that, if found guilty, Dr. Gunn's murderer could receive Florida's maximum punishment. I am not convinced of the need for a new Federal law. I believe that State and local laws are appropriate for handling these situations so that Federal legislation such as H.R. 796 is not required, and is inappropriate.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. SMITH], who has a great interest in this issue and in the amendment he will be offering.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, I just want to make a brief point, and we will get into this matter further. The substitute I will be offering focuses on the violence which all of us find to be absolutely abhorrent and imposes Federal penalties on those who commit acts of violence or who intend to commit acts of violence.

Earlier the gentlewoman from Colorado [Mrs. SCHROEDER] made a point that H.R. 796 does not affect any kind of peaceful protest. That is absolutely untrue. People who have engaged in nonviolent civil disobedience, which has been the hallmark of movement after movement and cause after cause in this country, including the civil rights cause, used nonviolent civil disobedience as a means to an end, perhaps sitting down, doing a sit-in, putting one's hands in one's pocket, or perhaps praying in front of a clinic or protesting that which you are against as a way of expressing a certain point of view. If that is done, one commits a misdemeanor and spends a night in jail or is fined or something along those lines.

The legislation the gentleman from New York [Mr. SCHUMER] will bring forward could throw that person into prison for 1 year, for 3 years for a second offense, and with fines of up to a quarter of a million dollars simply for nonviolent civil disobedience.

□ 1220

That is the fundamental difference between H.R. 796, which while it addresses and goes after violence, equally goes after those who engage in nonviolent civil disobedience. Apply this to any other movement, and it will be laughed right out of this Chamber.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I rise today to join my colleagues in voicing strong support for H.R. 796, the Freedom of Access of Clinic Entrances Act, and support the rule.

More than 400 bombings, arson, and other acts of violence and vandalism have been directed against family planning clinics since 1980.

Just recently, my own district experienced a random shooting at the Salinas Planned Parenthood Clinic and the spilling of gallons of fishguts and blood on the parking lot at Seaside Medical Facility.

If a woman cannot privately, freely, and safely choose abortion, she is being denied her constitutional right. If she cannot gain access to a clinic she is being denied her right to obtain other nonabortion related medical services.

We need this law in order to send a clear message to the American people that shootings, arson, and fishguts are neither appropriate nor legitimate means of expressing political and moral differences.

This bill does not discriminate against peaceful protest nor does it in any way remove the constitutional right of citizens to assemble.

The recent passage of a similar bill in the other body with strong bipartisan support clearly demonstrates that this is not a pro-choice versus pro-life issue.

Vote to uphold a woman's constitutional right to choose abortion.

Vote against the Smith amendment and for this important rule.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this rule. This rule is one of many that comes to the floor of this House that leaves out very important amendments.

Mr. Speaker, I think there is one that should have been included in this rule, and that is the amendment that I offered that would have stricken, given the Members of this body the opportunity to strike, the private cause of action under the statute. It is an amendment that is a simple strike amendment. It is germane. It violates no House rules. It is one that I offered in the committee, got a rollcall vote on in the committee, and I would have thought it was important enough to let every Member of this body vote on, rather than the Judiciary Committee, which is clearly biased against this legislation. Unfortunately, the Committee on Rules did not see fit to include this simple amendment in this legislation.

So I rise in strong opposition to this rule, and would encourage my colleagues to reject it so that we can have an opportunity to perfect this legislation.

Mr. Speaker, you will hear later from me about the need to strike out the private right of action under this statute. Why would we unleash a profit-making enterprise called an abortion clinic on an unsuspecting, nonviolent demonstrator at a clinic, who is simply standing there in a nonviolent way expressing their first amendment rights? Why would we unleash that profit-making enterprise to sue that poor person?

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield 1¾ minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I rise today in support of the Freedom of Access to Clinic Entrances Act, H.R. 796.

Although opponents of this measure would like you to believe that this bill would infringe on an individual's right to peaceful protest, their claims are simply untrue. As an activist myself, and a participant in nonviolent protests, I am pleased that language in this bill ensures the right of peaceful protest.

We are all aware of the escalating violence in this country at health clinics. Currently a woman from my home State of Oregon is sitting in jail accused of shooting an abortion doctor. She has said, "it was the most holy, most righteous thing I've ever done."

When we have people who believe it is their moral duty to stop doctors from providing these services, and to use any means available—including threats, harassment, or murder—I say we must protect a woman's right to choose—and we must protect a physician's right to perform these services.

This violence must stop. We must take action today to send a message that violence—for any cause—is unacceptable.

We must pass H.R. 796 to protect a woman's right to choose, a right which is guaranteed by the U.S. Constitution. In addition, nurses, physicians, and other health care workers must feel safe that they can care for people without fear for their lives.

I urge my colleagues to support this important bill. The safety and peace of mind of so many are at stake.

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

Mr. GOSS. Mr. Speaker, murder, causing intentional injury, obstructing our fellow citizens from carrying out their freedoms, and willful destruction of property are all reprehensible activities regardless of to whom, at what, or where they are directed—and they are all against the law.

The issue in this country today is whether this Congress, the people we serve, and the laws of this land, will remain committed to ensuring that we do not condone such behavior in any circumstance. That means full enforcement—not redundant legislation wrapped in litmus paper. This bill seeks to create a special category of behavior—and a privileged category of people.

Seeking services at a reproductive health clinic becomes a specially protected endeavor under this bill. That is hard to justify. Yes, there has been serious trouble and tragedy at some clinics, just like there has been serious trouble and tragedy in the schoolyards and on the streets in every city and almost every community throughout America because we refuse to get tough on crime and adopt real anticrime legislation.

Because of the incredibly broad language in this bill, certain behavior consistent with lawful free speech and the right of lawful assembly could become action punishable by severe extra penalty.

This legislation focuses unfairly on behavior targeted toward a certain group of people, a certain type of facility and on behalf of a certain philosophy and set of beliefs. The supporters of this legislation seem to believe that murder, violence, destruction or obstruction at a reproductive services clinic are somehow more terrible crimes than murder, violence, destruction or obstruction as acts of violence that take place by the hundreds for a whole host of reasons, in all walks of life across this country every day. I disagree. There are a plethora of laws on the books that mandate that murder, violence, harassment or intimidation be punished regardless of where or why they occur. It is enforcement that is the problem—and it is up to us to encourage enforcement of the adequate existing laws on the books; not make new laws that generate special privileged classes of people and special types of behavior based on emotional, philosophical, and political characterizations.

Mr. Speaker, the problem of violence at reproductive health clinics is a serious issue—deserving of a serious response. But this is not it. I know this—I am from Florida where we have seen and properly responded to these indefensible, inexcusable acts.

This bill obfuscates existing law—creates an eye-of-the-beholder test for

intimidation which must have trial and constitutional lawyers looking forward to very lucrative rewards. In the Rules Committee we heard testimony on a host of amendments designed to bring this legislation back to reality and equal treatment under the law. Several of these proposals have been made in order by this rule—but I must note that we once again have a restrictive rule that precludes discussion on important amendments—including a bipartisan proposal designed to ensure that we are not violating our own Constitution by targeting one specific point of view for special protection under the law. Incredibly, we will not be allowed to debate that crucial point.

Likewise, we will not be allowed to debate an amendment designed to ensure that protections under this bill extend to those who engage in lawful protest.

We also heard about an amendment to tackle the Herculean task of keeping this bill from becoming another Federal boondoggle for attorneys—this too was not allowed.

If the supporters of this legislation truly believe that they are presenting a worthy product, then they should not fear free and open debate on such legitimate amendments.

Mr. Speaker, I oppose this restrictive rule and this well-intentioned, but badly crafted legislation. Nobody except lawyers profit when we layer confusing, contradictory, and vague laws on top of the good ones we already have. Nobody profits when we mix up the need for enforcement with the desire to make a political statement. America loses when we put those with one lawful point of view at greater risk than those with another. And that is precisely what this legislation will do.

I join with those who want all proper safeguards and protections at reproductive health clinics—but I cannot support the effort to silence those with whom some people might disagree. That is too high a price—too unfair a price.

□ 1230

We have had presentation that this particular legislation will not allow that constitutional violation of right, because it prohibits any expressive conduct. Let me tell my colleagues, this is eye of the beholder. The test is intimidation. If somebody feels intimidated on their way or with some business to do at a reproductive health clinic, that becomes the test. And that is going to be a very difficult test to judge. Who will make it? It will be made in the courts. There will be no standard that we can use, because it is going to be the eye of the beholder. What to one person is intimidation to the other person is a joke or to the other person is a legal expression or to another person is a passionate cause. But somebody may feel intimidated.

Lord knows, I felt a little intimidated yesterday when I saw some of the demonstrations going on on one point of view. I even had my way blocked, but I was not going to a reproductive health clinic. I was just trying to get to my office.

I think we are going way, way far afield on this. And I hope the danger bells are sounding.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 796, THE FREEDOM OF ACCESS TO CLINICS ENTRANCES ACT OF 1993

1. Open rule—This amendment to the proposed rule provides for one-hour, open rule and makes the Judiciary Committee amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule.

Vote (Defeated 2-5): Yeas—Quillen, Goss; Nays—Moakley, Beilenson, Frost, Hall, Slaughter. Not voting: Derrick, Bonior, Wheat, Gordon, Solomon, Dreier.

2. Gekas/Stenholm No. 5—Extends the protection under H.R. 796 beyond demonstration affecting reproductive health services to include other lawful commerce activities; nuclear energy, animal or medical research.

Vote (Defeated 2-5): Yeas—Quillen, Goss; Nays—Moakley, Beilenson, Frost, Hall, Slaughter. Not voting: Derrick, Bonior, Wheat, Gordon, Solomon, Dreier.

3. Canady (FL) No. 6—Extends the protection from assault or interference to individuals who engage in lawful activities in the vicinity of an abortion facility as is afforded those seeking reproductive health services.

Vote (Defeated 2-6): Yeas—Quillen, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

4. Inglis (SC) No. 2—Strikes language allowing private citizens affected by clinic blockades or violence to bring suit under this bill.

Vote (Defeated 2-6): Yeas—Quillen, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

5. Klink (PA) No. 4—Redefines the definition of "physical obstruction in order to remove peaceful sit-ins and similar passive demonstrations from the scope of the bill.

Vote (Defeated 2-6): Yeas—Quillen, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

6. Adoption rule—

Vote (Adopted 6-2): Yeas—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter; Nays—Quillen, Goss. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	50	12	24	38	76

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

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

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

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 17, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

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

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

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

Mr. SCHUMER. Mr. Speaker, I ask the gentleman if he would tell me, near intimidation is not a criteria in this bill. It is intimidation by force or threat of force. That is what the statute reads.

I would ask the gentleman if he is familiar with the United States Code, with the civil rights laws, 18 U.S.C. 245. That very language was used, and it has been in existence for 30 years, where any single person who simply protested, just as the people were protesting outside the gentleman's office, and perhaps produced a mental state of anxiety that might intimidate without force or threat of force, I ask him to cite me a single instance where that language, which has been on the books for 30 years, has stopped any peaceful protest?

Mr. GOSS. Mr. Speaker, reclaiming my time, I yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York for just describing my substitute. What he left out, and I hope the membership takes careful note of this, the use of force or threat of force is what my amendment says, as does his underlying bill. But what he adds is "or physical obstruction." This is, someone physically standing on the sidewalk with their hands in their pockets, standing there or kneeling, praying the rosary, perhaps, or saying some other prayer.

The gentleman from New York has described my substitute. His bill H.R. 796 goes so far beyond that to captivate, to bring into this net those who are engaging in nonviolent civil disobedience.

If this were to apply to the civil rights laws, it would be a sham to our civil rights laws. But it does not.

We crafted our amendment in order to track the civil rights laws that the gentleman has referenced. So he has described my substitute, not his own.

The SPEAKER pro tempore (Mr. TORRES). The time of the gentleman from Florida [Mr. GOSS] has expired.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield the balance of my time to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

What I would say to my colleagues, first off, is this is not a pro-life or pro-choice bill. This is very simply a bill that says, if there is a concerted effort to take away a Federal right, then should the Federal Government step in or should the Federal Government stay there with its hands folded on its chest and let that Federal right continue to be violated time after time after time. That is what this bill is all about.

I would remind my colleagues, the exact same language that the gentleman from New Jersey and the gentleman from Florida would say would stop the peaceful right of protesters was approved in the Senate, not only 69 to 30, but by Senators who have, from what I am told, a 100-percent pro-life voting record, 9 of them, by many other Senators who often vote the pro-life side.

In our committee, this bill received the support of colleagues, both Democratic and Republican, who again were always pro-life.

I ask you, my colleagues, would they vote for a bill that would stop peaceful protests? No way.

I would ask all of my colleagues to read in the bill section 248(d). I will read it. I will read it carefully and I will read it slowly so all the misstatements that have occurred on that side of the aisle about taking away the peaceful right of protest, which I find to be so totally infactual that I think there is another agenda here, "Rule of construction, nothing in this section shall be construed to prohibit any expressive conduct, including peaceful picketing or other peaceful demonstrations protected from legal prohibition by the first article of the amendment to the Constitution."

The amendment is simple.

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

Mr. SCHUMER. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, under the Constitution, all people have the right to protest, to stand up and to fight for their rights. And there is no disagreement about that in this body.

But, Mr. Speaker, it is not just protesters who have constitutional rights. If a woman in this country chooses to have an abortion, she also has rights. And those rights include the right to have an abortion without harassment, without violence, and without having to fight her way into a health clinic. And today, that is what we are saying to the women of America. They have rights, too.

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

□ 1240

Mr. SCHUMER. Reclaiming my time, Mr. Speaker, I would just make one plaintive plea to those, like the gentleman from New Jersey [Mr. SMITH], who are vehemently pro-life, and I respect that. I respect my constituents who are. It comes out of deep moral belief. I do not consider myself or anyone on this side of the aisle morally superior or morally inferior to that.

However, I would say to the gentleman that there are those who believe that their beliefs, their pro-life beliefs, are so superior to everyone else's that they can take the law into their own hands. They besmirch the legitimate pro-life movement. They

make it look like a movement of violence and a movement of moral superiority that claims that they can overrule our Government.

This bill, by separating those who would legitimately protest from those who use violence and blockade and other physical force to protest, would do a favor to those who, however strongly they believe in pro-life, still believe in the Constitution and the laws of the United States and equal protection under the law.

This bill is good for those who are pro-choice and it is good for those who are pro-life. It is only bad for those who seek to take the law into their own hands.

The SPEAKER pro tempore (Mr. TORRES). All time has expired.

Ms. SLAUGHTER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 192, not voting 8, as follows:

[Roll No. 578]

YEAS—233

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Boucher
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kleczka
Klein
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—192

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Mica
Michel
Miller (FL)
Mollohan
Moorhead
Murphy
Myers
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Tucker
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Brown (CA)
Clinger
Dicks
Geren
Kaptur
Rose
Sisisky
Whitten

□ 1300

Mr. GREENWOOD, Mr. BARCIA of Michigan, and Mrs. FOWLER changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 313 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. 796.

□ 1301

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. 796) to assure freedom of access to clinic entrances, with Mr. KOPETSKI in the chair.

The Chair 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 Texas [Mr. BROOKS] will be recognized for 3 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

The Chair recognizes the distinguished gentleman from Texas [Mr. BROOKS].

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

Mr. Chairman, I rise in strong support of H.R. 796, the Freedom of Access to Clinics Entrances Act. This bill prohibits the intentional use of force or physical obstruction to injure, intimidate, or interfere with another person's obtaining or providing reproductive health services. It also prohibits intentional damage or destruction of property because a facility provides reproductive health services.

Mr. Chairman, where local law enforcement authorities are overwhelmed or simply refuse to enforce the law, the Federal Government is obliged to step in and protect the free exercise of constitutional rights. Periodically in our country's history, the Federal Government has been called upon to take on such a role—and has done so with vigilance and honor. The history of the labor and the civil rights movements bear witness to this fact.

At this historical juncture in our Nation's life, it is incumbent upon the Federal Government to do so again, for today women are being prevented from peacefully and freely exercising their constitutional rights to privacy. Across the country, we all have seen far too often the drastic escalation of violence in misguided—and malicious—attempts to prevent them from doing so.

Women seeking reproductive services have faced physical attacks, physical obstruction, and worse; clinics providing services have been vandalized and firebombed; health professionals have been stalked, and now the violence against them has reached the despicable level of attempted murder, plain and simple. In the face of all of this, the Federal Government should not, cannot, and must not sit idly by.

In devising appropriate Federal legislation, we of course recognize the challenge of fully respecting our first amendment protections. A careful reading of H.R. 796 reveals that the bill before us carefully protects the exercise of the constitutional rights, on both sides of the question.

I want to commend Crime Subcommittee Chairman SCHUMER, Congresswoman SCHROEDER and the many other Members who have shown their leadership on this issue.

I urge my colleagues to support passage of H.R. 796, without any weakening amendments.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the purpose of this bill, even though the authors might not so state, is to put an end to demonstrations in front of abortion clinics around the country, whether they be peaceful or whether they be violent. They make no differentiation between peaceful protests, which are a part of the American fabric, and violent protests, where there are plenty of State and Federal laws to punish those who have committed felonies against either persons or property.

To demonstrate this point, the supporters of this legislation are passing out at the doorways a USA Today editorial that says, "USA Today supports FACE," and it lists various crimes that have taken place before abortion clinics: 1 murder, 1 attempted murder, 1 bombing, 8 arsons, 15 bomb threats, and 66 death threats.

No one in the pro-life movement who is responsible supports violating the law, killing, maiming, and arson, but this bill is broadly drafted so that those who use their rights to peaceful protest and who commit acts of peaceful civil disobedience will be made into Federal felons and will be subjected to civil lawsuits in Federal court, which means that the defendants will have to foot their own lawyers' bills which will be substantial.

How is this done? It is done through an overbroad definition in this statute so that someone who stands in the doorway of an abortion clinic with their arms folded, which might be a civil forfeiture or a misdemeanor under most State and local laws, will become a felony subject to a year in prison on the first offense and 3 years imprisonment on subsequent offenses.

But furthermore, the operators of that clinic will also be able to sue that person who is obstructing the entrance in a peaceful way with a civil suit in Federal court.

Now, I wonder what would happen if similar legislation were introduced in this Congress or in State legislatures 30 or 40 years ago to make felons out of people who were demonstrating for civil rights laws in segregated restaurants, and what would happen if someone introduced legislation to allow the operator of a segregated lunch counter to file suit in Federal court against the people who were sitting in, or what would happen in the late 1960's when the same types of civil disobedience occurred in opposition to the war in Vietnam.

This type of legislation, with just a different issue put in, would have been used by the Government to intimidate those who were objecting to Government policies.

□ 1310

During the early years of this century, this type of legislation with words "labor management dispute" would have been used to intimidate workers who were trying to form unions in order to better their economic life. And that is why it is so dangerous and such wrong policy to single out a single issue for this type of legislation.

My fear is that once the precedent is set in passing this type of legislation that is aimed at one side of one issue, then a majority of politically correct folks sometime in the future in the Congress of the United States will be able to pick up this legislation, change the issue and do exactly the same type of thing for others who wish to disobey civilly because they have got strong moral views on the subject matter.

I believe that the activities of the civil rights movement, the activities of those who opposed the war in Vietnam and the activities of those who wished to form unions in the early parts of this century because they were allowed to disagree civilly, made our country a better place and enriched the fabric of what we call America today.

The supporters of this legislation attempt to lump nonviolent protestors with those who commit violence. That is wrong. That is wrong, and that sets a terrible precedent. These people are using their first amendment rights, in many instances, to protest something that they object to on moral grounds. We do not need a first amendment to protect politically correct speech. A fundamental principle of our Nation's law is that Government is prohibited from banning and regulating speech or preventing assembly based upon the content of the speech or the ideas expressed. Of course, the right of free speech does not guarantee a receptive audience. Nor does it in any way sanction the use of force or coercion to impose one's views on an unwilling listener.

Likewise, the right to be free from Government interference in obtaining an abortion does not mean that a woman has the right to be insulated from the views of her fellow citizens on the meaning and consequences of that act.

I unequivocally condemn the murder of Dr. Gunn in Florida and the shooting of Dr. Tiller in Wichita, but recognize that this is not the first time in our history that legitimate expressions of ideas have crossed the line into violence by a few extremists.

Political protest has been at the forefront of social change. From the Boston Tea Party to the abolitionist movement, from the antiwar protests and to the activism of the civil rights movement, civil disobedience has been an intimate part of our history. This is perhaps the first time in our Nation's history, however, that those in power have so openly sought to use the authority of Government to broadly suppress the legitimate actions of a movement with which they do not agree. The legislation sweeps with a broad and heavy hand to target peaceful, nonviolent, constitutionally protected activities on the same terms as violent or forceful acts.

I thought our country had outgrown McCarthyism when the Senator from my State was condemned by the other body in 1954. What we are seeing here is modern-day McCarthyism.

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

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

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I feel very strongly about this issue. As the gentleman knows, from time to time I have taken a close look at questions on the edges of the pro-life pre-choice issue. It is a very tough issue.

The gentleman makes a fundamental point that the right to protest is a constitutional right. I appreciate the gentleman's statement very much.

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

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the subcommittee, the gentleman from New York [Mr. SCHUMER].

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

Mr. SCHUMER. I yield to the gentleman from Washington.

Mr. KREIDLER. Mr. Chairman I rise in support of this measure.

Mr. Chairman, I rise in support of H.R. 796, legislation to protect patients and health professionals from forceful interference with the provision of medical care.

There is no excuse for the violence, destruction, and abuse that have occurred at health clinics around the country. These activities go beyond the free expression of ideas. They violate the first rule of medicine: they do harm. They make it harder for women who simply want to exercise their constitutional right to an abortion. They jeopardize the health of pregnant women trying to get prenatal care. They threaten the health of other women who are not even pregnant, who are just trying to get medical care. Frankly, trying to keep a woman from seeing her doctor, for whatever reason, is one of the most cowardly and despicable acts I can imagine.

There has been concern about whether this legislation restricts freedom of expression, which is protected by the first amendment to our Constitution. I share that concern, because free expression and dissent are the foundations of our democracy. They are also absolutely essential to a healthy doctor-patient relationship.

So I want to be very sure that any legislation we pass here will not have unintended consequences later on. And after careful analysis, I am convinced that this legislation has been crafted to protect protesters, patients, and providers. No one who engages in peaceful, nonviolent protest has anything to fear under this bill. But those would use force or the threat of force should think twice now, because this bill makes such intimidation and harassment a Federal crime. Attorney General Janet Reno has written that such interference "has gone beyond the legitimate expression of opposing views."

Even the American Civil Liberties Union, which works to protect just about every form of free speech there is, has endorsed this bill. It is not free speech that is threatened here—it is women's health and lives. It is nurses, doctors, and other health professionals whose mission is to heal.

Let us be clear about H.R. 796: People can still conduct sit-ins, demonstrate, shout, sing, pray, picket, or proselytize. It would be foolish and unconstitutional to limit any of those activities. But it is dangerous to keep people who need medical care from getting it, and that is why this bill restricts only the most damaging activities: Protesters may not hurt people. They may not threaten people. And they may not physically block women from getting the medical care they need.

This legislation is similar to a law enacted in my State of Washington earlier this year. It works in Washington State, and it will work throughout our country. I urge my colleagues to vote for this bill.

Mr. SCHUMER. I thank the chairman of the committee for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 796.

Our great system of individual rights means nothing if we cannot exercise our rights peacefully. If we allow the hand of violence to choke even one of our basic rights, the rest might as well be written on the wind.

History has taught these lessons over a thousand dark nights. If we let fear strangle one right, violence stalks another. If we let terror intimidate one group, intolerance threatens another.

That is what this bill is about. Because this bill is first and last a civil rights bill. And it shares the common purpose of all great civil rights legislation. It simply ensures that Americans can exercise their rights—free from terror, free from violence, and free from intimidation.

Unfortunately, this is not an academic debate. The record is frighteningly clear about the violence that inspired this bill. In the 6 years between 1977 and 1993, more than 1,000 violent acts against reproductive health providers were reported in the United States.

These were not acts of legitimate protest. These were criminal acts. These were acts of terror—against patients, against doctors, and against nurses. They included bombings, arson, death threats, kidnapings, clinic invasions, assaults, and one senseless murder.

There is no room in our system for this kind of violence. It may disguise itself in the sheep's clothing of protest. But it is not protest. It is the very opposite of protest. It is raw, naked violence.

This violence is not merely a local problem. The evidence is clear that there is a nationwide campaign to prevent women from exercising their right to reproductive health care. In too many cases, local law enforcement authorities cannot or will not act to effectively protect that right. Sometimes they are overwhelmed by sheer numbers. Sometimes they are ideologically motivated to their duty to protect the right to peacefully seek health care.

Mr. Chairman, this is what the bill states, and I will read it again and again and again to combat the misinformation from the other side. This is in subsection (d):

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first article of amendment to the Constitution.

Mr. Chairman, this bill protects the great right of peaceful assembly. It is as carefully crafted as any piece of legislation ever written to protect one right without infringing another. That care and evenhandedness is why so many in the other body who have 100 percent pro-life convictions and who oppose abortion support this bill.

In my own neighborhood, for example, a Catholic bishop recites the rosary every day in front of a clinic to express his opposition to its work. I deeply respect what he is doing. If I thought for one moment that this bill cast even the slightest shadow of a doubt on his right to protest, I would rather not have this bill. But I am certain that it does not.

Those who oppose abortion can still hand out leaflets under this bill. They can still pray. They can still make speeches.

But they cannot use force. They cannot use violence. They cannot use physical obstructions. They cannot choke off the rights of other Americans.

These prohibitions are evenhanded. This bill forbids just as much the use of force and obstruction against reproductive health clinics that do not practice abortion as against those that do.

I urge you to consider the consequences of escalating violence if we do not pass this bill. What has happened already is unthinkable. What is likely to happen is unimaginable. This is a responsible, desperately needed measure. It will prevent violence and ensure civil order.

If we do not end it now, I ask my colleagues, when?

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, there is a fundamental difference between those persons who employ violence, or the threat of violence as a means to an end and those who engage in peaceful, nonviolent dissent such as pickets, sit-ins or sidewalk prayer.

The language of H.R. 796, Mr. Chairman, unjustly ends that difference by making nonviolent acts of civil disobedience committed by pro-lifers Federal crimes instead of misdemeanors.

I believe this is an unjust, unjustified, and cruel penalty that totally trashes any notion that punishment should fit the crime.

Under this bill, a woman who simply sits in front of an abortion clinic sidewalk or door and gets in the way of an abortionist or clinic personnel can be thrown in jail for a year on her first offense and be hit with a bruising fine. That is not justice. Just getting in the way, making access unreasonably difficult isn't a felony. Kidnapers, killers, rapists are felons, people who get in the way are not. H.R. 796 as it relates to nonviolent civil disobedience is unconscionably harsh and vindictive.

Let me say emphatically that violence against abortionists or anyone else is contemptible. The pro-life movement categorically condemns all violence including the sanitized violence used against unborn children. Just as shooting people at clinics is wrong, the dismembering the fragile bodies of unborn babies or pumping poison into their systems is wrong.

When it comes to picketing or demonstrating or nonviolent acts of civil disobedience, the motivation of pro-life

is to protect, safeguard, emphasize with, and enhance the lives of both the mothers and their babies.

The substitute I will offer today imposes strict penalties on individuals who by force or threat of force, intentionally injure, intimidate, or physically obstruct any person because that person is providing or obtaining reproductive health services. Persons who merely physically obstruct however without using or threatening force would not be subject to Federal penalties.

My substitute clearly addresses the issues the sponsors say they are most concerned about. Violent attacks, such as the one that resulted in the death of Dr. David Gunn, cannot be condoned by anyone. Leaders of all of the major pro-life groups have condemned acts of violence. Dr. Gunn's assailant has been arrested and is subject to the possibility of receiving the death penalty under Florida law. But the key difference that separates my substitute from H.R. 796 is the issue of nonviolent civil disobedience.

Frankly I think members will be shocked to learn that under H.R. 796, a woman or man who engages in a peaceful sit-in or prays silently in a way that hampers access to an abortion mill or gets in the way can be thrown in prison for a year and be fined $100,000. If they do it again, they will be thrown into jail for 3 years and pay up to $250,000.

To the best of my knowledge, not since the Fugitive Slave Act has nonviolent civil disobedience been construed by Congress to be a Federal crime—which is precisely what H.R. 796 would do.

As you well know Mr. Speaker, nonviolent civil disobedience has been used by a myriad of causes and movements, including civil rights, environ mentalism, D.C. Statehood, women's rights, antiapartheid, labor rights, antiwar, antinukes, AIDS, and abortion. Under the pending legislation only the pro-life nonviolent activists would be singled out and turned into felons.

H.R. 796 discriminates against pro-life Americans by turning an action based on a viewpoint-specific view on abortion into a felony. To get a taste of how unfair this provision to the bill is consider this:

If picketers nonviolently physically obstruct access to an abortion mill in order to obtain higher wages or benefits, and other clinic personnel or patients find it unreasonably difficult to pass, those picketers could only be charged with a misdemeanor. On the other hand, if pro-life picketers behave in the identical way making ingress or egress to the clinic unreasonably difficult the pro-life picketers can be charged with having committed a felony.

In other words, the same exact action would be punished in radically different ways. Equal justice under the law? Not by a longshot, Mr. Speaker.

Let me also point out that under H.R. 796 more remedies are provided under Federal law to people who sell abortions than are given to persons protected from racial discrimination under Federal civil rights laws.

Under H.R. 796 an array of civil remedies which is unprecedented in traditional Federal civil rights statutes are provided, including statutory damages of $5,000 per violation.

And a pro-life individual does not have to have been convicted of a crime before she can be dragged into court under a civil action brought by the abortion mill. There are numerous instances of clinics filing harassing lawsuits against pro-lifers engaging in legal, first amendment protected activity. H.R. 796 gives theses clinics yet another legal club with which to threaten pro-life persons who participate in legal pickets, prayer vigils, and sidewalk counseling.

H.R. 796 permits a State attorney general to demand an award of attorneys fees from an individual protestor, which is unprecedented in Federal civil rights laws.

In most civil rights cases, plaintiffs are individuals and the defendants are businesses or government entities. To level the playing field, the Supreme Court has interpreted the prevailing party, for the purposes of awarding attorneys fees, to mean the plaintiff if the plaintiff wins any sort of victory, but the defendant only if the action can be shown to have been frivolous. consequently, prevailing party carries with it a meaning that is not appropriate for civil actions that are likely to arise under H.R. 796. In cases arising under H.R. 796, the plaintiffs would probably be businesses—that is abortion clinics—and the defendants would be private citizens.

H.R. 796 provides strong protections under Federal law to abortion providers but utterly fails to give these same protections to individuals exercising their first amendment rights.

H.R. 796 gives pro-abortion escorts and personnel a license to taunt, abuse, obstruct, and provoke pro-lifers—including those engaging in legal pickets. Pro-life women and men have ample reason to fear acts of force or violence from pro-abortion protestors outside of abortion clinics, but these abortion supporters have nothing to fear under this bill. They can taunt, harass, and intimidate pro-life demonstrators, and make every effort to provok them into the slightest violation without fear of being punished by its array of penalties and civil damages.

It is disingenuous for supporters of H.R. 796 to claim that the bill is not viewpoint-biased because it would protect pro-life pregnancy aid centers as well as abortion clinics. There is little controversy over pro-lifers providing free prenatal care for poor women. The controversy centers on abortion—the killing of unborn babies—and H.R. 796 provides no equivalent Federal protection to pro-life persons outside of abortion clinics.

Finally, my substitute makes violence or the threat of violence a Federal crime. It safeguards free speech and treats both sides of this contentious issue with fairness and in a balanced way.

□ 1320

Mr. BROOKS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise today in full support of H.R. 796, the Freedom of Access to Clinic Entrances Act. The need for this legislation could not be any more urgent and I strongly urge my colleagues to join me in supporting it.

Currently, there is a small group of people that are viciously terrorizing women, doctors, health care workers, and their respective families. They use threats, intimidation, and violence in their effort to prevent women and doctors from exercising their legal rights. With each year that passes, more incidents of violence are reported, the harassment grows more fierce and this year a physician in Florida was killed for providing legal, reproductive health services to women.

In my district in Chicago, just this past weekend, the Planned Parenthood/Chicago Area's Midwest Center was bombarded by protesters who chained themselves inside the building. This is only the most recent incident in a long series of attacks on clinics in my district and throughout the country.

The Freedom of Access to Clinic Entrances Act would stop the terror by providing Federal assistance to combat increasingly dangerous and terrifying activities by antichoice fanatics. Federal assistance is needed because of countless incidents in which State and local authorities have been completely overwhelmed and overrun. H.R. 796 would establish criminal and civil penalties for the use of force or physical obstruction aimed at preventing a woman from obtaining an abortion. The bill also enables Federal courts to issue injunctions to regulate demonstrations.

Mr. Chairman, we need to pass this legislation to stop a small minority of Americans from holding the rest of us hostage. To reiterate, law-abiding citizens are being threatened, blocked, and terrified from exercising their legal rights and we in Congress must put an end to it now. I urge my colleagues to join me in voting for H.R. 796 and opposing any weakening amendments or substitutes.

Mr. BROOKS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of H.R. 796, the Freedom of Access to Clinic Entrances Act.

On November 11, a warm and sunlit Veterans Day, I came with several House Members to attend the dedication of the Vietnam Women's Memorial—to make my peace with the war

that scarred my generation and to witness women taking our place as partners and patriots in our Nation's wars.

It was an extraordinary event. Particularly moving was the invocation by former Vietnam veteran, nurse, and current Idaho minister, the Reverend Alice Farquhar-Mayes. Mr. Chairman, I will include the full text of her statement in the RECORD. She said, in part:

We who waited and worked and worried were forever changed;

We who went willingly into the hell to bring hope, heart, healing, humanity came home forever changed;

We who went into the hell armed with compassion, knowledge, smiles, and tears came home forever changed;

We who went into the hell with a willingness to touch, to hold, to listen, to care came home forever changed.

We were—and are—everywoman.

Women taking our place as partners requires courageous actions to advance justice and equality, particularly here in our own country. Equality for women has been a prominent theme in the 103d Congress, and I am proud of my role:

As a cosponsor of the Family and Medical Leave Act, which became law on February 5, 1993;

As an original cosponsor of the Freedom of Choice Act, H.R. 25;

As an original cosponsor of the Economic Equity Act, H.R. 2790.

As a member of the House Armed Services Committee, I worked to repeal section 6015 of title 10, the last law on the books excluding women from serving in combat roles. In addition, as the first freshman ever to serve on the defense authorization conference committee, I worked to remove provisions from the fiscal year 1994 Defense bill that would have delayed the opening of combat roles to women and imposed excessive reporting requirements on the Defense Department.

I think any woman who is willing to risk death to serve our Nation should be allowed to do so. But I do not believe that women should have to risk injury or death to exercise their legal rights at home, or that others' lives should be put at risk to help them. Today, the House will vote on H.R. 796, the Freedom of Access to Clinic Entrances Act. I support this bill because women and their doctors are facing battle lines at family planning clinics in this country every day.

The tragic murder of Dr. David Gunn, the shooting of Dr. George Tiller, and such other documented acts of clinic violence including 36 bombings, 84 cases of arson, 60 attempted arsons, 35 clinic invasions, 498 acts of vandalism, 86 assaults, 149 death threats, two kidnapings, 29 burglaries and countless cases of stalking against clinic employees demonstrate the need to curb escalating violence against the freedom of choice. There are those who claim these criminal acts are isolated incidents, but I am persuaded that we must deter potentially violent protests and intervene to assure reasonable access to family planning clinics.

In my congressional district, OB-GYN physicians who perform legal abortions have contacted me for help. These health care providers are concerned that the inclusion of their pictures and home addresses on wanted posters prepared by an antiabortion group could endanger their personal safety and property as well as the safety of their families.

In addition, I must point out that the provisions of this law provide Federal protection not only to abortion clinics, staff and patients, but also to pro-life counseling and pregnancy centers, staff and patients to the extent that they are threatened by force, physical obstruction, and destruction of property.

I am committed to the principle that every citizen has the right to peacefully demonstrate. I am proud to live in a country that gives constitutional protection to free speech. I am equally committed to the principle that all citizens have the right to obtain legal reproductive health services without suffering injury, intimidation, or interference.

For these reasons I am a cosponsor of H.R. 796 and urge all of my colleagues who believe in the Constitution and the right of all citizens to live and work in a safe environment to vote for the Freedom of Access To Family Planning Clinics.

Mr. Chairman, I include the following invocation to which I referred earlier:

DEDICATION OF THE VIETNAM WOMEN'S MEMORIAL

(By Rev. Alice Farquhar-Mayes)

INVOCATION

Let us begin with a moment of silence; A moment to allow ourselves to be truly present to this place, to this time, to one another, and to God.

O God of light and God of darkness, God of all creation, We dare to claim—and proclaim—Your presence here among us. We dare to claim this as Holy Ground—holy because you are here; holy because we are here.

We seek your blessing on what we do here this day, and on each one of us, however we have come: in body, spirit, prayer; in person and through modern technology.

We give you thanks this day has finally come, for we have waited long, worked hard, prayed often, and sometimes despaired. We give you thanks for all who have supported us and loved us along the way, and for those who have gone before us on the journey Home.

O Timeless God of all our days and years, surround us with your love.

We who waited and worked and worried were forever changed;

We who went willingly into the hell to bring hope, heart, healing, humanity came home forever changed;

We who went into the hell armed with compassion, knowledge, smiles, and tears came home forever changed;

We who went into hell with a willingness to touch, to hold, to listen, to care came home forever changed.

We were—and are—Everywoman.

We now come to you and to this sacred time, to remember and to be remembered;

We come to bear witness and to be heard; to honor and to be honored; to touch and to be touched; to celebrate and to Come Home.

We come to heal and to be healed;

We come that our pain may be assuaged and our joy made full.

We come, perhaps most of all, to pray for PEACE, to declare without equivocation that all war is appalling and abhorrent—to you and to each of us here gathered.

O God who redeems the past and who makes all things new, Come to us and be in us this day and make us ready for what we are about to begin.

Be light to our darkness and peace to our pain. Give us both solace and strength, pardon and renewal. Then we shall find the way of laughter—and the victory will go to Love. Amen.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, this country is founded on the first amendment, which guarantees freedom of speech and the right of peaceful assembly. So many of us have worked to protect these rights.

Also, Americans have another fundamental right, and that is the right to live without fear of intimidation or bodily harm. This act safeguards our first amendment rights while keeping safe those who work in a field which has stirred public passions.

If my colleagues doubt that such protections are necessary, let them speak to the men and women who have been the victims of intimidation and violence. Let them speak to the families who have been terrified by death threats. And let them speak to women who have searched their consciences and found some very painful and difficult answers—only to have their path to medical services blocked.

We are talking about death threats, stalkings, chemical attacks, arson, bomb threats and the fatal shooting of Dr. Gunn in Florida and another serious attack in Kansas.

I understand that those who block clinics would say that the greater violence occurs within these facilities. But the people who work in the clinics and the women who use their services are breaking the law.

This bill establishes penalties for violence and acts of intimidation that go far beyond peaceful demonstrations. And it sends a firm message that violence and intimidation will not be tolerated.

Mr. Speaker, this is a reasonable bill, and a necessary bill, and I encourage my colleagues to pass it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I would like to read an excerpt from the Washington Times of November 6:

Activist Dick Gregory and his Dignity Patrol of Citizen Anti-Drug Crusaders say they are prepared for sit-ins and boycotts at local

7-11 Stores and will put their lives on the line by videotaping drug sales. The efforts are a part of a two-prong mission against drug traffic in the District, Mr. Gregory said.

That is just for a little background information.

I certainly would like to vote for this bill. The problem with it is that it is colored with a touch—more than a touch—of unconscious hypocrisy. You would never dream of applying the strictures in this bill to a labor dispute. You would never dream of applying the strictures in this bill to environmental protesters or nuclear demonstrators; no, only abortion.

This is a rifle shot at the anti-abortion movement, and make no mistake about it.

The issue really is not abortion. The underlying issue is the meaning of the first amendment. What are the limits, what are the parameters of free speech?

If these groups that are praying and sidewalk counseling and trying to persuade people not to exterminate their unborn child were in front of another killing place, let us say Auschwitz, you would be honoring them. You would not be making them felons. You would be saying, "You're trying to save people's lives. What a wonderful, noble thing."

But because it is the unborn they seek to protect, we criminalize them. We send them to jail.

I often wonder why the judge-made right to abortion trumps all our other rights. What does it say about us as a country when the abortion license overrides free speech, freedom of assembly, and a 200-year tradition of peaceful protest?

In the constellation of American liberties, the abortion license has become the transcendent liberty.

I do not defend the use of violence. If there is anything counterproductive to the pro-life movement, it is to use violence in protest to violence; but every movement has its extreme radical fringe. You do not condemn the whole movement because of the excesses of its radical fringe.

Political protest has been at the forefront of social change from the Boston Tea Party to Selma, and to pro-lifers these killing places require protests.

This bill subjects nonviolent, possibly perfectly legal behavior, to criminal sanctions. It criminalizes physical obstruction where there is no threat of force or use of force.

Is standing on a sidewalk saying the Rosary and handing somebody a pamphlet or trying to hand them a pamphlet physical obstruction, unreasonable obstruction?

Do you think there are not judges who will find it so?

And what have you done to the first amendment when you do this?

This bill will not tranquilize the atmosphere around the clinics; it will radicalize it.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. MACHTLEY].

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

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

This is a perfect example of how Congress can respond to the cry for help coming from each of our States and districts.

Dr. Gunn, the Florida physician who was shot to death last March, brought this issue into the national spotlight.

In my own State of Rhode Island our Planned Parenthood waiting room was invaded; the clinic was blockaded; the Planned Parenthood medical director's driveway was covered with nails. Not only did he get four flat tires, but his wife stepped on a nail, and his two young children had to be kept inside while the nails were cleaned up.

Mr. Chairman, the Freedom of Access to Clinic Entrances does not prohibit demonstrating; it does not infringe on our first amendment right of free speech.

It does, however, make it a Federal crime to obstruct access to an abortion facility; it does make it a Federal crime to damage a clinic; it does make it a Federal crime to use force, threat of force, or physical obstruction to injure, intimidate, or interfere with patients or providers of reproductive health services.

So far this year there have been 329 incidents of violence against abortion providers—over 100-percent increase from 10 years ago. There have been 1,080 incidents of disruption, including hate mail, harassing phone calls, and bomb threats.

It is a Federal crime to use violence and force against every American. Reproductive health service providers are no exception and deserve this same protection.

The fact is that the law of the land allows abortions. Those who have a problem with this should be talking to their Representatives and Senators, not setting bombs, not committing arson or delivering death threats, and certainly not covering a physicians driveway with nails.

This is not about free speech. This is a criminal issue, and I urge my colleagues to vote for this bill.

Mr. NADLER. Mr. Chairman, the purpose of this bill is to protect liberty against mob rule. The liberty at issue is fundamental: The right of women to walk into a clinic to exercise their constitutionally guaranteed freedom of choice. Zealots must not be permitted to physically obstruct the exercise of this freedom.

Contrary to some arguments, this bill does not impinge in any way on the first amendment rights of abortion opponents. What it impinges upon is the ability of one group of citizens to impose their beliefs on their fellow citizens by physical obstruction and intimidation.

Antiabortion protestors have an absolute right to say, "Don't do it," or anything else they want to say. They do not have any right to say, by means of physical force or intimidation, "We won't let you do it."

Let us be clear. These concerns are not merely hypothetical. Physical obstruction, intimidation, violence up to and including arson and murder, have become commonplace at abortion clinics and other reproductive health facilities throughout the country.

It is not merely the right, but the obligation of Government to protect citizens whose rights are systematically assaulted as they have been.

The women of America and the health professionals who assist them in controlling their reproductive destinies are looking to us for relief from the outrageous tactics, the violence, the mob rule that has been used by groups whose sense of frustration at their inability to impose their beliefs on everyone else through the political process and the courts has led them to an extremism that justifies in their own minds trampling on the rights of others.

Mr. Chairman, I urge my colleagues to vote "yes" on this bill.

□ 1330

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Nevada [Mr. BILBRAY].

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

Mr. BILBRAY. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong support of the Freedom of Access to Clinic Entrances Act.

From 1977 through April 1993, more than 1,000 acts of violence related to clinics, including one murder have been reported in the United States. The pro-life extremists who commit these acts, show a blatant disregard for the lives of those trying to deliver legal abortion services to women all across America—and to those medical professionals who supply these same women with prenatal examinations, mammograms, pap smears, birth control, and other vital women's health services.

Critics of this bill say that it violates their rights under the first amendment. They are grossly misinformed. What the first amendment does not protect—and what H.R. 796 prohibits—is force, threat of force, or physical obstruction which injures, intimidates, or interferes with other persons because they seek to provide or obtain reproductive health services. We must protect the choice and safety of millions of women across this Nation. I urge my colleagues not to be fooled by the allegations of antiabortion extremists, and to vote for this long-overdue bill.

Mr. BILBRAY. Mr. Chairman, when I first heard about this bill, which was over a year ago, and I expressed my disfavor with it, I said it is not needed,

that no one should be denied their constitutional rights to picket, and demonstrate, and pray in front of any abortion clinic, or Planned Parenthood clinic, or whatever that facility may be. But over the last year and a half, Mr. Chairman, I have seen the violence increase. I have seen a doctor killed. I have seen another shot. I have seen others injured. Even though I am a prolifer, Mr. Chairman, I recognize that the situation has gotten out of hand.

People say, "Well, if somebody stands in front of a door or accidentally bumps somebody going in while they are praying the rosary, they can be thrown into prison for a year and fined $100,000." Now those that bring up this type of argument know that is not going to happen. The same situation arose recently in my State in a frontier strike. Some picketers assaulted somebody trying to go in. They were convicted. These were union pickets. They were sent to jail and fined because they assaulted people, but they deliberately did it. They knew what they were doing when they did it, and they were repudiated by union leaders as well as others in the community.

Mr. Chairman, nobody is going to go to jail because they accidentally stand on the sidewalk. They are going to be cited if they deliberately interfere with somebody's rights, and I say to my colleagues, "I firmly believe that, even if you're pro-life, you should support this bill and vote for it to keep the violence down and to rid extremists from this situation."

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], the other half of the Nevada delegation.

Mrs. VUCANOVICH. Mr. Chairman, John F. Kennedy once said that—

> This Nation was founded on the principle that all men are created equal and that the rights of every man or woman are diminished when the rights of one man or woman are threatened.

Today in this House, the rights of peaceful, nonviolent pro-life men and women are threatened by this piece of legislation that is aimed solely at them. The pro-life community which believes deeply in the right of life of all people, born and unborn, has repeatedly condemned the violence wrought by a few extremists. H.R. 796 seeks to address this growing problem of violence at abortion clinics throughout the country but in its zeal to protect those who seek or provide abortions, it violates the first amendment rights of those who wish to prayerfully offer an alternative to the violence of abortion.

H.R. 796 makes no distinction between violent and nonviolent protest at abortion clinics. If offers severe penalties for a first offense, up to 1 year in jail and up to $100,000 in fines. Should a grandmother praying the rosary on a public sidewalk be subject to the same harsh penalties as someone who sets fire to a clinic? I think not.

Our country has a history of peaceful protest used by people of conscience who feel that their voice will not be clearly heard in any other way. The first amendment guarantees this right. Let us not pass a bill in this House that would cause us to place an asterisk in the Constitution that reads "freedom of speech is fine unless you oppose abortion."

I urge my colleagues to vote against this bill.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, today we are considering the Freedom of Access to Clinic Entrances Act (H.R. 796), a bill to determine whether we as a nation will continue to tolerate acts of terror, intimidation, and violence at health care clinics. Some hold that this bill is about stifling protests, about gutting the first amendment, and about promoting abortion.

Nothing could be further from the truth.

This bill is about Kathryn Maxwell of Michigan, who scheduled an appointment for her high-risk pregnancy but was turned away because Operation Rescue blockaded her doctor's office. The local police department of Novi, MI, patrolling outside, said they could do nothing.

The Freedom of Access to Clinic Entrances Act is about the firebombing of a Corpus Christi, TX, clinic that provides a full range of reproductive health care services and also served as an adoption agency. The clinic was burned to the ground.

The bill is about Dr. Pablo Rodriguez, the medical director of a Providence, RI, Planned Parenthood clinic, who wears a bullet-proof vest to work at the suggestion of local police. They told him they could not deal with the protesters at his clinic.

And this bill is about more than 322 clinic invasions; 441 cases of clinic vandalism; 36 bombings; 53 attempted bombings/arsons; 91 death threats; 82 assaults; 30 cases of stalking; 2 kidnappings; 327 clinic invasions; and one murder.

The Freedom of Access to Clinic Entrances Act will give the Federal Government the power to act when State and local authorities cannot or will not act to guarantee access to these clinics where women, especially poor women, go for a variety of medical services that include birth control, prenatal examinations, mammograms, pap smears, as well as abortion services.

In committee hearings in both the 102d and 103d Congresses, we learned of the national scope of the problems women and health care providers face every day not only in well-orchestrated, well-publicized blockades and arson attacks in Whichita and Buffalo but in less publicized, daily threats, vandalism, and intimidation in communities all across the Nation.

We have heard from local officials, like the chief of police of Manassas, VA, whose personnel and budgets have been exhausted in patrolling blockades. And we heard from local officials, like one Texas sheriff, who holds strong antiabortion views, that "he would not enforce local laws against blockaders."

Those who oppose this bill say that it will stifle free speech, gut the first amendment, and punish those who are engaged in acts of protest and civil disobedience, acts that mirror those of the protests and civil disobedience against segregation that thousands of Americans participated in during the 1960's.

Nothing could be further from the truth.

In crafting this bill, Congressman SCHUMER and I, and Judiciary Committee members from both sides of the aisle and from both sides of the abortion debate, have been diligent in ensuring that the principles of free speech and assembly found in the first amendment are protected. This bill unequivocally states that:

> Nothing * * * shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstrations) protected from legal prohibition by the first article of amendment to the Constitution.

This means that protestors can picket, boycott, pray, sing hymns, wave signs, verbally accost patients and personnel, hand out leaflets, photos, and brochures. But, they cannot do all of the above and also chain themselves to the front door, block someone's entry to a clinic, or invade and forcibly occupy a clinic.

The opponents of this bill often compare the activities of antiabortion extremists to the acts of civil disobedience, the protests, and marches of civil rights activists against businesses, local and State governments, and the Jim Crow laws of the South that were attempts to obtain rights for African Americans, rights of citizenship they had long been denied.

The protests and blockades of reproductive health clinics, on the other hand, are nothing less than attempts to deny women their rights, to deny them medical services, in some cases to deny them services that their lives depend on.

The attempt to equate the protests and civil disobedience of the civil rights movement with the blocking of clinic entrances, the burning and bombing of clinics, the stalking of patients, doctors, and nurses, and the shooting death of a doctor in Florida makes a mockery of the principles and the life of Dr. Martin Luther King.

Those who oppose this bill maintain that this bill is about abortion.

Nothing could be further from the truth.

This bill is about providing access to medical services of all kinds without fear, without intimidation, and without coercion. It is about providing services—like prenatal care, pap smears, mammograms—that can literally mean the difference between life and death for many American women. It is about providing freedom of access, without which, women of this country have no freedom of choice.

I urge you to support the Freedom of Access to Clinic Entrances Act not because you are for or against abortion, but because you are against the tactics of terror, coercion, and violence.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, the freedom of Access to Clinic Entrances Act is not a pro-life versus pro-choice issue. It is a necessary response to the escalation of violence at reproductive health centers all across America.

As the hearings demonstrated, there is a need for Federal legislation to protect the constitutional rights of women entering the clinics. In my home State of Minnesota, local law enforcement has simply been unable at times to protect the rights of health care workers and patients.

No one disagrees with the right of peaceful demonstration, but blocking entrances, and thus preventing the exercise of a constitutional right, is not acceptable.

This bill will serve as a deterrent to de-escalate the violence aimed at clinics and health care workers.

Let us be perfectly clear, nothing in this bill prevents the peaceful picketing or other peaceful demonstrations protected under the first amendment of the Constitution.

Mr. Chairman, we need to pass this bill to end the violence.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, it is unavoidable that many people are going to view the battle over this legislation as one between the pro-choice people and those who describe themselves as pro-life. But to me it is not about that at all. Most of us who will vote against this bill today think that the tactics or organizations like Operation Rescue and similar groups are outrageous. We do not think it is right to shoot doctors under any circumstances. It is wrong to set buildings on fire. Murder and arson are illegal in every State. So, why would we seek to federalize these laws?

Mr. Chairman, some people say it is because women have a Federal right to abortion. But people have many Federal rights, and there are no corresponding Federal crimes covering those who interfere with those rights. I, for example, have a right to worship in the synagogue of my choice. It says so right in the Constitution. Any of us can worship wherever we want.

□ 1340

But there is no access to churches and temples bill pending here. If there was, it probably would not be taken seriously.

Quite frankly, I would support the bill which is before us today if it made it a Federal crime to deny any person access to any place where the Federal Government says they have a right to be. In that way this bill, which has been criticized for being overbroad for other reasons, is not broad enough. And I would not exclude abortion clinics. If proponents of the bill were sincere when they say that this vote is not about pro-choice or pro-life, their bill would guarantee access to every place else. Please vote no on H.R. 796.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Chairman, I am pro-life both personally and politically and, this year, have voted against the Freedom of Choice Act and in favor of the Hyde amendment which bans Federal funding of abortion services. My record is clear. I oppose abortion except in cases of rape, incest or when the life of the mother is threatened by carrying the pregnancy to term. I also support the rights of fellow pro-lifers who choose to peacefully protest outside of abortion clinics. Furthermore, I am a strong supporter of the first amendment which guarantees freedom of speech and the right to peaceably assemble.

However, I am also a former county prosecutor who believes strongly that maintaining a civil society depends on respecting the rights of others and rejecting violence at all times. For this reason I cannot condone, nor even look the other way, when an anti-abortion protestor goes beyond the boundaries of the first amendment and commits acts of violence, harassment or vandalism.

As a member of the House Judiciary Committee, I voted to approve H.R. 796—the freedom of access to clinic entrances bill—on September 14 of this year. At the time, I was very concerned that this bill would infringe upon pro-life protesters rights to free speech and assembly. As a result, I offered an amendment in the subcommittee markup to prevent this. My amendment stated that nothing in the bill prohibits any expressive conduct including peaceful picketing protected by the first amendment. With this language included in the final version of the bill, legislative intent—handing out a leaflet is not a violation.

Mr. Chairman, I remain convinced that H.R. 796, in its present form, is necessary and would not have supported this—or any other piece of legislation—if, in my opinion, it unduly infringed upon the legitimate, constitutional right of individuals to peacefully protest. Furthermore, I can not condone the actions of individuals who feel they are above the law and choose violence, harassment or vandalism as a means of voicing their views. Therefore, I will vote yes on FACE. In addition, I want to commend the work of Chairman BROOKS and Chairman SCHUMER in bringing this bill to a vote and urge my colleagues to support this bill.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Freedom of Access to Clinic Entrances Act. Chairman SCHUMER and Representative CONNIE MORELLA are to be commended for their hard work in bringing this critical legislation to the floor.

Mr. Speaker, this bill is long overdue. Indeed, the murder of Dr. David Gunn last spring in Florida was only one tragic indication that the violence has gone too far.

For too long we have allowed the rhetoric of extremists to escalate. Some who could not achieve their goals through the political process have turned to violence and intimidation—they have taken the law into their own hands, and the results have been devastating.

The facts speak for themselves:

In one recent survey, 50 percent of clinics experienced severe antiabortion violence this year. These violent acts include death threats, stalking, chemical attacks, arson, bomb threats, invasions, and blockades.

The National Abortion Federation reports that the number of violent incidents has more than tripled in the last 2 years.

And the longer we wait to pass Federal remedies, extremists are developing new, more insidious ways to attack clinics and to ensure that women do not receive vital services. This year we have seen a frightening use of noxious chemicals to close clinics and harm clinic personnel.

These attacks can cost hundreds of thousands of dollars. This year alone, extreme violence against clinics have caused almost $4 million in damages to clinics.

Mr. Speaker, these violent acts don't happen in a vacuum. They have real effects on real people.

Each blockade, each act of intimidation, each bombing, each arson, each chemical attack means that women and their families do not have access to basic health care.

These clinics do much more than provide abortion services. They provide family planning services, prenatal care, and even adoption services. Earlier this year the Blue Mountain Clinic

in Montana was destroyed by arson. It had provided prenatal care and delivery, childhood immunizations, and contraceptives services.

Mr. Speaker, there is a clear nationwide campaign of terror and violence to deprive women of their basic rights. yet State and local law enforcement officials are either unwilling or unable to adequately safeguard the victims.

Women who seek reproductive health services, and physicians who brave almost daily harassment, need our help. We must pass legislation that provides relief both to providers and their patients.

I ask my colleagues to remember that these clinics provide critical health care services to women and their families.

And I ask my colleagues to remember that we are a nation that respects the right to protest, but deplores the use of terror and intimidation.

I urge my colleagues to support H.R. 796.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, while I hoped I could support this bill, based on the present language I rise in opposition.

Mr. Chairman, I come to this debate as one of the few Members endorsed by neither the pro-life or the pro-choice lobbying organizations. I have always tried to carefully consider each and every issue on the subject of abortion precisely on its merits. The issue before us must be considered in this same way.

To be honest, I came to this debate fully expecting to support the legislation before us. The concept that people can take the law into their own hands is repugnant to me. If we allow individuals to decide for themselves which laws to honor, and which ones to ignore, we will have nothing but anarchy. The operations and tactics of Operation Force and like-minded organizations, I find offensive. Violence to individuals seeking a service, to individuals performing a service, or to buildings housing a service legal under the law simply cannot be tolerated or accepted. Violence is not the solution to resolving this very personal and difficult issue and, for this reason, I had hoped to support the legislation before us.

But a crucial test for every legislator ought to be whether we believe such actions are constitutional. The very oath we take swears us to uphold the Constitution of the United States. We must do that on issues, without regard to the controversy or political consequences of such action. When I defend the constitutional right of every citizen to have equal opportunity in our society, I must do so for everyone. I find that on some issues certain guarantees in our Constitution offend conservatives. On others these guarantees offend or inconvenience liberals. But the same protections must be afforded everyone.

The language in the proposed legislation which concerns me reads as follows:

Whoever by force, threat of force, or physical obstruction, intentionally injures, intimidates, or interferes with any person, or attempts to do so, because that person or any other person or any class of person is obtaining or providing reproductive health services (is subject to criminal and or civil penalties).

It is my conclusion that such language presents three potential problems constitutionally. However, before doing so, I should note that some will suggest this language is modeled after existing Federal language with respect to voting rights and racial discrimination. But there is a difference. Voting rights and civil rights are explicitly guaranteed by the Constitution. Reproductive rights are not. Indeed, Roe versus Wade and other abortion rights decisions are not premised upon any explicitly constitutional guarantee but, rather grounded in the implicit right to privacy which pervades the Constitution.

Obviously, I strongly believe in a constitutional right to privacy. However, the Supreme Court has historically distinguished between legislation based on explicit and implicit constitutional rights. So, just because we have other statutes that employ this language does not necessarily make it appropriate in this legislation.

The 14th amendment provides that no State shall deny any person the equal protection of the laws. While there is no corresponding explicit prohibition against the Federal Government, the Court has held that the fifth amendment's due process clause—life, liberty, or property may not be taken without due process of the law—implicitly guarantees equal protection.

What does that mean for the bill before us? H.R. 796 prohibits physical obstruction which intimidates or interferes with another's obtaining reproductive health services. One could argue that this singles out those individuals who blockade abortion clinics for civil and criminal penalties but leaves other blockaders such as union employees go scot-free when they engage in similar activities and, as such, violates equal protection provisions.

Here, the Court has, and will, distinguish between speech and action. If the bill prohibited picketing at an abortion clinic, the Court would probably find a violation of equal protection since you are punishing one form of speech over another. However, the Court is not so inclined to find a violation of equal protection where its actions, like obstructing entrance to a building, that is regulated and the illegal actions is narrowly defined. Thus, based upon the 14th amendment, I am not ready to conclude an equal protection problem exists.

A second constitutional challenge to the bill will likely be based upon the first amendment's protection of free speech. Again, I believe the proposed legislation meets this test. For the bill states, "nothing in this section shall be construed to prohibit expressive conduct (speech) protected from legal prohbition by the first amendment to the Constitution." This language will direct courts to interpret the bill as aimed only at illegal actions.

So what is the problem constitutionally?

The due process clause of the fifth amendment restricts the Federal Government from taking the life, liberty, or property of any person without the due process of the law. So what does that mean? Oversimplified, it means that every person is entitled to certain legal procedures before the Government can act against them—specifically; notice, a hearing, and an appeal.

Notice means just what it says—that a person has warning that the Government is about to act against them. In this context, a statute that is so vague or all encompassing that it fails to provide adequate notice/warning of prohibited behavior or blurs the line between prohibited behavior and obviously legal behavior will be declared unconstitutional by the courts as overbroad and failing to provide due process to the persons charged thereunder.

Specifically, any person who "by threat of force or physical obstruction * * * intimidates" any other person obtaining reproductive health services violates H.R. 796. Clearly, there are situations under which that could happen. However, the context of the situation is also relevant.

Not every threat of force or physical obstruction intended to intimidate is illegal. In fact, in Wisconsin such actions are not criminal unless a reasonableness standard is met—that is, in the case of threatened force, that a reasonable person under the circumstances would believe that the force was imminent and the person making the threat was capable of delivering the force.

It may be intimidating to have an 80-year-old pro-lifer singlehandedly try to obstruct your entering an abortion clinic by standing in your way and handing you a pamphlet. But is it reasonable to believe this person will actually be able to keep you out? Contrast that to a situation where hundreds of Operation Rescue protestors truly block access to the clinic. Yet, under the bill as drafted, both actions are equally prohibited.

While the amendment by Mr. SCHUMER intends to further clarify the meaning of "intimidate," it is my conclusion the language remains overly broad. I would suggest that to solve this problem one must either further define "intimidate" to mean "imminent threat to bodily harm" or perhaps even better, simply delete the word "intimidate" and properly but narrowly define the word "interfere."

Anyone who has followed my legislative record knows full well of my commitment to tolerance under the law for those people, actions, and even lifestyles that we may not approve of but which must be allowed under the protections of a free society and the Constitution. Yet, it would be wrong for me to vote for legislation simply because I agree with its goal or title.

In an attempt to protect the rights of those who seek the services of a reproductive health clinic, we cannot deny the legitimate rights of those who seek to protest such actions. If our goal is to find that proper balance of protection for both parties, then we have a legislative obligation to define narrowly and properly the terms in a way which will withstand review by the courts.

I have come to the conclusion this legislation is nothing but a lawyer's dream. It will increase litigation and case law by both plaintiffs and defendants. It will result in the courts attempting to do what we should be doing today—properly defining the law.

I am willing to work with any and all to properly solve the legal questions before us. I am willing to work with any and all to guarantee

that all Americans have the opportunity afforded them by the Constitution. But I am not willing to vote for legislation that sounds good, but I fear does nothing.

We can and we should do better.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, this bill is about extremism. This bill is an extremist bill being pushed by extremists. Because there are a few, a very few, who use violence to oppose abortion, this bill seeks to retaliate.

This bill is the moral equivalent of launching a nuclear attack against all pro-life protesters, whether they are violent or not. You say you want to punish murder; I agree. But we already have stiff laws against it, including the death penalty. Another law will not help. You say you want to punish arson and fire bombing; I agree. But we already have stiff laws against those crimes. Another law will not help.

This bill is not needed to go after violent protesters. The problem is what it does to nonviolent protesters.

What is it that is new in the bill? It says if you interfere with somebody, if you make a physical obstruction, no matter how slight, that is it; you get a year in prison and a $100,000 fine, a civil lawsuit for at least $5,000, punitive damages, and legal fees. That is extreme.

So what might you do to bring down the full weight of the U.S. Government upon you? If you picket an abortion clinic and you step in front of someone going in, you have physically obstructed them. You have interfered. You get it. If you politely stop somebody and say, "Won't you think this over before you go in?" You have physically obstructed them. You have interfered. You get the full penalty, the incredible and obscene level of penalties.

We already have laws against trespass. Use them. We have laws against destruction of property. Use them. We have laws against violence. Use them.

More than anything else, this bill reminds me of something that happened when I was in college, the tragedy at Kent State, when protesters were shot and killed by Federal troops. That is the kind of extremism that this bill promotes, the attitude of "Kill the protesters."

You cannot put a false face of moderation on this extremist bill. It goes off the deep end. Make the punishment fit the crime, but do not launch the equivalent of a nuclear attack against those who keep protests peaceful.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY].

Ms. MARGOLIES-MEZVINSKY. Mr. Chairman, I am speaking today on behalf of the thousands of women, health care providers, and staff who have become victims of a national war declared upon them by extremist protestors. Protestors who do not wish to express their opinions lawfully and peacefully, but who instead use bombs, guns, and physical violence to get their point across.

Mr. Chairman, I would like to read a quote from a threatening letter delivered to a clinic in Pottstown, which is in my district. Signed by a group named Avengers for the Unborn, the letter reads:

> The religious wimps who protest outside abortion clinics are useless because they are too peaceful. It is time to meet violence against the unborn with violence against the murderers of the unborn.

This kind of harassment cannot be tolerated.

These clinics that have been threatened, bombed, or blockaded offer more than just abortion services, they offer crucial, sometimes lifesaving health care services to women. Many women, especially low-income women, are dependent upon these clinics for prenatal care, treatment of sexually transmitted diseases, and cancer screening. Blocking women from obtaining health care is not simply an inconvenience, it is a crime.

Finally, Mr. Chairman, to say that this bill denies first amendment rights is ludicrous. No one in this body wants to deny anyone, regardless of his or her views, the right to speak his or her mind. However, let us make it perfectly clear that the right to free speech does not include the right to threaten, harm, or deny anyone his or her right to enter a clinic.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Freedom of Access to Clinics Act.

This act is needed to protect Americans against those who resort to terror and even murder to impose their views through violence and intimidation.

The violence has been directed at people who have attempted to enter medical facilities that offer abortion among a full range of health services.

This violence has been directed at both patients and providers, and has included the murder of a doctor in Florida and the wounding of another doctor in Kansas.

Mr. Chairman, this legislation would simply make it a Federal crime to obstruct access to a clinic, to intimidate, injure, or interfere with anyone seeking or providing reproductive health services.

In other words, you cannot break the law to force your views on someone else. If someone tried to use these tactics to block entry to a supermarket, no community in America would tolerate it. Family planning clinics deserve the same protection.

Last year Congress passed a bill that prevented the violent blockade of animal research clinics. Certainly human health facilities deserve the same protection.

This bill is not about free speech, which is protected under the legislation. It is about conduct that is irresponsible and ought to be illegal.

□ 1350

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Chairman, while I deplore the violence that has been mentioned, I reluctantly rise in opposition to H.R. 796 in its present form and in support of the Smith substitute amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to this legislation, which poses a direct threat to the first amendment free speech rights of every American.

There are dozens of Members of this body who began their political careers in the antiwar or civil rights movements. We regularly hear them tell stories of the struggles they engaged in on behalf of their beliefs.

Nonviolent civil disobedience was a hallmark of both movements. Where would the civil rights movement have been if $250,000 fines had been imposed on those who staged sit-ins at segregated lunch counters? Would we have tolerated laws allowing the bus company to sue Rosa Parks for punitive damages just because she inconvenienced them?

There are currently strong penalties available to punish people who commit violent acts. Yet, this bill treats the pro-life movement as if all demonstrators were potential murderers.

Mr. Chairman, that is equivalent to saying that the Black Panther party was the norm for the civil rights movement, and that the Weathermen bombers were the norm for the antiwar movement. That is just not the case.

Let us not criminalize demonstrations based solely on the viewpoint of the demonstrator. Defeat this unfair and unconstitutional erosion of free speech.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island [Mr. REED], a member of the Committee on the Judiciary.

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

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

Ms. SCHENK. Mr. Chairman, I rise in strongest support of the Freedom of Access to Abortion Clinic Entrances Act.

Mr. Chairman, passage of this bill is extremely important to me, to the residents of California's 49th Congressional District, and to

women across America. At stake is a woman's right to safe access to family planning services.

Last March, five San Diego clinics were sprayed with butyric acid, a dangerous toxin that irritates the eyes and respiratory tract and causes skin burns.

These were not isolated acts. Over 1,100 acts of violence against abortion providers were reported to the California Abortion Rights Action League last year.

Despite the prevalence of such violence, the FBI refused to investigate the attacks in San Diego on grounds that Federal law did not authorize an enforcement response.

Antiabortion violence is a national epidemic. H.R. 796 must be passed so our Government can give American women the protection they deserve.

Mr. REED. Mr. Chairman, I rise in support of H.R. 796, the Freedom of Access to Clinic Entrances Act. We must pass this legislation so that the women of our country are not prevented from exercising their right to reproductive health care by violent protesters.

I want to share with my colleagues the experience of Barbara Baldwin, a good friend of mine who is the executive director of Planned Parenthood of Rhode Island. Her story illustrates the need for Federal action.

The Planned Parenthood clinic waiting room has been repeatedly invaded by protesters. On one occasion, it took over an hour for the Providence Police to clear the reception area. Later, all of their exterior locks were filled with epoxy glue. When the locksmith arrived, one of the picketers told him she had a gun in her purse and would shoot him.

The medical director's face appeared on a wanted poster. His driveway has been mined with nails. He got four flat tires and his wife stepped on a nail when she went jogging. He has two small children and lives in a remote part of the State. In April, someone took out a life insurance policy on his wife, and sent it to the office. He has ordered and plans to wear a bullet proof vest.

The building that houses the clinic was splashed with red Xerox toner and had to be repainted—only to be resplashed with green fluorescent paint later. Clinic patients and staff are regularly harassed by protesters, who frequently videotape everyone going into the clinic. This clinic provides urgently needed preventive health care as well as abortion services.

The clinic executive director has been followed and harassed by a group of men, and eventually had to get a temporary restraining order.

The men who followed her have been arrested in Texas, Ohio, New York, the District of Columbia, Wisconsin, Georgia, and Arizona. They have served time in North Dakota and North Carolina. These are not local protesters: This is a nationwide network.

Since 1977, over 1,000 acts of violence have been reported in the United States, including 36 bombings, 81 arsons, 131 death threats, 84 assaults, 327 clinic invasions, 2 kidnapings, and 1 murder. It is clear that State and local enforcement has been overwhelmed by a nationwide campaign of violence designed to intimidate health care providers and their patients. It is time for the Federal Government to step in and stop this siege.

The shooting of Dr. David Gunn, anonymous death threats to clinic owners and physicians, arson, bomb threats, and physical attacks on clinic staff and patients are not the acts of peaceful protestors. We cannot allow a organized campaign of intimidation and violence to stop Americans from exercising their right to reproductive health care. This bill is evenhanded, and protects not only abortion clinics but abortion alternative counseling and pregnancy centers to the extent that they are threatened by force, physical obstruction, and destruction of property. H.R. 796 guarantees the right of everyone, those on both sides of the abortion issue, to engage in peaceful protest.

It is incumbent upon us today to protect health care workers like Barbara Baldwin, her staff, and others like her across the country. I urge my colleagues to support this important legislation.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise today to urge my colleagues to vote for passage of the freedom of access to clinic entrances bill with no weakening amendments. This bill will give our law enforcement officers the tools necessary to prevent blockades of clinics and to punish those who insist on breaking the law time and time again.

I want to point out that this is not an issue of freedom of speech, nor, are many of the protesters in front of abortion clinics nonviolent as they claim.

Instead, they are opposed to allowing women access to the health care of their choice, just as segregationists in the 1950's were opposed to allowing African-Americans access to education and voting.

In the south, in the early 1960's, people opposed to individual freedoms burned crosses, bombed houses, destroyed churches, and killed people who sought to exercise their constitutional rights.

That same legacy of hate and violence was demonstrated at abortion clinics across the country this year, as one doctor was murdered, and another shot.

Mr. Chairman, since 1977, there have been over 1,000 violent acts at family planning clinics including bombing, arson, kidnaping, assault and battery, and murder.

This is America in 1993. It is not the south in the 1950's, and, we must not allow these violent hate crimes to continue.

I urge my colleagues to join me in putting an end to the unlawful activities waged by protesters at clinics. Vote "yes" on the freedom of access to clinic entrances bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, some who say it is OK to burn the American flag, some who would have pornography funded by the National Endowment for the Arts cite the first amendment. Look at the union picket lines. They say, it is OK for those kinds of things to go on with the unions and their picketing, but try and stop someone that is stopping the loss of life, that is a different thing. That is a double standard.

Mr. Chairman, I rise today in opposition to H.R. 796. Union violence against a workplace, homosexual activists disrupting a Roman Catholic Mass, theft of student newspapers because one group deemed them racist, and, yes, violent trespass and vandalism of abortion clinics all share a common thread. Each one takes an inappropriate action to send a particular message.

While a union may or may not strike, its members may not sabotage a plant without subjecting themselves to the American justice system and sure punishment.

Now we want to make one type of protest subject to Federal punishment and impose a $100,000 penalty and a 1-year prison term. While homosexual organizations may have a dispute with the teaching of a church, disruption of a mass is trespassing at least and a strident violation of our first amendment freedoms.

Theft of a large number of publications is not just theft. It is a theft that does damage to our first amendment freedoms.

It must be pointed out that blocking access to any building is considered trespass under law, State law. Vandalism against private property is punishable by fines, prison terms and/or both.

This bill also goes against States' rights.

All this brings us to the legislation under consideration today, the Access to Clinic Entrances Act. Illegal as all the above activities are, this particular legislation creates a newer, higher level. This bill is unnecessary and I urge my colleagues to oppose it.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I spent 12 years of my life working as a journalist. No issue is more important to me than the first amendment. And so when this legislation was first introduced, I have to tell my colleagues that as somebody who considers themself pro-

choice, I took a look at this legislation with some great trepidation.

I am not a lawyer by training, which frankly may be an advantage in life, but in this particular case, I do not think served me very well.

I asked two professors at the University of Wisconsin, who are experts in constitutional law, to see whether the first amendment specifically applied in this case and whether the rights of the first amendment were indeed protected.

I want to share something with Members that Prof. Larry Church wrote. He said, "This bill prohibits conduct, not expression," which is exactly the argument the gentleman from New York [Mr. SCHUMER] has made. "This is a crucial distinction," Professor Church writes.

He said,

Last summer, a unanimous Court upheld a Wisconsin statute which enhanced the penalty for a crime if it was committed out of animus against "race, religion or color." Writing for the Court, Justice Rehnquist distinguished the Wisconsin law on the grounds that the St. Paul ordinance which was previously stricken found as unconstitutional was explicitly directed at expression, such as a speech or messages, while the Wisconsin statute was aimed at conduct unprotected by the First Amendment. Similarly, H.R. 796 is explicitly not directed at expression, but rather aims only at unprotected conduct.

□ 1400

So it is clear to me as a defender of the first amendment that the first amendment is protected under this language. The case of the gentleman from New York [Mr. SCHUMER] prevails, and in this case the right that now needs protection is the right of women to seek an abortion if they choose to do so.

I urge my colleagues to vote "yes."

Mr. Chairman, I include the correspondence I referred to earlier:

UNIVERSITY OF WISCONSIN,
Madison, October 14, 1993.

Re H.R. 796 and the first amendment.

To: Congressman Scott Klug.

From: Professor Ted Finman.

The Chancellor's office has asked me to examine H.R. 796 and give you my thoughts on how it fits with the First Amendment. I am pleased to do so and hope the following will be useful to you.

My overall conclusion is that H.R. 796 does not violate the protection which the First Amendment provides for speech and other communicative activities. Section (a)(2) deals with damaging or destroying property. It is difficult to see how such conduct could claim First Amendment protection. Thus I take it that the constitutional questions that have been raised are directed to Section (a)(1). As I read this provision, it prohibits the following:

1. intentionally injuring or attempting to injure someone;
2. interfering or attempting to interfere with someone through the use of force or a threat of force;
3. interfering with someone, or attempting to do so, by making entry or exist from an abortion facility unreasonably difficult;
4. using force or threat of force to intimidate or attempt to intimidate someone, or intimidating or attempting to intimidate someone by making entry or exit from an abortion facility unreasonably difficult.

None of these prohibitions restrict speech per se. Speech is prohibited if it constitutes a threat of force and is used to interfere with someone's effort to obtain or provide reproductive services. That sort of speech, used for that purpose would not be considered protected by the First Amendment. H.R. 796 also speaks about intimidation. Here, however, it is critical to note that H.R. 796 does not prohibit intimidation itself. Rather it prohibits certain means of intimidation: intimidation brought about through the use of force, threats of force or obstruction of facilities. None of these means would be characterized as protected "speech" within the meaning of the First Amendment.

In brief, it is difficult to see how opponents of H.R. 796 could genuinely believe that its prohibitions violate the First Amendment. It may be that they are concerned with how law enforcement officials might apply such a law rather than with what the law says on its face. Section (d)'s exemption of picketing and other expressive conduct provides substantial protection against possible misuses of H.R. 796.

Nothing in a statute, of course, can eliminate all risks of this sort. However, so long as a statute is valid on its face, as H.R. 796 appears to be, the risk of misapplication does not make it constitutionally infirm. Perhaps more importantly, as a practical matter, if such a risk was a good reason for not adopting a law, we would have few laws of any sort. Indeed, if risk of abuse were a telling objective, many valid and useful laws that deal with communicative activity—laws that play a vital social role—would never have been adopted.

For example, many if not most municipalities have ordinances regulating the time and place of parades, marches and similar communicative activities. Experience demonstrates that such laws are subject to abuse. Yet most of us recognize that these ordinances fulfill critical governmental functions, and thus that abuses must be dealt with as they arise, not by foregoing the laws themselves.

It is, of course, difficult to assess the risk of misuse, and I do not purport to possess any expertise on this matter. My personal judgment, however, for whatever it may be worth, is that the risk of misuse of H.R. 796 is small. The watchful eyes of those who oppose abortion and of those who zealously support the First Amendment are likely to deter improper applications of the law. Certainly whatever risk remains will be no greater than the risks associated with many laws that we consider an essential part of our social fabric.

OCTOBER 14, 1993.

Re abortion legislation.

From: Larry Church.

This brief memo is in response to your request that I reply to a request from the office of Congressman Scott Klug to review the constitutionality of a bill, H.R. 796, (Amendment Substitute offered by Rep. Schumer) which would make it a federal criminal and civil offense to "block access to reproductive health services." Whether a law is constitutional, of course, depends ultimately on whether the Supreme Court says it is. In my judgment, at least a majority of the Supreme Court, and possibly all of the Justices, would sustain this law. Thus, I think the bill, if enacted, would pass constitutional muster.

The case that might most give pause to my conclusion is probably R.A.V. v. St. Paul, 112 S.Ct. 2538 (1992), in which the Court, per Justice Scalia, struck down a municipal ordinance that criminalized the placing on public or private property of symbols which arouse anger, alarm or resentment on the basis of race, religion or gender. The Court found that the ordinance prohibited expression only with respect to identified "disfavored topics," in violation of First Amendment guarantees of free speech.

H.R. 796 bans only interference with persons seeking or providing reproductive health services. It does not reach any other kind of interference. The bill provides injunctive relief and compensatory and punitive damages (including "statutory damages" of $5000 per violation, in lieu of actual damages) and reasonable attorney and expert witness fees, as well as criminal sanctions that start at one year in prison for a first offense. The bill would have the effect of limiting physical intimidation or coercion, and certainly violence, at abortion clinics—this is presumably precisely its purpose. Because of the severity of its criminal and civil sanctions, and because of the inevitable ambiguity of some of its key terms, (prohibited physical obstruction, for example, is defined in Section (f)(3) to include rendering passage to or from a reproductive health facility "unreasonably difficult") the bill might also induce caution on the part of those who plan only robust, but possibly also intimidating to some, demonstrations. Critics of the bill might thus argue that it does trench upon expression respecting a disfavored topic and so falls within the ambit of the R.A.V. case.

However, I do not think that the H.R. 796, if enacted, would be struck down by the Court. One reason for this is that the bill makes a determined effort to ensure that expression does remain protected. Section (d) explicitly exempts "any expressive conduct" protected by the First Amendment from coverage under the bill; and even though there must always be some ambiguity about operative terms in a statute, Section (a) includes as prohibited actively only that which "by force, threat of force, or physical obstruction, intentionally injuries, intimidates or interferes" with another person. The impact of these provisions is that the bill prohibits conduct, not expression. This is a crucial distinction. Last summer, a unanimous court upheld a Wisconsin statute which enhanced the penalty for a crime if it was committed out of animus against "race, religion, color, disability, sexual orientation, national origin or ancestry." (See Wis. Stat. 939.645(1)(b).) Writing for the Court, Justice Rehnquist distinguished R.A.V. on the grounds that the St. Paul ordinance was explicitly directed at expression, such as speech or messages, while the Wisconsin statute was aimed at conduct unprotected by the First Amendment. Similarly, H.R. 796 is explicitly not directed at expression, but rather aims only at unprotected conduct.

Another case that has a bearing on the issue is *Bray* v. *Alexandria Women's Health Clinic*, 113 S. Ct. 753 (1993), the decision which perhaps precipitated the drive to pass H.R. 796. In Bray, a mojority of the Court concluded that the Civil Rights Act of 1871, now codified at 42 U.S.C. Sec. 1985 (5), did not protect against obstructive demonstrations at abortion clinics, However, the Court held only that the old statute did not apply, not that Congress should not constitutionally pass such a statute. The reason the statute did not apply, the Court said, was because it covered only racial or other class-based discrimination.

Again, there is a critical distinction between a holding that a particular statute does not actually apply to abortion obstructions and one concluding that a different statute that did so apply would be unconstitutional. Justice Scalia's opinion for the Court in Bray goes only to the first point, not the second. Even this much was troubling to two concurring Justices. Justice Kennedy wrote: "Even in the context of political protest, persistent organized, premeditated lawlessness menaces in a unique way the capacity of a State to maintain order and preserve the rights of its citizens." 113 S. Ct. at 769. Justice Souter concluded that although no finding of an actionable conspiracy had expressly been made, such a finding would have been "supportable on this record." 113 S. Ct. at 778.

For three dissenting Justices, (Blackmun, O'Connor and Stevens) the old 1871 statute did apply; and there was no doubt about the constitutionality of that: "The Court ignores the obvious (and entirely constitutional) congressional intent behind Sec. 1985 (3) to protect this Nation's citizens from what amounts to the theft of their constitutional rights by organized and violent mobs across the country." J. Stevens, dissenting, 113 S. Ct. at 780. (Emphasis added.)

In conclusion, I believe the Court would uphold H.R. 796 against constitutional attack. A woman's constitutional right to obtain an abortion was sanctioned, even created, by the Court itself twenty years ago in *Roe* v. *Wade*. For the Court now to strike down practical congressional support for the implications of that original decision could only severely undermine the decision itself. Given the recent decisions noted above (not to mention the replacement by Justice Ginsburg or Justice White, who was with the majority in Bray and dissented in *Roe* v. *Wade*) this does not seem likely, either in terms of free speech or abortion jurisprudence.

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

Mr. Chairman, I am a graduate of the University of Wisconsin Law School. One of the things they taught me there is, half the lawyers in the country are wrong, and they are the ones that lose their case. With all due respect to my colleague, the gentleman from Madison, WI, Mr. KLUG, the law professor that he quoted is wrong because the word "intimidation" is stated in the statute.

One can hold up a sign in front of an abortion clinic when standing in front of the entrance that says, "Don't kill your baby." That speech, that is intimidation, and that will result in a jail term and in a $250,000 fine. That is why the first amendment is violated. Remember, we do not need a first amendment to protect politically correct speech.

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

Mr. DORNAN. Mr. Chairman, the gentleman from Wisconsin [Mr. KLUG] and I are both Jesuit-educated. But I laid down in front of a sheriff's office in Mississippi, and I knew I was breaking the law and could be arrested. It was a peaceful demonstration similar to nonviolent protests led by Ghandi who learned this tactic in Ireland. What is wrong with the IRA in Ireland is that they abandoned this tradition and turned to violence. If they had stayed with the peaceful demonstrations that helped win 26 of those 32 counties independence in the beginning of the century, we would not have this tiny island nation still divided.

No, the gentleman from Wisconsin [Mr. KLUG] is wrong. I wish we could have had him here during the flag-burning debate in which Morton Halperin was leading forces saying that to burn a flag in front of veterans in wheelchairs was not conduct but expression. If burning a flag is expression why isn't other forms of peaceful protest.

Civil disobedience, but peaceful, is protected in this country, and you must pay the piper and go to jail if you violate the law. Aside from the distinguished Black Caucus in this House, I wonder how many people in this House have put their body on the line in peaceful demonstration against laws that they have found were wrong.

Now my friend, and he is my friend, the gentleman from New York [Mr. SCHUMER], is dead wrong. To demonstrate his hypocrisy, I will quote his own words from the debate on the Animal Enterprise Act last year. In this debate, he, Mr. SCHUMER claimed, "violent attacks by extremist groups" is all we are after in this bill, continuing that, "This bill now focuses specifically on these attacks." He went on to say, "Most important, the amendment restricts the scope of the bill to serious offenses. Trivial instances will be left where they should be, to State and local systems."

I include for the RECORD a summary of violent acts by pro-abortion people, not human reproductive freedom people, but pro-abortion people, who insist on killing preborn children with souls ordained by God, at anytime in the womb through all 9 months.

Here are just a handful of instances of violence against peaceful pro-life demonstrators, including a Buffalo abortionist who assaulted pro-lifers with a baseball bat. The liberals are going too far here, Mr. Chairman. This will go to the Supreme Court. And it will lose.

Mr. Chairman, let me say that while I am a strong opponent of abortion on-demand, under no circumstances do I advocate or condone any violence or terrorist attacks against abortion clinics, an abortion practitioner, or other individuals involved in the abortion business. As someone who opposes violence against all human beings, born and pre-born, I find these acts to be reprehensible and horribly counterproductive to the message of the pro-life movement.

Furthermore, the harsh penalties of this legislation would not apply to those who block the doorway of a medical facility in order to protest animal research, promote AIDS funding, demand national health insurance, or whatever. In fact, no Federal offense occurs unless the impeding is done with intent to prevent or discourage any person from obtaining a reproductive health service—defined in the bill to include abortion and abortion counseling.

In fact, FACE seeks to create a Federal thought crime—a criminal offense defined in terms of anti-abortion motivation—which would, in effect, chill the exercise of our constitutionally protected first amendment rights.

If antiwar protesters during the Vietnam war were slapped with high fines and lengthy jail terms for trespassing or engaging in violence, the liberals in this House would have gone berserk. And if civil rights activists in the 1960's were afforded the same Federal penalties for participating in sit-ins and the like, the reaction would have been similar. Then and now, liberals would argue that Americans have the right to free speech.

But because the politically correct majority in the media and in Congress don't like to hear what some Americans have to say about abortion, they have decided to elevate the right to kill pre-born children above the constitutional right to freedom of expression. Make no mistake about it—the intent of this bill is to silence the entire pro-life movement.

The overwhelming majority of pro-lifers are peaceful and nonviolent. And many of the men, women, and children who demonstrate outside clinics are there simply to pray, sing, or provide information to women who are facing a crisis pregnancy.

The pro-life movement should not be condemned because of a handful of individuals who have engaged in actual violence. As a fellow abortion opponent has stated, "To blame the pro-life movement for such isolated events is like discrediting the anti-slavery movement because some zealous abolitionists burned the crops of slave owners." Moreover, I am confident that many in the homosexual, anti-war, animal rights, and the pro-abortion movement are equally appalled by violent individuals in their movements who misconstrue the message they are trying to convey.

But in reality, this bill does not seek to put an end to violence against abortion clinics and abortionists. Indeed, we already have laws on the books that punish violent and unlawful protesters. And I believe these laws should be enforced to the fullest possible extent. Yet this bill seeks to put an end not just to the violence but also to peaceful protesting and civil disobedience of pro-life activities only. No other interest group is subject to Federal criminal penalties.

Yet the FACE bill does not address specific acts of violence like the one

that involved the murder of Dr. Gunn. Instead, it targets an entire movement that has the constitutional right to express itself through the free speech clause.

Why are not supporters of this bill concerned about acts of intimidation, violence, and destruction of property by pro-abortion activists?

Consider these examples:

A pro-abortion organization called Church Ladies for Choice demonstrated outside the Calvary Temple in St. Louis MO, in response to the Calvary's assistance in Operation Rescue's summer training program. They banged drums, shouted obscenities, and harassed and mocked churchgoers. When the police arrived, the mob began to turn on them. Six protestors were arrested on charges of assault and obstructing police.

A large group of pro-abortionists blocked the entrance to the Brooklyn Park Evangelical Free Church parking lot while pounding on and denting cars that dared to pass while shouting filthy obscenities at families.

A Right To Life office in Gainesville, FL, was firebombed when a proabortion activist tossed a molotov cocktail at the building.

Dr. Alan Ross, co-owner of a Gaithersburg, MD, medical clinic was found guilty of assaulting two abortion protestors—it was his second conviction in 3 months. He previously jammed a hypodermic syringe into the arm of an antiabortion activist.

A Buffalo abortionist was arrested in 1989 for attacking pro-lifers with a baseball bat.

Joe Scheidler, a pro-life activist, was visited by pro-abortion protesters who stood outside his home and screamed obscenities, then came through the yard and hung black hangers in the trees, on his screen door and on his porch lamp. They proceeded to ring the door and present his wife with a bouquet of hangers for her husband.

There are countless incidences prompted by other protest groups:

The blasphemous show by AIDS activists at St. Patrick's Cathedral in New York City a few years ago. In the name of homosexual rights, these people chained themselves to pews during Mass, then proceeded to spit on and pelt condoms at churchgoers.

On September 19, 2 months ago, the Hamilton Square Baptist Church was stormed by almost 100 homosexual activists who jostled churchgoers, threw rocks, assaulted police officers, and kicked down church doors. They also ripped down the church's Christian flag and replaced it with a homosexual flag, broke a cement bench, and caused over $2,000 in property damage. Later that day, they threatened to throw jars filled with gasoline through the windows of the church.

During the Vietnam war, campuses were bombed killing people, researchers were killed because they performed defense contracts. Speakers who supported U.S. intervention were commonly assaulted.

This bill is patently unconstitutional. It would set a precedent of making criminals out of people based solely on motivation. This contradicts the premise of our criminal justice system which seeks only to punish wrongful action, not wrongful thought.

That my colleagues are thumbing their noses at the impending slippery slope to all political crusades is incredible. If you don't think this legislation has the potential to completely outlaw peaceful protests and civil disobedience, which was effectively used by the late Rev. Martin Luther King, then I suggest you read this bill carefully.

With this said, I ask my colleagues to join me in opposing this outrageous piece of legislation.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in support of the bill and against growing violence against individuals who have the right of access to health and reproductive clinics, and also to protect the right of people to peacefully protest.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support the Freedom of Access to Clinic Entrances Act and I want to make one thing clear: This bill is about protecting rights, not infringing them. H.R. 796 makes it a crime to use force or threats of force to obstruct access to a reproductive health clinic or to damage such a clinic.

It is important to understand that this bill does not infringe on anyone's rights. In fact, it would explicitly allow peaceful protest. No one is required under this legislation to put down their picket sign or stop distributing literature.

What this bill does require is punishment of those who use violence and intimidation to block people who are trying to get legal health care services. Our Constitution protects free speech. As an African-American and as a woman, no one understands better than I do that nonviolent civil disobedience is an effective means of social protest. The right to peacefully express one's views is a precious constitutional right.

But I believe in the adage that "Your right to swing your arm ends at my face." When anyone interferes with the constitutionally protected right of anyone to consult with his or her health care provider of choice, that conduct should be punished.

Again, this bill is about protecting basic rights. H.R. 796 sends a message that we will not tolerate violence or intimidation that interferes with constitutionally protected rights. It has a double thrust: It protects peaceful demonstration and the right to choose your doctor without fear of violence. that is something we should all support.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] has 6 minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 3 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I rise in opposition to this legislation. I am greatly concerned about the impact H.R. 796 will have on freedom of expression. Trespass and other forms of uncivil disobedience are illegal in virtually every State and municipality of our Nation. Thus H.R. 796 is a solution in search of a problem. This bill has a fatal flaw. It discriminates one class of people by making their beliefs—in many instances religiously motivated—a Federal crime. There is no justification for such a new role by the Federal Government.

Mr. Chairman, today's debate is not about civil disobedience. It is about making civil disobedience on behalf of one particular cause a Federal offense.

Look at the evidence. Members of unions who threaten other employees or even destroy property and attack other workers are not covered by this bill. This is true despite the fact that their actions potentially threaten the free association and contract rights of their employers and fellow employees. So called gay rights activists who interrupt worship services across this Nation are not covered by this bill. This is the case even though their actions infringe on a right so fundamental, free exercise of religion, that the Founders of this Nation insisted on placing it first among the Bill of Rights.

Sadly, only those who seek to protect the lives of unborn children are covered by this bill. Regardless of your position on the legality of abortion, I ask my colleagues on both sides of the aisle to consider the consequences of today's act. Let us not start down the path of making Federal crimes out of what are essentially philosophical disputes. The American people deserve better.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. INGLIS], who has a very important point to make.

The CHAIRMAN. The gentleman from South Carolina [Mr. INGLIS] is recognized for 1 minute.

Mr. INGLIS of South Carolina. Mr. Chairman, hidden away in this bill is another reason to be against it, not just the dangerous tide of the federalization of law enforcement, which we seem to be about in the other body

and in this body here every day here lately, but leaving that aside, there is another very important reason to oppose this bill. This bill gives a plaintiff a private right of action, a clinic a private right of action to bring a lawsuit against a protester. That protester may be a grandmother on the sidewalk handing out a leaflet, yes, simply extending her arm to give a pamphlet to someone. Viewed from inside that clinic, that will be seen as an aggressive act, one that requires immediate action, and a lawsuit is filed against the grandmother, the grandmother finds herself in court, and we have the litigation explosion and the expansion of it through this bill.

No other civil rights bill gives this private right of action. This one is unique. This one gives a private right of action no other civil rights bill does. Why is that? Is this such a fundamental thing that we have got to give fuel to the fire, the litigation explosion? Stop the litigation explosion. Stop this act.

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Mr. BROOKS. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I would ask the gentleman who just spoke to remain in the body, that, in fact, there is other legislation that provides the same right for civil action, and this body passed it without objection last year, which is the access to animal research laboratories.

I will comment that for years radical antiabortion groups have been denying women's rights.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Is there not a difference though between that statute and this one? Is that not a fact?

Mrs. UNSOELD. It is the same right of access, same right of access.

A vast majority of people that are protected under this bill are women, women going into health clinics for cancer screening, or a Pap smear, or a treatment of a reproductive disorder. They may be seeking help, fertility help, or, yes, possibly an abortion.

But all that these women are asking for is protection of their rights without fear of physical harm, without being pushed and shoved, without having to fight their way into a clinic.

Please, oppose weakening amendments and support passage of the Freedom of Access to Clinic Entrances Act.

For years, radical anti-abortion groups have been denying women's rights and endangering women's health by blockading family planning clinics. In the past year, they have stepped up their attacks. First there was noxious butyric acid, arson and vandalism. Then in March, outside the Pensacola Women's Medical Clinic in Florida, a doctor was shot dead at point blank range. In August, a doctor was shot and wounded in Wichita, KS.

A recent survey found that one in two family clinics has suffered severe violence this year. One in two. These attacks have sparked national outrage and demands that the brutal ideologically based violence be stopped.

The clinic access bill can make the violence stop by imposing tough Federal penalties on those who obstruct and harass people entering clinics. It is carefully crafted to protect the first amendment rights of protesters by explicitly allowing peaceful protest—from picketing and praying to speeches and literature distribution—as long as that protest does not physically block those trying to enter or exit a clinic.

The vast majority of people protected under this bill are women—going to health clinics for a cancer screening or a Pap smear, treatment of a reproductive disorder or yes, possibly an abortion. All that these women are asking from us is protection of their rights without fear of physical harm, without being pushed and shoved, without having to fight their way into clinic. Please oppose weakening amendments and support the final passage of the Freedom of Access to Clinic Entrances Act.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I am in support of H.R. 796, the Freedom of Access to Clinic Entrances. There is probably no group of people more outspoken and independent than Kansans, and I would not support this bill if it attempted to impose a certain belief on anyone or if it prevented anyone from speaking their mind.

However, the bill we are discussing seeks to prevent stalking, bombings, arson, and acid attacks to enforce their viewpoint. This bill does not set a precedent. In the past we have addressed national problems with national solutions. Examples are some civil rights laws, and the animal facilities protection act.

We need to protect first amendment rights and we need to ensure that everyone in a community has the right to a full range of legal medical services, without fear of violence or intimidation. I believe this bill does both.

Mr. COX. Mr. Chairman, I rise in opposition to H.R. 796. This legislation would create a new Federal felony for certain kinds of trespass, assault, battery, disorderly conduct, and obstruction of public ways already covered by State law.

I oppose the creation of a Federal criminal code. Criminal law—from murder to trespass—is properly the province of the States. Only when peculiar interstate or international problems of criminal law enforcement render State law inadequate should Congress enlarge the Federal criminal jurisdiction.

Because the conduct complained of by proponents of this legislation is always localized—comprising trespass, disorderly conduct, obstruction of public ways, assault, battery, and like criminal offenses—it does not fall within this narrow exception. If this legislation were to pass, the Federal courts will be required to handle cases as simple as trespass or vandalism.

This new law would also require such offenses to be investigated by the Federal Bureau of Investigation and prosecuted by the U.S. attorneys' offices. Much unnecessary litigation—both criminal and civil because there are new Federal civil causes of action in this bill as well—would be added to the already crushing burden on our Federal court system.

The Smith substitute, while less broad than the underlying bill, likewise federalizes a broad range of State law crimes. For that reason, despite my very high regard for its author, I must vote against it as well.

Instead of seeing to it that justice is served, federalizing basic criminal law enforcement only makes our entire criminal justice system less efficient. That is why I intend to vote "no" on H.R. 796.

Ms. LONG. Mr. Chairman, as a Member of Congress, the issue of abortion is one of the most difficult issues on which I must vote. I have long supported the rights of States to pass restrictions, such as parental consent or notification, that they believe are appropriate. Today the Congress has the opportunity to vote on an amendment that appears to protect the parent-child relationship in such situations.

The Freedom of Access to Clinics Act would make it a Federal offense to use force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with anyone seeking reproductive health services. The DeLay amendment to this bill would exempt parents or legal guardians from penalties or civil remedies when their activities are directed at their minor child. In effect, this provision would allow parents to use force or threat of force against their daughter. I cannot support such a provision that would condone the use of force in such a situation.

Mr. CRANE. Mr. Chairman, I rise to oppose H.R. 796, the Freedom of Access to Clinic Entrances Act.

If the House should pass H.R. 796 as it was reported, we will prohibit the right to peaceful protest which is guaranteed in the first amendment of the Constitution. Moreover, this bill is specifically aimed at only one group of individuals, those who oppose abortion and are attempting to change its current legal status in the United States. Why focus on the pro-life protestors? Where is the concern about protestors during labor disagreements? Why not protect pro-life activists from violent pro-abortion groups? The limited scope of the bill certainly raises questions regarding equal protection under the law. The current language of the bill is so vague that the actions of individuals who peacefully stand before the entrance of a clinic are subject to the same penalties as the violent obstructionist protestors. This ambiguity could certainly lead to a flood of litigation.

While I oppose abortion on demand, I realize that those who perform abortions do have rights themselves. I condemn the actions of the individual who killed the abortionist Dr. David Gunn and those who have bombed clinics where abortions are performed. In fact, those seeking to protect the life of the unborn have condemned the Gunn slaying and the

vast majority of organized pro-life demonstrators not only protest in a non-violent manner but have also condemned the violent actions of others.

Mr. Chairman, is it in the purview of the Federal Government to be involved in this issue? Absolutely not. Many States have laws on the books addressing some of the concerns raised during this debate. I believe that we must allow State and local governments to make these laws. If we do not, then we are merely extending the long arm of the Federal Government into every county courthouse and statehouse in America.

In my view, this bill will violate the constitutional rights of Americans to protest peacefully. For all of the above reasons, I urge my colleagues to reject H.R. 796.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 796, the Freedom of Access to Clinic Entrances Act.

This is not about abortion, or the right to choose. It is about protecting patients and health care providers from the rapidly escalating violence that we have been witnessing at reproductive health clinics around the country. That is why, in spite of our differing views on the matter of choice, those of us who support this bill have come together on this issue. We believe that something must be done to stop the violence. We believe that individuals do not have the right to attempt to take the law into their own hands because they do not support a woman's right to obtain a safe, legal abortion.

Over the past 10 years we have seen over 1,000 incidents of violence and almost 500 blockades—not peaceful demonstrations—at reproductive health care facilities. One doctor has been killed. Another wounded. Patients and providers have been stalked and threatened. Clinic blockades and invasions, arson, chemical attacks, and bomb threats are all a part of this campaign. Yet, State and local laws have not been enough to address the scope of the problem.

But this bill gives the Federal Government the power to act when—and only when—protestors go beyond the lawful expression of their views and resort to acts of violence against those with whom they do not agree. The Freedom of Access to Clinic Entrances Act makes it a Federal crime to obstruct access to a reproductive health clinic or to damage such a clinic. It further makes it a Federal offense to force, threaten, obstruct, injure, intimidate or interfere with anyone seeking or providing reproductive health services.

The bill explicitly states that it does not apply to peaceful demonstrations, which are a form of expressive conduct that is protected by the first amendment. It does not violate anyone's right to free speech or to demonstrate peacefully. Protestors only break this law when their peaceful demonstrations turn into physical obstructions or, even worse, violence. The bill protects patients and providers and insures patient access, yet it allows those who choose to protest to do so peacefully, within their constitutional rights.

I respect the rights of those who believe that abortion is wrong. However, I also support a woman's right to access the complete range of reproductive health services, and the right of health care providers to render these services—without being assaulted or harassed. For too long, we have watched demonstrators, using physical obstruction and intimidation, prevent women from exercising their constitutional right to obtain an abortion. Enactment of the Freedom of Access to Clinic Entrances Act is long overdue.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise today in support of H.R. 796, the Freedom of Access to Clinic Entrances Act. The increasing rate of vandalism, chemical attack, arson, death threats, and even shooting, is alarming. This legislation provides essential protection to health care providers and their patients.

In the past week, a group of protesters chained themselves to the Midwest Health Center, a clinic owned by Planned Parenthood of the Chicago area. This same clinic was one of three in the Chicago area that were struck by a chemical attack in 1992. Vandals poured a noxious acid through the clinic's mail slot, damaging carpeting, drapery, and furniture. At another health center in the city, vandals drilled a hole in the back door so they could spray the chemical in. the clinics were forced to be closed for a day, denying access to medical services and birth control information to communities with some of the highest levels of teen pregnancy and infant mortality in the Nation.

Mr. Chairman, this legislation responds to a nationwide campaign to instill fear in doctors and patients. Regardless of our individual views on abortion, we all share an obligation to protect the safety of our constituents. We also share an obligation to protect free speech. I support this legislation because it protects both. This difficult and divisive issue must be fought with reasoned words and ideas, not vandalism and terrorism.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of H.R. 796, the Freedom of Access to Clinic Entrances Act. This bill is a carefully considered, carefully drafted measure which would guarantee the protection of rights for people on both sides of the abortion issue to engage in peaceful protest. It would also extend protection for women seeking access to reproductive health services legally available to them and for providers who offer those reproductive health services.

In 1993, over 50 percent of clinics across the country offering reproductive health services have undergone extreme violence, including death threats, arson, chemical attacks, and bomb threats. In the past 2 months alone, 4 clinics in my home State of California have experienced dangerous and damaging acts, including an arson incident at one clinic in September which caused 1.4 million dollars' worth of damage.

H.R. 796 would provide for the imposition of civil and criminal penalties on individuals who intentionally prevent other individuals from entering or exiting a reproductive health facility. This measure is necessary because abortion issue extremists have too often overstepped their constitutionally protected rights of free speech and assembly and acted illegally, impeding and obstructing the constitutional rights of others.

H.R. 796 would explicitly protect constitutional rights by preserving the freedom to peacefully demonstrate under the first amendment at clinics. This bill would not prohibit or punish lawful activity such as the passing out of leaflets, praying in front of clinics, picketing and other protesting without force, threat of force or physical obstruction. The bill does prohibit the use or threat of force at clinic entrances.

The support the Freedom of Access to Clinic Entrances has—from both sides of the aisle and from both sides of the abortion debate—adds strength and credibility to this bill which would quite simply protect rights already guaranteed in the Constitution by punishing violent offenders.

Mr. Chairman, I urge my colleagues to vote against violence and to vote in favor of H.R. 796, without any debilitating amendments.

Mr. DELAY. Mr. Chairman, this bill has many problems. Later in this debate I will offer an amendment to protect the rights of parents to raise their own children.

Let's be very clear as to what we are doing on the floor of the House today. We are creating special rights for certain people and creating special penalties for certain groups of protesters.

My colleagues have heard several stories of violence committed by persons who oppose abortion. But far more prevalent than violence at abortion clinics is union violence.

I want to inform my colleagues about Eddie York from Dingess, WV. Eddie York is a victim of strike violence. He was 35 years old when he was killed by a single shot in the back of his head this past July.

Eddie worked for an independent contractor cleaning a reclamation pond at a mining operation. He had done this work for years. The mining company was being struck this summer. Eddie York did not even work for the mining company and his was not work performed by the union.

He was shot and killed in Logan County, WV, as he attempted to leave the mine. If my colleagues think it is dangerous to cross picket lines at abortion clinics, they should try to enter or exit most of the mines that are being struck. This mine was no exemption. People have to be escorted on and off the property, and most individuals will only drive in convoys for safety.

Two security vehicles escorted Mr. York and another person off the property. After the vehicles left the property and were driving on a public road, strikers began hurling rocks. Shots were fired from a wooded area; several shots hit other vehicles in the convoy. According to the police, the truck Eddie was driving was hit at least three times. One of those bullets was fatal.

One of the reasons for this violence is that Federal law provides no adequate remedies to deal with the problem of picket line violence. Historically, the National Labor Relations Board has dismissed complaints of violence as nothing more than examples of, in the words of one decision, mere animal exuberance.

While we have a national scheme for regulating union representation elections, collective bargaining negotiations, and picketing activity in connection with union organizing and collective bargaining, the NLRB refuses to address the violence that too often accompanies such activities.

The reason given is that violence is a matter best left to State and local authorities. What

happens, unfortunately, is that those authorities are unwilling to get involved in violent strikes because their family members, friends and neighbors are involved. Also, many State and local police forces are represented by union themselves, and too often these police unions end up sympathizing with the strikers.

If we have a national labor policy that regulates collective bargaining, then we should have one that addresses picket line violence. Thousands of Americans have been killed, maimed and seriously injured because of picket line violence arising from labor disputes than have from violence occurring on picket lines at abortion clinics.

Eddie York's tragic death is not unique. Eddie's only crime was that he simply wanted to provide for his family. If Congress is going to take a strong stand against picket line violence, it should do so no matter what the reason for that violence.

Unfortunately, this House refuses to provide or even consider to provide equal protection under the law to hard working Americans subjected every single day to deadly union violence.

People entering abortion clinics will receive special protections under this bill that average Americans attempting to go to work do not receive.

I point out to my colleagues that they should make no mistake about what we are doing with this bill.

Support of this bill will provide more protection to people who want to kill the living than to people who want to make a living.

I urge my colleagues to oppose this bill.

Mr. ANDREWS of Texas. Mr. Chairman, since 1977, there have been over 1,000 recorded violent incidents outside family planning clinics. So far this year there have been hundreds of serious attacks against abortion providers—this includes arson, bombing, and incidents of severe vandalism. This year, in Houston alone, a clinic has been fire-bombed, gas has been poured through roof air vents severely damaging the building and beuyric acid has been used to damage two clinics. During many of these incidents, pregnant women were inside the clinics receiving prenatal examinations. Clearly this interference has gone far beyond the legitimate expression of views.

Attacks on patients continue to increase. Individuals responsible for these heinous acts do not, as they claim, hold peaceful demonstrations, but rather they terrorize patients and clinic personnel. At the very least they set up blockades which prevent staff and patients from entering or leaving clinics.

This bill does not send anyone to jail for exercising their constitutional rights. The truth of the matter is that it protects the rights of anti-choice and pro-choice advocates equally. The only rights that are not protected are those who choose to take the law into their own hands. That is why this legislation is supported by the American Civil Liberties Union, the National Association of Attorneys General and many pro-life organizations, just to name a few.

It is essential that we do more to secure the legal right to choose. We must protect the rights of those who provide legal abortion services from harassment. Too many physicians have had their and their families' lives threatened. We simply cannot allow this to continue.

Recent escalations of violence and blockades at clinics demand that we enact legislation to protect a woman's ability to exercise her constitutional right to an abortion. I urge my colleagues to support the Freedom of Access to Clinic Entrances Act.

Mr. SKAGGS. Mr. chairman, as a cosponsor of the Freedom of Access to Clinic Entrances Act I urge my colleagues to join me in passing this much needed legislation.

Simply stated, this bill would make it a Federal crime to attack or harass people at medical facilities where abortions are performed. We should not, and cannot, continue to condone the activities of a vocal minority who use force and intimidation to interfere with people who lawfully seek to obtain or provide reproductive health services.

As I'm sure everyone is aware, the recent escalation in violence against patients, doctors, and others entering and leaving medical clinics has been both vicious and deadly. Just this year alone, one doctor was shot and wounded by an anti-abortion protester in Kansas, and more tragically, a similar attack in Florida left another doctor dead. There have been all too many other instances of violence, ranging from drive-by shootings and bombings to vandalism and shovings against people exercising their constitutional right to choose to have an abortion, those who assist them, and even people who happen to be visiting clinics on other business.

This kind of behavior is not acceptable and must not be tolerated. Of course, I respect and support the fundamental right of anti-abortion advocates to voice their opinion. The first amendment protects that right, and I am an unqualified supporter of the first amendment. But actions that interfere with the constitutional right of others to have access to reproductive health services have no more to do with the first amendment than any other criminal assaults.

When peaceful protests become violent confrontations, when a war of words becomes a war with victims, it's time to draw the line. We must ensure that people with a constitutional right to choose an abortion have the necessary freedom from harassment to exercise that right.

Based on tragic recent history, it is clear that existing laws are inadequate to prevent this violence or punish those who commit it. That's why it is urgently necessary that we enact the legislation before us today, and I urge my colleagues to join me in doing precisely that.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 796, the Freedom to Access Clinic Entrances Act [FACE]. I am dismayed by the senseless violence that has occurred in this country against both individuals seeking health services and providers of health care. I realize that many people have deeply held opinions on the subject of abortion. I believe that the right to voice or demonstrate ones' opinion is the essence of our democratic society. However, it is inconceivable to me that the divergence of convictions has led to intentional obstruction of individuals' access and personal freedom to medical services—not just abortion.

I believe that individuals should have the opportunity to access the best health care services available. I am outraged at malicious acts of violence that have occurred toward individuals and health facilities. These traumatic incidents have sent a frightening message across the United States, that individuals seeking or providing health services are now susceptible to threats, injury, or death. Our Founding Fathers did not create the first amendment to justify intrusion on our fellow citizens' civil and constitutional rights.

The FACE bill is a response to the threats and intentional interference that has plagued our health clinics. This bill would impose civil or criminal penalties to persons who intentionally prevent, injure, or intimidate other individuals from entering or exiting a medical facility. The measure would apply to all individuals, regardless of their views. This language does not amend the first amendment, nor does it infringe upon the fabric of the Constitution. H.R. 796 incorporates language from operative Federal statutes, such as the prohibition to use or threaten to use force to willfully injure, intimidate, or interfere with an individual's right to vote. Thus, the argument that this bill is unconstitutional, simply does not hold water.

I wholeheartedly support the first amendment of the Constitution—protecting the freedom of speech or the press, the freedom to establish a religion, the freedom to petition the Government, and the right to peaceably assemble. Everyone is entitled to express their views and I respect that. The first amendment is the backbone of this country and I hold it as a sacred right. However, you can't yell fire in a crowded theater. The first amendment is exploited when individuals inflict harm onto other individuals or violate others' civil and constitutional rights.

Mr. Chairman, H.R. 796 will not prohibit peaceful protesting, assembling, or picketing. This legislation maintains the right to voice one's opinions and assemble for something that is of great concern, as long as it does not present harm to others. I urge my colleagues to support this bill.

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 796, the Freedom of Access to Clinic Entrances Act, and in opposition to any weakening amendments.

The need for this legislation is imminent. According to a recent nationwide survey of women's health care clinics which provide reproductive services, antiabortion violence is a serious and life-threatening intimidation tactic. Of the clinics participating in the survey, 50.2 percent have experienced severe antiabortion violence in the first 7 months of 1993. These violent acts included death threats, stalking, chemical attacks, arson, bomb threats, invasions, and blockades.

The violence has been extremely detrimental to the lives of health care workers and to the provision of health care services. Death threats and stalking have caused health care workers and patients to fear for their safety and their lives on a daily basis. The work of many clinics—which often includes low-cost prenatal care, birth control, infertility, and adoption as well as abortion services—has been disrupted regularly by blockades, chemical attacks, and invasions. In extreme cases, innocent lives have been lost, as in the murder of Florida physician, Dr. David Gunn.

Clearly, antiabortion violence has created a health care crisis that demands immediate Federal intervention.

In fact, Attorney General Janet Reno testified before the Senate Labor Committee that no adequate remedy now exists to address this crime wave. Anti-abortion crusaders draw blockaders from around the country to overwhelm local law enforcement agencies in an effort to further their cause. As a result, local police departments are either unable, or unwilling, to deal with the scope of this activity, creating a situation analogous to the impetus of Federal civil rights legislation in the 1960's.

H.R. 796 will simply protect access to legal abortion services by prohibiting the use or threat or force that interferes with obtaining or providing reproductive health services. Lawful picketing and protest which is unaccompanied by force, threats of force, or physical obstruction, would not be prohibited and would be explicitly and fully protected by the act.

I urge my colleagues to support this legislation. We cannot continue to condone intimidation tactics and unchecked violence by ignoring the facts Vote in favor of H.R. 796.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 796, the Freedom of Access to Clinic Entrances Act and urge my colleagues to pass this legislation. This bill makes it a Federal crime to obstruct access to a reproductive health clinic, or to damage such a clinic. Under H.R. 796, it would become a Federal offense to use force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with anyone seeking or providing reproductive health services.

Local law enforcement is not always capable or willing to respond to abortion providers if violence or any disruption occurs. H.R. 796 remedies this by creating Federal penalties for impeding access to abortion services. H.R. 796 carries criminal penalties of up to $100,000 and up to 1 year in prison for a first violation, and up to $250,000 and 3 years in prison for a second violation.

It is absolutely vital to protect a woman's ability to exercise her constitutional right to an abortion. Eighty-three health facilities were blockaded last year, preventing access to these clinics which provide a range of health services, not just abortion. Women and children depend on such facilities for family planning, prenatal care, and childhood immunizations, as well as abortion. We also need to protect medical facilities from damage or destruction. Sixteen reproductive health clinics were burned and more than 100 incidents of vandalism were reported last year. The violence has escalated to murder and physical harm by use of firearms. We can not allow this to continue.

This is not to say that protesters will not be allowed any freedoms. The Freedom of Access to Clinics Entrances Act protects the rights of everyone to express their opinions. Picketing, prayer, and distributing pamphlets are considered free speech under the first amendment and are protected by H.R. 796. This bill also protects those entering the clinics and the clinics themselves. No one should be subject to violence. By supporting H.R. 796, you will be protecting women from intimidation, terror, and physical threats.

I urge you to support the Freedom of Access to Clinic Entrances Act. This act will allow people the right to oppose abortion, but these same people will not have a right to cause harm to anyone entering or inside an abortion clinic. Clinic violence will no longer be tolerated. Vote for H.R. 796.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 796, the Freedom of Access to Clinic Entrances Act. I want to commend my colleague from New York, Congressman CHARLES SCHUMER, for crafting this legislation and for working so assiduously for enactment of this critical measure. His leadership in this regard has been especially important as in the last several years, our Nation has witnessed the escalating violence of antiabortion extremists. Consequently, we have also observed the inadequacy of existing State and Federal laws, and the inability of local law enforcement authorities to curb the rising tide of violence against abortion clinics, doctors, health care workers, and women across the country.

In light of this grave situation, Mr. Chairman, we must recognize that a Federal response to this violence and harassment is absolutely necessary. H.R. 796 embodies that response by providing critically needed Federal civil and criminal penalties against persons engaging in these heinous acts of harassment, intimidation, and violence. These sanctions will serve as powerful deterrents, curtailing the terror and extremism fueling the rising incidence of clinic violence nationwide.

As we have witnessed, this problem is national in scope and existing Federal law is inadequate to provide a complete remedy. The widespread violence has been extremely detrimental to the lives of health care workers and to the provision of health care services. Death threats and stalking have caused health care workers and patients to fear for their safety and their lives on a daily basis. Statistics show that reported death threats against doctors performing abortions have increased by 600 percent in the last year alone.

Moreover, the work of many clinics, which often provide comprehensive reproductive services including low-cost prenatal care, birth control, infertility, and adoption, as well as abortion services, has been disrupted regularly by blockades, chemical attacks, and invasions. In some cases, antiabortion violence has damaged clinic facilities or driven away clinic staff, forcing these facilities to reduce their patient load and the wide range of services they provide. Other clinics have had to cease operation altogether after their facilities were destroyed by fire or bombings, leaving thousands of women without adequate health care services.

Mr. Chairman, antiabortion violence has created a health care crisis that demands immediate Federal intervention. Antiabortion violence not only has curbed access to abortion, but also has prevented patients, particularly low-income women and their families, from receiving a wide range of health care services—poor women who depend on these clinics for their health care needs have been the primary casualties of antiabortion violence. Failure to pass this critical measure will pose a serious threat to not only a woman's access to reproductive health care, but the health care needs of children and families throughout this country.

Mr. Chairman, the violence and terrorism directed at women and medical personnel at clinics is already epidemic. To fight this epidemic we must enact the Freedom of Access to Clinic Entrances Act. H.R. 796 represents the best medicine to cure this epidemic and I urge all of my colleagues to vote in favor of H.R. 796.

Mr. EVERETT. Mr. Chairman, I rise today in opposition to H.R. 796, the Freedom of Access to Clinic Entrances Act, or FACE. I oppose this legislation not because it seeks to deter violent acts which have been perpetrated against abortion clinic personnel—I feel that such acts should be appropriately punished by law and agree that such violence as the murders of Dr. Gunn and Dr. Tiller cannot be tolerated.

However, to me, this bill is objectionable for two very basic reasons. First, it sets a dangerous precedent constitutionally by essentially criminalizing an individual's particular view point. Mr. Chairman, I am not aware of any penalties for other groups such as animal rights activists, striking workers, and so on, who are known for their vigorous styles of protest. Once again, there are those in this body who want to silence a specific movement and punish speech based on content.

Mr. Chairman, this bill's language is so broad and vague that I feel certain this will encourage more frivolous and time-consuming litigation which will burden our already overtaxed court system. Mr. Chairman, I am also concerned that, under FACE, there is no clear definition as to what injury is which only opens the door further to lawsuits brought by private individuals based on emotional or mental distress. Moreover, this bill puts peace-abiding nonviolent citizens in the same category as those protestors that employ less peaceful means. As a result, I feel the cumulative effect of this legislation is to ultimately discourage one sector of our society from expressing its constitutionally guaranteed rights of free speech.

In closing, let me say that this bill is a wolf in sheep's clothing. It claims to ensure freedom of access to one group, while denying access to the public arena for those individuals who wish to be heard on the issue of human rights in a peaceful manner. Mr. Chairman, I challenge my colleagues to make this vote a referendum, not on pro-life or pro-choice, but on the need to preserve free speech for all Americans. If we pass H.R. 796, we will have placed a foot in the door that will encourage the further erosion of the constitutional rights for other groups that those in Washington wish to silence.

Mr. Chairman, I urge my colleagues to vote to protect free speech; vote "no" on this legislation.

Mr. KYL. Mr. Chairman, I rise in opposition to the Freedom of Access to Clinic Entrances Act, H.R. 796.

The purported purpose of this bill is to help prevent violence against those who perform abortions. It creates Federal criminal and civil remedies against blockades, assaults, and other violent and threatening tactics by individuals who are motivated by their opposition to abortion.

I am troubled by an increasing trend to duplicate State criminal laws with new Federal laws when, first, State laws and law enforcement are not shown to be inadequate, and second, Federal courts are already overburdened.

Mr. Chairman, the murder of Dr. David Gunn in Florida was deplorable. It cannot be condoned under any circumstance. But, the fact is, it is a crime under Florida law, and the individual responsible for that crime was promptly arrested on a first-degree murder charge. There is nothing to suggest that the State of Florida has in any way been derelict in its duty, or that another law would have prevented the crime.

More than 2,600 pro-life protestors were arrested in Wichita in August 1991 after engaging in incidents of illegal trespass. Not only was a trespass law on the books, but obviously there was no question in the minds of local law enforcement authorities about enforcing it.

And, according to a memorandum dated October 7, 1993, by John Keeney, the Acting Assistant Attorney General, and circulated to U.S. attorneys around the country, a variety of Federal laws are also already available to deal with abortion-related violence. As Mr. Keeney stated in the memorandum, the full copy of which I will ask to be reprinted in the RECORD at the end of my statement,

> Federal law enforcement has regularly responded to instances of arson or bombing of medical clinics which provide abortion services. Over the past decade, the Bureau of Alcohol, Tobacco, and Firearms and Federal prosecutors have solved and obtained convictions in many of these cases.

Assistant Attorney Keeney went on to list other statutes that might be invoked: The Hobbs Act, 18 U.S.C. 1951; Interstate Travel in Aid of Racketeering, 18 U.S.C. 1952; RICO, 18 U.S.C. 1962; Bombing or Arson, 18 U.S.C. 844(i); Interstate Communication of a Threat, 18 U.S.C. 875; and Telephone Harassment, 47 U.S.C. 223.

So the problem is not that the activities in question here are legal. They are not. It is not that local law enforcement authorities have failed to enforce those laws. They have.

If there is really a need to enhance the ability of law enforcement to deal with unruly protesters, it is not advanced by passing another law to be enforced. But, I suspect that the goal is not simply to duplicate existing State or Federal laws against criminal offenses, but really to chill even peaceful protests by those motivated by their opposition to abortion.

Mr. Chairman, that gets to another concern which I have: I believe the law ought to apply uniformly no matter what the motivation of the perpetrator. If a group of AIDS activists demonstrate outside an abortion clinic because that clinic's personnel allegedly refuse to care for persons who are HIV positive, they would not be subject to the penalties imposed by this bill. Yet, identical conduct by pro-life protestors at another clinic several miles away would be subject to the very severe penalties of this legislation just because they are motivated by their concern about abortion.

Can we really say that the conduct in the first instance in any less problematic than the second—that those involved in the pro-life protest are deserving of more punishment?

There should not be different penalties depending on the motivation of protestors. Why should animal rights activists, labor groups or AIDS activists be treated differently than pro-life protesters if their conduct is identical?

The effect of this bill is really to establish penalties so daunting, and define offenses so broadly, that few people would consider exercising their constitutional right to protest abortion, even in nonviolent ways.

Many will support this bill because they support access to abortion; but I suggest they should consider what happens when the government looks back on this legislation as a precedent to suppress other conduct and other causes in the future. This bill would put us on a slippery slope. We should be very careful about sanctioning assaults on free speech and expression. To do it in one popular case is to invite it in others that might not be so popular; but, the precedent will have been established.

The constitutional right to free speech and assembly is too precious to be risked on today's popular cause. This is especially so since all of the conduct proscribed by this bill is already adequately covered by other laws against violence and threats of violence.

Mr. Chairman, we don't need to consider a new Federal law every time someone breaks a State or local law—most States and localities already have laws on the books dealing with the offenses that would be covered here. Moreover, many communities are considering so-called bubble laws to provide a zone of protection to people seeking to enter a clinic. So long as such local ordinances apply to all establishments, not just abortion clinics, and are not impermissibly restrictive on the right to exercise free speech and assembly on public property, such local ordinances would do more to resolve the problems than this legislation.

I urge my colleagues to oppose this bill, and I ask unanimous consent that the Kenney memo be reprinted in the RECORD at this point.

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, October 7, 1993.

Memorandum to: All United States Attorneys.

From: John C. Keeney, Acting Assistant Attorney General.

Subject: Threats and Violence Directed Against Abortion Service Providers.

While most anti-abortion activity is comprised of peaceful picketing which is, of course, constitutionally protected under the First Amendment, recently there have been a number of forcible or violent acts or threats against providers of abortion services. This has led the Department to review the federal law enforcement response to such activity. This memorandum is intended to provide guidance to U.S. Attorneys in fashioning an appropriate response to anti-abortion threats and violence which violate federal criminal laws.

Federal law enforcement has regularly responded to instances of arson or bombing of medical clinics which provide abortion services. Over the past decade, the Bureau of Alcohol, Tobacco, and Firearms and federal prosecutors have solved and obtained convictions in many of these cases. However, there has not to date been a comparable effort to exercise jurisdiction under other federal statutes of potential applicability to anti-abortion violence. When there is a jurisdictional basis to respond to forcible or violent acts or threats against abortion service providers, U.S. Attorneys, in conjunction with their local FBI office, should move aggressively to fulfill their enforcement responsibilities. This is particularly critical in those jurisdictions where local law enforcement authorities are not responding effectively.

There are several federal statutes which may, in certain instances, be applicable to such threats and violence. The following is a brief review of some of those statutes.

The Hobbs Act, 18 U.S.C. §1951. This statute may, in certain circumstances, provide a basis for prosecution of persons who attempt to drive abortion clinic providers out of business through the knowing and deliberate use or threatened use of force or violence. Although the statute also requires proof of an adverse effect on commerce, the courts have concluded that only a minimal effect is required. Attached is a memorandum which explores in more detail the potential application of the Hobbs Act to forcible or violent protest activity designed to shut down the operation of an abortion clinic.

Interstate Travel in Aid of Racketeering, 18 U.S.C. §1952. This statute has potential applicability to persons who travel in interstate commerce with intent to commit any crime of violence to further an unlawful activity and thereafter engage in or attempt to engage in acts of extortion or arson.

RICO, 18 U.S.C. §1962. This statute makes it a crime to be a part of an enterprise, including a group of individuals associated in fact, engaged in interstate commerce that conducts, or conspires to conduct, its affairs through a pattern of racketeering that could include acts or threats of murder, arson, or extortion in violation of state law.

Bombing or Arson, 18 U.S.C. §844(i). This statute makes it a crime to damage or destroy, or attempt to damage or destroy, by fire or explosive, any building or personal property used in any activity affecting interstate commerce.

Interstate Communication of a Threat, 18 U.S.C. §875. This statute makes it a crime to transmit in interstate commerce any communication containing any threat to injure the person of another. Similarly, it is an offense under that same statute to transmit in interstate commerce, with intent to extort, any threat to injure the property of another.

Telephone Harassment, 47 U.S.C. §223. This statute makes it a crime to use telephone lines to engage in interstate telephone calls designed to harass.

When confronted with abortion clinic threats or violence in your district, you should promptly consider the application of these statutes in determining whether there is an appropriate basis for a federal response. If you initiate any investigations or prosecutions, or have any that are now ongoing, please advise the Terrorism and Violent Crime Section at 202-514-0849, so that we can remain aware of the action being taken in this area. Additionally, attorneys in that Section are available to address any questions you might have concerning the application of the statutes discussed above.

Mrs. MINK. Mr. Chairman, the issue that we debate today is not the right to an abortion, and neither is it the right to free access to abortion clinics. We know the answer to both of these questions. The right to choose to have an abortion is a fundamental right, and access to abortion clinics is absolutely necessary to protect that right. Today, that right is being challenged by violent actions of vigilantes, who use fear and terrorism to prevent the free exercise of health care.

Elements of the antiabortion movement have attempted to wrest this issue from reasonable protest to systematically conducting a highly coordinated campaign of terrorism and violence. The unfortunate subject of this violence are those who provide women's reproductive health care services and the women and children who seek their care.

Since 1977, more than 1,000 acts of violence have been committed against abortion clinics, their patrons or staff. These include 36 bombings, 81 arsons, 131 death threats, 84 assaults, two kidnappings, 327 clinic invasions, and 1 murder. These acts of violence do not only block women's access to abortion, but they also threaten the health of the women and children who rely upon these clinics for prenatal care and delivery, childhood immunizations, and contraceptive services. The Freedom of Access to Clinic Entrances Act, H.R. 796, seeks to protect these women and children and those who have been courageous enough to care for them.

H.R. 796 would effectively impede this radical element and protect access by establishing criminal penalties and a civil cause of action against anyone who "by force, threat of force, or physical obstruction, intentionally injures, intimidates, or interferes with any person because that person or any other person or class of persons is obtaining or providing reproductive health services, or intentionally damages or destroys the property of a facility because that facility provides reproductive health services * * *."

Those who oppose this legislation, or who seek to eviscerate it with weakening amendments, claim that this bill would somehow impinge upon their right to freedom of speech. This is a false argument. Nothing in this act will prohibit picketing, displaying signs, expressions of verbal opposition, praying, or any other lawful attempt to dissuade women from obtaining abortions.

Opponents of this bill also claim that it violates the first amendment in that the terms "physical obstruction", "interfere", and "intimidate" are unconstitutionally vague. Contrary to these assertions, this language is perfectly clear and would easily withstand a constitutional challenge. The Supreme Court has repeatedly stated as much as upholding identical language which has been used in well-established civil rights legislation.

Mr. Chairman, we must not allow the democratic process to be supplanted by a campaign of terrorism and physical harassment. Rather than allowing violence to determine social policy, the threat of punishment will deter overzealous anti-abortion activists to use appropriate protests to achieve their goals. Furthermore, these penalties are not excessive. They are no different from those found in laws which protect persons seeking to exercise their right to vote, or which protect access to public lands or courthouses.

Mr. Chairman, a great travesty is being perpetrated against law abiding citizens. This campaign of terror has been allowed to continue unabated. We must stand up against those who would allow threats, harassment, and violence take the place of debate and reason. Rather than let policy be decided by those who would kill, burn, or terrorize, this Congress must pass the Freedom of Access to Clinic Entrances Act.

Ms. ESHOO. Mr. Chairman, I rise today in support of the Freedom of Access to Clinic Entrances Act.

As an original cosponsor of this legislation, I believe it's vital for us ensure that all people have the right to obtain health care in safety—especially those seeking important reproductive services and the clinic workers who provide them.

Violent extremism in the name of virtue is more than a vice. It's criminal and must be prosecuted. No matter how passionately antichoice activists may feel about their cause, they should not be entitled to physically attack, blockade, or vandalize those with whom they disagree.

All across the nation, Operation Rescue and similar groups have engaged in a systematic conspiracy to use violence to deprive women of their constitutional right to reproductive services. Since 1977, opponents of choice have directed more than 1,000 reported acts of violence at abortion providers, including bombings, arson, death threats, kidnapings, assaults, shootings, and even murder.

Operation Rescue's "No Place To Hide" campaign terrorizes doctors and health care workers from coast to coast. Some doctors and their families are followed to work, school, and shopping, while others are harassed at home.

The most vivid example of this violence occurred last March when Dr. David Gunn, a physician who provided abortion services, was murdered by an antichoice protester in Florida.

Mr. Chairman, enough is enough. American women should not be held hostage to the terrorist tactics of antichoice extremists.

The Freedom of Access Act would remedy this situation by prohibiting the threat of force to interfere with obtaining or providing reproductive health services. At the same time, it would allow lawful picketing and protests that are unaccompanied by force, threats of force, or physical obstruction.

I believe that this legislation strikes a proper balance between protecting the rights of free access and free speech. Access to reproductive rights must be ensured. And this bill is the right way to do it.

Mr. FORD of Michigan. Mr. Chairman, as a cosponsor of the Freedom of Access to Clinic Entrances Act, I would like to share some thoughts on the arguments made by a few of my colleagues during this debate.

Opponents of the bill claim that it will infringe on the free speech rights of every-day citizens expressing strongly held religious and political beliefs. That is simply untrue. Nobody wants to protect these rights more than I do. The measure before us today is meant to address a different problem—the consistent abuse of womens' legal access to reproductive services by organized professionals who move from one city or town to another intimidating and harassing local residents. When these groups descend on a locality, law enforcement resources are stretched to a breaking point and very often overwhelmed. The Federal offense created in this bill is meant to ensure that women in these localities are not completely cut off from reproductive services.

Instances of terror have touched the women of my congressional district. In Michigan, family planning clinics have been threatened with bombings, invasions, blockades, chemical attacks, and arson. In the fall of 1992 during one 10-day period, 15 Michigan clinics were vandalized with butyric acid. In the first half of this year, three clinics received bomb threats, four clinics reported death threats to their employees, five clinics were invaded, and one clinic was threatened with arson.

In one clinic in my district, an antichoice activist, posing as a patient, entered the building and sprayed butyric acid in the clinic. Professional cleaners needed to overhaul the entire facility—even the dry-wall and porcelain had to be removed and replaced at a cost of thousands of dollars. When it rains the odor recurs throughout the clinic.

Many of the opponents of this bill have further argued that no matter what the intention of the demonstrator, a peaceful nonviolent protester could be hauled off to jail for practicing their first amendment rights. These arguments have completely ignored the language of the bill which states, "the use of force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with anyone seeking or providing reproductive health services" would be made a Federal offense. Peaceful demonstrations—an important part of the American tradition of political participation—are protected.

Mr. Chairman, opponents of this measure have intentionally tried to blur the distinction between the first amendment rights of all Americans to peaceably assemble or the freedom of speech and the practice of civil disobedience. Practitioners of civil disobedience deliberately decide to break a law that they believe is immoral—knowing fully that the consequence of their actions is arrest. This they willingly accept. This bill penalizes only violence—forceful or threatening acts that intentionally interfere with access to reproductive health services. And violence is not a tenet of civil disobedience. My guess is that while the arguments of opponents of this measure are cloaked in the rhetoric of protecting first amendment rights, their real intent is to shut down reproductive health clinics.

The failure of local jurisdictions to protect women—many who are poor and rely on the reproductive health clinic as their only health provider—demonstrates the real need for this legislation. All American women must be ensured the freedom to seek the reproductive health services guaranteed to them by the Supreme Court, free from violence and physical intimidation.

Mr. Chairman, I urge my colleagues to support this proposal.

Mr. KOLBE. Mr. Chairman, I rise today in support of H.R. 796, the Freedom of Access to Clinics Act [FACE]. This bill prohibits the use of force or threat of force to injure, intimidate, or interfere with anyone seeking to obtain or provide reproductive health services. It also prohibits intentional damage or destruction of reproductive health facility property. I want to emphasize that H.R. 796 does not infringe upon first amendment rights. H.R. 796 explicitly acknowledges the right of individuals and groups to picket, display signs, express verbal opposition, or other forms or protest protected under the first amendment.

While I am concerned with the trend to federalize so many crimes, and its impact on the

Federal courts, it has become increasingly apparent that Federal law is necessary to provide adequate protection for employees and patients in reproductive health clinics.

The violence of the protests at these clinics has escalated dramatically. Local law officials have been overwhelmed by the sheer number of protesters and their tactics which include blockades, invasions, vandalism, and the destruction of clinic property. Others have been unwilling to enforce existing laws against trespass, vandalism, and assault.

Patients and medical staff have been terrorized and threatened. Particularly hard hit have been those clinics in rural areas where there is often only one facility to serve a large region. When these clinics are forced to shut down, women in rural areas must travel enormous distances to other facilities.

Women must not be prevented from exercising their right to choose.

I urge my colleagues to support H.R. 796.

Mr. MINETA. Mr. Chairman, I rise today to join my colleagues in strong support of H.R. 796, the Freedom of Access to Clinic Entrances Act. I believe that every American woman—not her parent, not a judge, and certainly not bureaucrats—has the right and the wisdom to make her own choice about abortion.

The individual right to choose is diminished, however, when certain groups block entrances to clinics. The individual right to choose is, in fact, obliterated when protesters go beyond the legitimate expression of their views and resort to acts of violence against those with whom they do not agree.

H.R. 796 will protect women's ability to exercise their constitutional right to comprehensive reproductive health services by guaranteeing access to clinics while preserving the freedoms of the first amendment to the U.S. Constitution.

I believe that this legislation is necessary to address the growing number of violent incidents at these clinics and to guarantee protected access to those facilities. I thus support H.R. 796 because it will ensure that women in all 50 States have access to the full range of reproductive health care services legally available to them, without the threat of violence or intimidation.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in support of H.R. 796, the Freedom of Access to Clinic Entrances Act of 1993. This bill would prohibit force, the threat of force, or physical obstruction which infringes on the rights of others seeking to obtain reproductive health services.

Opponents of this measure charge that first amendment rights would be violated with this bill. However, the Supreme Court has consistently upheld the concept that Congress may act to penalize certain types of harmful conduct and not others. The punishment of conduct which infringes on the rights of others in obtaining reproductive services is consistent in this bill.

I do no oppose protest that is peaceful, nonviolent, and employs means to constructively express opposition. The right to protest ends when it infringes on the rights of other citizens.

No woman seeking services from a health clinic, whether for abortion services or general health care, should be attacked or intimidated in anyway. This bill addresses this concern in a responsible manner, and I support passage.

Mrs. THURMAN. Mr. Speaker, I am voting against the Delay amendment to the Freedom of Access to Clinic Entrances Act because it does not prohibit parents from using force or the threat of force to prevent their daughters from seeking reproductive services. Under the Freedom of Access to Clinic Entrances Act, we, as parents, can continue to discourage our daughters from obtaining an abortion. It does not infringe upon our parental rights or our first amendment rights to counsel our daughters or to tell them "No". Parents retain the right to deny their permission to their daughters to have an abortion.

However, for families in which domestic violence is a threat, the Delay amendment does not fully protect a young woman, who obtains permission from a judge to seek reproductive services, from exercising her right under the law. Instead, it allows the parents of that woman to revert to force and perhaps to the violence which she sought to avoid.

I believe that parental consent and notification laws should remain an issue for States to decide. However, I also am in favor of judicial bypass systems to protect young women from the threat of violence. In fact, many States have gone to great lengths to provide legal bypass systems, and this amendment clearly undermines those efforts.

Further, as the distinguished Chairman BROOKS of the Judiciary Committee pointed out, it puts an extra burden on local law enforcement which now must enforce a basically unenforceable provision of law. Indeed, how will the local authorities know if a person directing force at one woman to prevent her access into a clinic is in fact her parent?

Mr. Chairman, the Freedom of Access to Clinic Entrances Act seeks to end the violence surrounding the abortion issue. The amendment not only weakens its ability to combat violence but also actually rubber stamps violence against our children.

Mr. BACHUS of Alabama. Mr. Speaker, I rise today in strong opposition to H.R. 796, the Freedom of Access to Clinic Entrances Act and in support of the substitute offered by Mr. SMITH of New Jersey.

This legislation does nothing to put tougher penalties on criminals or curb violence in our country. What it seeks to do and effectively does is to limit our constitutional rights to free speech and assembly.

For the first time in the history of our country, courts and judges will be allowed to determine a speaker's motivation and select a harsher punishment, not for an action like murder, but for the motivation of attempting to save the life of an unborn child.

This is not what our forefathers intended when they set in place our first amendment rights to free speech and assembly.

This Congress should instead, attack the real ills of this country—murderers, child molesters, and drug traffickers—with as much zeal as they propose to use to curb the first amendment rights of parents, clergy, and those who peacefully speak for those who cannot speak for themselves.

Ms. DUNN. Mr. Speaker, today I rise in support of H.R. 796, the Freedom of Access to Clinic Entrances Act. We all condemn the violent incidents that have accompanied protests at women's reproductive health care facilities. Violence surrounding this issue must be stopped. It is now necessary in my judgment to pass legislation that will protect access to these facilities. Both the patients seeking a wide range of services and the personnel who work in clinics deserve assurance of protection.

I am convinced that this legislation affirms that it is possible and necessary to protect both a woman's right to choose and first amendment free speech rights of pro-life protesters. H.R. 796 does include a specific disclaimer that its provisions are not to be construed as a prohibition of any expressive conduct protected by the first amendment such as peaceful picketing, prayer vigils, or other peaceful demonstration. Indeed, I believe that our society can find a balance that will protect a wide range of peaceful protests while also guaranteeing safe access to reproductive health clinics, places of worship, public buildings, and any other legal places of business.

However, the recent escalation in vandalism and violence against reproductive health care facilities and their staff demands action. The provocative and threatening tactics by a handful of a clinic blockaders, coupled with the length and the sheer number of demonstrations, often combine to overwhelm State and local law enforcement efforts to uphold relevant State and local laws. These factors, along with a recent Supreme Court decision that current laws do not serve to guarantee Federal protection for women's access to reproductive health care facilities, made it necessary to pass specific legislation.

While it is my opinion that the Smith amendment more specifically defined the punishable acts of violence while safeguarding the right to free speech and peaceful assembly, it is of paramount importance to ensure that women have protected access to reproductive health care facilities.

Mr. PENNY. Mr. Speaker, Mohandas Gandhi, father of the nonviolent protest movement, once said: "pursuit of truth did not permit violence being inflicted on one's opponent, but that he must be weaned from error by patience and sympathy." Gandhi abhorred violence. I abhor violence. Violence whether by pro-life or pro-choice protesters cannot and should not be tolerated. On that principle the sponsors of the Freedom of Access to Clinic Entrances Act and I wholeheartedly agree.

However, I cannot support passage of this legislation without amendment because—all arguments by the supporters and the ACLU to the contrary—I believe that it lacks sufficient first amendment safeguards. The bill itself does not distinguish between nonviolent civil disobedience and violent conduct—though the bill report attempts to clarify its intent. But definitions are in the eye of the beholder and intimidation under the statute could extend to things clearly protected under the first amendment such as singing, praying, chanting, and sidewalk counseling that occurs outside abortion clinics. Even if the definition of intimidation is narrowed to reasonable apprehension of bodily harm, I am concerned that we have moved dangerously toward limiting speech. That is not a step we should take regardless of our personal views on the issue of abortion.

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

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 796

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 "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. FREEDOM OF ACCESS TO REPRODUCTIVE HEALTH SERVICES.

Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 248. Blocking access to reproductive health services

"(a) PROHIBITING ACTIVITIES.—Whoever—

"(1) by force, threat of force, or physical obstruction, intentionally injures, intimidates, or interferes with any person, or attempts to do so because that person or any other person or class or persons is obtaining or providing reproductive health services; or

"(2) intentionally damages or destroys the property of a facility, or attempts to do so, because that facility provides reproductive health services;

shall be punished as provided in subsection (b) of this section and also be subject to the civil remedy provided in subsection (c) of this section.

"(b) PENALTIES.—Whoever violates subsection (a) of this section shall—

"(1) in the case of a first offense, be fined under this title or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined under title or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) CIVIL ACTIONS.—

"(1) RIGHT OF ACTION GENERALLY.—Any person who is aggrieved by a violation of subsection (a) of this section may in a civil action obtain relief under this subsection.

"(2) ACTION BY ATTORNEY GENERAL.—If the Attorney General has reasonable cause to believe that any person, or group of persons, is aggrieved by a violation of subsection (a) of this section, the Attorney General may in a civil action obtain relief under this subsection.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—If an attorney general of a State has reasonable cause to believe that any person or group of persons is aggrieved by a violation of subsection (a) of this section, that attorney general may in a civil action obtain relief under this subsection.

"(4) RELIEF.—In any action under this subsection, the court may award any appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory and punitive damages for each person aggrieved by the violation. With respect to compensatory damages, the aggrieved person may elect, at any time before the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of $5,000 per violation. The court may award to the prevailing party, other than the United States, reasonable fees for attorneys and expert witnesses.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first article of amendment to the Constitution.

"(e) NON-PREEMPTION.—Congress does not intend this section to provide the exclusive remedies with respect to the conduct prohibited by it, nor to preempt the legislation of the States that may provide such remedies.

"(f) DEFINITIONS.—As used in this section, the following definitions apply:

"(1) REPRODUCTIVE HEALTH SERVICES.—The term 'reproductive health services' means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system.

"(2) FACILITY.—The term 'facility' includes the building or structure in which the facility is located.

"(3) PHYSICAL OBSTRUCTION.—The term 'physical obstruction' means rendering impassable ingress to or egress from a facility that provides reproductive health services, or rendering passage to or from such facility unreasonably difficult.

"(4) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 3. EFFECTIVE DATE.

This Act takes effect on the date of the enactment of this Act, and shall apply only with respect to conduct occurring on or after such date.

SEC. 4. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"248. Blocking access to reproductive health services.".

The CHAIRMAN. No amendment to the substitute is in order except the amendments printed in House Report 103–373. Each amendment may be offered only by a Member designated in the report, shall be considered as read, and is not subject to amendment.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 103–373.

AMENDMENT OFFERED BY MR. MC COLLUM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCOLLUM:

Page 5, line 1, strike "Rule" and insert "Rules".

Page 5, line 1 insert "(1)" before "Nothing".

Page 5, after line 5, insert the following:

(2) Nothing in this section shall be construed to interfere with the authority of States to enforce State or local laws regulating the provision of reproductive health services.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. BROOKS. Mr. Chairman, I claim the time for the 5 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

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

Mr. Chairman, the amendment that I offer today is the result of a compromise worked out between my colleague, the gentleman from New York [Mr. SCHUMER], and myself that addresses a fairly narrow but nonetheless important issue related to H.R. 796.

Under the bill as currently written, an individual can pursue litigation against an individual who "by force, threat of force, or physical obstruction * * * interferes with any person or any other person or class of persons" who is "obtaining or providing reproductive health services." Unfortunately, the effect of this language could be to unintentionally cripple most or even all constitutional State regulations regarding abortion, including regulations that serve solely to protect the health of women who are seeking to obtain abortions.

For example, an unlicensed late-term abortionist would have a civil cause of action for compensatory damages and punitive damages against State officials who attempt to prevent the abortionist from performing an illegal abortion. Clearly, that was not the intention of the authors of this bill.

Consequently, I offered in the Rules Committee an amendment that would have limited coverage to those offering legal abortions. My colleague, Mr. SCHUMER, also offered a second-tier amendment that would have addressed this problem. The amendment that I am offering today is, as I have noted, a compromise between my amendment and the Schumer amendment.

Under the provisions of this amendment, nothing in H.R. 796 would be construed to interfere with the authority of States to enforce laws regulating reproductive health services.

Mr. Chairman, I have deep reservations about H.R. 796, but the amendment that I am offering addresses a narrow but serious issue that, if uncorrected, could have a profoundly negative impact on the ability of States and localities to protect the health of women who seek abortions.

Mr. Chairman, this compromise amendment is a prudent and sensible approach and I urge that it be adopted.

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

Mr. McCOLLUM. I am happy to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I want to rise in support of this amendment which was jointly introduced by the gentleman from Florida and myself.

It is an important amendment to clarify what we intend to do and what we do not intend to do with the legislation.

As the gentleman from Florida stated, it was never the intent of this legislation that State laws should be preempted, so it makes clear that the FACE bill does not preempt other State and local laws regulating the provision of reproductive services, the kind of laws that would be constitutional restrictions on abortions, medical regulations, laws regarding manner of providing reproductive services, who can perform such circumstances, safety regulations, et cetera. None of that was intended to be overruled by the bill.

It does, of course, maintain the supremacy of Federal law over conduct that violates this act so that States cannot pass contrary laws in an effort to negate FACE, and so by doing this amendment, we are clarifying that, what we want to do with the bill, not overruling existing State laws.

Mr. Chairman, I appreciate the cooperation and support and always gentlemanly intellectual and keen spirit of the gentleman from Florida.

Mr. McCOLLUM. I thank the gentleman. It has been a pleasure working with him.

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

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

Mr. Chairman, it is always a pleasure to see Republican and Democratic members of the Committee on the Judiciary working together.

Mr. Chairman, I rise in support of this amendment offered by the gentleman from Florida [Mr. McCOLLUM], a distinguished member of the Judiciary Committee.

Mr. Speaker, the Committee on the Judiciary had absolutely no intent of preempting State or local laws governing the provision of reproductive health services. By adding a rule of construction that there is no such preemption to be found anywhere in the bill, the amendment is merely a clarification of our intent to leave such laws in place.

H.R. 796 also specifically states that Congress does not intend to preempt State laws providing remedies with regard to its prohibited conduct. Of course, should a State or local government pass a law permitting the very blockades or other activities outlawed by this bill, Federal law would prevail, as it must.

I think the amendment offered by the gentleman from Florida is a very useful clarification, and I urge its adoption.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report No. 103-373.

AMENDMENT OFFERED BY MR. DELAY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY: Page 3, line 8, strike the period and insert the following: ", except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor."

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. DELAY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY].

□ 1420

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

Mr. Chairman, I want to thank you for the opportunity to offer ny amendment to H.R. 796, the Freedom of Access to Clinics Act.

As you know, proponents of H.R. 796 claim that the Freedom of Access Act, championed by Senator KENNEDY, protects individuals who enter abortion clinics from harm. The hype surrounding this bill has been intensified by the tragic Pensacola shooting in which Dr. Gunn, an abortion doctor from Pensacola, FL, was violently killed by a criminal who can hardly be characterized as pro-life. The minute he pulled the trigger he proved otherwise.

It is my strong belief that people who commit violent acts should be prosecuted to the full extent of the law. Any person who would intentionally damage, destroy property, or commit acts of violence should be penalized. Opposition to H.R. 796 in no way condones acts of violence. The bill simply extends beyond its stated purpose.

However, the language of H.R. 796 creates a new cause of action whereby parents and legal guardians can incur civil and criminal penalties for activities you and I regard as normal parenting. I know that my colleagues on both sides of the aisle share this concern with me. The loosely defined language on page 5 of the bill defines physical obstruction as "rendering passage to or from such facility unreasonably difficult."

In addition, many Members may not be aware that under the current language of the bill, a parent who interferes with his or her daughter in their own home whether it be refusing to lend them the car or even a verbal reprimand making passage to a facility difficult can be fined and arrested—even in States where parental consent is required.

The amendment I am proposing is the same as that found in the Kennedy bill and simply exempts the parent or legal guardian from penalties resulting from activities directed toward his or her minor child. I would like to point out that this exemption applies only to parents and their minor children and does nothing to exempt adults whose activities are directed at other minor children.

This exemption in no way interferes with, displaces or affects child abuser or related laws; rather, this amendment simply says that this particular act does not create a new cause of action against parents or guardians.

I believe that this exemption should be included to protect parents from being penalized for raising their children.

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

The CHAIRMAN. Does the gentleman from Texas [Mr. BROOKS] rise in opposition to the amendment?

Mr. BROOKS. Yes, Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in opposition to this amendment.

Before we vote on this amendment, let us be very clear about what it is about and what it is not about. It is not about obtaining parental consent before a minor can obtain an abortion. The majority of States already have laws requiring parental consent or notice before a minor can obtain an abortion. H.R. 796 does not change those laws in any way. It also does not apply to peaceful persuasion or to counseling of minors by their parents or their legal guardians against abortion.

What the amendment is about is allowing a person to physically obstruct another person from entering a building, or destroying a building. How, might I ask, are the police to determine that the person making the claim to be a young woman's parent actually is her parent? How are the police even to determine if a young woman is a minor? Ask each young woman for an I.D.? What if she refuses? Should she go straight to jail? Obviously, the amendment does not bother to consider such issues nor does it worry about subjecting police to liability for failing to enforce a basically unenforceable provision of law.

However well-intentioned, this amendment has a great potential for mischief, or worse. I urge my colleagues to reject this amendment.

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

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, if you have a child who is underage and is going to approach an abortion clinic without your permission, I would think that you would want to stop them. I would think my colleagues on both sides of the aisle would want the same right to do that without coming under $100,000 fine or a year in jail; because, I tell you, I have an 11-year-old and a 15-year-old daughter and if either one of them tried to go into an abortion clinic, I would stop them. As their father, I am going to do everything I can to protect them.

I think people on both sides of this issue would support that. That is what this amendment is about. It says that a parent who has an underage child who is going to enter an abortion clinic, can stop them. That is not unreasonable. I do not know which side of the issue you are on on this thing, but I look at the entire bill.

This is a parent's responsibility to a child. I would ask my colleagues to support it.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished Member, the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I urge my colleagues to oppose the DeLay amendment. I recognize how appealing this amendment will be to many Members, but it actually has serious repercussions.

First, please think about what this amendment actually does. It states that parents should not be prevented from using force, the threat of force or physical obstruction if their daughter is seeking to obtain reproductive health services. We are talking about the use of force or threat of force. I don't think that any of us approves of child abuse.

Second, the language challenges the bypass requirement for state parental laws. The Supreme Court has confirmed that such a bypass must be part of these laws. This bypass mechanism is required because there are situations in which a minor does not feel that she can obtain consent, such as the fear of physical violence.

To give an example, a minor could have followed the legal recourse provided to her, and could have obtained a bypass from a judge. She could then go to a clinic to obtain an abortion. However, her parent finds out and forcibly requires her to leave the clinic. This minor has just been denied her rights under the law, and will clearly have to confront the physical violence for which the bypass requirement was established.

This amendment is a dangerous one, and I urge you to defeat it. We cannot condone force against minors by their parents. It is terrible public policy, and I urge a no vote on the DeLay amendment.

□ 1430

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I rise in opposition to the amendment and in strong support of the freedom of access bill, a bill which I cosponsored.

This bill will give the Federal Government the power to act when State or local government cannot or will not act to guarantee access to clinics where women go for essential reproductive health services. Many of these services are preventive in nature as such as prenatal care, pap smears, and mammograms. We cannot permit people to physically block access to a place where women, oftentimes poor women, turn for essential medical assistance.

The naysayers say this bill will stifle free speech. They say it will discriminate against protest and civil disobedience by the pro-life movement. I say protest all you want, speak out all you want, but do not physically prohibit any woman from medical treatment. In Florida one doctor already lost his life, we don't need any other lives lost to this senseless violence.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding this time to me.

Just let me say to the members of the committee, we are talking about a very simple amendment that seeks to preserve and protect the rights of parents to act in the best interests of their minor daughter. That is all this amendment does. It says that the Federal penalties which could include 1 year in prison, $100,000 in fines for the first offense, 3 years in prison, $250,000 fine for the second offense, if you just say "no" to your daughter to an abortion that she may be contemplating.

This violates parental rights; that is to say if the language of the bill were to prevail and the amendment of the gentleman from Texas [Mr. DELAY] were not to prevail, I think it would set a wedge between children and their parents. That ought not to be what children's rights are all about, trying to divide families.

We ought to be promulgating and promoting policies in this Chamber that provide for healing and provide for opportunities for families to grow and to nurture, not to break them apart.

I can foresee instances, particularly with the physical obstruction provision where a mother or a father perhaps might stand in the doorway of their own home and say to their minor daughter, "Please, don't go out and procure that abortion. Please, you've got a 6-month gestation baby growing and being nurtured inside of you. Please don't go down to that abortion clinic, where chemical poisons will be injected into that baby."

That would be an actionable offense under the provisions of H.R. 796. That, Mr. Chairman, is outrageous.

The DeLay amendment is modest. It is very simple and I think it protects parents' rights in a way they ought to be protected.

If child abuse or something else is committed, there are already laws on the books. Every State of the Union has them. Every municipality has laws where if some kind of coercive action is taken against that minor, that is actionable and ought to be, but to make it a Federal crime to say to your daughter, "Please don't go," and perhaps to stand in the doorway of your own house saying, "Please don't go," that would be actionable and a Federal crime, that is outrageous.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding this time to me.

First of all, let me answer the prior speaker. Of course, the parent can say, "Just say no." The parent can talk, the parent can cajole, the parent can do anything except engage in force or threat of force.

This is a difficult amendment to speak against, because on first blush it looks like where we should be going, and oh, how I wish we could pass this amendment and mandate normal parenting for everyone in America and live happily ever after.

But unfortunately, most of our State legislatures have come to terms with this issue. If we pass this amendment we will be undoing what they did. State legislatures have come to terms with this issue. If we pass this amendment we will be undoing what they did. State legislatures in trying to deal with this very complex issue have said, "Look, we're going to say parental consent, but with a judicial by-pass," because if a young person says, "I'm going to be beaten, I'm going to have all sorts of things done."

If this happens, they have the right to go to a judge or someone and get a judicial bypass around their parents if they are truly under that threat of force.

So most of our State legislatures have had the courage to find an escape valve for young people who are trapped in a family situation that is not normal, where violence is more the course than we would like to admit happens in America's families.

What we will do if we pass this amendment is totally negate that, because what will happen then is even if the young person has obtained the judicial bypass, there will be absolutely no way they could still get the services they needed if the parent proceeded to put forth in front of them, what the bypass is trying to avoid.

Second, it would open up a whole new area, and it is for young people trying to get reproductive services, just normal reproductive service. They may very well be sexually active and not able to communicate that with their parents, and if their parents find out supposedly through threat of force, they could prevent this.

You know, 20 percent of young people are coming down with STD's every year. I do not think any parent wants to deal with that, but some parents deal with it better than others and some are able to have very good discussions with their young people and others are not.

How I wish we could move it so that everybody did; but if we pass this, what we will be doing is legalizing acts of force of a parent against a child. I do not think that is where we want to go.

We will be undoing the very important judicial bypass laws that have been worked out when we have seen young people commit suicides and do other things in these kinds of situations where they could not converse with their parents, and we could also be preventing young people from getting reproductive services when they need them, but feel their parents would not allow.

Mr. Chairman, I urge a no vote.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, if I heard the gentlewoman correctly, she said parental rights are awfully difficult to speak against, and boy, should they be.

I knew it would come to this someday. That this father of five and grandfather of nine would be in the position of becoming a criminal when exercising my parental rights over any one of my five children who ever was to contemplate killing one of my grandchildren.

Now, my five are all grown up and in their thirties, and they are five dynamic pro-life young men and women. A couple of them are big in animal rights, too, way beyond any bill I have ever endorsed, but they do have a consistent ethic of respect for life.

I would say to my friend, the gentleman from New York [Mr. SCHUMER], and I do mean my friend, that with some precision the gentleman has tweaked the NRA about their inability ever to make concessions, to be purists right down the line. Yet when it comes to this issue the gentleman himself won't budge.

As for the gentlewoman from Colorado [Mrs. SCHROEDER], she thinks she knows more than most parents.

When it comes to my kids the gentlewoman does not know more than this parent or this grandparent. And when a parent believes that it is a human life in their daughter's womb, then that parent has a right to do whatever they think is required to stop their child from killing their unborn baby. And it is a baby. Did you ever wonder why abortionists who use ultrasound technology to tear the babies apart always divert the screen away from the mother who is allowing the child to be ripped apart in her womb? This remarkable technology is used in killing today. Getting back to the amendment, a vote against the DeLay amendment is a vote against parents.

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

Mr. DORNAN. I am glad to yield to the gentlewoman from Colorado.

I am going to wear my Ranger green sweater tomorrow. It is like a peacock. I can use it to call attention to this side, the father's side, of the parental equation. As Ross Perot said, it takes two to tango.

Go ahead, I yield to the gentlewoman from Colorado.

□ 1440

Mrs. SCHROEDER. Mr. Chairman, is the gentleman asking me to tango?

Mr. DORNAN. Mr. Chairman, how might I interpret that?

Excuse me one second. I ask the gentlewoman, Have you heard Rush Limbaugh's parody of John Lennon's obnoxious song about imagine, in which here is the line "imagine no religion"? Rush has improved it by changing it to, "Imagine there's no liberals." And while I'm at it, did you see the special last night on Denmark? There 10, 11, 12, 13-year-old girls are having sex, carousing, drinking, and smoking. And who do they go to in order to justify expatriots in Denmark engaged in child pornography? Liberals. American liberals wrecking our culture.

This is all part and parcel of the same culture war that is just heating up. Passing this bill will add to it.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER] so she might pose her questions and make her statement.

Mrs. SCHROEDER. And I will even be happy to loan my green suit to the gentleman from California [Mr. DORNAN] if he likes it so much.

But let me just clarify one more time what I am trying to say because I think it might have been just a bit distorted, and I would like the record to be clear, Mr. Chairman.

I, too, am a parent, and I think I am a very caring parent, and I think all of us who are caring parents try tremendously all the time to have dialog with our young people. Now I think the gentleman from California does that, and I hope I have done a good job of doing that. My children are now older, too, and luckily we got through all those difficult years.

Mr. DORNAN. Probably all good liberals like mine are all good conservatives.

Mrs. SCHROEDER. No, but unfortunately we do not all have perfect families, or we do not all have families with this kind of ability to have dialog, and to talk to their young people and that have built this trust, and what I am talking about here is, No. 1, young people who may want to go to clinics talk to their parents, and their parents threaten them tremendously if they do go to a clinic for reproductive services.

Mr. DORNAN. Does the gentlewoman mean they threaten to cut off their inheritance if they——

The CHAIRMAN. The Chair advises the gentleman from California that he must ask the gentlewoman from Colorado to yield.

The gentlewoman from Colorado [Mrs. SCHROEDER] may proceed.

Mrs. SCHROEDER. Yes, and the gentleman from California [Mr. DORNAN] must call me a gentlewoman even if he does not think I am one.

Mr. DORNAN. I do it all the time.

Mrs. SCHROEDER. Oh, good.

But the gentleman must realize that under the bill you can say anything, you can cut off their inheritance, you can argue, you can do whatever you want in that manner, but violence is what is prevented by this bill, and let us hope that we start lowering the level of violence everywhere, and I doubt very seriously that the gentleman really meant he would stoop to violence against his own children because I think he is so verbally skilled that he would never have to do that. I luckily was verbally skilled enough that I never had to do that, but what we are talking about is incidents——

Mr. DORNAN. Mr. Chairman, would the gentlewoman yield for a short question?

Mrs. SCHROEDER. Let me finish.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

Mr. DORNAN. All I did was get lectured.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time which, I believe, is 4 minutes. Is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. DELAY. Mr. Chairman, I think this opposition is really unfortunate. I would like to speak to the bill itself. I think it is a terribly written bill. This bill violates what this country is all about just to protect some abortion

clinics and to protect a certain group of people that believe in abortion and want to violate the first amendment rights of American citizens.

But be that as it may, I cannot believe what I have just heard in opposition to this exemption, the smoke that has been blown over this bill in trying to manipulate what my amendment is about. It is just mind-boggling. I guess nothing is sacred to the liberals. They want to come into people's houses and tell parents how to act. The argument has nothing to do with force, I might add to the gentlewoman from Maryland and the gentlewoman from Colorado. Because, if they read the bill, as I have read the bill, while it does just talk about force and threat of force or physical obstruction, it also talks about intimidation and interfering. Interfering can be defined as a father telling his daughter that they cannot go to the abortion clinic or, cannot have the keys to the car to drive to the abortion clinic.

Mr. Chairman, this is a loosely written bill, and probably intentionally so. Look at the vague argument being made. They are trying to cover up what is the intent of my amendment. All the parental exemption states is: If a parent tells his or her child that they cannot go have an abortion, or if a parent stands in front of the door and just makes an attempt to interfere, and the the daughter blasts past them and goes to the clinic, the parent becomes a criminal—a Federal felon for trying to be a good parent. This is a most unbelievable attempt to try to kill my amendment by throwing out smoke. And the gentlewoman from Colorado says that the exemption interferes with preemption law—that this preempts State parental notification or judicial bypass. However, there is a nonpreemption section in the bill. My amendment does not preempt State law or parental notification status in State law. And it has nothing to do with the child abuse or sexual abuse laws in the State. All it says is that a parent cannot be made a criminal for being a parent. And it is outrageous in my mind that anyone would speak against this amendment based upon the arguments that have been made.

Mr. Chairman, this bill reaches right into our homes and makes criminals out of parents who in any way interfere with their child having an abortion. This bill is so badly written, it is not even location specific. It does not say, "You have got to be standing out in front of an abortion clinic trying to restrict your child from going in." It does not specify a location in the bill. So, anywhere that a parent tries to interfere with their children having an abortion, a cause of action can be brought against that parent, and that parent can be made a Federal felon if convicted. This is amazing.

Mr. Chairman, when a parent tells a policeman that this is my daughter, do my colleagues not think the policeman is going to step back, ask the question and ask for some ID, and investigate it further? But if the parent is standing out in front of the abortion clinic, talking to his daughter in a very rough way, he will be deemed to have been interfering with his child, with any person attempting to go into that clinic and have an abortion.

This is outrageous, it is outrageous that they would go into the homes of America and make felons out of parents.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the freedom of access to clinic entrances bill. This bill will give the Federal Government the power to act when clinic protestors take the law into their own hands to prevent women from obtaining needed medical care and health care workers from providing health services by blockading entrances to clinics, by invading clinics, and by burning these clinics to the ground.

Under this bill, the Federal Government will be able to act when State and local authorities cannot or will not act.

Attorney General Janet Reno has asked Congress to pass this bill because current Federal, State, and local laws are inadequate to protect health care providers, their patients, and clinics.

Today, the opponents of this measure will compare their movement to the civil rights movement and to those protests led by Dr. Martin Luther King. There is a big difference between the two. The protests and marches of the civil rights movement to gain voting rights for African-Americans, is a world apart, from the blocking of clinic entrances, the burning and bombing of clinics, threats directed at patients and health care workers, and the murder of Dr. Gunn in Florida in order to deny women their rights, and to deny them medical services. Shame on you for comparing yourselves to Dr. Martin Luther King.

My colleagues, let us vote for this bill. Without amendments.

□ 1450

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all I want to say is the bill was really very carefully crafted. My only response at this point is that what it says is that you have to have one of three actions: force, threat of force, or physical obstruction. Then, in addition to that, intentionally injuring, intimidating, interfering with, or attempting to do so. You have to have both of these things in tandem, and it will not happen in anybody's home.

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

Mrs. MORELLA. I yield to the gentleman.

Mr. DELAY. Mr. Chairman, the gentlewoman does not think a parent is not going to intentionally stop his child from having an abortion?

Mrs. MORELLA. Mr. Chairman, reclaiming my time, you can use persuasion, of course. But what we are talking about is if you bodily, intentionally stand there in front of a health facility, and you are ready to injure that person, that we should have any waiver, because we consider that to be physical force that should not be used. I want to clarify that this was carefully written.

Mr. DELAY. Mr. Chairman, if the gentlewoman will yield further, I would like to ask a question: Would the gentlewoman show me where it even says health facility or is location specific in the bill?

Mrs. MORELLA. Mr. Chairman, on page 3 of the bill that I have it says that because that person, or any other person, or class of persons, is obtaining or providing reproductive health services or, and then it goes into intentionally damaging. So it says reproductive health services in both instances.

Mr. DELAY. Mr. Chairman, if the gentlewoman will yield further, that does not say anything about a health facility or location of the health facility.

Mrs. MORELLA. Mr. Chairman, the facility is defined at another point within the bill where it lists definitions. It defines reproductive health services, provided in a hospital, clinic, physician's hospital, or other facility, and includes medical-surgical counseling. Then facility includes the building or structure in which the facility is located.

Mr. DELAY. Mr. Chairman, that is not the prohibited activities section.

Mr. BROOKS. Mr. Chairman, I yield the remainder of my time to the distinguished gentleman from Oklahoma [Mr. SYNAR].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 2 minutes.

Mr. SYNAR. Mr. Chairman, my colleague from Texas has, what he considers, a well-intended amendment. Yet I think there are some outstanding questions which really should be posed if we try to practically apply it.

For example, as many of us know, various States have protections today for parental consent notification. States do not interfere on parental discipline. They will, however, stop excessive discipline, as well as child abuse. So the first question with respect to the amendment is how does the gentleman from Texas [Mr. DELAY] intend to deal with that?

Second, as a practical matter, how is a policeman going to determine whether the person causing the interference

is indeed the parent, and whether the child is a minor or not? Is the policeman going to ask for an ID, and if the ID is not forthcoming, is the child then put into jail?

Finally, if the police do not enforce the law because they are unable to determine whether it is, indeed, the parent or whether the child is, indeed, a minor, can the police be held liable?

The point is, there are more questions raised by the amendment than are answered. We need to try to avoid the mischief that the amendment would cause.

Therefore, I would ask my colleagues if they would take a very serious look at the practical application of this amendment I think they will come to the conclusion that this is not the type of amendment that we want to attach to this legislation.

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

Mr. SYNAR. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, to answer the gentleman when he asked what would we do about child abuse, there is a nonpreemption clause in the bill that does not preempt State law. So if a State law has child abuse provisions and child abuse laws, they hold, as has been recommended by Senator KENNEDY himself when he passed this bill in the Senate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and on a division (demanded by Mr. DELAY) there were—ayes 15, noes 9.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 350, noes 82, not voting 6, as follows:

[Roll No. 579]

AYES—350

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

NOES—82

Abercrombie
Andrews (ME)
Bacchus (FL)
Becerra
Blackwell
Boehlert
Brooks
Brown (CA)
Brown (FL)
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
de Lugo (VI)
Dellums
Deutsch
Edwards (CA)
Engel
Evans
Filner
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gilman
Gonzalez
Hamburg
Hastings
Hilliard
Hinchey
Horn
Jefferson
Johnston
Kopetski
Kreidler
Lewis (GA)
Long
Maloney
Margolies-Mezvinsky
Martinez
Matsui
McDermott
McKinney
Meehan
Mineta
Mink
Morella
Nadler
Natcher
Norton (DC)
Olver
Owens
Payne (NJ)
Rangel
Rose
Rush
Sabo
Sanders
Schroeder
Scott
Stark
Stokes
Swett
Synar
Thompson
Thurman
Torres
Torricelli
Towns
Unsoeld
Vento
Visclosky
Washington
Waters
Watt
Waxman
Woolsey
Wyden
Wynn

NOT VOTING—6

Andrews (NJ)
Clinger
Dickey
Dicks
Faleomavaega (AS)
Romero-Barceló (PR)

□ 1521

Mr. COYNE changed his vote from "aye" to "no."

Ms. CANTWELL, Mr. MILLER of California, Ms. FURSE, Mrs. MEEK, Messrs. PETERSON of Florida, BERMAN, KLEIN, FARR of California, GEKAS, and DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. SERRANO, SHAYS, ROSTENKOWSKI, REYNOLDS, FAZIO, SCHUMER, LAMBERT, STUDDS, FIELDS of Louisiana, HOAGLAND, and GIBBONS, Mrs. LOWEY, and Ms. VELÁZQUEZ changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 103-373.

AMENDMENT OFFERED BY MR. SCHUMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHUMER: Page 6, line 4, strike the close quotation mark and the period which follows.

Page 6, after line 4, insert the following:

"(5) INTIMIDATE.—The term 'intimidate' means to place a person in reasonable apprehension of bodily harm to himself or herself or to another.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

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

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

Mr. Chairman, this is a very simple amendment. It simply takes the definition of intimidate; the bill now prohibits the use of force, threat of force or physical obstruction to injure or intimidate.

A question was raised about the definition of intimidate, and it refines

those definitions. I believe it is acceptable to everybody.

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

The CHAIRMAN. Does any Member wish to speak in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 103-373.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SMITH of New Jersey:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clinic Violence and Obstruction Prevention Act of 1993".

SEC. 2. PREVENTION OF VIOLENCE AND OBSTRUCTION AT REPRODUCTIVE HEALTH FACILITIES.

Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 248. Preventing violence and obstruction at reproductive health facilities

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force, intentionally injures, intimidates, or physically obstructs any person, or attempts to do so, because that person or any other person is lawfully providing or obtaining reproductive health services;

"(2) by force or threat of force, intentionally injures, intimidates, or physically obstructs any person who is lawfully engaging in activity protected by the first article of amendment to the Constitution, or attempts to do so—

"(A) in or on, or within 500 feet of, a facility lawfully providing reproductive health services; or

"(B) in or on, or within 300 feet of, the residence of a person lawfully providing or obtaining reproductive health services; or

"(3) intentionally damages or destroys the property of a facility that is providing reproductive health services, or attempts to do so;

shall be punished as provided in subsection (b) of this section and shall also be subject to the civil remedy provided in subsection (c) of this section, except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

"(b) PENALTIES.—Whoever violates subsection (a) of this section shall be fined under this title or imprisoned not more than 1 year, or both, except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) CIVIL ACTIONS.—

"(1) RIGHT OF ACTION GENERALLY.—Any person who is aggrieved by a violation of subsection (a) of this section may in a civil action obtain relief under this subsection.

"(2) ACTION BY ATTORNEY GENERAL.—If the Attorney General has reasonable cause to believe that any person, or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action and obtain relief under this subsection.

"(3) RELIEF.—(A) In any action under this subsection, the court may award any appropriate relief, including temporary, preliminary, or permanent injunctive relief, subject to subparagraph (B), and compensatory damages for each person aggrieved by the violation.

"(B) No court may issue a temporary, preliminary, or permanent injunction in any case involving or growing out of a demonstration within 500 feet of a facility providing reproductive health services or within 300 feet of the residence of a person lawfully engaging in activity protected under subsection (a)(1), except—

"(i) after hearing the testimony of witnesses in open court in support of the allegations of a complaint made under oath and the testimony offered in opposition thereto, and the granting to opposing parties of the right to cross-examine such witness; and

"(ii) after the court has made and filed with the record in the case findings of fact to the effect that—

"(I) unlawful acts have been threatened and will be committed, or have been committed and will be continued, unless restrained;

"(II) substantial irreparable injury to complainant's person or property will follow;

"(III) as to each item of relief granted, greater injury will be inflicted upon complainant by the denial of relief that will be inflicted upon defendants by the granting of relief; and

"(IV) complainant has no adequate remedy at law.

No such restraining order or injunction may be issued on account of any threat or unlawful act except against a person making the threat or committing the unlawful act or authorizing or ratifying the same with actual knowledge thereof. Every restraining order or injunction granted in a case involving or growing out of a demonstration within 500 feet of a facility providing reproductive health services or within 300 feet of the residence of a person lawfully engaging in activity protected under subsection (a)(1) shall include only a prohibition of such specific conduct as may be expressly complained of in the complaint filed in such case and as shall be expressly included in the findings of fact.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit or limit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first article of amendment to the Constitution.

"(e) NON-PREEMPTION.—Congress does not intend this section to provide the exclusive remedies with respect to the conduct prohibited by it, nor to preempt the legislation of the States that may provide such remedies.

"(f) DEFINITIONS.—As used in this section, the following definitions apply:

"(1) REPRODUCTIVE HEALTH SERVICES.—The term 'reproductive health services' means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system.

"(2) FACILITY.—The term 'facility' includes the building or structure in which the facility is located.

"(3) PHYSICALLY OBSTRUCTS.—The term 'physically obstructs' means rendering impassable—

"(A) ingress or egress, or rendering passage unreasonably difficult; or

"(B) public ways or traditional public fora or rendering passage through public ways or traditional public fora unreasonably difficult.

"(4) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 3. EFFECTIVE DATE.

This Act takes effect on the date of the enactment of this Act, and shall apply only with respect to conduct occurring on or after such date.

SEC. 4. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"248. Preventing violence and obstruction at reproductive health facilities.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

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

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 15 minutes.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to members that if you want to tangibly and aggressively crack down on abortion clinic violence without doing irreparable harm to those people engaged in nonviolent civil disobedience, vote for my substitute.

If you want to establish in Federal law that force or threat of force will be punshed, while at the same time not doing irreparable harm to people engaged in nonviolent civil disobedience, vote for my substitute.

If you want to throw violent individuals who kill, firebomb and assault others into prison, which is where they belong, without doing irreparable harm to people engaged in nonviolent civil disobedience, then your vote is "yes" on the Smith substitute, "no" on H.R. 796.

The substitute I offer today imposes strict penalties—including a year in prison and $100,000 in fines—up to 10 years if bodily injury occurs—on individuals who by force or threat of force, intentionally injure, intimidate, or physically obstruct any person because that person is providing or obtaining reproductive health services. The language of my bill tracks our Nation's civil rights law.

If H.R. 796, the Freedom of Access to Clinic Entrances Act, becomes law it will be the first time since the Fugitive Slave Act—which was bitterly resisted by the abolitionists even though prison

and fines were heaped upon those against slavery for interfering with that law—that Congress has made nonviolent civil disobedience a felony. H.R. 796 would turn our Nation's longstanding tradition on peaceful civil disobedience on its head. And it would do it—selectively—only to pro-life demonstrators.

H.R. 796 would turn peaceful, nonviolent protestors into felons simply because they rendered passage to or from an abortion clinic unreasonably difficult.

Just getting in the way will make you a felon and draw a long prison term and massive fine.

Just getting in the way, even if you are on your knees praying with hands folded and eyes closed, will make you liable for a year's prison sentence and a $100,000 fine. Do it again and you may go to jail for 3 years and pay a quarter of a million dollars in penalties. And, any aggrieved person may file a suit to recover unlimited punitive damages under the terms of H.R. 796.

H.R. 796 goes to great lengths to protect the financial well-being of abortion mill operators. However, there is virtually no concern demonstrated for peaceful lower and middle-income women and men who would be subjected to draconian jail terms, fines and lawsuits. My substitute addresses this injustice by extending the same protection from assault or interference to pro-life persons engaging in lawful first amendment activity.

Under H.R. 796, pro-abortion counter protestors at abortion mills who physically batter or abuse peaceful prolifers will be totally immune to any of the penalties contained in H.R. 796. In fact, passage of this legislation in its current form will encourage proabortion activists to taunt and abuse pro-lifers. If they succeed in eliciting an actionable response, they can then hit the pro-lifer with draconian penalties.

Make no mistake about it. Pro-abortion activists routinely and systematically abuse pro-lifers at abortion clinics. Women who have worked for the abortion industry have told House and Senate committees about numerous instances of abuse by pro-choice activists against pro-lifers.

Katherine Hudson a pro-abortion advocate, served for 3 years as a clinic defense activist, primarily in the Washington, DC area. "From many conversations with police not only in D.C., but in Houston, Buffalo, and with Federal marshals, I know that law enforcement is much more concerned with the behavior of the more radical pro-choice liberal activists such as NWROC [National Women's Rights Organizing Coalition], R&R [Refuse and Resist], Act Up and Queer Nation than they are with Operation Rescue," Ms. Hudson told the House Judiciary Subcommittee on Crime and Criminal Justice on April 1, 1993.

The Bay Area Coalition Against Operation Rescue [BACAOR] is very Explicit about their recommended means of dealing with pro-life protectors. In their March, 1990 publication, "Clinic Defense, a Model" they say the following:

> As OR [Operation Rescue] has shifted to picketing more than blockading, we've learned that we can't relax and let them "just" picket * * * Even if the sidewalk is "public," we've had success at putting enough of us out, early enough, to basically bully the ORs into staying across the street.

BACAOR goes on to recommend some specific sexual and religious baiting tactics for dealing with pro-life protestors.

> [I]f baiting an OR about his treatment of women, his sexuality, and how many times he masturbates will keep him from bothering clients and from being able to effectively direct the others, do it.

Mr. Chairman some manuals for training pro-abortion protestors cynically exploits the training pro-life protestors are given in non-violence. Let me read a short excerpt from a training manual put out by the Bay Area Coalition Against Operation Rescue:

> [Pro-life protestors] are coached not to hit people outright. Their passive-aggressive tactics * * * give us plenty of plenty of places to grab hold of their jackets, etc. to pull on. * * * Chivalry is not dead with these people, and that means they have an inordinate sense of modesty and honor about being accused of touching women. There are innumerable instances of female clinic defenders neutralizing male [pro-life protectors] by shouting "get your hands off me, don't you dare touch me" all the while pushing the [male protestors] out of the line.

Mr. Chairman, pro-life protestors are already being hit with frivolous lawsuits from pro-abortion activists. H.R. 796 would provide a new weapon for one-side harassment suits. Consider the testimony of attorney Nikolas J. Nikas of the American Family Association Law Center (Senate Committee on Labor and Human Resource, May 12, 1993):

> One of my clients, a 65 year-old woman suffering from M.S. and confined to a wheelchair, prayed the Rosary outside of an abortion clinic on the public walkway. This obviously dangerous protestor was sued because she allegedly harassed and intimidated abortion clinic staff, volunteer escorts, women and their companions. (p. 9)

Based on his extensive experience in defending pro-life protestors who have been faced with such legal dilemmas, Mr. Nikas also made the following statement to the committee:

> [I]n every abortion case that I have ever participated in, or heard about, it is a certainty that the pro-abortion plaintiffs will vigorously attempt to impose sweeping limitations on pro-life expression. (p. 7)

In sum, my substitute is very strong in dealing with violence. However, it also safeguards some of our most cherished freedoms—the rights to free speech and peaceful assembly. Those who believe in fair treatment for both sides in the emotionally changed abortion debate will find a balanced approach in my substitute.

□ 1530

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

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey [Mr. SMITH].

Mr. Chairman, this substitute proposal is troubling in many ways. It drastically narrows the scope of protection to within a certain number of feet of a facility or residence. Thus, it excludes all those who are on their way to, or from, those places. So, for example, it would put off limits the despicable act of shooting a doctor because he provides reproductive health services because of a loophole that he is traveling miles away from his residence or clinic.

The substitute also narrows the scope of who can seek relief, eliminating the cause of action provided in H.R. 796 for State attorneys general and limiting the right of action of the U.S. Attorney General. At the same time, it imposes burdensome procedures for obtaining a temporary restraining order against prohibited activity, and it narrows the relief that can be sought when a cause of action is brought.

But the real time bomb buried in the substitute amendment is the seemingly innocuous phrase lawful reproductive services. By questioning whether health care services are lawful—which one could do for the treatment of arthritis—the amendment would create a powerful new tool of harassment by allowing opponents of clinic activities to delve into all of a facility's records, its business practices, regulatory compliance, medical licenses. If names and addresses of clients were able to be accessed in the determination of what is, or is not, lawful, the harassment potential would only multiply.

With regard to first amendment activities, I would point out once again that H.R. 796 clearly states that it cannot be used to prohibit any expressive conduct protected from legal prohibition by the first amendment.

For all these reasons, I urge my colleagues to reject this amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 30 seconds in order to respond to the chairman.

The chairman is responding to an earlier draft and not the legislation before this body. In this legislation there are no limitations on the effect and the reach where force or the intent to use force is involved. So the comments just made, do not apply to this legislation. If force or the intent to use force are involved here, it applies and the Federal Government would be involved and

a crime would have been committed, under my legislation.

So the gentleman has spoken to something that is simply not on the table.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER] the chairman of the subcommittee.

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to the Smith amendment. Ladies and gentlemen, make no mistake about it, this is a gutting amendment. If this amendment passes, the bill will really be meaningless.

Let me show you why: First, the bill would allow blockades. Right now, one of the reasons that this bill started was the blockading of clinics, not the peaceful protests but tens and hundreds of people sitting by the doorway and not letting women who not only wished services for abortion but services for birth control, services for cervical checks, not allowing them into these clinics. the amendment eliminates blockades.

Second, it would not allow States' attorneys general to enforce the law.

How can States be empowered to protect State laws if the State attorneys general cannot do it?

Third, it encourages frivolous lawsuits unrelated to the provision of reproductive services. By covering only lawfully provided or obtained services, the Smith amendment encourages lawsuits by Operation Rescue.

Fourth, it makes it virtually impossible to get an injunction against those who commit violence against clinics and providers. One of the clauses of the bill is that if the clinic is besieged, they can go to court and get an injunction.

And finally, it expressly sanctions violence and threats of violence against innocent women and health professionals so long as the violence or threats do not occur near a clinic or a home.

What if a doctor is on the street and what if somebody goes over and jostles him or punches him or harasses him or her? This bill would say, "Sorry, it doesn't cover."

So while there have been amendments, three of which have been added here, that may not be the amendments that reach the broadest expanse, they do not undo the bill. This amendment undoes the bill.

Let me say just one final thing: There is a tradition of civil disobedience. But with civil disobedience goes the fact of accepting punishment. Operation Rescue and all those, who of those who oppose this amendment, not the mainstream of the pro-life movement, have this weird idea that they can blockade clinics but that the law ought not be enforced and that there should be no punishment for that.

That is not the tradition of Martin Luther King, that is not the tradition of Gandhi, that is not the tradition of anyone who knows what civil disobedience is all about.

If somebody feels so strongly that they have to take the law into their own hands, the whole tenet of civil disobedience is that you accept your punishment like an adult man, like an adult woman. And the Smith amendment says, "No, let them blockade, let them not punish," which shows the real purpose of this amendment, not to foster protest, peaceful protest for sure, not to foster anything except to shut down all of the abortion clinics by either legal or illegal means.

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

Mr. SCHUMER. I yield to the gentleman.

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I happen to agree with the gentleman that this amendment would gut the bill, and that is why it is offered by the gentleman who is a strong opponent of anything like this. So it is designed that way.

Will the gentleman explain to me why it would gut the bill? Why is it too destructive?

Mr. SCHUMER. Well, it does it in many ways, and I just went through some of them.

Let me repeat: It would allow blockades; it would allow physical violence and harassment as long as it was not near the home or the clinic, such as chasing a doctor. How about harassing the kids of a doctor on their way to school? It would do many of these things. So that is two of the five ways that it guts the bill, and I appreciate the gentleman inquiring.

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

Mr. SMITH of New Jersey. I yield myself 15 seconds before I yield to the gentleman from California. Just to answer the gentleman, the gentleman again is reading from the wrong draft. Where violence or the intent to use violence or force is involved, there are no parameters, it covers violence anywhere it is involved. So the gentleman is totally misconstruing this amendment. He is looking at an earlier draft.

Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER.]

Mr. ROHRABACHER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am very happy that my colleague, the gentleman from New York [Mr. SCHUMER] has just stated he demands that people who commit civil disobedience be punished. What I would like to know, if they really mean this or whether they are singling out people who believe that babies are being killed.

Now, I can understand there are strong feelings on both sides, because today MAXINE WATERS, a colleague of ours who has strong feelings about statehood, encouraged people to block the doorways of the Cannon Office Building. That is, we have had people encouraging people to commit civil disobedience blocking our own Federal office buildings in order to try to—I will not use the word intimidate, that may be too strong—but to pressure us in order to make a political decision. Should they be persecuted and prosecuted for committing civil disobedience? That is Federal property. There is probably some hypocrisy in this room on issues like that.

Mr. Chairman, I will be supporting, let me note—I am opposing this bill because I do not believe this should be a Federal issue. I do not believe that criminal matters should be a Federal issue. I disagree with my colleagues on both sides who believe that civil disobedience is justified. I think civil disobedience, when you are blocking doorways, is an act that should be prosecuted under the criminal justice system. You are trying to coerce people. I do not care if your belief is about abortion, I do not care if your belief is in statehood, but these are criminal offenses and should be left at the State level.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA] in opposition to the amendment.

Mrs. MORELLA. I thank the gentleman for yielding. Mr. Chairman, the Smith substitute guts the bill. Physical obstruction is covered only if force or the threat of force is used. Thus, clinic blockades would continue without the Federal relief provided under the bill.

The Smith substitute does not cover force, the threat of force, or physical obstruction beyond a zone around the clinic or the home of the person obtaining or providing reproductive health services. Thus, health care providers or patients would not be protected when they were not at home or at the clinic.

The requirement that would restrict the bill only to any person who is lawfully providing or obtaining reproductive health services would give defendants a means of harassing clinics during lawsuits by delving into all of the clinic's records regarding their business practices, regulatory compliance, medical licenses, and so forth. In effect, if a clinic were found to have failed to comply with any State and local requirement, no matter how insignificant, the bill's remedies would not apply. In addition, such a requirement could provide opportunities for defendants to gain intrusive information about a woman's medical status.

The Smith substitute extends a Federal cause of action to anti-abortion demonstrators. There is no coordinated, national campaign of force, threats of force, physical obstruction,

and destruction of property by pro-choice activists against antiabortion demonstrators. There have only been a handful of isolated local incidents, primarily involving fist fights. There has not been a single incident in which local law enforcement authorities have been unable to handle unlawful conduct engaged in by pro-choice activists. The bill is completely evenhanded in providing Federal protection not only to abortion clinics, staff, and patients, but also to pro-life counseling or pregnancy centers, staff, and patients.

A Federal cause of action for demonstrators would turn the bill into another weapon for antiabortion extremists to use against already beleaguered clinics, staff, and patients. These groups have already made clear that they will use any opportunity to file harassing lawsuits against pro-choice activists. The bill would become a clinic harassment bill, not a clinic access bill.

The Smith amendment establishes an extremely restrictive standard for obtaining Federal injunctive relief, making it almost impossible to obtain an injunction. The bill is intended to once again provide Federal injunctive relief, filling the gap in Federal law that resulted from the Supreme Court Bray decision in January.

The Smith amendment would gut the bill. I urge Members to oppose it.

□ 1540

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 15 seconds to respond to the gentlewoman, to make the point that, the injunctive relief criteria as established in my substitute track what is used in Federal law. We just took it right out of Federal law. So that has been misspoken by my distinguished colleague.

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

Mr. CANADY. Mr. Chairman, I rise to speak in favor of this amendment, which does not gut the bill, but which, instead, seeks to bring some balance to this bill.

This amendment offered by the gentleman from New Jersey [Mr. SMITH] most importantly would extend the protections of the bill to persons engaged in lawful first amendment activities to protest against abortion.

Without this amendment, the bill inevitably will act to discourage the expression of opinion on one side of the abortion debate.

It will create an atmosphere in which opponents of abortion are fearful of exercising their first amendment rights.

And it will do this notwithstanding the bill language which acknowledges the primacy of the first amendment.

We all, in this House, oppose the settlement of political differences through violence or other illegal means.

There is no place in our country for the lawless acts that have been committed by both opponents and proponents of abortion.

But this bill in its present form presents a totally unbalanced approach to this problem.

Rather than applying equitable, evenhanded protections to those who are the victims of unlawful acts in the conflict over abortion, this bill focuses on only one side of the conflict, singling out that side for a full array of Federal criminal penalties and civil remedies.

This is the fundamental flaw in this bill.

Without the Smith amendment, consider the anomalous situation which this bill will create.

Two people on the sidewalk outside an abortion clinic become engaged in a physical confrontation. One is a pro-life protester. The other is an abortion advocate, and clinic employee.

The pro-lifer will be subject to the full force of the Federal civil remedies and criminal penalties provided in the bill.

The abortion advocate will be immune from such Federal penalties and remedies.

This is fundamentally unfair.

If we allow this by passing the bill without the Smith amendment, it will demonstrate that this Congress is hostile to the lawful expression of pro-life opinion in this country.

It will evidence a disturbing animus toward those peaceful, law abiding, citizens of this country who simply seek to speak up in defense of life.

I urge my colleagues to vote yes on the Smith amendment.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding this time to me.

I really want to urge people to vote against this Smith amendment.

What you are hearing here is people trying to mix the distinction between civil disobedience and violence. There is a bright line between civil disobedience and violence. I think Dr. King would be horrified if he could hear the way his name has been thrown around here.

We are talking about violence. This is the body that approved a bill, and many of you were cosponsors, saying there should not be violence against laboratories that have animals in them.

Would you please tell me why women cannot have health care and have at least extended the same kind of protections against violence?

Now, for those who are saying this is not evenhanded, it is evenhanded. It would allow the same kind of enforcement against any violence by pro-choice people against birth right centers.

So those who are against and those who are for choice, either one of them are in great trouble if they move to block access to the other's clinics and the other's services. That is all this is about.

I find it really unconscionable that we get this so mixed up.

What would this do? This would say a State attorney-general cannot enforce this law. Imagine. How are you going to enforce it if you do not have the State attorneys general doing it?

It would allow blockades. It would also allow the force and the violence now that we are trying to stop.

If any of you have ever visited one of these clinics, you would know that 95 percent of the services in there are dealing with women's basic health care services. This is where they go. Certainly they have the right to get in and get out of there without being subject to violence or without having this restricted.

We know the local law has broken down. That is why we need this bill.

If you did it for bunny rabbits, can we not at least give women equal rights?

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment, which brings a modicum of sanity to an otherwise inane and unconstitutional bill.

I rise in strong support of the Smith substitute amendment and in opposition to the bill. But let me begin my saying that I too, am outraged by the murder of Dr. Gunn of Florida and the shooting of Dr. Tiller in Wichita. I in no way condone the use of violence as a way of demonstrating support for life.

However, this bill goes way beyond addressing the problem of violence at abortion clinics. This bill would set up harsh guidelines for those pro-lifers who practice peaceful civil disobedience. By passing the Freedom of Access to Clinic Entrances Act, the Congress will be setting a precedent—that we can pass laws to restrict the right of free speech based on a person's viewpoint.

Mr. Chairman, I oppose this bill because it applies different rules of conduct to the two sides engaged in this emotionally charged debate. Individuals who attempt to restrict entrance to a clinic for reasons other than the fact that the person is receiving an abortion would not be subject to the same penalties and fines.

This is a bad piece of legislation which is an obvious attempt to selectively apply the first amendment to those people who prescribe to a liberal pro-choice social agenda.

In contrast Mr. Chairman, the Smith substitute is a commonsense, evenhanded alternative that applies penalties for violent acts of protest. At the same time, Mr. Chairman, the Smith substitute protects those individuals who practice first amendment activities in the vicinity of a clinic or residence.

I urge the adoption of the Smith substitute and rejection of the bill on final passage.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, where is my friend, the gentleman from New York [Mr. SCHUMER]? Oh good, right there.

I have had very strong passionate pro-life people come to me and say, "Will you rescue with us?"

I have said, "I am a lawmaker. I can't be a lawbreaker, and I hope you expect to feel the penalty of all the law."

It is just like the people who demonstrated from this Chamber in front of the South African Embassy during its evil days when they had flex-cuffs put on. People who demonstrated, including my pal who I saw last night, Rev. Jesse Jackson, realize that breaking the law will result in penalties.

Where did the gentleman get the idea, I say to my dear friend, that these people at their conferences the night before a rescue, and I have gone and witnessed how they set this up, where did the gentleman get the idea that they do not expect to be arrested by local law?

I did march with Martin Luther King. I did not expect to get arrested in my Air Force uniform on August 28, 1963, but I did expect to get arrested in Mississippi and Alabama, and I did.

They do believe they are going to be arrested, I say to my friend, the gentleman from New York [Mr. SCHUMER], honestly.

Mr. Chairman, would the gentleman from Texas [Mr. BROOKS] yield 34 seconds to the gentleman from New York [Mr. SCHUMER] to lecture me?

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, just to answer the gentleman from California, it is very simple.

This bill is the only hope of enforcing the law in certain sections of the country. When the local sheriff, for ideological reasons, says, "I won't," when there is trespass, when a town like Dobbs Ferry is overwhelmed by Operation Rescue, they have a small number of police officers and a thousand protesters, if the Federal Government does not step in the carefully drawn way of this amendment, there is no punishment.

So by opposing this amendment, those who say they enforceable disobedience and accept the punishment, are saying that in localities that cannot or will not enforce the law, there should be no punishment.

□ 1550

Mr. DORNAN. But does the gentleman agree they do not expect to be arrested?

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has expired.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I would like to thank my distinguished colleague, the gentleman from New Jersey, for allowing me to speak in support of his substitute.

This substitute would distinguish between the activities of violent protesters and nonviolent protesters.

This Nation has a history of tolerance—and to some degree even respect—for nonviolent civil disobedience. From the nonviolent abolitionists to the antiwar movements, from Henry David Thoreau to Martin Luther King, Jr., we have always recognized the close association between peaceful and civil disobedience, which violates laws against trespassing and obstruction of public ways, and political speech, which is clearly one of the most highly protected rights within our Constitution.

I am not advocating that civil disobedience should be overlooked, or that laws against trespass or obstruction should not be enforced. People who engage in this type of activity understand very well that there will be consequences to their actions, and because we are a government of laws and not of men, I believe that these laws need to be enforced to maintain order and justice in our society.

My concern is that we are treading a very fine line when we treat some persons engaged in nonviolent civil disobedience differently than other groups of people doing exactly the same thing, especially when the basis for treating them differently hinges on the motivation or political beliefs of those persons.

When we do this, Congress has gone beyond punishing criminal acts; it is putting itself in the business of saying that one cause or political belief is better than another cause or belief. And that gives me great concern.

To punish one group more harshly than another implies discrimination against one particular viewpoint. All groups that engage in peaceful sit-ins and similar activity should be treated in an evenhanded manner, regardless of the motivation of those engaged in this conduct.

Another significant concern that I have with H.R. 796 which this amendment would address is that the bill treats people engaged in nonviolent civil disobedience on a par with those who commit acts of violence. Under H.R. 796, a second offense for physical obstruction—that is, sitting in a doorway—which attempts to interfere with another person would constitute a felony with penalties of up to 3 years in Federal prison and $250,000 in fines.

Finally, Mr. Chairman, I urge my colleagues to support the substitute offered by the gentleman from New Jersey [Mr. SMITH], as I feel the Federal Government does not need to be involved in stamping out this type of peaceful civil disobedience. It should not be involved here.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Savannah, GA, [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise today as a cosponsor of H.R. 796.

I rise because of the courage displayed by the women, the clinic workers, the doctors, and their families who brave the demonstrators who show up at their homes and offices every day.

These people harass women throughout Georgia and the United States who are going into health clinics—regardless of whether they are at the clinic for an abortion, birth control, or a Pap smear.

Dr. Gay is an abortion provider in the Atlanta area. Day after day, he and his family must drive through anti-abortion protesters picketing his home. And when he gets to his office, Dr. Gay and his staff must again endure mobs stalking the clinic.

Each day, they yell at him and beat their fists on his car. They remind him that two doctors have been shot this year. And sometimes they point their fingers at him like a pistol and say, "You'll be next."

These attacks on Dr. Gay, his staff, his patients, and his family have afforded him a permanent injunction against these terrorists. But with a mayor who will not dispatch the police to enforce the injunction, he has absolutely no one to turn to for protection.

We cannot stand by and allow Americans to endure this terrorism day in and day out.

And further, I cannot stand by and see these people degrade the memory of Dr. Martin Luther King by comparing themselves to him and his philosophy of nonviolence. They act more like those who blocked the schoolhouse doors in Arkansas, Alabama, and Georgia.

I encourage my colleagues to support H.R. 796, and reject the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, before I vote for or against this bill I have a question that I really would like answered by the gentleman from New York [Mr. SCHUMER].

Let me describe a situation. We have 3, 10, 12 people, pro-life, on a sidewalk in front of a clinic. People cannot get by. Police come and lift them up, put them in a paddy wagon, take them away.

Are they subject to a felony and 1 year in jail?

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

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

Mr. SCHUMER. No. The first-time offense they are simply subject to a misdemeanor.

Mr. GILCHREST. Suppose it is the second time.

Mr. SCHUMER. The second time it is a felony, but they need not get jail time. There is no minimum mandatory.

Mr. GILCHREST. I thank the gentleman from New York.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in strong opposition to the Smith substitute.

Mr. Chairman, I want to take a moment to address my understanding of the substitute offered by the gentleman from New Jersey and why it should not be adopted.

I think that there is absolutely no disagreement in this body on the primacy of the first amendment. As our debate yesterday reminded us, the right to disagree—and to disagree quite vocally—is precious to our democracy. Abortion is an issue of paramount importance to many, many Americans; it is an intensely controversial issue and one in which we must have a national dialog. The wide spectrum of opinions in this body on the question of abortion is testament to the vitality of that debate.

Free speech is predicated ultimately on the respect this value is accorded by the American people. It is absolutely critical that we do all that we can to protect and promote a fundamental respect for speech—for the right to disagree, the right to advocate and argue, and the right to protest. Every Member of this body is sworn to uphold this right.

But as I understand this substitute amendment, we are attempting to carve out a special treatment not for speech, but rather for conduct. Specifically, the amendment contends that the act of obstructing a clinic should not be illegal.

I think that this contention is mistaken. Obstruction of a clinic is not speech—it is action. It is, moreover, an action that interferes with the rights and privileges of other people. Time and again, our Supreme Court has looked at the question of abortion. Time and again—notwithstanding substantial changes in the court's makeup at the direction of Presidents opposed to abortion—that Court has concluded that abortion is a fundamental right. Many in Congress disagree with that conclusion, but none of us are empowered to disregard it, no more than we are empowered to wrest a voting card from the hands of another Member with whom we may disagree. It is a fundamental right, and interference with that right is a crime.

Obstruction is civil disobedience. Many great figures in world history have advocated civil disobedience. But none have contended that they should not be subject to arrest. Civil disobedience contemplates arrest as a consequence—that is how it is differentiated from other crimes, and that is also how it is differentiated from speech. Civil disobedience contemplates peaceful action, but that does not mean that it is not a crime, and that does not mean that it is only speech.

I would also note that civil disobedience is rarely invoked to interfere with the rights of others. Rather, its historical usage has been to protest against that which is viewed as an infringement of one's own rights. This is one reason why the actions of Operation Rescue—even when they are peaceful—are not truly akin to those of Thoreau, Ghandi, and King.

Ultimately, Mr. Chairman, I am concerned that this amendment will inevitably lead to violence. It encourages obstruction and it includes a restrictive standard for obtaining injunctions. Obstruction, in turn, encourages conflict which, in turn, engenders violence. I do not think that this is a role which we should play.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Smith substitute. This substitute renders the bill meaningless—it would leave physicians open to continued violence; it would tie up clinics in endless and costly litigation, it would make it virtually impossible to take legal measures against those committing violence, and it would ban State attorney general from enforcing the law. That is not what this law intends.

It is the constitutionally protected right of women in this country to make their own choices about reproductive health. But that right means little if women are barred from exercising it. Barred by violence or the threat of violence. Barred because access to the clinic they use is literally blocked by those who would deny them this right. Or barred because fear for their safety has driven away the people who would provide these health services.

Freedom of speech is also protected by the Constitution. And the bill we consider here today is true to both of these rights. It protects and enforces women's access to reproductive health services—and it carefully protects freedom of speech for those who disagree.

There is no question about the need for action. Vandalism against clinics has doubled. Sixteen clinics have been burned down. Eighty-three clinics have been blockaded. Arson, bombing, and murder have all been unleashed against these clinics and those who run them. Doctors and staff live in fear of providing a constitutionally protected service. We stand today to take that fear away and give them back their safety.

I am saddened, quite frankly, that we are forced to enact this legislation. But we have no choice. The violent challenges to those who would exercise their rights cannot go unmet.

Mr. Chairman. Let us put an end to the killing, the violence, and the fear. Let us show that violence for any cause is an unacceptable course of action. And let us live up to our heritage as a nation governed by laws with a deep and abiding respect for our Constitution. Protect our rights—oppose the Smith substitute and pass the Freedom of Access to Clinic Entrances Act.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, the gentlewoman from Connecticut [Ms. DELAURO] just said we should live up to our heritage. Part of our heritage, as I understand it, is equal protection of the law, and yet we single out prolifers standing in front of an abortion clinic, which they have mistakenly called reproductive rights services, single them out for jail and for fines, but we do not single out the people who are obstructing the way into the Longworth Building or the Cannon Building in support of District of Columbia statehood. We do not single out environmental demonstrators. We do not single out civil rights demonstrators. It is only people who are worried and concerned about the unborn being exterminated in somebody's womb. Mr. Chairman, that is unequal protection of the law.

Now what are we talking about here? I heard the gentlewoman from Colorado [Mrs. SCHROEDER] say "violence." That is precisely right, violence. In the Schumer bill someone can go to jail, be fined, or both, without violence, without threat of violence; simply, Mr. Chairman, physical obstruction. Do my colleagues hear me? Simply physical obstruction.

□ 1600

Then you are subject to these fines. Nobody else in the panoply of demonstrations or civil disobedience is. Just if you dare to try to protect a defenseless unborn child. Then, if you physically obstruct, you are subject to these penalties, these felonies.

Mr. Chairman, every politician that ever ran for office stands and hands people a pamphlet on a corner. Is that physically obstructing? Is that intimidating?

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

Mr. HYDE. I will be happy to yield to the gentleman.

Mr. SCHUMER. Mr. Chairman, I will say to the gentleman that in all the case law we have looked at under this law, there has never been a case where handing someone a pencil is physically obstructing.

Mr. HYDE. Mr. Chairman, reclaiming my time, I submit to the gentleman that the day is not far away when one of the new judges we are getting is going to find that intimidating, physically obstructing. The gentleman may shake his head, but I do not agree with him.

Mr. Chairman, what you have under the proposal of the gentleman from New York [Mr. SCHUMER] is no violence or force involved, simply physical obstruction. Under Smith, there must be force or threat of force.

Mr. Chairman, is that not what we are against? I heard the word "violence" repeated many times. Let us

support Smith, which requires the use of force or the threat of use of force before you felonize somebody for physically obstructing.

Now, I have heard about the doctor that was shot, and, of course, that is tragic. But let me tell Members, if you do not think people get shot and killed in labor disputes, you have not been paying attention.

Mr. Chairman, this article is from last July's Associated Press. "A nonunion subcontractor working at a strike bound arch of West Virginia Mine was shot to death on his first day on the job."

Mr. Chairman, do we have violence on picket lines? Yes. Why do we not federalize and criminalize that violence? Why do we just pick on abortion?

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in support support of the Smith substitute.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Chairman, I rise in opposition to the amendment and in support of the bill. I believe it is altogether fitting and proper that we debate these constitutional issues, because we are the guardians of the constitutional rights of this country.

Mr. Chairman, I think we should take a lesson from the experience of the former Soviet Union. In the Soviet Union, they had a piece of paper that had just about the same Bills of Rights as we did. But there was something they had missing. They had a missing ingredient, a way to provide the enforcement of those rights.

Mr. Chairman, we are talking about the right of privacy here. If we lose in practice, in practice, the way for a woman to engage in her right of privacy, we will have become the Soviet Union, with a nice Bill of Rights and no way to enforce it.

The Bill of Rights and the right of privacy does not exist only where local sheriffs decide to enforce it. It exists in every county. And because certain sheriffs decide not to enforce that universal right, we are required, vested, and obligated, to take Federal action, just like the Congress did in the civil rights battle when the local sheriffs in Mississippi, and now it is a great State, would not enforce Federal rights.

When Members come and talk in this chamber about the segregation battles and compare that to this situation, the situation of a person who wants to walk into a segregated donut shop and buy a donut, and say it is the same thing if a woman who is pregnant with a high-risk pregnancy, and compare that trauma to someone hungry for a donut, the person has never been pregnant.

Mr. INHOFE. Mr. Chairman, I rise in favor of the Smith substitute.

Mr. Chairman, this legislation does nothing more than create a host of new Federal crimes. It will punish those individuals who choose to participate in nonviolent demonstrations at numerous facilities around the country that provide abortion services. This bill provides very strong protection for abortion providers in this country under Federal law and fails to give the same protection to those persons wishing to exercise their first amendment rights under the Constitution.

This language is so broad and so unclear that pro-life individuals will have to live with the fear that they will be violating Federal law by peacefully protesting. They will be afraid to exercise their first amendment right of free speech. This bill makes nonviolent civil disobedience a Federal crime. Citizens of this country should not have to live in fear of expressing their position on abortion * * * or any issue.

The practice of civil disobedience has a long history in this Nation. This bill singles out pro-life groups specifically. To punish one group for civil disobedience more severely, based on someone's viewpoint on a particular issue, is a clear violation of the first amendment. Mr. Chairman, I thought the first amendment was drafted to protect all Americans from Government infringements on free speech.

Mr. Chairman, the Smith substitute addresses these concerns * * * and I ask my colleagues to vote for the Smith substitute.

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to the Smith substitute. Amendment has one and only one intent: to gut this critical legislation.

I must admit that I am somewhat heartened by this substitute. Heartened, because it acknowledges the clear recognition of the need for Federal remedies to address the escalating violence at reproductive health clinics. I am pleased that we all agree that the violence has gone too far.

But that is about the only good thing about the amendment.

Do not be fooled—the clear intent of this substitute is to render the bill almost meaningless. The real FACE protects both the rights of protesters and the rights of physicians and their patients. This substitute tips the balance in the favor of extremist protesters.

Indeed, this substitute provides a new cause of action to extremist groups, giving them the right to tie up reproductive health clinics in endless litigation. Just recently, operation rescue formed the legal offense fund, whose purpose is to litigate clinics to death. They intend to exhaust the resources of clinics, providers, doctors and patients through unending litigation. Clearly, they want to put these clinics out of business, and they do not care if, in doing so, they deprive women and their families of access to pre-natal care, immunizations, contraception, and yes, abortion.

A vote for the Smith substitute is a vote to encourage frivolous lawsuits and a vote to weaken the protections H.R. 796 is designed to provide.

I urge my colleagues in the strongest possible terms to oppose the Smith substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey [Mr. SMITH].

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

RECORDED VOTE

Mr. SMITH of New Jersey. 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 255, not voting 6, as follows:

[Roll No. 580]

AYES—177

Allard	Hall (TX)	Orton
Applegate	Hancock	Oxley
Archer	Hansen	Packard
Armey	Hastert	Parker
Bachus (AL)	Hayes	Paxon
Baker (CA)	Hefley	Penny
Baker (LA)	Herger	Peterson (MN)
Ballenger	Hoekstra	Petri
Barcia	Hoke	Pombo
Barrett (NE)	Holden	Portman
Bartlett	Huffington	Poshard
Barton	Hunter	Quillen
Bateman	Hutchinson	Quinn
Bentley	Hutto	Rahall
Bevill	Hyde	Ravenel
Bilirakis	Inglis	Regula
Bliley	Inhofe	Roberts
Blute	Istook	Rogers
Boehner	Johnson, Sam	Rohrabacher
Borski	Kanjorski	Ros-Lehtinen
Browder	Kasich	Roth
Bunning	Kildee	Rowland
Burton	Kim	Royce
Buyer	King	Santorum
Callahan	Kingston	Sarpalius
Calvert	Klink	Saxton
Camp	Knollenberg	Schaefer
Canady	Kyl	Sensenbrenner
Castle	LaFalce	Shaw
Coble	Levy	Shuster
Collins (GA)	Lewis (CA)	Skeen
Combest	Lewis (FL)	Skelton
Costello	Lightfoot	Smith (MI)
Crane	Linder	Smith (NJ)
Crapo	Lipinski	Smith (OR)
Cunningham	Livingston	Smith (TX)
de la Garza	Manton	Solomon
Deal	Manzullo	Spence
DeLay	Mazzoli	Stearns
Diaz-Balart	McCollum	Stenholm
Doolittle	McCrery	Stump
Dornan	McDade	Stupak
Dreier	McHugh	Sundquist
Duncan	McInnis	Talent
Dunn	McKeon	Tanner
Emerson	McMillan	Tauzin
Everett	McNulty	Taylor (MS)
Ewing	Mica	Taylor (NC)
Fields (TX)	Michel	Tejeda
Fish	Miller (FL)	Thomas (WY)
Gallegly	Mollohan	Tucker
Gekas	Montgomery	Volkmer
Gillmor	Moorhead	Vucanovich
Gingrich	Murphy	Walker
Goodlatte	Murtha	Walsh
Goodling	Myers	Weldon
Goss	Nussle	Wolf
Grams	Oberstar	Young (AK)
Hall (OH)	Ortiz	Young (FL)

NOES—255

Abercrombie	Blackwell	Chapman
Ackerman	Boehlert	Clay
Andrews (ME)	Bonilla	Clayton
Andrews (TX)	Bonior	Clement
Bacchus (FL)	Boucher	Clyburn
Baesler	Brewster	Coleman
Barca	Brooks	Collins (IL)
Barlow	Brown (CA)	Collins (MI)
Barrett (WI)	Brown (FL)	Condit
Becerra	Brown (OH)	Cooper
Beilenson	Bryant	Coppersmith
Bereuter	Byrne	Cox
Berman	Cantwell	Coyne
Bilbray	Cardin	Cramer
Bishop	Carr	Danner

Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—6

Andrews (NJ)
Clinger
Conyers
Dickey
Dicks
Romero-Barcelo (PR)

□ 1624

Mr. HOCHBRUECKNER, Mr. GUNDERSON, and Ms. DANNER changed their vote from "aye" to "no."

Messrs. PETRI, GILLMOR, and McMILLAN changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SKELTON) having assumed the chair, Mr. KOPETSKI, 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. 796) to assure freedom of access to clinic entrances, pursuant to House Resolution 313, 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.

Is a separate vote demanded on any amendment to the committee amendments in the nature of a substitute adopted by the Committee of the Whole?

Mr. WALKER. Mr. Speaker, I demand a separate vote on the so-called DeLay amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 3, line 8, strike the period and insert the following: ", except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor."

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

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

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 345, noes 80, not voting 8, as follows:

[Roll No. 581]

AYES—345

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Diaz-Balart
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Flake
Foglietta
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda

Thomas (CA)	Valentine	Whitten
Thomas (WY)	Velazquez	Wilson
Thornton	Volkmer	Wise
Torkildsen	Vucanovich	Wolf
Torres	Walker	Young (AK)
Traficant	Walsh	Young (FL)
Tucker	Weldon	Zeliff
Upton	Wheat	Zimmer

NOES—80

Abercrombie	Gonzalez	Payne (NJ)
Andrews (ME)	Hamburg	Rose
Bacchus (FL)	Hastings	Rush
Becerra	Hilliard	Sabo
Blackwell	Hinchey	Sanders
Boehlert	Horn	Schroeder
Brooks	Jefferson	Scott
Brown (CA)	Johnston	Stark
Brown (FL)	Kopetski	Stokes
Clay	Kreidler	Swett
Clyburn	Lewis (GA)	Synar
Collins (IL)	Long	Thompson
Collins (MI)	Maloney	Thurman
Conyers	Margolies-Mezvinsky	Torricelli
Coppersmith	Matsui	Towns
Coyne	McDermott	Unsoeld
Dellums	McKinney	Vento
Deutsch	Meehan	Visclosky
Edwards (CA)	Meek	Washington
Engel	Mineta	Waters
Evans	Mink	Watt
Filner	Morella	Waxman
Ford (MI)	Nadler	Williams
Ford (TN)	Natcher	Woolsey
Frank (MA)	Olver	Wyden
Gejdenson	Owens	Wynn
Gilman		Yates

NOT VOTING—8

Andrews (NJ)	Dicks	Kaptur
Clinger	Gephardt	Shepherd
Dickey	Gutierrez	

□ 1646

Mr. LEVIN changed his vote from "no" to "aye."

Mr. BECERRA changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SKELTON). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, 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, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

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

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

Mr. SENSENBRENNER. I am, in its present form, Mr. Speaker.

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

The Clerk read as follows:

Mr. SENSENBRENNER moves to recommit the bill H.R. 796 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 3, beginning on line 7, strike "and also be subject to the civil remedy provided in subsection (c) of this section".

Page 3, strike line 21 and all that follows through line 24 on page 4.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Texas [Mr. DELAY].

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

I support his motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit strikes the civil right of action contained in H.R. 796 both for individuals as well as for the United States and State attorneys general. The attorneys general do not need a civil right of action, because they already have adequate power particularly since the criminal penalties in this bill remain.

However, the civil right of action can be used by those that wish to stop peaceful protests as an intimidating club to prevent people from exercising their first-amendment rights, because anybody who is sued under the civil right of action that is contained in this bill will have to hire their own attorney at their own expense, even if they have not violated the law, because they will have to get themselves exonerated in a Federal court. That is wrong. That can subject anybody that is peacefully praying the rosary in front of an abortion clinic individually each to hire an attorney.

My motion to recommit also strikes the fact that even when the plaintiff can prove no damages there are $5,000 of liquidated damages that are automatically assessed against each defendant. That is wrong, too.

But what is also wrong is that if the defendant prevails, the defendant does not get any attorney's fees whatsoever.

□ 1650

Now, I think that we ought to be fair in this. There is no other civil right of action by an individual against another individual in any of the civil rights laws. The bus company was not given a civil right of action to sue Rosa Parks, the operators of the segregated lunch counters were not given the civil right of action to try to sue those who were sitting in in support of the passage of civil rights laws. There is no reason why a civil right of action should be granted in this bill to allow plaintiffs' attorneys to harass people who are peacefully protesting in front of abortion clinics. And that is what will happen unless my motion to recommit is passed.

I would urge support for the motion to recommit so that this bill does not become another way to enrich plaintiffs' attorneys.

Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in support of the motion to recommit. The language as contained in the bill presently giving the private cause of action is unprecedented in the history of this country as far as civil rights action is concerned. It is an intimidating factor that really is meant to stifle dissent. I, for one, believe that it should be stricken.

There are other provisions in this bill that go to violence at the clinics; I do not support any violence at the clinics, and I do not think anybody here does. But I do support the right of individuals to dissent, and this language in the bill will actually stifle that because of the threat of the lawsuits and the way that the language in the bill is structured, because you, as a plaintiff, a clinic or a doctor or a nurse, anybody in there, when you sue, you are entitled to liquidated damages if you can prove your case and you also get attorneys' fees. But if you lose, you do not lose anything. You do not lose a thing.

How is that being fair? Why do you not have a provision in here to make it fair that if you lose, if you sue and you lose, you pay $5,000 and you pay attorneys' fees?

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

Mr. BROOKS. Mr. Speaker, I rise in opposition to the motion to recommit, and I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, the need for this legislation arose with the blockade of the Alexandria Women's Health Clinic in my district. I rise in very strong support of this bill as it stands right now.

Mr. Speaker, I rise today in support of H.R. 796, the Freedom of Access to Clinic Entrances Act. I am proud to be a cosponsor of this important legislation. Since the Supreme Court's Bray decision, which overturned a Federal court injunction against Operation Rescue's blockade of the Alexandria Women's Health Clinic, located in my district, clinic violence has escalated nationwide to an unprecedented level. In 1993 alone more than 50 percent of clinics surveyed have experienced some form of violence: arson, chemical attacks, invasions, stalking, blockades, bomb threats, and death threats.

These kinds of radical activities cannot be characterized as peaceful protest. This is outright terrorism, the final aim of which is to shut down clinics and strip the legal right of abortion away from the women of this country. Unless Congress acts to protect clinics, clinicians, and patients, the right to choose will be a right in theory only, available only to those brave few willing to risk their personal safety to exercise their constitutional rights.

In my own State of Virginia, without Federal assistance, localities have no effective means of ending blockades which have effectively shut down clinics throughout northern Virginia.

The strain that antiabortion violence places on local law enforcement is simply too much. Our local officials need help from the Federal Government. That's what this legislation will provide.

Opponents of this bill have tried to paint this legislation as an extreme piece of legislation that will prevent peaceful protestors from exercising their first amendment rights under the Constitution. This is absolutely untrue. This bill will criminalize the use of force, threat of force, or physical obstruction which interferes with anyone seeking or providing reproductive health services. It won't stop protestors from demonstrating outside of clinics, holding posters, or shouting at people entering clinics. It won't stop people from sitting and praying in front of a reproductive health care facility. It will stop the campaign of violence and terrorism gripping our country that led to the tragic shooting death of Dr. David Gunn in Florida.

This debate is not about abortion, it is about the liberty of individuals to exercise their legal rights in this country. It is our role to protect those rights when they are endangered, as Congress did when it prohibited unlawful interference with an individual's attempt to exercise the right to vote.

I urge my colleagues, regardless of your position on abortion, to take a stand against terrorism, take a stand against violence, and reaffirm our Constitution. I urge my colleagues to vote for H.R. 796.

Mr. BROOKS. Mr. Speaker, I yield to the gentlewoman from Arizona [Ms. ENGLISH].

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today in support of H.R. 796, the Freedom of Access to Clinic Entrances Act.

This legislation is urgently needed to protect reproductive health care providers and their patients from the violence that has been plaguing these people and facilities. In recent years, various acts of violence, including arson, bombings, death threats, and murder have been reported and were determined to be related to efforts blocking access to clinics. Yet, State and local law enforcement agencies have been unable to prevent these crimes from occurring.

According to Tuesday's Washington Post, crime was recognized as the biggest issue facing the country today. I see the Freedom of Access to Clinic Entrances Act as another necessary facet to the overall crime package put before Congress, and we cannot debate the package without addressing this most serious of issues. State and local law enforcement agencies have been unable to protect the victims of the illegal and dangerous attempts to block access because there is no specific prohibition on interference with clinic access.

The act of interference cannot be prosecuted; but rather only the specific act which serves to interfere. It is only through specific Federal and civil penalties designed to protect access to clinics that physicians and patients can be fully protected. It is quite evident that the situation is getting worse and something must be done. The Freedom of Access to Clinic Entrances Act can wait no longer.

The Freedom of Access to Clinic Entrances Act has bipartisan support, as well as pro-choice and pro-life support. It is an antiviolence bill, penalizing violence only, while permitting peaceful protest.

In this era of violent crime, let us ensure that the women, men, and children who need the services these facilities provide are able to receive these services in a peaceful, antiviolent environment. Their health and their lives depend on this.

Mr. BROOKS. Mr. Speaker, I yield to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise today in support of H.R. 796. This legislation would preserve the first amendment freedoms guaranteed by our constitution. Protesters at reproductive health clinics would not be penalized for exercising free speech. Protesters would only be penalized for violent and threatening conduct, which is not and should not be protected by the first amendment.

Equally important, a woman's right to choose as defined by the U.S. Supreme Court would be preserved by this legislation. This legislation would protect a woman from individuals engaging in violent, forceful or intimidating acts in order to restrict her access to reproductive health care. This legislation would also protect the rights of health care providers to provide legal health care services to women.

It is high time that individuals engaging in violent acts outside of reproductive health clinics get the message that their behavior and disregard for the rights of others will no longer be tolerated. It is not appropriate to continue to treat women as second-class citizens, and I believe that this legislation carefully protects womens' rights without infringing on the right of peaceful protest.

I strongly defend the right of antiabortion protesters to picket, pray, or otherwise oppose the performance of abortions. These protesters have strongly held views, and they have the constitutional right and moral obligation to express them. But others who disagree with those views, have an equal right to ignore their protests.

Some suggest that this issue should be handled by State and local officials, rather than the Federal Government. But the national campaigns by antiabortion groups are calculated precisely to overwhelm the resources of local law enforcement agencies. Wichita, KS has certainly confronted this problem.

I support this measure today because I believe it is a fair and practical protection against undue violence. It protects those who seek access to clinics. But it also protects those who do not believe in the use of abortion services and who wish to demonstrate that belief consistent with their constitutional right to peaceably assemble.

Americans of conscience must not be denied the right to oppose abortion. They must be permitted to protest and lobby and pray and carry signs. Even if what they say offends people. Congress must protect their right to speak and assemble peacefully while they struggle to change the law.

What they cannot do is threaten people, harass people, intimidate people. Certainly, they cannot hurt people. But the committee report accompanying this bill tells of arsons, bombings, shootings, death threats, assaults, kidnapings, even a murder—acts of violence aimed at Americans who seek to exercise a hotly debated but constitutionally protected right.

The report tells of the inability and unwillingness of some local authorities to enforce State laws. In such circumstances, it is appropriate for the Federal Government to act.

I believe that H.R. 796 will not hinder legal protests. It simply limits the debate to lawful civil discourse, where it belongs.

I urge my colleagues to support this bill.

Mr. BROOKS. Mr. Speaker, I am, of course, dead set against this motion to recommit. It would limit the remedies for victims of violence, sabotage, et cetera, at these clinics to the people and to the properties. It would limit all the civil damages. This means the doctors could not sue, the nurses could not sue, the victims could not sue, and it is a detriment to the effectiveness of this legislation.

I would ask for its unanimous defeat.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise to oppose the motion to recommit and to urge passage of the Freedom of Access to Clinic Entrances Act. I speak as a Member who has spent much of her professional career as a civil rights and constitutional lawyer.

The gentleman has objected to the provision of the bill providing for a private civil cause of action, stating that civil rights bills do not contain such private causes of action against other individuals.

Mr. Speaker, this is a bill which is unlike the typical civil rights legislation in that it is not directed against Government institutions or employers, but against individuals who are intimidating other individuals. In our law, this is akin to a tort, where indeed a private right of action would always be possible.

Mr. Speaker, I want to congratulate the chairman and the sponsors of this bill because they have accomplished a very difficult task. They have written a constitutional statute even though it touches upon the first amendment area. I could not vote for this bill if they had not crafted it as skillfully as they have.

The opposition cannot accuse me of being for this bill because I am prochoice, although, of course I am prochoice. However, Mr. Speaker, as a first amendment specialist in practice, I had occasions to argue first amendment cases in the Supreme Court of the United States and in other courts and often in cases where those whom I represented were individuals whose views I

abhorred, including people who would be proud to call themselves racists. What I was trying to indicate—as an ACLU lawyer—by representing such individuals was that once the first amendment is weakened against them, it is weakened against all of us. The amendment tilts toward no point of view, but only in favor of free expression. Thus only through principled support of the first amendment can you guarantee that your own views will not be subject to an exception you may desire for others.

The greatest abuse in this debate, however, has been to invoke the name of Martin Luther King, Jr. The bill reaches protest action Dr. King would reject. Let me describe what kind of action this bill would reach.

Last January, Operation Rescue blockaded several clinics in the District of Columbia. At the Hillcrest Center in southeast Washington, every entrance was obstructed by anti-choice demonstrators. The driveway was blocked with a dumpster, the front door was blocked by anti-choice protestors who had locked their arms through hollow steel pipes welded to railroad ties wedged against the door, and both the rear and side doors were blocked by cars with flattened tires. Inside each car, several demonstrators chained and handcuffed themselves to the same type of steel pipe and tie contraption.

Hours later, when the police finally removed all the obstructions, the doors themselves could not be opened because the locks had been filed with glue.

The actions I have just described, Mr. Speaker, have nothing in common with the nonviolent protests led by Dr. Martin Luther King, Jr. I was in some of those protests. We knelt and prayed, as well, but we were quickly arrested. We did not physically intimidate any member of the public. Instead, we were physically intimidated by the police. And yet we did not fight back, and we did not keep others from enjoying their constitutional right.

The outrageous violence and intimidation that has become the trademark of Operation Rescue and its imitators have given nonviolent direct action a bad name. It is time that we reclaimed the good name of militant but peaceful protest in the tradition of Martin Luther King, Jr., by passing the Freedom of Access to Clinic Entrances Act.

The SPEAKER pro tempore (Mr. SKELTON). All time has expired.

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

There was no objection.

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

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

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 246, not voting 5, as follows;

[Roll No. 582]

AYES—182

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fields (TX)
Fish
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Hoke
Holden
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kyl
LaFalce
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
McNulty
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Rahall
Ravenel
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)

NOES—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—5

Andrews (NJ)
Clinger
Dickey
Dicks
Johnson (CT)

□ 1719

Messrs. HOBSON, UPTON, and REGULA changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, I was unavoidably detained during the preceding vote. Had I been here, I would have voted "no."

□ 1720

The SPEAKER pro tempore (Mr. SKELTON). The question is on the passage of the bill.

The bill was passed.

The title of the bill was amended so as to read: "A bill to amend title 18, United States Code, to assure freedom of access to reproductive services."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McINNIS. Mr. Speaker, I wish to add at this point in the RECORD that I support H.R. 796, the Freedom of Access to Clinic Entrances Act, and that I voted for it in the voice vote in the House of Representatives today.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 796, the bill just passed.

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

There was no objection.

MAKING IN ORDER ON FRIDAY, NOVEMBER 19, 1993, OR SATURDAY, NOVEMBER 20, 1993, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2330, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that it be in order tomorrow, Friday, November 19, 1993, or Saturday, November 20, 1993, to consider the conference report on the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up for consideration.

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

There was no objection.

AUTHORIZING LEASING OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the bill (H.R. 3471) to authorize the leasing of naval vessels to certain foreign countries, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not intend to object, but I will yield to the distinguished gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs, for an explanation of the bill.

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

Mr. Speaker, let me briefly explain what this bill is about and why I urge its consideration and passage.

WHAT THIS BILL DOES

This bill authorizes the Secretary of the Navy to lease 25 *Knox*-class frigates: six to Brazil; four each to Turkey and Thailand; three to Taiwan; two each to Egypt, Spain, and Venezuela; and one each to Morocco and Oman.

WHY THIS BILL IS IN THE U.S. NATIONAL INTEREST

This legislation is in the national interest of the United States because it: enhances cooperation and interoperability of U.S. forces with friendly and allied governments; helps friendly and allied governments modernize their naval forces; generates $74.8 million in leasing fees to the U.S. Treasury; saves the U.S. Government $16.8 million in ship deactivation costs; and generates an estimated $285 million in revenues for U.S. commercial shipyards as they repair and reactivate these ships for transfer.

All of these costs will be paid for in their entirety by the foreign recipient governments that seek these lease agreements.

This legislation has a clear and positive impact on our budget, as well as our Nation's foreign policy. I urge adoption of the bill H.R. 3471.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Indiana [Mr. HAMILTON].

Am I correct in my understanding that the U.S. Navy estimates that H.R. 3471 could generate as much as $285 million in U.S. shipyard activities with regard to the immediate maintenance, repair, and reactivation of these *Knox*-class frigates prior to their transfer under these leasing agreements?

Mr. HAMILTON. Mr. Speaker, if the gentleman from New York will yield, let me say that the gentleman is correct. The Department of the Navy estimates that 14 of these vessels will be reactivated as safe-to-steam, and that 3 of these vessels will be reactivated as full mission capable. The Department estimates that safe-to-steam reactivation will cost $14 million per ship—for a total of $210 million, and that full mission reactivation will cost $25 million per ship—for a total of $75 million. Taken together these totals account for the Department's estimate of $285 million in U.S. shipyard activities.

Mr. ROHRABACHER. Is there any legal requirement upon the foreign recipient nations to conduct maintenance, repair, and reactivation at U.S. shipyards?

Mr. HAMILTON. As I understand it, there is no such legal requirement. The Department of the Navy negotiates maintenance, repair, and reactivation contracting arrangements following congressional authorization to enter into such leasing agreements. This work can be done in the recipient nation's shipyards, or in U.S. public or private shipyards.

Mr. ROHRABACHER. Does the gentleman from Indiana have an opinion with respect to where such work should be done?

Mr. HAMILTON. It is both my hope and expectation that recipient nations should enter into maintenance, repair, and reactivation contracts with U.S. shipyards. Such contract will ensure greater interoperability between foreign leased ships of U.S. origin, and those currently deployed by the U.S. Navy. In this regard, it is my understanding that in the past the bulk of all such work has been conducted in U.S. shipyards. It remains my hope and expectation that such trends continue in the future.

□ 1730

Mr. ROHRABACHER. Mr. Speaker, I submit the following unclassified point paper, written by the Department of the Navy for insertion in the RECORD at this point. The paper estimates that U.S. private and public shipyards will realize $285 million in reactivation revenues from the lease of these vessels.

POINT PAPER

SUBJECT

Savings to the U.S. Government from 8 hot ship transfers and revenue generated in U.S. shipyard (private and Naval) by reactivation of 17 cold ship transfers of Knox class frigates.

DISCUSSION

Dollars saved by 8 hot ship Knox class transfers:

Inactivation cost: $1.5 million times 8, $12,000,000.

Inactivation storage per year: ($50,000 each/month) times 8 ships times 12 months, $4,800,000.

Grand total saved in first year, $16,800,000.

Dollars generated by 17 cold ship reactivation in U.S. shipyards:

Reactivation shipyard revenue: three primary categories:

(1) Tow away only: $0.25 million, numbers of ships expected to tow only: none. Total "Tow Away Only": none.

(2) "Safe-to-Steam" reactivation: $15 million, number of ships expected: 14 ships. Total "Safe-to-Steam" work, $210,000,000.

(3) "Full Mission" (with Safe-to-Steam), $25 million, number of ships expected: 3 ships. Total "Full Mission", $75,000,000.

Reactivation shipyard revenue grand total, $285,000,000.

RECOMMENDATION

Approve legislation for Knox class transfers of 25 ships to various governments.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I have reserved that right in order to express my support for this legislation.

The purpose of this legislation is to authorize the transfer of 25 ships to 9 countries—Brazil, Egypt, Morocco,

Oman, Spain, Taiwan, Thailand, Turkey, and Venezuela. The proposed transfers all involve *Knox*-class ships to be leased pursuant to chapter 6 of the Arms Export Control Act. Under the lease terms, the United States may terminate the leases and have the vessels returned to U.S. custody should the need arise.

Eight of the twenty-five ships remain in active service as training vessels and would be transferred directly to the foreign countries once they are decommissioned. The remaining 17 ships are currently in inactive status and would require significant reactivation work before the recipient nation could take possession.

The United States would incur no costs for the transfer of these naval vessels. Any expenses incurred in connection with the transfers would be charged to the recipient nation including maintenance, repair, and reactivation costs, and training.

The U.S. Government will receive a total of $74.8 million from all 25 leases. Further, by leasing these ships, the United States will avoid $12 million in deactivation costs for the eight ships that remain in active service, and an additional $15 million in storage costs in the first year alone for the 25 ships. In addition, it is anticipated and expected that the recipient countries will pay U.S. shipyards a total of $285 million for work related to reactivation of the 17 inactive ships.

This is sound legislation. It advances the valuable, cooperative relationships the United States has established with each of these nations' navies and manages to save U.S. taxpayers a significant amount of money at the same time. I urge all Members to support it.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding to me.

My question is not only to the minority but also to the committee chairman. One of those vessels to be transferred is named after a black Naval aviator from Hattiesburg, MS, who served with distinction in World War II, Jesse Brown.

I realize the vessel is being transferred to Egypt and that in all probability will be renamed under an Egyptian name.

My request to both the minority and the committee chairman would be that when they meet with the Navy, if they could request of them that those artifacts bearing the name of Jesse Brown from the vessel, such as the ship's plaque, would be transferred to the people of Hattiesburg, MS, for their city government so that they could establish a park or some other memorial to Jesse Brown in his honor.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, that certainly is an appropriate request, and we will be pleased to add that request to the papers upon transfer.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I concur with the distinguished gentleman from New York, and I will work closely with him and with the gentleman from Mississippi to see if we can achieve that.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3471

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

SECTION 1. AUTHORITY TO LEASE NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

The Secretary of the Navy is authorized to lease to the following foreign governments the following naval vessels:

(1) BRAZIL.—To the Government of Brazil, the "KNOX" class frigates HEPBURN (FF 1055), PATTERSON (FF1061), FRANCIS HAMMOND (FF1067), DOWNES (FF 1070), BLAKELY (FF 1072) and PAUL (FF 1080).

(2) EGYPT.—To the Government of Egypt, the "KNOX" class frigates JESSE L. BROWN (FFT 1089) and MOINESTER (FFT 1097).

(3) MOROCCO.—To the Government of Morocco, the "KNOX" class frigate VALDEZ (FF 1096).

(4) OMAN.—To the Government of Oman, the "KNOX" class frigate MILLER (FF 1091).

(5) SPAIN.—To the Government of Spain, the "KNOX" class frigates AYLWIN (FF 1081) and PHARRIS (FF 1094).

(6) TAIWAN.—To the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the "KNOX" class frigates JOSEPH HEWES (FFT 1078), COOK (FF 1083), and BARBEY (FF 1088).

(7) THAILAND.—To the Government of Thailand, the "KNOX" class frigates MARVIN SHIELDS (FF 1066), HAROLD E. HOLT (FF 1074), OUELLET (FF 1077), and TRUETT (FFT 1095).

(8) TURKEY.—To the Government of Turkey, the "KNOX" class frigates BOWEN (FFT 1079), McCANDLESS (FFT 1084), DONALD B. BEARY (FFT 1085), and AINSWORTH (FFT 1090).

(9) VENEZUELA.—To the Government of Venezuela, the "KNOX" class frigates ROARK (FF 1053) and GRAY (FF 1054).

SEC. 2. APPLICABLE LAW.

The leases authorized by section 1 shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796a; relating to reports to Congress shall apply only to renewal of the leases.

SEC. 3. COSTS OF LEASES.

Any expense of the United States in connection with a lease autorized by section 1 shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into under that authority during that period may be renewed.

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 Mr. Edwin Thomas, one of his secretaries.

MIDDLE EAST PEACE FACILITATION ACT OF 1993 EXTENSION

Mr. LANTOS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1667) to extend authorities under the Middle East Peace Facilitation Act of 1993 by 6 months, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I shall not object, but I am pleased to yield to the gentleman from California [Mr. LANTOS] for an explanation of the bill.

Mr. LANTOS. Mr. Speaker, I thank the distinguished gentleman from New York for yielding to me.

This bill provides for an extension of the President's current authority to suspend certain restrictions of law relating to the Palestine Liberation Organization [PLO].

Under Public Law 103-125, the President's authority to suspend such restrictions expires on January 1, 1994. This legislation extends that authority from January 1, 1994, to July 1, 1994.

The purpose of this legislation is to help U.S. diplomacy in support of Middle East peace efforts.

If Congress adjourns without acting on this legislation, restrictions on the PLO will be reimposed on January 1. This will be a setback for United States efforts to help implement the Israeli-PLO peace agreement. This will be a setback for U.S. national interests.

An extension to July 1 will:

Give the President flexibility to conduct diplomacy; and

Give the Congress ample opportunity to conduct oversight over U.S. policy toward the PLO early in the next session of the 103d Congress.

I want to thank Chairman GONZALEZ and the ranking member, Mr. LEACH, of the Committee on Banking, Finance and Urban Affairs, for agreeing to waive consideration of this measure, without prejudice to the jurisdiction of their committee.

I urge my colleagues to support S. 1667.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I shall

not object, but I merely wish to add my support to the legislation being considered.

S. 1667 is a simple 6-month extension of Public Law 103-125, the Middle East Peace Facilitation Act of 1993. That legislation permits the President to waive certain provisions of law pertaining to the Palestine Liberation Organization.

The measure adopted in October expires on January 1, 1994. Because the State Department indicated the administration's desire to move quickly, the original bill was not the subject of hearings, nor did it receive the scrutiny it should have. Unfortunately, the extension legislation was not the subject of hearings or other congressional oversight, either.

The original legislation contained a section expressing the expectation of Congress that "any extension of the authority provided to the President * * * will be conditional on the PLO renouncing the Arab League boycott of Israel, and urging the nations of the Arab League to end the Arab League boycott of Israel." That expectation is still strong in Congress, as evidenced by further action today by myself and Congressman LANTOS.

Legislation we have introduced today would prohibit the sale or lease of defense articles and services to countries that participate in the secondary and tertiary boycott of Israel. This measure will give some teeth to one of our primary foreign policy objectives, and we therefore invite our colleagues to join us in this effort.

Congress will continue to use the full force of this Government to bring about the demise of the Arab boycott, including the provision contained in Public Law 103-125.

While I would have preferred a 3-month extension of the act, the Senate has already approved and sent over a 6-month extension. Therefore, we have been asked to act expeditiously.

Mr. LANTOS. Mr. Speaker, if the gentleman will yield further, I want to commend my distinguished colleague, the gentleman from New York [Mr. GILMAN] on getting the Arab boycott removed, and I want to thank him for his support of this piece of legislation.

Mr. Speaker, I urge all of my colleagues to support S. 1667.

Mr. GILMAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1667

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

SECTION 1. EXTENSION OF AUTHORITIES.

Section 3(a) of the Middle East Peace Facilitation Act of 1993 (Public Law 103-125) is amended by striking "January 1" and inserting in lieu thereof "July 1".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2287

Mr. HOAGLAND. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2287.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3039

Mr. HOAGLAND. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from Maine [Ms. SNOWE] be removed as a cosponsor of H.R. 3039.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2469

Mr. PAYNE of Virginia. Mr. Speaker, inadvertently several months ago, my name was placed as a cosponsor of H.R. 2469. My intention was to cosponsor H.R. 2326.

I ask unanimous consent to remove my name as a cosponsor of H.R. 2469.

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

There was no objection.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 75) designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Delaware [Mr. CASTLE], the chief sponsor of House Joint Resolution 165.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for yielding to me, and the gentlewoman from Virginia [Ms. BYRNE].

Mr. Speaker, I would like to speak for a moment to Senate Joint Resolution 75, which is similar to our House resolution, but we are going to act on this first. First, it was sponsored by 230 Members of the House, and I thank all of them for their cosponsorship.

National Law Enforcement Training Week is a commemorative event, but it happens to recognize something which is vitally important in the United States of America today. We are probably, in this Congress, in the course of the next week or few months, going to spend a great deal of money with respect to law enforcement: more police officers, more fire power in order to fight crime.

However, I can tell the Members from my experience in the State of Delaware, in the city of Wilmington, that if our law enforcement officers are not properly trained, if they do not have the ability to understand situations that they are confronted with, if they do not have the background of working with computers and the different mechanisms for crime fighting today, then all the policemen in the world probably are not going to make a difference in terms of really fighting crime.

Law enforcement training has become vitally significant across the United States of America, and we are very proud that in Delaware we have the headquarters of an organization, the American Society of Law Enforcement Trainers, which has some 4,000 members headquartered in beautiful Lewes, DE, a beautiful resort spot, which does the coordination for this. It has changed dramatically in recent years. They are going to have their seventh annual training seminar this January in Washington, DC.

As our police officers have become negotiators, as they deal with reporters, with the press, as they deal with ability to handle firearms, to deal with school kids, to do all the things we ask them to do today, let us remember that as we act on this commemorative for National Law Enforcement Training Week, make absolutely certain that we understand the importance of that, what they are doing for us, and the difference they can make in making absolutely sure that we keep good order and have our States and local municipalities in good condition across the United States of America.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I want to congratulate the gentleman for his leadership in making us all aware of our national law enforcement training, and the ability to celebrate National Law Enforcement Training Week with all the appropriate ceremonies.

Mr. Speaker, I yield to our colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in strong support of this legislation and commend the

gentlewoman for introducing the legislation.

Mr. Speaker, I rise today in strong support of Senate Joint Resolution 75, legislation designating January 2 through January 8, 1994, as "National Law Enforcement Training Week."

Our Nation is fortunate to have more than 500,000 law enforcement officers who work to protect our lives and safety each and every day. These brave men and women fight drug pushers, violent criminals, and others who seek to disturb the lives of law-abiding citizens. We all recognize that law enforcement is a dangerous job. In the past 10 years, more than 1,500 law enforcement officers have been killed in the line of duty. Every 57 hours, an officer loses his or her life while protecting the American public from crime; 200,000 officers have been injured on the job in the last 10 years, and 600,000 have been assaulted.

Law enforcement training is crucial for the safety of our officers and the citizens of our towns and cities. It is our duty to honor those selfless individuals who risk their lives daily for our protection. Further, it is in the best interests of our Nation to encourage our young people to recognize the importance of law enforcement in America.

Accordingly, Mr. Speaker, I urge my colleagues to join me in support of this important legislation.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 75

Whereas law enforcement training and the sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property, and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and the sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training in the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 2, 1994, through January 8, 1994, is designated as "National Law Enforcement Training Week".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIGIOUS FREEDOM DAY

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 216) designating January 16, 1994, as "Religious Freedom Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in strong support of House Joint Resolution 216.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 216, legislation designating January 16, 1994, as "Religious Freedom Day." As a cosponsor of this legislation, I commend my colleague from Virginia [Mr. BLILEY] for introducing this important legislation.

Mr. Speaker, as Americans we enjoy certain freedoms. These individual rights, which are afforded to every American, in the Bill of Rights, must be protected and ensured. By designating January 16, 1994, as "Religious Freedom Day" we will do just this.

I am pleased that 2 days ago, on November 16, the Religious Freedom Restoration Act became public law. This legislation restores and protects the free exercise of religion to the standard that existed prior to the 1990 Supreme Court decision in Oregon Employment Division versus Smith. As a cosponsor of the House version of the Act, I strongly believe in the importance of this legislation. The Oregon versus Smith Supreme Court decision set a bad precedent. However, the Religious Freedom Restoration Act will correct this situation by stating that the Government may infringe on the free exercise of religion only if, first, there exists a compelling Government interest; and second, the infringement is the least restrictive means of furthering the Government's interests.

I am pleased that we are considering this important measure that will continue to protect the rights of every American resident. Accordingly, I urge my colleagues to join me in supporting this legislation that will designate January 16, 1994, as "Religious Freedom Restoration Day."

Mr. BLILEY. Mr. Speaker, I rise today in support of a House joint resolution I introduced to proclaim January 16, 1994, "Religious Freedom Day"—House Joint Resolution 216. The purpose of this resolution is twofold: to celebrate the religious freedom which every American citizen enjoys, and to acknowledge the document that first codified this freedom—the Virginia statute for Religious Freedom.

Written by Thomas Jefferson, the Virginia Statute marked an end to the legal conflicts surrounding the quest for religious freedom; a quest that began early in the 17th century when Europeans fled their native lands for America in search of a life free from religious persecution.

Perhaps the most finely written testimony of Mr. Jefferson's concern for the liberation of the human mind from bondage, the statute recognizes the right of every human being to define for themselves both the existence and the perimeters of their spiritual life. By giving the natural right of religion precedence over the interests of the State and thereby completely dividing the church and State, the Virginia statute allows each individual to worship, or not worship, in the way he or she chooses.

The statute has been recognized by scholars, lawyers, religious leaders, and the Supreme Court as one of the most influential documents ever created. Furthermore, the statute was a tremendous influence on, and the precursor to the Bill of Rights, specifically, the first amendment.

Mr. Jefferson himself asked that his three most important contributions to his country be mentioned on his tombstone, the Declaration of Independence, the University of Virginia, and the statute of Virginia for Religious Freedom.

January 16, 1786 was the day on which this statute passed the Virginia General Assembly and since this day it has effected all Americans. In recognition of this, the Virginia General Assembly, as well as the States of Kentucky, Illinois, Florida, Idaho, and Mississippi, have all passed resolutions commemorating the Statute and setting aside January 16, 1994 as "Religious Freedom Day."

I rise today in support of offering all Americans the opportunity to do the same, and I am pleased to bring this commemorative to the floor with the necessary 218 cosponsors.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 216

Whereas December 15, 1991, as the 200th anniversary of the completion of the ratification of the Bill of Rights;

Whereas the first amendment to the Constitution of the United States guarantees religious liberty to the people of the United States;

Whereas millions of people from all parts of the world have come to the United States fleeing religious persecution and seeking freedom of worship;

Whereas in 1777 Thomas Jefferson wrote the bill entitled "A Bill for Establishing Religious Freedom in Virginia" to guarantee freedom of conscience and separation of church and state;

Whereas in 1786, through the devotion of Virginians such as George Mason and James Madison, the General Assembly of Virginia passed such bill;

Whereas the Statute of Virginia for Religious Freedom inspired and shaped the guarantees of religious freedom in the first amendment;

Whereas the Supreme Court of the United States has recognized repeatedly that the Statute of Virginia for Religious Freedom was an important influence in the development of the Bill of Rights;

Whereas scholars across the United States have proclaimed the vital importance of such statute and leaders in fields such as law and religion have devoted time, energy, and resources to celebrating its contribution to international freedom; and

Whereas America's First Freedom Center, located in Richmond, Virginia, plans a permanent monument to the Statute of Virginia for Religious Freedom, accompanied by educational programs and commemorative activities for visitors from around the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 16, 1994, is designated as "Religious Freedom Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to join together to celebrate their religious freedom and to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HOME CARE WEEK

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 55) to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection. I would like to commend the gentlewoman from Tennessee [Mrs. LLOYD], who introduced this resolution, and acknowledge its importance in terms of our consideration of health care reform, because indeed, caring for the ill and disabled in the home is very, very important. It allows for dignity and independence of the individual.

Mr. Speaker, I withdraw my reservations of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 55

Whereas organized home care services for the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places an emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year, preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on November 28, 1993, and ending on December 4, 1993, and commending on November 27, 1994, and ending on December 3, 1994, are each designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 122) designating December 1993 as "National Drunk and Drugged Driving Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I rise today to bring attention to the problem of drunk and drugged driving in this country. Driving while under the influence of either alcohol or drugs is the most frequently committed violent crime in the United States. Nearly 18,000 people were killed and 1.2 million people were injured in crashes involving alcohol and other drugs last year. Impaired driving costs society some $46 billion in direct costs and another $5.5 billion in medical costs each year.

Today, there is a great outcry by citizen action groups such as Mothers Against Drunk Driving [MADD], Students Against Drunk Driving [SADD], Remove Intoxicated Drivers [RID], and the National Commission Against Drunk Driving to reduce the number of alcohol related traffic deaths. They have succeeded by contributing to a 30-percent reduction in the number of these deaths over the past decade. Because of this increased public awareness, there is a need to develop comprehensive solutions at the State and local levels.

December is a month of many holidays and celebrations, with more drivers on the road. More than 20 public and private sector organizations have joined together to carry out a nationwide public information, education, and enforcement campaign during the December holiday season, in order to stem the tide of alcohol and drug-related driving fatalities during this time of year.

I urge you to join me in endorsing their efforts by supporting House Joint Resolution 247, the congressional joint resolution proclaiming December 1993 as "National Drunk Driving and Drugged Driving Prevention Month."

Mr. Speaker, I am privileged to yield to the gentleman from New York [Mr. GILMAN].

□ 1750

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 247, designating the month of December 1993 as "National Drunk and Drugged Driving Prevention Month," and I would like to commend the gentleman from California [Mr. MINETA] for sponsoring this legislation.

Mr. Speaker, the National Center for Statistics and Analysis has published facts on drunk driving estimating that approximately 10 percent of car crashes involved alcohol, and an astounding 25 percent of drivers involved in fatal traffic crashes were drunk. When you add in the disastrous effects of drugs on driving ability, it is disheartening.

These discouraging statistics are only the tip of the iceberg. Figures are even more discouraging in those studies that concentrate on our young people.

Mr. Speaker, more than 40 percent of all teenage deaths result from motor vehicle accidents, about half of these involve drunk and drugged driving.

Just as we cannot afford to turn our back on Americans who are experimenting and regularly using illicit narcotics, we cannot ignore the abuse of alcohol. Drunk and drugged driving accidents, and drunk and drugged driving fatalities have reached unprecedented

proportions. We must sent out a clear, strong message to our entire Nation, especially to our young. We must send them a clear message that drunk and drugged driving is not only wrong, not only foolish, but can be fatal.

I am pleased this legislation is on the floor of the House today, and I urge all my colleagues to join in support of House Joint Resolution 247.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I thank the gentleman from New York for the eloquent and meaningful statement that he made. I will be joining the Mothers Against Drunk Driving and Students Against Drunk Driving and the private sector in my community for their traditional and annual red ribbon campaign, and I urge other Members of the House to do likewise in their jurisdictions.

Mr. MINETA. Mr. Speaker, the No. 1 highway killer on our highways is driving under the influence of alcohol. Yet, at a time when we as a body, and as a nation, are faced with the need to develop solutions to counter a rising tide of violence that sometimes seems unstoppable, battles are being won in the war against drunk driving. Public and private sector organizations have successfully promoted public education and enforcement programs that have resulted in a 30-percent decline in the number of drunk driving fatalities over the last 10 years.

But the cry of victory is a long way from being heard. More than 18,000 people died on our Nation's highways last year as a result of alcohol-related traffic crashes—accounting for 45 percent of the total highway fatality rate. In fact, drunk driving continues to be the most frequently committed violent crime in America.

If we are to win this war, our past successes must be sustained, and efforts to develop further comprehensive solutions must be developed. We must never lost sight of our goal to make drunk and drugged driving a thing of the past.

Because December is a month of many holidays and celebrations, it is a particularly appropriate time to focus national attention on the gravity of the drunk driving problem. More than 70 public and private sector organizations have joined together to carry out a nationwide public information, education, and enforcement campaign during the December holiday season.

I am proud to join my colleagues in the House and the other body in supporting the adoption of Senate Joint Resolution 122, which will serve to provide the necessary national focus on these lifesaving activities.

Mrs. MORELLA. I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). Is there objection to the request of the gentlewoman?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 122

Whereas impaired driving is the most frequently committed violent crime in the United States;

Whereas last year 45 percent of those who died on our Nation's highways were the result of alcohol involved crashes;

Whereas last year nearly eighteen thousand people were killed and one million two hundred thousand were injured in crashes involving alcohol;

Whereas impaired driving continues to cost society some $46,000,000,000 each year in direct costs;

Whereas medical costs associated with impaired driving run approximately $5,500,000,000 a year;

Whereas injury and property damage resulting from impaired driving cause physical, emotional, and economic hardship for hundred of thousands of adults and young people;

Whereas the ongoing work of citizen activists groups such as Mothers Against Drunk Driving (MADD), Students Against Driving Drunk (SADD), Remove Intoxicated Drivers (RID), and the National Commission Against Drunk Driving continue to promote good prevention efforts which have contributed to a 30 percent reduction in alcohol-related traffic deaths over the past decade;

Whereas a decade of intense public education effort has proved that alcohol-related highway crashes are not accidents and can be prevented;

Whereas comprehensive community-based strategies to further reduce and prevent impaired driving tragedies are known to be effective;

Whereas an increased public awareness of the gravity of the problem of drunk and drugged driving may help to sustain efforts to develop comprehensive solutions at the State and local levels;

Whereas more than seventy public and private sector organizations have joined together to carry out a nationwide public information, education, and enforcement campaign during the December holiday season;

Whereas the Secretary of Transportation has set a goal by the year 1997 to reduce alcohol-related fatalities to 43 percent and MADD has set a goal by the year 2000 to reduce alcohol-related traffic fatalities to 40 percent;

Whereas the Secretary of Health and Human Services has set a goal by the year 2000 for all fifty States to prohibit any allowable blood-alcohol concentration tolerance level for drivers younger than age twenty-one; and

Whereas December is a month of many holidays and celebrations, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of December, 1993 is designated as "National Drunk and Drugged Driving Prevention Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HOSPICE MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 159) to designate the month of November in 1993 and 1994 as "National Hospice Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I rise in strong support of House Joint Resolution 159 designating the month of November 1993 and 1994 as "National Hospice Month," and I thank the gentleman from Connecticut [Mr. GEJDENSON] for introducing this legislation in the House.

Hospice provides our elderly and terminally ill with an environment which eases these individuals into a relative painless death in a familiar and supportive atmosphere. Hospice care strives to support a health care system which not only attends to the psychological needs of the patient, but of the family members and friends as well. Hospice care today is one of compassion in a world of increasing alienation between patient and health care providers. The increase in hospices in our Nation reflects a mounting interest in addressing the medical needs of our elderly and terminally ill by providing personal care tailored to dying with dignity and self respect.

Mr. Speaker, designating November 1993 and 1994 as National Hospice Month deserves our support in order that we may acknowledge the many hospice health care providers and volunteers who daily work to relieve the burden of the terminal illness of their patients and their families. The compassion and selflessness they provide contribute greatly to the quality of life while dealing with such an unfortunate situation.

Mr. Speaker, I would like to say that it is always a pleasure to handle these commemoratives upon occasion with my good friend the gentlewoman, from Virginia [Ms. BYRNE].

Ms. BYRNE. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. Further reserving the right to object, I yield to the gentlewoman from Virginia.

Ms. BYRNE. Mr. Speaker, I want to thank the gentlewoman from Maryland and the gentleman from New York [Mr. GILMAN] for their remarks and their help on these resolutions.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 159

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of

their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers trained in the hospice concept of care;

Whereas hospice has become a full partner in the Nation's health care system;

Whereas the enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more Americans to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November in 1993 and 1994 is designated as "National Hospice Month". the President is requested to issue a proclamation calling upon all government agencies, the health care community, appropriate private organizations, and people of the United States to observe each of those months with appropriate forums, programs and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in this country.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on the several joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

REPORT OF ACTIVITIES OF UNITED STATES GOVERNMENT IN UNITED NATIONS DURING CALENDAR YEAR 1992—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 Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1992. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 18, 1993.*

JANET RENO'S JUSTICE DEPARTMENT

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. SENSENBRENNER. Mr. Speaker, what's happening in Janet Reno's Justice Department?

First, the Justice Department flip-flops on child pornography, urging the Supreme Court to make it more difficult to convict child smut peddlers. President Clinton recently wrote her a letter chastising this action.

Now, Justice admits that a bureaucratic foul up prevented the manufacturer of Ritalin, a prescription drug used to treat attention deficit hyperactivity disorder in children, from increasing production to meet a growing demand. As a result, many pharmacies ran out of this medicine causing problems for the parents and children who have had difficulty finding it.

Attorney General Reno promised to protect the children of this country, but I think she owes an apology to the parents and children who have suffered by the mistakes of her Department. She also owes Congress and the public an explanation of how this foul up happened.

I have called for a GAO investigation into this inexcusable mistake and have written Ms. Reno for answers to my questions. I include my letters on this subject in the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 1993.

Hon. CHARLES A. BOWSHER,
Comptroller General of the United States, Washington, DC.

DEAR MR. BOWSHER: I respectfully request an investigation into the management of Schedule II drugs, particularly methylphenidate (Ritalin), by the Department of Justice. Ritalin is a drug on the Drug Enforcement Administration's list of controlled substances for the treatment of attention deficit hyperactivity disorders.

As you may be aware, scarcities of this drug have occurred periodically most recently in fall, 1993. The DEA established an annual Aggregate Production Quota (APQ) which is frequently revised as part of a mid-year review process. The DEA must determine the amount of the drug needed for legitimate medical and scientific needs while ensuring that an oversupply does not occur to prevent the diversion of the drug for illegal purposes.

On November 4, 1993, the Justice Department acknowledged that the Department of Justice review required to set he annual production quota of Ritalin and other controlled substances was "inadvertently delayed" due to a failure to coordinate the regulation setting process with the Office of Management and Budget. An earlier shortage occurred in 1986.

Conversations with the pharmaceutical industry and a consumer organization indicate Ritalin scarcities occurred in earlier years as well. In fact, history may indicate the Annual Production Quota established in January is consistently underestimated with the expectation the quota will be revised later in the year.

1. Please evaluate the methodology utilized in establishing the Aggregate Production Quota (APQ) for Ritalin and other Section II drugs.

2. Please evaluate the accuracy of the APQ established in January for Ritalin and other Section II drugs compared to the final APQ established after the mid-year review by DEA.

3. Please evaluate DEA compliance with the recommendation of the 1986 Administrative Law Judge review.

4. Please evaluate DEA emergency authority, consideration, and use thereof to avert an anticipated Ritalin shortage.

5. Please make recommendations to improve the estimation methodology and mid-year review of the APQ, interagency coordination efforts, and the aversion of future Ritalin and other Section II shortages.

I look forward to the opportunity to discuss these issues with GAO officials to further define issues to be addressed by the investigation at your earliest convenience. I appreciate your consideration of my request.

Sincerely,

F. JAMES SENSENBRENNER, Jr.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 1993.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: On November 4, 1993, the Department of Justice issued a statement acknowledging a bureaucratic delay in the approval of an increase in the annual production quota of Ritalin (the trade name for nethylphenidate), and a number of other controlled substances. Unfortunately, the statement does not answer some relevant questions on this matter which caused thousands of parents to search from pharmacy to pharmacy in search of the drug for children with attention deficit disorders. I respectfully request your investigation of these events and written response to me for the record.

A press release by the Drug Enforcement Administration (DEA) issued on Department of Justice letterhead on October 7, 1993, stated, "Contrary to earlier reports * * *, the DEA did not delay the mid-year review process required to revise the quota. Instead, DEA has worked to expedite to review process and, in turn, permit increased quantities of the drug to be produced in a timely manner." In light of the recent admission by the Department of Justice, it is disturbing DEA attempted to cover-up the delay and actually to take credit for "expediting" the review process "in a timely manner" despite full knowledge that a two month bureaucratic delay occurred from May 13, 1993 to mid-July elsewhere within the Department of Justice. In my opinion, such misleading and contradictory public statements discredit the Department and do a disservice to the interested public.

Furthermore, I would appreciate your review and information on the following matters:

1. The New York Times reported November 14, that the official responsible for ensuring the timely submission of the Notice of Proposed Rulemaking to the Office of Management and Budget was reassigned to another office. Which official has responsibility for the "blunder"? In their absence, who has responsibility? Has the Department taken any disciplinary action? What are the normal tracking procedures for the submission by the Department of Justice to the Office of Management and Budget? Were these followed? What measures have been instituted to ensure the situation will not recur?

2. DEA officials, the pharmaceutical community, and the concerned public reportedly were aware of the delay. Did DEA officials make any attempt to notify Department of Justice officials regarding the bureaucratic delay? If so, how? If so, what was the Department's response? If not, why not?

3. Following realization by DEA and Department of Justice officials of the bureaucratic delay, did DEA or the Justice Department consider using emergency authority to bypass the public comment period allowing an earlier revision of the Aggregate Production Quota? If so, what were the results of the evaluation? If not, why not?

I hope you share my belief that the American people deserve a response to these questions and an explanation for the seemingly contradictory statements issued by the DEA and the Department of Justice. Your attention and response to my request is appreciated.

Sincerely,

F. JAMES SENSENBRENNER, Jr.

VACATION OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent to change the 30-minute special order on November 18, 1993, for the gentleman from Georgia [Mr. DEAL], to a 5-minute special order.

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

There was no objection.

TRANSFER OF SPECIAL ORDER

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR], on November 18, 1993, be allocated to the gentleman from Ohio [Mr. BROWN].

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

There was no objection.

□ 1800

TIME FOR PRESIDENT TO ACT IN FISCALLY RESPONSIBLE MANNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, after all his past statements, I am surprised President Clinton has indicated that not only will he oppose real spending cuts, he intends to fight against balancing the budget amendment.

When President Clinton needed votes to pass his tax increase legislation earlier this year, he promised conservative Democrats he would propose additional spending cuts. The proposal that he came up with is a pathetic attempt to make it look like he is cutting spending while he is really doing nothing.

The President could only come up with 37 rescissions for fiscal year 1994 totaling a paltry $1.9 billion. This is out of a budget which will be increased by at least $81 billion. I cannot believe it.

If you add in the $9.1 billion in cuts over 6 years he has proposed, which come from Vice President GORE's National Performance Review, the total of the President's spending cuts average less than $2 billion per year.

With an annual deficit currently around $255 billion, this is not even a drop in the bucket.

Just this afternoon we learned that the democratic leadership in Congress is now trying to kill even these cuts by further delaying a vote.

A vote had been planned for this Saturday on the rescissions and a vote on the Penny/Kasich amendment, but now we hear the leadership is trying to delay it until Monday. When we will be under heavy pressure to adjourn.

The President has also sent his lieutenants out to fight against spending cuts.

This weekend Treasury Secretary Bentsen said the administration is strongly opposed to additional spending cuts, saying, quote, "we sure don't want to slip back into recession."

Also recently, Deputy Budget Director Alice Rivlin said that, quote, "substantial additional deficit reduction at this time could slow the growth of the economy at a crucial point in the business and policy cycles."

Here is an article on the front page of last Saturday's Washington Post, titled "White House Tries to Halt Budget Cuts," What? After all the commitments made to get votes for his tax bill a few months ago.

Finally, the President recently sent a letter to Congress expressing his strong opposition to the balanced budget amendment.

Mr. Speaker, since when does the economy depend on Government deficits to keep it going? The Clinton administration is so addicted to big spending and big deficits, they actually think it is a good thing.

To the contrary, Government red ink saps money out of the economy, reduces private investment and job creation, and has crippled economic growth.

Every working American knows that living on credit cards is not good budgeting.

President Clinton has put Congress and the American people on notice that he will fight tooth and nail against any attempt to make real spending cuts and to balance the budget.

It is time to start living within a budget just like every working American must do.

And it is time the President returned to his new Democratic roots and start acting in a fiscally responsible manner with the taxpayer's money.

JUDICIAL SYSTEM NOT RESPONSIBLE FOR THE CRIME PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. DEAL] is recognized for 5 minutes.

Mr. DEAL. Mr. Speaker, crime and what to do about it has become a popular political topic. The reason is politicians are becoming aware of what the public has known for a long time: We have a serious problem with those who choose to violate our law, and the public is sick and tired of it.

We in Congress are debating and passing various pieces of legislation which are loosely referred to as the crime bill. In doing so, we are talking about hiring thousands of new policemen, streamlining habeas corpus-based appeals, and control of handguns and assault weapons.

The issue I want to focus on tonight is that in the broadside assault we are making on crime we are too prone to label the problem as one of our judicial system. Too often we join the public outcry against crime and make the judicial system the scapegoat. In doing so, we are heading down a path that threatens our very system of government.

Perhaps we should examine some basic lessons in civics and recognize that our criminal justice system is not synonymous with our judicial system. I do not ask that we engage in this discussion as some philosophical exercise. I do so because it is important that we not jeopardize one of our three branches of Government without recognizing the responsibility of the other two.

When murders and rapists go unapprehended, we blame it on our judicial system. When some of those same criminals are finally arrested, tried, and convicted and then paroled after serving only a few months in prison, we once again lament and say something is wrong with our judicial system. It is time we stopped and acknowledged that we in Congress, the legislative branch, make the laws including appropriating the funds to hire the policemen, build the prisons and pay the guards, and that the executive branch has the responsibility to enforce the laws including providing the prosecutors and making the decisions as to when paroles will be granted.

The judicial branch is only responsible for interpreting the laws, and it

must not bear the criticism for the failure of the legislative branch to provide the funds and make the laws nor the blame for the executive branch's failure to prosecute or in releasing persons from prison early. All are part of the criminal justice system.

The Bureau of Justice statistics reports that in 1992 the Federal prison population grew by 12.1 percent to 80,259, and that State prison populations grew by 6.8 percent to 803,334. In addition, local jails had another 426,479 people incarcerated at mid-year 1991, up 5.2 percent from 1990.

Sometimes we fail to recognize that in order for those who are arrested for crimes to move into the prison system at both the Federal and State levels they must pass through the judicial system. We have heard judges and prosecutors talk about case backlogs, and that problem is very real.

Many would consider that our system is like an hourglass with the court system being the narrow channel through which the sand must pass.

The reason is that at the Federal level the judicial receives only eight-tenths of 1 percent of the 1994 fiscal year budget. Most States do not do any better. In fact, most, like my State of Georgia, do not do quite as well. They are only 74 one-hundredths of 1 percent of both the fiscal year 1993 and 1994 budgets which are devoted to the courts.

What does this mean? It means that we must do better. Why? Because if we allow the failure of the legislative branch to appropriate adequate funds and the failure of the executive branch to refuse to grant early paroles to become the anvil around the neck of the judiciary, then we have done a grave injustice to that important branch of Government.

What can be the consequences? The cries to radically change our system will continue to grow louder, and ultimately the unrest of the public will be seized by some demagogue, a breed of which there seems to be a proliferation lately, and our constitutional system of a free and independent judiciary, of the presumption of innocence, of a right to trial by jury of your peers will be swept away.

Those flames of unrest are growing higher with each passing day. It is imperative that those of us who have the power to extinguish them do so, for the voices of the judiciary have been silenced by codes of judicial conduct and judicial ethics. Perhaps out of frustration the judiciary often strikes out at its own constituency over which it has any control, the members of the bar, and in so doing they alienate their only natural protectors.

The result is that when citizens cry out against the judicial system citing the trials in Los Angeles as the springboard of their complaint, as they did in a recent radio call-in show in my hometown, no one comes to the defense of the system or to the defense of the judges who are the embodiment of the problem in the minds of the callers.

I am but one voice. The message needs to be heard.

What good does it do to pass a crime bill that puts 50,000 new policemen on the streets if we do not provide any funds for the courts through whom those arrested by the policeman pass? The judicial system of Government has always been between the legislative branch and the executive branch of Government.

What is unfair is when those two other branches become the anvil that puts the squeeze on the third.

AMERICAN INDIAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, in honor of this November being designated as American Indian Heritage Month, I want to take a few minutes to share with my colleagues a little history concerning early contact between American Indians living along the east coast of the United States and early European settlers in the same area. Much of this information is taken from a book entitled "Native American Testimony," published by Viking Penguin and edited by Peter Nabokov.

Much has been said about the early interactions between the European and Indian cultures in the early 17th century. Unfortunately, much of the recent published material has been negative and relating to the fighting which took place. It is important to remember that there was also considerable cooperation between the early settlers and the Indians.

Depending on where and when we went to school, some of us learned that the winter of 1607 was a hard one for the settlers in Jamestown, VA. During that year, half the group died from starvation and disease. Without the help of the Indians of the Powhatan Confederacy, which at that time was made up of 30 tribes, almost certainly all of these new settlers would have died that winter.

Despite these good intentions during the period of early contact, the relations between the Powhatan and the settlers deteriorated to the extent that in the spring of 1622 the Indians attacked the settlement at Jamestown and killed 350 settlers. In commenting on the abuses which led to this attack, and warning the settlers that a more peaceable demeanor would benefit everyone involved, Wahunsonacock, the leader of the Powhatan confederacy, had this to say:

Why should you take by force that from us which you can have by love? Why should you destroy us, who have provided you with food? What can you get by war? We can hide our provisions, and fly into the woods; and then you must consequently famish by wronging your friends. What is the cause of your jealousy? You see us unarmed, and willing to supply our wants, if you will come in a friendly manner, and not with swords and guns, as to invade an enemy.

I am not so simple, as not to know is it better to eat good meat, lie well, and sleep quietly with my women and children; to laugh and be merry with the English; and, being their friend, to have copper, hatchets, and whatever else I want, than to flee from all, to lie cold in the woods, feed upon acorns, roots, and such trash and to be so hunted, that I cannot rest, eat, or sleep. In such circumstances, my men must watch, and if a twig should but break, all would cry out, "Here comes Captain Smith"; and so, in this miserable manner, to end my miserable life; and, Captain Smith, this might be soon your fate too, through your rashness and unadvisedness.

I, therefore, exhort you to peaceable councils; and, above all, I insist that the guns and swords, the cause of all our jealousy and uneasiness, be removed and sent away.

Mr. Speaker, the American Indians had firmly held religious beliefs long before settlers arrived from Europe. Even as late as this year we enacted legislation which attempts to protect the tribes' various religious practices. The introduction of Christianity to the Indians was an issue which obviously produced considerable debate. The newcomers were telling the Indians their religion was unworthy of the Great Spirit, and that there was only one way to worship this spirit, and that was the Christian way. Red Jacket, a leader of the Iroquois Tribe, described American Indian perspectives well in this speech to a representative of the Boston Missionary Society, and I quote:

Friends and Brother! It was the will of the Great Spirit that we should meet together this day. He orders all things, and he has given us a fine day for our council. He has taken his garment from before the sun, and caused it to shine with brightness upon us. Our eyes are opened that we see clearly. Our ears are unstopped that we have been able to hear distinctly the words you have spoken. For all these favors we thank the Great Spirit, and him only. . . .

Brother! Continue to listen. You say that you are sent to instruct us how to worship the Great Spirit agreeably to his mind; and if we do not take hold of the religion which you white people teach, we shall be unhappy hereafter. You say that you are right and we are lost. How do we know this to be true? We understand that your religion is written in a book. If it was intended for us as well as for you, why has not the Great Spirit given it to us; and not only to us, but why did he not give to our forefathers the knowledge of that book, with the means of understanding it rightly? We only know what you tell us about it. How shall we know when to believe, being so often deceived by the white people?

Brother! You say there is but one way to worship and serve the Great Spirit. If there is but one religion, why do you white people differ so much about it? Why do not all agree, as you can all read the book?

Brother! We do not understand these things. We are told that your religion was given to your forefathers, and has been handed down from father to son. We also have a

religion which was given to our forefathers, and has been handed down to us, their children. We worship that way. It teacheth us to be thankful for all the favors we receive, to love each other, and to be united. We never quarrel about religion. . . .

Mr. Speaker, these are only two examples of American Indian perspectives on cultural differences which arose between European settlers in America and the Indians who had been living here centuries before. As time permits during the remaining days of this session of Congress, I hope to provide further examples of these cultural differences and how the problems were perceived by the original inhabitants of our land.

□ 1810

RECOGNIZING EDEN HOUSING, INC., FOR 25 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK], is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today, I would like to congratulate Eden Housing, Inc., for its 25 years of providing affordable housing to the residents of Alameda County and other surrounding communities.

During this time, when many considered affordable housing an oxymoron, Eden Housing has provided over 2,000 units of quality housing to serve people with different housing needs: Low income families, seniors, and people who are physically and/or mentally disabled. Eden Housing developments include new construction and the acquisition and renovation of existing properties. Some are rental properties, others are built to be sold and include sweat equity housing and limited equity cooperatives.

In order to ensure the ongoing financial viability of its properties, Eden Housing created Eden Housing Management, Inc. This affiliate serves the tenants with sensitivity and care.

Eden Housing, Inc., was founded in April 1968 by community activists who had pursued various means during the 1960's to end housing discrimination and to build affordable housing in the East Bay area. The first governing board included Harold Mefford, George Simonds, Bill Vandenburgh, Marvin Olson, William Goetz, Albert Ronander, Arthur Alm, Mark Seaver, and Lucie Buchbinder. Bill Vandenburg and Harold Mefford continue to serve on the board to this day.

With the assistance of Housing and Urban Development section 221(h) funds, each original volunteer board member virtually adopted a house in Oakland, CA, that needed rehabilitation and a family to assist in becoming a firsttime homeowner. The project proved to be challenging, difficult, and successful; in September 1969, six homes were sold to low-income families.

The board almost immediately began its second project—the 150 unit senior housing complex named Josephine Lum Lodge in honor of the late Mrs. Josephine Lum. By the fall of 1973, the rental units were being occupied by low-income seniors. Within its first 5 years, Eden Housing was off to a flying start.

Now on its silver anniversary, Eden Housing celebrates the near opening of its 30th project—the Glen Berry Apartments in Hayward, CA. This project, like all other Eden Housing projects, is a clear example of why this organization has been so successful. Eden Housing has the ability to form good working partnerships with governmental agencies and other community-based organizations who also are committed to fulfilling the housing needs in the community. The Glen Berry Apartments were developed with the Family Emergency Shelter Coalition [FESCO] and this site is the 16th collaboration between Eden Housing and the city of Hayward.

Eden Housing also cares very much about the quality of its projects. This is evident when you walk into its office and see all the awards from the National Association of Housing and Redevelopment Officials and the Bay Area American Institute of Architects.

Mr. Speaker, I come before you today not just to recognize Eden Housing's achievements of the last 25 years, nor its ability to meet the housing challenges of the East Bay community, but also to commend the dedication and continuous commitment of its staff, board of directors, and supporters. I ask you and my colleagues to join me in congratulating this fine organization for all its accomplishments and its tenacious spirit and in wishing it well with its future plans.

RELIGION AND GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have thought a long time about this special order. We are coming to the end of the session.

Mr. Speaker, behind me, above the lectern, are the words, "In God We Trust." We all read that every day and we hear the various pastors come before this body and give the morning prayer. As I read that, I think every day that many actions of this Congress and the courts fly in the face of that statement. Take for instance, a few examples.

The Federal courts have forbidden a fifth grade teacher in Denver to display his own Bible on his desk at school, even though the books dealing with other religions sat on nearby shelves.

In Washington, DC, the Department of the Interior has adopted regulations that prohibit free speech activities, including evangelism, on sections of Constitution Avenue. It does not stop with Federal action.

At Moorhead State University in Minnesota, officials sometime ago told a coed student that they could not include a fish in a mural on a dormitory wall because it was a religious symbol.

Finally, in Michigan a 5-year-old girl in kindergarten tried to thank her Lord before a Friday snack, and her teacher told her she had to stop because prayer is not allowed in school, and the little girl ended up going home.

This Nation has come a long, long way since our forefathers relied upon God Almighty to help set this Nation free.

I would like to quote a few of our forefathers for my colleagues so that they will remember over the Thanksgiving holiday what made this Nation great.

The last half of George Washington's farewell address to the Nation has not been included in American textbooks for the last 30 years because this is what he said:

> Of all the habits and dispositions that lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars.

He knew as the Father of this Nation that we should have a firm reliance on God Almighty if we were to survive as a nation.

Abraham Lincoln said,

> We have been the recipients of the choicest bodies of Heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown, but we have forgotten God.

It seems today that it is even worse than back in those days.

James Madison, the single most important contributor to the U.S. Constitution said,

> We have staked the whole future of American civilization upon the altar of, upon the power of government. We have staked the future of all of our political constitutions upon the capacity of each and all of us to govern ourselves according to the Ten Commandments of God.

Benjamin Franklin, in his speech to the Constitutional Convention on Thursday, June 28, 1778, said,

> In the days of our contest with Britain, we were aware of a danger. We had daily prayers in this room for divine protection. Our prayers were heard, and they were graciously answered. Have we now forgotten our powerful Friend? I move that prayers imploring the assistance be held in this assembly every morning before we proceed with business.

He knew the importance of God Almighty.

Charles Finney once said,

> The church must take a rightful position in regard to politics. Politics are a part of religion in a country. Christians must do their duty to the country as a part of their duty to God.

John Jay, the first Chief Justice of the U.S. Supreme Court, said—one of the three men who gave us our Constitution—said,

> Providence has given to our people the choice of their rulers, and it is the duty as well as the privilege and interest of our Christian Nation to select and prefer Christians for their rulers.

In order to find out who influenced our political institutions, a study by the University of Houston looked into 3,000 of the most important writings of the Founding Fathers and their writings were that the Founding Fathers quoted the Bible 4 times more

than Montesquieu, 12 times more often than Blackstone, 16 times more often than Locke, and these are the three most quoted men in history.

□ 1820

Fifty-two of the fifty-five signers of the Declaration of Independence were orthodox believers in Jesus Christ. Thirty-four percent of all quotes used by the Founding Fathers came directly from the Bible, the Old and New Testaments.

Sixty percent of the quotes of the Founding Fathers were quoting men who were quoting the Bible.

Ninety-four percent of the writings of the Founding Fathers were based on the Scriptures, and the idea for the three branches of Government came from the Bible in Isaiah 33:22.

The separation of powers came from Jeremiah 17, and tax exemptions for churches came from Ezra 7:24.

Finally, being a Christian, and I know we have many people who have different religious beliefs and I admire them for their beliefs, we have some differences of opinion, but one thing we all have in common is that we believe in God Almighty. We believe that if this Nation is to survive we have to have a firm reliance on the Almighty; but as a Christian I appreciate some other comments from Christians who led our country.

Benjamin Franklin said:

> Whoever will introduce into public affairs the principles of Christianity will change the face of the world.

John Quincy Adams said:

> The highest glory of the American Revolution is that it connected in one insoluble bond the principles of several government with the principles of Christianity.

Of course, the great leader, Patrick Henry, said on March 2, 1775, when we were about to start the American Revolution:

> We shall not fight alone. God presides over the destinies of nations. The battle is not for the strong alone. If life is so dear or peace so sweet as to be purchased at the price of chains and slavery, forbid it, Almighty God. Give me liberty or give me death.

Then I would like to conclude before I yield to my colleague, the gentleman from California [Mr. DORNAN], a few quotes from a speech given here on the House floor by the gentleman from West Virginia [Mr. RAHALL] when he was talking about America's Christian Heritage Week. He said:

> We find ourselves with heavy hearts watching our government succumb to the pressures to distance itself from God and religion.

He went on to say:

> And the freedom we especially celebrate on Thanksgiving Day is at stake when we can no longer hear a child's prayer in school or a benediction at a high school student's graduation ceremony.

We have rampant in our society pornography and violence and we wonder why we see the disintegration of many of our cities, the crime in our cities, when there is no moral foundation for many of our young people.

I submit to my colleagues that we as leaders of this Nation need to start talking about God more and start moving back toward the principles that made this country great, that are based upon Christian principles, that Judeo-Christian ethic and many of the great religions that we have in this country.

With that, Mr. Speaker, I yield to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, first of all, I want to say, and I hope the gentleman from Indiana [Mr. BURTON] does not choke up now, but my respect for the gentleman truly goes up exponentially with each month that I serve with the gentleman from Indiana.

I think what the gentleman is discussing here is the core root of what is wrong with our Nation.

Now, our good colleague, the gentleman from Ohio [Mr. KASICH] is going to talk here for awhile about real fiscal sanity and saving our country from bankruptcy, and that is really important.

I hope everybody who is listening, and I hope it is still the usual C–SPAN audience, Mr. Speaker, of 1.2 or 1.3 million people.

I am going to take a special order following his. I was going to talk about Jimmy Doolittle, Cardinal John Joseph O'Connor up in New York and a speech of his that I want to read into the RECORD, not insert, but read it.

I wanted to talk about this term "politically correct." Here is what I would like to ask the gentleman from Indiana.

Does the gentleman believe that we should start to coin a phrase called "spiritually correct" to counter what is becoming idiotic, this term "politically correct," but it does have power. PC's have power. It is corrupting our colleague and our high school campuses.

What the gentleman really in essence is saying is that our Nation at its beginning tried to be spiritually correct before it thought about what was going to be in the Constitution. Is that not a fair analysis?

Mr. BURTON of Indiana. There is no question that our Forefathers, George Washington, Benjamin Franklin, Thomas Jefferson, and all of them, had a firm reliance on God and felt without His divine help, this Nation would never be free. That is why they implored His help continually, and because of that, they won some very important battles that they were not supposed to win, and I believe we did have divine help.

Mr. DORNAN. Well, we have been here long enough that the gentleman from Minnesota [Mr. PENNY] has arrived on the floor, so this is going to be a good special order that the gentleman has given them tonight.

One of our Protestant brothers gave this Irish Mick here an interesting little brochure, that when the gentleman from Indiana told me what he was going to speak on I ran out to the car and got it. It is just one of these typical four-page Bible tracts. It has a beautiful American Eagle on the cover with a representation of a nickel. There is Jefferson's face, right next to the words "In God We Trust" that the gentleman opened up mentioning.

You turn it again and there is our flag. It says "In God We Trust" again. It begins with a George Washington quote. I hope when I was out of here a second that the gentleman did not read this one, but it is worth being redundant with:

> It is impossible to rightly govern the world without God and the Bible.

That is George Washington.

I am going to read the rest of this pamphlet after our good conservative fiscal friend, the gentleman from Minnesota [Mr. PENNY], and the gentleman from Ohio [Mr. KASICH] are through here, but it has a little prayer at the end. It says:

> Dear God, forgive me and forgive our Nation for trying to live without you. I accept and believe in your Son, Jesus Christ, that he came to Earth to pay for the penalty of our sins. I repent of my sins and I ask that you will help our Nation to repent. Please make me a member of your family in the name of Jesus Christ.

We used to start all the meetings around this place, even when I got here, with prayers like that.

It goes on to quote Psalm 33:

> Blessed is the nation whose God is the Lord. Behold the eye of the Lord is upon them that fear him, upon them that hope in his mercy.

Two more, one that we see at baseball and football games all the time. You see these people humbly putting up John 3:16:

> For God so loved the world that he gave his only begotten Son, that whoever believeth in Him should not perish, but have life everlasting.

When Mike Wallace asked Ronald Reagan what was his favorite Biblical verse, that is the one he brought up.

Then here is the last one, John, chapter 3, verse 36:

> He that believeth on the Son hath everlasting life, and he that believeth not on the Son shall not see life, but the wrath of God abideth on Him.

I mentioned in our debate today that "Hard Copy" show last night that shows Denmark—I married a Dane, a Danish-American—Denmark utterly corrupting its children, 10, 11, 12, 13-year old girls holding up condoms to the camera, laughing about carousing and teen-age sex, drinking, and smoking.

And who did they get to approve all this? American ex-patriot liberals saying it is a great country and that is the

way America should be, and it says, this guy is a psychologist, we have to think about being spiritually correct.

Mr. BURTON of Indiana. I agree with the prayers the gentleman quoted and the Scripture from the New Testament of the Bible.

Let me just say, as a strong Christian and one who believes very firmly in Jesus Christ, that we have other religions in this country who have a very strong moral statement that they want to make, and they know also very clearly that our Nation cannot survive without strong moral principles that are taught in all the great religions.

I just hope my colleagues, when they go home for Thanksgiving, will ponder these thoughts, because I think that we ought to start thinking about them if we are going to keep our country on the right course.

Mr. Speaker, I ask unanimous consent that the rest of the time on my special order be allotted to the gentleman from Ohio [Mr. KASICH].

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

There was no objection.

FISCAL SANITY

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding the balance of his special order time to me.

It is a pleasure for me to come on the House floor tonight with my Democrat colleague, the gentleman from Minnesota [Mr. PENNY] in an effort to talk to the American people about the Penny-Kasich amendment.

Let me just say a few things before I yield to my colleague, the gentleman from Minnesota [Mr. PENNY]. The gentleman from Minnesota [Mr. PENNY] and I were able to work together with a group of 29 other Republicans and Democrats who are concerned about the financial direction of this country. In an unprecedented way, Republicans and Democrats came together to fashion a spending cut bill in the area of $100 billion in deficit reduction.

Republicans and Democrats together took a look at all the programs across the Federal budget, and we were able to fashion a program that reforms the operation of the Federal Government and really represents a small down payment on what we need to do in America to get this country moving again and to protect and to guarantee greater prosperity for every American.

□ 1830

It is couple-fold. One, it is reducing the overhead of the Federal Government, ending the choking regulations that keep businesses from being able to prosper, to expand, to hire more people, and taxation, which is also one of the worst things in terms of giving Americans incentives to be able to spend money the way they want to and to not choke businesses with further taxation in this country.

So, it is kind of a three-prong process, but the first stage is to begin to reduce the overhead of the Federal Government, and, as we know, in the Clinton budget, which cut nothing other than national security, over these next 5 years we will increase the national debt by $2 trillion, from $4½ trillion to $6½ trillion, and all the Penny-Kasich proposal represents is saving one penny on a dollar over the next 5 years.

Now this administration is doing everything that they possibly can to rev up the special interest groups in Washington, DC, to deny this House a real chance for change, and what they are doing is trying to rally the special interest groups to work over the Members of Congress, to say to the Members of Congress, "If you vote for this changed program, we're after you," and this is an orchestrated campaign that is coming from down Pennsylvania Avenue led by high officials of this administration that are afraid to cut a penny out of a dollar over the next 5 years.

Frankly, my colleagues, they ought to be embracing, they ought to be embracing this program. It is a commonsense program, a basic downpayment supported by Republicans, Democrats, conservatives, moderates, and liberals who come together in an effort to make a downpayment to preserve America's future.

What we really have to do in order to pass this program is call on the bulk of the American people, who do not represent special interests inside the beltway, to send a message over these walls, over these walls represented by this beltway, this I-95. We need them to send their message over those walls and to send clear messages to their Representatives in Congress that they would like to make a commonsense downpayment in reducing this deficit and preserving a future, a prosperous, good future for their children.

At this point I yield to my colleague, the Democrat gentleman from the State of Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I thank the gentleman from Ohio [Mr. KASICH] for yielding.

Mr. Speaker, I want to start by admitting that I am tired. I am not tired because of the length of this work day. I am not tired because it is now 6:30 in the evening and I have not had a meal all day because of the press of activities surrounding our effort to present this spending reduction package. I am tired of this institution, and I am tired of the interest groups that dominate politics in America.

Mr. Speaker, we worked very hard this last summer on President Clinton's deficit reduction proposal. In the final analysis that plan represented approximately 500 billion dollars' worth of deficit reduction over the next 5 years. Some will dispute the basic numbers that comprise that package, but most of us proclaimed that that was a plan that was roughly 50 percent spending cuts, 50 percent tax increases and a package that did not sit well—as we discovered, that it was a package that did not sit well with the American public. It did not sit well for three fundamental reasons, Mr. Speaker:

First of all, folks did not view this as tough enough on spending. They wondered where the spending cuts were when no major weapon system in our arsenal was canceled, when no major big ticket science project was canceled, when no major portion of our bureaucracy was threatened, when not even the honey program was eliminated. Among all the departments, agencies, and programs in the Federal budget not a single one was canceled as a consequence of the cuts called for in the Clinton budget. They felt that the tax increases were too high, set aside the fact that other than the gas tax increase at 4.3 cents a gallon, which amounts to 10 cents per day per family, none of these tax increases were focused on anyone with less than $100,000 or $125,000 of income. They just felt that taxes, even if they were largely focused on the wealthy, were not the best way to deal with the deficit problem when it appeared that so little was being done to roll back Federal spending.

But beyond all that, Mr. Speaker, most Americans reacted negatively to the Clinton budget because it was very clear that, while we touted a $500 billion deficit reduction program over 5 years, that the best we would achieve with this plan was a gradual reduction from a deficit in the range of $265 billion in 1993 to a deficit of about $190 billion in fiscal year 1996, only to see the deficit then, once again, climb to beyond $300 billion at the turn of the century. People understood this was not a solution to our Nation's deficit dilemma.

Many Members of Congress voted against the plan because it did not have enough cuts. Some of us voted for the plan with great reluctance and only on the assurance that we would have a fair fight for deeper cuts before Congress adjourned this fall. I will give the administration credit for submitting a modest spending reduction bill to allow this process of extra spending cuts to move forward, but to my dismay all of the power of the leadership within my own party, and based on developments today, most of the machinery of the Clinton administration, and on top of that virtually all of the special interest groups that benefit from government spending, have now geared up in a full court press to not only delay consideration of this spending reduction package for a couple of days, but to use that delay as a means to oppose and defeat this spending reduction package.

What we did, based on this opportunity for deeper cuts, was what should

have happened 10 years ago. We sat down in a room, roughly 15 Democrats and 15 Republicans, and we said, "We can't solve this problem without some bipartisanship. Let's work together. Let's put everything on the table. Let's forget about our parochial interests. Let's forget about partisan potshots. Let's set a goal of hundred billion, and even that won't solve the problem, but let's at least get a good start on this in a spirit of bipartisan trust."

Mr. Speaker, we found over 80 items in the budget that we, both Democrats and Republicans, were willing to cut, and we also discovered that the strength of the package did wonders. Each item in this package causes some pain, and there were people at that negotiating table that had problems with some of these 80 items on the list.

□ 1840

But when they saw the totality of what we were able to do by putting that many spending reduction items in one package, they swallowed the tough medicine and endorsed the entire plan, because they saw that the larger goal of $90 to $100 billion worth of deficit reduction was more important than the little bitty heartburn that one or two or three items might cause them.

When I said at the start that I am tired, I am tired of a process in Washington, DC, that does not allow that kind of good faith bipartisan effort to proceed. We are so bogged down in our partisan game playing and so captive to the special interests that dominate each political party that when it comes to making serious progress on spending cuts, we just run for cover.

The American people are not stupid. But for 10 long years we have treated them like idiots. We are afraid to tell them that yes, some of the programs you like have to be cut. We are afraid to tell them that it is our children that are suffering and will suffer from the debt we are handing to them.

People are not stupid. If we lay it on the line and tell them that yes, this pain is necessary in the near term to solve this problem, they will get behind the effort.

If we make it clear to them that the only way to save this country and to save this economy for future generations is to put our fiscal house in order today, they will get behind this effort.

It does not mean we will not take a little flak along the way, and you can bet your bottom dollar that the Penny-Kasich plan is going to be subject to an awful lot of flak in the next couple of days. But it is a plan that represents a solid bipartisan effort, 80 specific items, half of which apply to discretionary domestic and defense accounts, half of which apply to entitlement spending. And that is a fair distribution, because half of our budget is entitlement spending.

This is a plan that represents perhaps the best effort that I have seen put forward by a group of Democrats and Republicans in the 10 years I have been in Congress. I am gravely disappointed that the reaction to this plan is the same old stuff.

I offered 1 percent cuts and 5 percent cuts to appropriation bills for several years around here, only to have many of my colleagues vote against those measures and criticize me for these across-the-board efforts to cut spending.

Besides that, these across-the-board cuts were only offered to appropriation bills. Appropriation measures are perhaps 20 percent of the budget. You will never balance the budget by only going after appropriated accounts.

So now we have come up with a balanced package that goes after entitlements, the fastest growing element in this budget, and the very same Members are outraged, outraged, that we are going after these entitlement programs with the suggestions that we have put forward.

It comes down to this: a lot of people in Washington want to talk about deficit reduction and want to pretend that they are for deficit reduction, but really do not want to cast any vote that shrinks the size of Government and shrinks the size of this deficit.

Oh, they will cast a vote, as long as it does not pass. They will cast a vote, as long as it is not for real. They will cast a vote, as long as they know that the Senate will reject it or a conference committee will ignore it.

When it comes down to a serious package, they do not vote for it. The leadership in my party orchestrates this sort of opposition to fiscal sanity, and the interest groups in town, who have only their own efforts at heart, not the interests of the taxpayers, not the interests of future generations that will be burdened by this debt, will fight us on each and every detail.

It is tiresome. It has to end. On Sunday, or Monday, or whenever, when we finally get a vote on the Penny-Kasich plan, it will be the single most significant vote in the time that I have been in Congress in terms of defining who is serious about solving this problem and who is part of the problem.

That is the way we intend to cast this debate. That is the way we have to cast this debate, because there has to be accountability on this issue. We have to quit pretending that we are for deficit reduction and finally vote for some real deficit reduction, and we intend to offer that opportunity to the membership within the next few days.

Mr. KASICH. I want to say that those remarks by my colleague from Minnesota are some of the best I have ever heard on this House floor. And TIM PENNY is for real. He is for real. He is what people have said about him and written about him. TIM loves his country and wants to help his country. And he is right when he talks about the special interest groups.

Let me say, TIM, that I think it is important for us to spell out tonight what has got you revved up, and I guess me revved up, is the fact that they are using the same old game plan to try to sack the quarterback, to try to prevent change, to try to prevent the ball from being moved down field. They bring these special interest groups into the game and they start to begin to work over the Members of Congress.

The reason why a victory on Penny-Kasich is so important is that if we do not get to 218 Members, and we have got to walk back out those doors, losing another fight, that represents really an unprecedented fight. The public needs to understand that if Penny-Kasich passes, this does not go to committee chairmen, this does not go to committee staff. This has the force of law. We will have a quarter of a million fewer slots in the Federal Government. We will begin to privatize the public housing market. We will begin to reduce the field offices in the Department of Agriculture. We will begin to shrink the size of the field offices in the HUD operations. We will begin to privatize these pieces of the Federal Government.

This is what the people have been asking for. If we are not able to be successful at this moment in time, I say to the gentleman from Minnesota, what I get concerned about, if the American people, who want change in this town, what I get concerned about is if we cannot deliver that change, I say to the gentleman from Minnesota, whenever Members of this body want to bring change, they are going to look at what happened on Penny-Kasich, and they need to see some success. They need to see us win one in the name of change.

We do not want to have these special interest groups sitting in their offices here within the Beltway laughing that they just simply won another one. And it sends a message to Members of Congress who are in fact in favor of change, don't try us; you can't take us. You can't pin us. You can't beat us. Because any time you come with a program that represents change, we will figure out how to beat you up.

That is why this fight is even bigger, much bigger than Penny-Kasich, much bigger than $100 billion. This is a fight that is really trying to answer the call of the American people, who say I care about the future. I care about the kids.

As I say, this effort to try to revitalize America and to put us in a job-creating mode is not just cutting spending. It is other things as well. But cutting spending is an essential element.

I would say to the gentleman, this package is more sweeping in scope than any package that I think has come to this floor. I know BILL ARCHER says in his entire career, over two decades.

I would say to the gentleman that I think that the administration insults the Members of this House when they

talk about the fact that there are items in this budget that if Members ever saw them, they would reject them.

□ 1850

The simple fact of the matter is, we as a group of Members of Congress, 31 Republicans and Democrats, systematically reviewed each and every single proposal specifically and it was voted. And it went through the entire process of being approved by a group of 31 Members of Congress on a bipartisan basis. And they insult the members of this task force, the Members of this body who put together a specific proposal that has been scored by the Congressional Budget Office very close to what we had predicted.

I would say to the gentleman, it is interesting that this morning Mr. GORE appeared on morning television. They asked him, how was it that the White House estimated that his reinventing government program would save $9 billion, but the Congressional Budget Office said that no, no, no, you are not going to save $9 billion. You are only going to save $300 million.

In fact, when the bill got done moving its way through the committees, we increase spending by $1.5 billion. We went from a $9 billion cut, under the Gore plan, to another $1½ billion to the American taxpayer.

Do you know what the Vice President said? "We can't trust the Congressional Budget Office." He said that here we have to trust our operation in the White House.

When President Clinton came to this floor for his State of the Union Message in February, he said:

> No longer will we rely on the White House Budget Office for numbers. We are going to rely on the Congressional Budget Office, the bible of budget estimates.

Once again, it is double talk.

I would say to the gentleman, it is going to be tough, but you see, I know him and he knows me. We are guys like Butch Cassidy and the Sundance Kid. We will go down in a shooting match here, if we go down. Frankly, I say to the gentleman, along with our team, you know you think about this today, Senator Tsongas came to endorse this package with this group, with this tremendous group of Democrats and Republicans who wanted to bring change. And these folks who have been criticized, they have gotten the phone calls. This group, this team is hanging together and they have got commitment.

When I think of Congressman CHRIS SHAYS from Connecticut and his commitment to this process and JIM WALSH and his commitment to this process, we are not going to quit. This group is not going to quit. We are going to fight like crazy until this vote is finished.

I guess all we ask is we are going to put the effort in, but we want the American people to call their Members of Congress and say, give this plan a chance. Cut one penny on the dollar over the next 5 years for the future of this country. Give some change to Washington, DC. We want to see a little reform. We want to see a good faith effort. Support this task force of Republicans and Democrats that want to deliver us some fiscal sanity.

We are just going to keep on plugging, and we are going to keep on talking about this plan. We are going to keep on talking about the opposition. As Senator Tsongas said today, we are going to know who the real people are and who the people are that have no interest in serving what the vast majority of the American public want.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. PENNY].

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

I want to reflect on his comparison to our effort as sort of akin to Butch Cassidy and the Sundance Kid. It was a great movie, but as I recall, at the end of the movie you were not sure whether they survived or got shot down. And we do not know a few days ahead of this vote on the Penny-Kasich budget reductions whether we will survive this fight or get shot down in the process. But we do know that we are in the fight, and we do know that the potential is there for this significant package of spending cuts to be adopted by this Congress.

We know that because over the course of the last few days, particularly the last few hours, it has become increasingly evident that every interest group that wants money from the Government, even if it means a higher deficit for this country, is gearing up to oppose this package. We know that because, unfortunately, while they have been supportive to some extent, the White House has now instructed various administrators in this administration to come out forcefully against this plan.

We know that because within the institution of Congress, a very strong whip effort on the part of the leadership has been initiated to defeat this plan.

We have the backing of folks that know an awful lot more about what it takes to build a strong future for America than most politicians in Washington know. The Concord Coalition does not have any ax to grind. The Concord Coalition devote voluntarily much of their time to the issue of deficit reduction. They have heightened American understanding of this issue, and I applaud former Senators Paul Tsongas and Warren Rudman for their efforts in that regard. We are delighted to have their support in this effort, because they have no personal stake in this. They are simply trying to sound an alarm, to alert the American public to what must be done to get our fiscal house in order. And they support this plan.

But within the institution, I am heartened to know that we have new legislators, Democrats and Republicans alike, who are serious about deficit reduction, who are serious about making tough votes to balance this budget, who are more interested in doing the job they were sent here to do than in keeping the job and all the perks and the power that comes with it.

If it were not for these freshman Republicans and freshman Democrats who have been really the energy behind this Penny-Kasich budget plan, we would not be here today with a package comprising almost 100 billion dollars' worth of spending cuts over 5 years. And these are tough choices. There is no denying it. But this package, in spite of its breadth, in spite of its credibility, still does not do all that needs to be done to eliminate the deficit that faces this country. But it is a major step, and it must be adopted, it must be adopted and voted for by anyone who claims to be serious about budget deficit reduction.

We do downsize the Federal work force. We do, for wealthy seniors, expect of them a little higher payment of some of their Medicare services so that lower income workers do not end up paying for wealthy seniors' health care.

We do ask that starting with new hires, that the rules about retirement for Federal workers, including Members of Congress, be changed so that we all, those of us coming into the system, have to wait a little longer to draw those benefits.

We do not change the rules for anybody in the game. That would be breaking a contract. But we say for the future, we have to make this change.

We do say that the Congress ought to set an example by cutting its own budget, and we slate the legislative budget for a 7½-percent cut, and our free mailing privilege will be reduced by 20 percent.

We cut the White House budget by 5 percent, as a way of allowing the administration to set an example.

Mr. KASICH. I want to say one thing about the Congress. And that is, we will not get a cost-of-living increase unless Federal workers get it. If Federal workers do not get it, we do not get it. So we are putting Congress in the barrel. I would hate for people to have to vote against putting Congress in the barrel under this plan.

□ 1900

Mr. PENNY. Mr. Speaker, I appreciate the gentleman's contribution to the listing that I am presenting. We also trim Federal overhead costs by about $2 billion over the course of 5 years. As the gentleman from Ohio [Mr. KASICH] mentioned earlier, we do eliminate field offices within the U.S. Department of Agriculture. We have about 12,000 field offices across the

country. We would downsize that by about 1,200.

We consolidate HUD Department field offices. We eliminate various programs, including the Interstate Commerce Commission, which no longer has much of a mission, because we have deregulated the railroad and the trucking industry.

These are not pain-free changes, but they are achievable reductions in the size of this Federal Government. These are not draconian cuts. There is no poison pill here. This does represent a commonsense approach to dealing with this Nation's deficit problem. It does not solve the entire problem, but frankly, if we cannot begin by making these changes, we cannot pretend that we are serious about solving them.

I appreciate so much the bipartisan involvement, I appreciate so much the leadership of the gentleman from Ohio [Mr. KASICH]. He has been an inspiration to me because, in spite of the fact that he has been here as long as I have, he still has a freshness and a zeal and a level of enthusiasm that is absolutely required if we are to change the status quo. When I said at the start of my remarks some time ago that I was tired, I am tired of the status quo. This represents the best chance in a decade to break the status quo and to get real change and real deficit reduction.

Mr. KASICH. Mr. Speaker, I appreciate the gentleman being able to pronounce my name correctly.

I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I just want to point out that I have had the privilege of working with the gentleman from Ohio [Mr. KASICH] and the gentleman from Minnesota [Mr. PENNY] over the last several weeks in putting together this package. I think our colleagues need to know, Mr. Speaker, just how hard these two gentlemen have worked.

This has not been easy. As the gentleman from Minnesota [Mr. PENNY] just pointed out, there are a lot of very, very tough measures at issue. We do not cut $100 billion out of spending and not have it be some very, very tough things to do. These two gentlemen have worked, trying to listen to Members, trying to respond to what they thought were legitimate concerns in modifying their package. The fact is that all their hard work has paid off in the fact that they have produced something real.

I think that that should be underscored, because there is a lot that goes on around the House of Representatives and in the Congress as a whole that produces a lot of air, but nothing much real. There is a lot that goes on in this town. I am told, and the gentleman can tell me whether I am wrong, I am told that, for instance, after hearing about a $9 billion National Performance Review package that was going to save the taxpayers money, when we actually got it up here and got it scored by CBO, it ended up costing money.

I only point that out not to be pejorative, but to point out that there was an awful lot of hard work that went into the NPR. I think they probably all believed, based upon their own figures, that this was something that saved money. Yet when it got scored under the same procedures that the gentlemen who bring this proposal to the House had to have their proposal scored by, it turned out it did not save money, it cost money, so this is tough going. The fact is that both the gentleman from Minnesota and the gentleman from Ohio have done yeoman service.

Mr. Speaker, when we bring that particular proposal to the floor, we are going to end up having on the floor a real spending cut measure. It will be interesting to see how the House responds when they get a real spending cut measure before them. It will not be an easy vote. It will be a tough vote. The fact is, it is going to be a tough vote that a lot of people are going to be watching. It is not just going to be the people who want us to cut spending who are going to be watching it, it is going to be a lot of the special interest groups out there who do not want one dime cut from spending, who are going to be watching it, and who are going to respond very, very bitterly.

The administration is already making it clear that they are going to make this into a very tough vote for Members to cast on the floor. I hope that we have the courage of our convictions and do vote to approve the measure, but beyond that, I think we ought to also, as we do it, thank the two gentlemen, the gentleman from Minnesota [Mr. PENNY] and the gentleman from Ohio [Mr. KASICH], for all the work they have done. Win or lose, they have provided us with a real package, and I, for one, thank them for it.

Mr. KASICH. I appreciate the gentleman's remarks.

I am going to do a little disclaimer now. For those military retirees who have been calling all the offices saying that they should continue to get their pension and their COLA and they should not be impacted under this proposal, they have been removed from the package and will not be affected. Those Federal workers who were worried about their retirement are going from 55 to 65, they have also been removed from the package.

What we have said is that any changes in retirement age or COLA's will be prospective; in other words, will not affect anybody until 1994, new people entering these programs.

Mr. Speaker, I think it is important for that to be said.

Mr. PENNY. Will the gentleman yield on that?

Mr. KASICH. I yield to the gentleman from Minnesota.

Mr. PENNY. It does not hurt to say this six different ways to make sure people understand. No current Federal worker, no current military personnel, and no current retirees from the Federal work force or from the military are affected in the least by any changes in their benefits or their COLA's by this Penny-Kasich budget. We did make some changes that are prospective, for the future, but that is a new contract with new employees and new enlistees. It does not in the least modify the contract, the agreement, the trust that current workers and current military personnel and current retirees ought to have in this system.

Mr. KASICH. Mr. Speaker, I would just like to leave, close the special order, with just two thoughts. One, to our colleagues and their staff who may be watching this special order, we really want them to look at the package. It does represent change. If they have questions, they can see Mr. PENNY, myself, or members of the task force. We are ready to answer those questions.

These are well thought out proposals, most of which have been considered over the years. We just think it is time to stop considering and start doing.

Second, to the American people that are watching this special order tonight, we need your help. We need you to call your Representative in the Congress and we need you to tell them to give change a chance. Vote for Penny-Kasich. Support this program. Do something to help repair this country. Do something to guarantee a safer economic future for America.

This is not a panacea. It is only a first step in a continuing process. In order to make that final step, we have to take the first one. This is the first good, positive step that we can take to help this country.

I would say to the people, it is in their hands as to whether they drown out the calls of these special interests, so that the majority of people throughout this country will finally begin to get some of what they want from this Congress of the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). The Chair does caution Members not to address the viewing audience.

A BIPARTISAN OPPORTUNITY TO HELP AMERICA AND RENEW AMERICAN CIVILIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to discuss a bipartisan opportunity to work together to help America and to renew American civilization. Mr. Speaker, I have decided to take this occasion to talk about the potential for

bipartisan effort, because I had so many different Members of the House tell me that whatever side they were on last night on the NAFTA vote, they thought it was really healthy, it was a bipartisan debate and a bipartisan vote, that there were Democrats and Republicans on both sides, and they thought it was healthy for the country to have that kind of bipartisan effort.

In talking with a number of reporters today, I was asked again and again, does the fact that 138 Republicans voted with 102 Democrats to pass something in a genuinely bipartisan effort mean that there is a possibility for bipartisanship?

□ 1910

What struck me was that there are a lot of opportunities for bipartisanship. My colleagues just heard a special order done by Mr. KASICH of Ohio, a Republican, and Mr. PENNY of Minnesota, a Democrat, about the Penny-Kasich proposal to cut spending, which is a bipartisan effort put together by Democrats and Republicans working in a room, trying to develop some real solutions and trying to do something which will help all Americans.

I think it is possible to develop a series of bipartisan efforts. In health care, for example, I know that there is a Cooper-Grandy bill. Mr. COOPER of Tennessee, a Democrat, and Mr. GRANDY of Iowa, a Republican, have worked on a managed competition approach to health care. And I am told that tomorrow there will be a Rowland-Bilirakis bill, Mr. ROWLAND a Democrat of Georgia and Mr. BILIRAKIS a Republican from Florida who have been working on a commonsense bill that would bring together good ideas in a positive way.

So there are opportunities for bipartisanship and for putting together in a bipartisan way real reforms.

The question I have been asked, of course, all day is are there opportunities for the House Republican leadership and for the House Republicans to work with President Clinton and with the Clinton administration on good, positive bipartisan efforts. And it seems to me that there are in fact many opportunities for us to work together.

I would suggest that what we need to do, in looking at next year as the President prepares his budget proposals, and as he looks forward to the State of the Union, as he considers legislative opportunities, is we need to recognize that we could work together to set an agenda for Americans that would be very, very powerful in a bipartisan way. We could agree I think, for example, that if NAFTA, the North American Free-Trade Agreement goes through, as apparently it will in the Senate on Saturday, that we need a bill, what I would call an economic growth after NAFTA, a bill designed to create jobs, to make American industry more competitive, to give American workers more job security, to create a better opportunity for Americans to compete both in the North American free-trade areas and in the world. And I believe as people watch the President in Seattle dealing with the Asian nations, and looking at trade in the Pacific, they will understand why we need an economic growth bill, a job creation bill designed really to follow Secretary Bentsen's advice to the Japanese.

The Secretary of the Treasury said recently that the Japanese need to cut spending and cut taxes and cut regulation and stimulate their economy. And I think that is advice, frankly, that we should take here at home.

I believe it ought to be possible to develop a real welfare reform bill to require work as a condition of getting money from the Government. And I think that the work which has been done by Congressman SANTORUM and Congressman SHAW and Congresswoman JOHNSON and Congressman GARY FRANKS of Connecticut have put together a welfare reform bill which I think if the President could look at he would find would be in fact a very, very useful beginning for a bipartisan effort to pass serious welfare reform, to take a first step toward saving the inner city.

I think also that in the area of health, I honestly believe that we in the House Republican leadership and on the task force led by Congressman BOB MICHEL, our leader, where we have worked for over 2 years to develop Affordable Health Care Now, a bill which uses personal responsibility and market forces to improve the health of Americans, a bill which has medical savings accounts, it has group insurance for small business, it eliminates preconditions so every American can buy insurance, it offers the same tax break for the self-employed that large corporations get, it is a bill which has malpractice reform to lower the cost of defensive medicine, and which eliminates antitrust problems for hospitals so that they can work together to buy the best equipment and to cooperate in community health programs. We believe that Affordable Health Care Now is a start.

But I believe further that if Secretary Bentsen were assigned the job of negotiating a health bill with his background on the Senate Finance Committee that we could in fact draft a health bill which would pass the House and the Senate, and which would become law, and which would have an overwhelming majority favoring it. There is an opportunity for bipartisanship.

I also believe that on crime the country wants very strong measures taken, particularly on violent crime. Congressman BILL MCCOLLUM and Congressman GEORGE GEKAS have been real leaders in developing the right kind of approach to lock up violent criminals, to build more prisons, to provide longer sentences, to have honesty in sentencing, to have an effective, believable death penalty. There are a number of steps we could take on crime that I think would have a bipartisan majority if the President would only help put it together.

I also think that it is possible for us to look at truly reinventing Government. The fact is we are going through an enormous information revolution, we are going through a period of tremendous change in which it is possible to provide more goods and services at lower cost, it is possible to use computers and information technology, to use fiber optics and satellites, that there are many, many steps that can be taken to improve the quality of Government without making it cost more.

But I believe that we have to face a central question here. When I am asked is it possible to have bipartisanship, my answer is yes, if that bipartisanship is based on principles that are at the center of American life.

Now what I mean by that is that if you go out and you ask the American people what they really believe in, they are actually remarkably common sensible. About 75 percent to 78 percent of all Americans want a balanced budget in their Government, because they know they have to have a balanced budget in their business and their family. About 77 percent of the American people believe in the death penalty as an effective deterrent for hardened criminals. Eighty-one percent of Southern blacks and 79 percent of Southern whites favor a work requirement for welfare, including for women with young children. About 78 percent of all Americans believe in voluntary school prayer, and believe that beginning the day with a voluntary prayer is a good thing, not a bad thing.

When you go through item after item after item, the number of Americans who believe that we should adopt much tougher laws on illegal aliens, that we should stem the tide of illegal immigration, an effort which in the House has been led by Republicans such as Congressman ELTON GALLEGLY of California and Congressman LAMAR SMITH of Texas, Congressman HENRY BONILLA of Texas, and Congressman BILL MCCOLLUM of Florida, overwhelmingly Americans believe, Americans of all backgrounds, including first generation immigrants believe that while we should defend unprotected rights of legal immigration, we should be much sterner and much tougher toward illegal aliens, and we should be effective in protecting this country's border from illegal immigration.

Again and again we find this 75 percent, 78 percent, 80 percent, 82 percent majority that consistently has a broad sense of values that would make sense, and that I regard as the center of American policy.

In that framework, if the President emphasized the "new Democrat" part of his administration, if he emphasized the reinventing part of his administration, if he emphasized the part that emphasizes change, I believe in that framework that it is possible for us to really make a difference.

But in order to understand the potential for that kind of bipartisan, centrist effort to replace the welfare state by genuinely reforming things, I think it is necessary to look at some of the steps that ought to be taken. And I would simply suggest that until we are prepared to look at those steps, nothing is going to happen.

Let me mention an example of an area where there is, I think, tremendous bipartisan support for change, but it is change which seems to be difficult to get in a Congress in which trial lawyers have too much power. We need malpractice reform. We need liability reform. Today our legal system has become a tax on working Americans. Every American pays a little more because we have a litigation system which is very destructive.

Edwards Deming, who fathered the quality movement and the man who taught the Japanese a set of profound knowledge on quality, asserted in his book, "Out of the Crisis," that reforming our litigation system was one of the two most important steps we could take to improve the American economy. The other was reforming health care.

Now let me give some examples where a recent study of what the litigation tax, and think of all of these extra Government requirements for lawsuits as a tax, a Government required expenditure of your money, and recently, and I believe this was reprinted in one of the news magazines, a study came out that looked at the litigation box. Here is what it found out: If you go and buy an 8-foot aluminum ladder and pay $119 in retail price, the true cost of that ladder is $95.

□ 1920

You are paying, in effect, a $24 litigation tax, that is, the manufacturer of the ladder, the wholesaler who moved the ladder, and the retailer who is selling you the ladder are paying between them $24 in insurance against the cost of liability lawsuits. So you could buy the ladder for $95, but the American litigation system, the liability lawsuits that you read about, are costing you an additional $24.

It gets to be bigger when you get to a heart pacemaker. The current retail price for a heart pacemaker averages $18,000. The true cost is $15,000. The litigation tax is $3,000. That means that every person who is buying a pacemaker for their heart is paying $3,000 for the lawsuits, the liability and malpractice litigation that is all too common in America.

A 2-day maternity stay, the retail price averages $3,367. The true cost is $2,867, because there is a litigation tax, an extra charge, to make up for the cost of malpractice insurance of $500.

Just two more examples: A tonsillectomy retail price is $578. The true cost is $387. The litigation tax is $191.

A motorized wheelchair, retail price is $1,000. True cost, $830; litigation tax, $170.

Let me go through and summarize again just so you understand how big the opportunity is to help the American economy by lowering the cost of goods, making it easier to export and create jobs and lowering the cost to consumers, I am going to repeat what we are paying in a litigation tax in malpractice insurance and litigation insurance and liability insurance and in lawsuits for the way we have a lawyer-dominated political system, and here is an area where I believe we could have bipartisan reform in trying to pass a malpractice and liability reform, and we could put together a bipartisan coalition of Republicans and Democrats if only the Clinton administration would work with us.

Here are the tax numbers I mentioned: An 8-foot aluminum ladder, you are paying a litigation tax of $24; for a heart pacemaker, you are paying a litigation tax of $3,000; for a 2-day maternity stay, you are paying a litigation tax of $500; and for a motorized wheelchair, you are paying a litigation tax of $170.

All of that could be changed dramatically with a bipartisan Democrat and Republican effort to bring together votes from both parties to pass real reform at the center.

Let me give you a couple more examples. A bipartisan opportunity that I think could help us: I believe we could reshape our Foreign Service so it helps Americans create local jobs through world sales. I believe, for example, that we ought to introduce the idea, and I am preparing legislation to have a special ambassador for exports to Japan.

I think the Japanese market is so big and the invisible barriers to trade are so great that we ought to have an ambassador whose only assignment is to work on trade with Japan, and I would like to see somebody like Bob Galvin, the former leader of Motorola, one of the greatest export salesmen in the world, someone who is a mature senior exporter who has practical experience in a large corporation selling in the Japanese market, become the special ambassador for exports whose only job would be to get up every day and to find new ways to sell American goods in Japan, creating American jobs here at home.

There will be a bipartisan initiative that I would hope we could pass on a joint Republican-Democrat basis.

Second, I believe that we ought to design a new system where before a Foreign Service officer became an ambassador they were given a 1-year sabbatical to work in an American export company, that is, for 1 year we would allow them, and, in fact, require them to get to work learning what an export company is like, what it is like to sell American goods around the world so that when they became an ambassador they would have had a practical, commonsense real understanding of the world of sales, because it is by selling goods around the world that we create jobs here in the United States. I believe that would be something where we could, in fact, work together and where we could create the opportunity for Americans to see the Congress succeed as Democrats and Republicans work on a bipartisan basis to pass that kind of change.

My point is that there is a lot that can be done on a bipartisan basis. Last night did not have to be the only opportunity for us to work together.

But the Democrats who have been in control of the House for 40 years and who now control the House, the Senate, and the White House, I think, need to understand an old saying of a Democratic President. Lyndon Johnson used to say that if you wanted him to be in on the landing, he wanted to be in on the takeoff. What he meant by that is that he wanted to share in designing the plan, not just voting for the plan. He wanted a chance to have input in how everything was put together, not just have an input at the very end on whether to vote yes or no.

I believe that if the President would set up some bipartisan task forces that we could, in fact, have a number of bipartisan efforts that would get votes on both sides of the aisle, Republicans and Democrats together, to pass them.

I am very encouraged in that sense by a meeting that the gentleman from Illinois [Mr. MICHEL], the Republican leader, and I had recently with two Senators, Senator KERREY of Nebraska and Senator DANFORTH of Missouri. They have taken the lead in developing, with President Clinton's help, a bipartisan commission on entitlement reform. This is a commission to look at the whole area of entitlements, things which have been written into law so that people automatically are supposed to be getting, and what they are going to try to do on a bipartisan basis is review all the ways the Federal Government automatically spends money on individual entitlements. Now, there is a bipartisan opportunity which, if we can pursue it together and if we can find some commonsense solutions at the center, I think, could be very effective.

I would hope that over the next few months the American people will see us working together on that area.

So let me just summarize: I believe we could have a bipartisan effort on health. I believe we could have a bipartisan effort on economic growth and

job creation, and after the passage of NAFTA, I think it is more important than ever we do that. I believe we could have a bipartisan effort on crime. I believe we could have a bipartisan effort on illegal aliens. I believe it is possible for us to work together on reinventing government to apply the principles of the information revolution and the contents of Alvin Toffler's third wave and Edwards Deming's concepts of quality and profound knowledge to truly have a revolution in the cost and quality of government.

I believe it is possible for us to work together on a bipartisan basis to save the inner city. I am prepared, and I think the gentleman from Illinois [Mr. MICHEL] and the entire Republican leadership is prepared, to work to have a genuine bipartisan effort next year. If that is the direction the Clinton administration wants to go, then it is important from the very beginning in planning next year's budget, in looking at next year's legislative initiatives, and developing the State of the Union, in a broad range of areas, it is very important that we be bipartisan from the beginning. It is very important that we work together.

I found, frankly, the last few weeks a very positive experience. I found working with the Clinton administration on the North American Free-Trade Agreement to be a good thing. I thought it was good for America to have Democrats and Republicans working in the same room trying to pass the same bill, trying to get something done.

I think it would be tragic if the administration now felt that it had to move to the left, that it had to become partisan, and that it could not continue that tradition.

And so I wanted to take just a few minutes this evening to encourage my friends on the Democratic side of the aisle to encourage the Clinton administration to continue this experiment in bipartisan effort. And I wanted to pledge on behalf of House Republicans that we would like to work together to see if we could not cut spending, increase the penalties against violent crime, stop illegal aliens from coming into the United States, pass a good health bill that would work, and that would help Americans and create jobs and economic growth, so America can compete in the world market.

We are pledged that we will work in that kind of a bipartisan way if we can get cooperation from the Democratic leadership and if the Clinton administration is willing to continue this experience in bipartisan effort.

□ 1930

UNITED STATES SHOULD REJECT NEW DICTATOR IN NIGERIA, SUPPORT ELECTION OF PRESIDENT MOSHOOD ABIOLA

The SPEAKER pro tempore [Mr. BARCA of Wisconsin]. Under a previous order of the House, the gentleman from Louisiana [Mr. JEFFERSON], is recognized for 10 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today to urge President Clinton and the State Department to move quickly and hand-in-hand with the United Nations to institute broad-based diplomatic and economic sanctions against the latest military dictatorship in Nigeria headed by General Sani Abacha.

Once again, with a democratically elected President—Moshood K.O. Abiola—poised to take control of the reins of government in Nigeria, military generals have moved to take power and thwart the will of the Nigerian people.

I commend the Foreign Affairs Subcommittee on African Affairs for voting their support earlier this week when it approved House Concurrent Resolution 151 by Representative DONALD PAYNE, myself and more than 60 other Members which acknowledges President-elect Abiola's victory on June 12 and encourages the international community to accept only a democratically elected government in Nigeria.

The actions of Nigerian military over the last 72 hours underscores the need for immediate action by our Government and the United Nations and confirms that the current interim civilian government was nothing more than a puppet government for the generals.

Less than 7 days ago, Judge Dolapo Akinsanya who sits on the High Court in Lagos courageously ruled that military dictator Gen. Ibrahim Babangida had no authority to establish a puppet interim government and overturn results from the June 12 Presidential election earlier this year.

Judge Akinsanya's decision appeared to move Nigeria further down the road to democracy ruling that the 1989 Constitution, which is nearly identical to our Constitution, be put into effect.

To quote Judge Akinsaya's own words:

> A judge is not meant to shy away from the law of the state.

Based on last week's court decision, the actions this Congress took earlier this week takes on added significance. It sent a clear signal that those of us who know most about the benefits of democracy were unprepared to shrink from supporting and defending those who want to establish a government based on support from the people in Nigeria.

Mr. Speaker, I rise also to offer my continued support and encouragement to Moshood Abiola, who persists in his pursuit of the Nigerian Presidency. Mr. Abiola won the June Presidential election, only to have General Babangida, the outgoing military dictator, scrap the election and set up the hand-picked puppet government of Ernest Schonekan.

Mr. Speaker, last week Mr. Abiola praised Judge Akinsanya's decision in the lawsuit he brought in pursuit of his legitimate claim to be President of Nigeria. I quote from a Reuters news report and ask that four Reuters news reports on recent development in Nigeria be included in the RECORD.

> It takes us one step closer to the establishment of government based on the consent of the people.
>
> The high court has stated clearly and eloquently that ours must be a government based on civilized laws and not on the caprice of rulers.
>
> This is a significant victory for the people of Nigeria.

Mr. Speaker, it appears that Mr. Abiola's acknowledgement of the court decision taking Nigeria one step closer to democracy has been followed by the Nigerian military's two steps backwards to dictatorship.

While recent developments clearly demonstrate President-elect Abiloa's commitment to a democratic form of government in Nigeria similar to the United States and based on the Constitution of Nigeria which mirrors the United States Constitution, the Nigerian military clearly remains committed to military dictatorship.

The people of Nigeria and the courts in Nigeria have made a clear choice for government of the people, for the people and by the people.

Mr. Speaker, the full Foreign Affairs Committee, the United States Congress, and the President must now stand up for democracy in Nigeria, repudiate the new military dictatorship of General Abacha, and take the necessary steps to bring stable and democratic government to Nigeria.

NIGERIA DEMOCRACY GROUP HAILS SHONEKAN'S EXIT

LAGOS, November 18.—Nigeria's pro-democracy alliance welcomed the exit of interim leader Ernest Shonekan and urged people to stay at home on Thursday until new military ruler General Sani Abacha unfolds his political plans.

But it hinted that its response to Abacha would depend on his attitude to scrapped June 12 presidential elections.

"We think Shonekan's resignation is a positive development," said Beko Ransome-Kuti, head of the Campaign for Democracy (CD). "We call on all Nigerians to continue to stay at home . . . until the broadcast of General Abacha later today believing the reasonable demands of the people will be met," he told Reuters.

Ransome-Kuti said CD was hoping that Abacha, who became Nigeria's seventh military ruler on Wednesday, would uphold the results of the election widely believed to have been won by businessman Moshood Abiola. "If things turn out differently we have to react appropriately," he said.

CD earlier in the week called for two days of protests from Thursday to Force Shonekan's interim government to rescind huge increases in fuel prices and to cede power to the winner of the election.

Ransome-Kuti said the police arrested three people, including the president of the University of Lagos students union, during protests in Lagos on Thursday. Residents said protesters lit bonfires and marched in the university district.

Ransome-Kuti said there were protests in other areas of Nigeria's biggest city. "We had many rallies in different parts of Lagos," he said.

ARMY SAYS NIGERIAN INTERIM GOVERNMENT OUT

(By Tunde Obadina)

LAGOS.—Nigeria's new military leadership said Thursday the interim government no longer existed following the resignation of its head, Ernest Shonekan.

"With Chief Shonekan's resignation, the interim national government is also out," military spokesman Brigadier-General Fred Chijuka told reporters after a meeting between the new head of state General Sani Abacha and military brass.

Chijuka said Abacha had the full support of the armed forces and had met officers from the rank of brigadier upwards for nearly two hours.

"He was asking us for contributions on how we feel the government should be run," he said.

Many elected officials guessing Abacha's motives said they did not expect the general to embark on a one-man rule.

"I am sure he does not want to be another military dictator," said Senator Bola Tinubu.

"His utterances in the past have reflected his concern for discipline, honor and patriotism of the military," the Social Democratic Party senator told Reuters.

Abacha, the defense minister and only serving military officer in the unelected government, assumed power Wednesday after Shonekan's surprise resignation.

The industrialist threw in the towel amid a general strike over his government's widely unpopular decision to raise fuel prices sixfold. Pro-democracy activists also weighed in with more protests against his military-installed government, declared illegal by a Lagos high court last week.

Abacha was preparing his first national address as head of state and commander in chief of the armed forces Thursday.

Abacha, 50, has not signalled if his takeover amounts to a full return of rule by the army, which surrendered power in August leaving Nigeria in crisis over a successor.

Some politicians in the SDP and National Republican Convention parties created by the military fear Abacha will freeze a return to civilian rule and dismantle democratic institutions already put in place.

"The democratic institutions must not be tampered with. The military brought us into this mess and civilians should be allowed to solve the problem," Wole Osun, SDP Majority Whip in the House of Representatives, told Reuters in Abuja.

"Everyone here is confused and anxious. Many of us hope this is no military regime," said a senior member of the NRC.

The National Assembly in the inland capital Abuja did not sit Thursday. Armed police guarded the legislative building and searched people going in.

Abacha's takeover is a direct result of the political crisis left by previous military leader General Ibrahim Babangida, who annulled June 12 elections for a successor president as businessman Moshood Abiola headed for victory.

Abiola's supporters and pro-democracy campaigners have staged several protests over the poll cancellation. More demonstrations were held Thursday.

Most Nigerians are anxious to see what Abacha plans to do about the scrapped election. Abiola has not jet commented on the general's takeover.

The Defense headquarters in Lagos was a beehive of activity as the focus of power shifted, for the moment, from Abuja.

Despite anxiety over the change of leadership, hundreds of student marched near the University of Lagos, a hotbed of protests over the interim government and fuel prices.

ABIOLA HAILS COURT VERDICT ON NIGERIAN GOVERNMENT

LAGOS, November 10.—Moshood Abiola, Nigeria's thwarted presidential candidate, hailed a court ruling on Wednesday that the interim government was illegal and said he was nearing his goal of the presidency.

"It takes us one step closer to the establishment of government based on the consent of the people," Abiola said in a statement.

"The high court has stated clearly and eloquently that ours must be a government based on civilised laws, not on the caprice of rulers.

"This is a significant victory for the people of Nigeria." Abiola, a millionaire businessman, has been campaigning for the reversal of the annulment of the June presidential election which he claims to have won.

The election was scrapped by military ruler General Ibrahim Babangida when Abiola was heading for victory. Babangida later handed over to a handpicked government led by Ernest Shonekan.

Judge Dolapo Akinsanya of the Lagos high court declared that Babangida had no authority to install the interim government.

The government said it was appealing against the judgment.

LAGOS COURT RULES NIGERIAN GOVERNMENT ILLEGAL

(By James Jukwey)

LAGOS, November 10.—Nigeria faced a constitutional crisis on Wednesday after a Lagos court declared its military-appointed stopgap government illegal.

The government said it was immediately appealing against the verdict to a higher court.

Judge Dolapo Akinsanya issued the ruling in a Lagos High Court case brought by thwarted presidential contender Moshood Abiola.

She told a packed courtroom that military ruler Ibrahim Babangida, who stepped down on August 26, had no authority to install an interim government led by Ernest Shonekan in his place.

Thousands cheered the verdict and poured onto the streets of Lagos calling for Abiola's installation in the presidency, which he is widely believed to have won in the June 12 election annulled by Babangida.

"The government has taken immediate action to appeal against the decision," Mustapha Umara, secretary to the Shonekan government, said in a statement issued in the capital Abuja.

"The government appeals to the good people of Nigeria to remain calm because there is no cause for alarm," he said.

"It is the strong hope of the government that the higher interests of the nation, especially the imperatives of national stability and corporate existence, will continue to remain the decisive and critical factor in the parameters of governance of our country," the statement said.

Shonekan, also under fire for dissolving local councils and raising petrol prices, is due to make a "state of the nation" address to the elected national assembly on Thursday.

The address, his first to the assembly, would seek the assembly's support on a wide range of controversial issues.

The assembly will sit in a joint session of both the House of Representatives and the Senate, which has a new leadership largely favourable to the interim government.

Nigeria has been in crisis since June over the military's messy ending of its 10 year rule.

"President Babangida has no legitimate power to sign a decree after August 26, 1993, after his exit, so the decree is void and of no effect," Judge Akinsanya declared.

She ordered that a civilian constitution, which was drawn up under Babangida in 1989 but never implemented, should be put into effect.

Abiola, who was not in court, is now expected to press his claim to the presidency more forcefully.

His first court challenge of the annulment failed when Babangida was still in power and the Supreme Court ruled it lacked jurisdiction to hear the case.

Judge Akinsanya said on Wednesday: "A judge is not meant to shy away from the law of the state."

Shonekan's government, whose mandate ends on March 31, 1994, triggered a new controversy on Monday when it dissolved all local councils ahead of fresh presidential and local council polls in February.

Democracy activists have criticised the dissolution but State radio said local councils in some parts of the country were already handing over to senior bureaucrats.

The government plans to appoint administrators to oversee the local councils before the February 19 ballot.

It is now updating the register of voters but the registration process is being boycotted in southwestern Nigeria, Abiola's political stronghold.

Shonekan's government also faces possible strikes by unions over a 600 percent increase in domestic prices of oil products.

Petrol prices have risen to five naira (23 cents) a litre from 0.70 naira (three cents) a litre, doubling public transport fares nationwide.

But the government says the increase is needed to help refiners cover some of their costs and that otherwise Nigeria's oil industry would collapse.

Previous increases in fuel prices have provoked riots.

The unions plan to meet Thursday to decide their reaction.

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NUCLEAR TEST BAN TREATY

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 60 minutes.

Mr. KOPETSKI. I thank the gentleman for raising this important issue and encouraging us and other members in the White House to take action in this important area of the world.

Mr. Speaker, tonight I would like to revisit the area of nuclear weapons testing. This House has given a significant amount of attention to this issue. As the House prepares to adjourn for the year, I would like to take this opportunity to examine recent events and, more importantly, to look forward to the first few months of 1994 and the beginning of comprehensive test bank talks at the conference on disarmament in Geneva.

69-059 O—97 Vol. 139 (Pt. 21) 17

In early July of this year President Clinton extended unilaterally the United States moratorium on nuclear weapons testing to September 1994. As you may recall, the House passed legislation and the Senate refined it, Senators HATFIELD, MITCHELL, and EXON in the other body took the legislation we passed in the House, and the full House concurred in their amendment and imposed in law the parameters of our nuclear weapons testing program, essentially saying we would end this testing of nuclear weapons on the test site of Nevada.

The President, in part of that legislation, said that we would have a 9-months' moratorium in the Nation's nuclear weapons testing.

The new President, President Clinton, then extended this moratorium through September 1994. This action and President Clinton's continued leadership has unleashed a global tide of support for a comprehensive test ban treaty. Already President Clinton has sent two delegations to discuss with the other nuclear powers—Britain, China, France, and Russia—this administration's commitment to nonproliferation efforts, like a comprehensive test ban and the renewal of a nonproliferation treaty.

The international drive for a comprehensive test ban now shifts to the Conference on Disarmament in Geneva. The Conference on Disarmament is an affiliate of the United Nations and the conference is composed of 39 nations, including the five nuclear powers—United States, Britain, China, France, and Russia.

In August of this year, following President Clinton's extension of the moratorium, the Conference on Disarmament for this first time in 12 years agreed to begin talks on a comprehensive test ban treaty. These talks are scheduled to begin in late January in Geneva, and since this body will not reconvene until about that time, I thought it was important to bring this matter to the attention of the Members and the American public.

The Clinton administration has committed to the Conference on Disarmament, has made the commitment that the Conference on Disarmament is the forum to negotiate a comprehensive test ban treaty. As mentioned, the administration has already sent two delegations to talk with other nuclear powers, participants at the Conference on Disarmament.

I call upon the administration and our partners at the conference to place talks on a comprehensive test ban on a fast-track process. This request is not unusual, and it comes with a precedent. The precedent is the partial test ban treaty.

After a series of failed discussions with the Soviet Union in 1962 and 1963, President Kennedy's personal emissary, Ambassador Averell Harriman, successfully negotiated the partial test ban treaty with Moscow in just 10 days, in 10 days, 240 hours. President Kennedy's administration, with impressive commitment and will, succeeded in banning all nuclear weapons testing in the atmosphere, in outer space, and in the oceans as well.

Of course, what is left is the underground testing programs.

President Kennedy's success occurred in the shadow of the Cuban missile crisis, the U-2 incident, and at the heart, the very heart and heat of the cold war.

Surely the political climate in the nuclear powers today facilitates the necessary leadership demonstrated previously by Presidents Kennedy and others. Today's crises pale in comparison to the climate faced by President Kennedy and Mr. Khrushchev.

Mr. Speaker, with the partial test ban treaty as the model, I call upon all of the nuclear powers to place the comprehensive test ban negotiations on a fast-track process.

Clearly, if we can do it in international trade, we can do it in international disarmament.

The Congress and the American people are watching the world's leaders at this crucial time. I reject those who argue the comprehensive test ban negotiation must have time to succeed, perhaps as much as 2 years. These calls for time are the delaying tactics of nations whose commitment to a comprehensive test ban is, at best, lukewarm. These calls for time are the tactics to maximize the potential for failure and the resumption of a nuclear arms race.

As Ambassador Harriman answered when queried about the partial test ban and its success being negotiated in only 10 days, he replied, "Because we wanted to do it." If nations want a comprehensive test ban, then it will occur and occur with all deliberate speed. Certainly we can match the 10 days of the 1960's.

Already, the Government of Sweden has submitted to the Conference on Disarmament a draft comprehensive nuclear test ban treaty. So the words are already written, the language is already there. You can tinker with the grammar, you can tinker with some of the statements, but most of the work is done.

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Mr. Speaker, for insertion into the RECORD at this point, I will include a copy of the letter from Mr. Lars Norberg, Ambassador and head of the Swedish delegation to the Conference on Disarmament, and a copy of the draft proposal, and I will ask that be made a part of the RECORD.

LETTER DATED JUNE 3, 1993, FROM THE HEAD OF THE SWEDISH DELEGATION ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A DRAFT COMPREHENSIVE TEST-BAN TREATY

I have the honour to send you, enclosed, a draft Comprehensive Test-Ban Treaty, which will be introduced in the Conference on Disarmament and in the Ad Hoc Committee on a Nuclear Test Ban today. It should be noted that two protocols to the Treaty are to be added later on.

I should be grateful if the draft Treaty could be issued as an official document of the Conference as well as a Working Paper in the Ad Hoc Committee and translated into all the official language.

LARS NORBERG,
Ambassador, Head of the Swedish Delegation to the Conference on Disarmament.

DRAFT COMPREHENSIVE NUCLEAR TEST-BAN TREATY

The States Parties to this Treaty, hereinafter referred to as the "States Parties",

Convinced that recent fundamental international political changes provide opportunities to take further effective measure against the proliferation of nuclear arms,

Welcoming the conclusion of the START I and START II agreements, envisaging drastic reductions in present strategic nuclear arsenals,

Underlining the importance of the prompt implementation of these and other international disarmament and arms regulation agreements,

Stressing the need for further reductions of tactical and strategical nuclear weapons and their delivery systems,

Declaring their intention to undertake further measures towards nuclear disarmament and against the proliferation of nuclear weapons,

Recalling the determination expressed by the Parties in the Preamble to the 1963 Treaty Banning Nuclear-Weapons Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, and to continue negotiations to this end,

Recalling that the Parties in the abovementioned Treaty undertake to prohibit, to prevent and not to carry out any nuclear-weapon test explosion, or any other nuclear explosion in the atmosphere, in outer space and under water,

Convinced that a ban on all nuclear-weapon test explosions, and any other nuclear explosions, is an important instrument in preventing the further proliferation of nuclear weapons,

Have agreed as follows:

ARTICLE I. BASIC OBLIGATIONS

1. Each State Party undertakes to prohibit, to prevent, and not to carry out, in any environment, any nuclear-weapon test explosion, or any other nuclear explosion at any place under its jurisdiction or control.

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, assisting, permitting or in any way participating in the carrying out anywhere of any nuclear explosion referred to in paragraph 1 of this Article.

ARTICLE II. IMPLEMENTATION

1. The States Parties, in order to achieve the objectives of the Treaty and to ensure the implementation of the provisions of the Treaty, entrust the International Atomic Energy Agency, hereinafter referred to as

the "Agency", with verification of compliance with the Treaty, as defined in Article III B.

2. The States Parties undertake to cooperate in good faith with the Agency in the exercise of its functions in accordance with this Treaty.

3. In order to fulfill its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Agency upon entry into force of the Treaty for such a State Party. The National Authority shall serve as the national focal point for liaison with the Agency and with other States Parties.

4. Each State Party undertakes to take any measure it considers necessary to prohibit and prevent any activity in violation of the provisions of the Treaty anywhere under its jurisdiction or control.

5. Each State Party shall inform the Depository of the legislative and administrative measures taken to implement the Treaty.

ARTICLE III. INTERNATIONAL COOPERATION

A. States Parties

1. Each State Party undertakes to cooperate in good faith with each other and the Agency to facilitate the verification of compliance with this Treaty through:

International exchange of seismological data;

International exchange of measurements on radionuclides in the atmosphere;

Additional relevant techniques, as specified in Protocol I, annexed to this Treaty.

The arrangements for these international cooperative measures are laid down in Protocol I.

Each State Party undertakes to establish the necessary facilities to participate in these cooperative measures and through its National Authority to establish the necessary communication channels with the Agency. These arrangements shall be operative on the entry into force of this Treaty.

2. Large non-nuclear explosions carried out by a State Party shall be conducted in accordance with provisions laid down in Protocol II, annexed to this Treaty.

B. The Agency

In the exercise of its functions in accordance with this Treaty, the Agency shall:

Coordinate international cooperative arrangements to exchange seismological data, data on radionuclides in the atmosphere and other data relevant to the monitoring of compliance with the Treaty;

Endeavour, through cooperation with the National Authorities of the States Parties and through other means, to clarify that no inconsistencies occur with regard to events relevant to compliance with the Treaty;

Verify, when inconsistencies are not clarified, compliance with the Treaty through on-site inspection in accordance with Article IV.

ARTICLE IV. VERIFICATION

1. Each State Party shall, in order to assist in the interpretation of an event that may be of relevance to the Treaty and has occurred at any place under its jurisdiction or control, provide such additional information that the Agency might request.

2. Each State Party may use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law to verify compliance with the Treaty.

3. If the nature of an event cannot be clarified through the measures specified in paragraphs 1 and 2 of this Article, each State Party is entitled to request an on-site inspection on the territory of any other State Party for the purpose of ascertaining whether or not a specified event was a nuclear explosion. The requesting State Party shall state the reasons for its request, including the evidence available. Such requests shall be addressed to the Director-General of the Agency, who shall bring the matter to the attention of the Board of Governors of the Agency.

4. If the Board of Governors decides to conduct an on-site inspection, the relevant State Party is under obligation to comply with the Board's decision. Such inspections shall be conducted by the Agency, and the result shall be reported to the Board of Governors and all States Parties. The Board of Governors shall report any findings to the Security Council of the United Nations. Procedures for such inspections, including the rights and functions of the inspecting personnel, are laid down in Protocol II.

5. A State Party, on whose territory an event has occurred, may invite the Agency to conduct an on-site inspection.

ARTICLE V. COMPLAINTS

Any State Party which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty, may lodge a complaint with the Security Council of the United Nations. Such a complaint shall include all possible evidence confirming its validity.

ARTICLE VI. PRIVILEGES AND IMMUNITIES

1. The States Parties to this Treaty shall grant privileges and immunities to the representatives of States Parties and the Director-General and the personnel of the Agency in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961 in order to enable them to carry out the functions entrusted to them under this Treaty.

2. Provisions regarding privileges and immunities to connection with on-site inspections are contained in Protocol II.

ARTICLE VII. ANNEXES

The Protocols I and II to this Treaty constitute integral parts of the Treaty.

ARTICLE VIII. AMENDMENTS

1. At any time after the entry into force of this Treaty, and State Party may propose amendments to the Treaty or to any annexed Protocol. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and seek their views on whether a conference should be convened to consider the proposal. If a majority, that shall not be less than thirty of the States Parties, including the nuclear-weapon States, so agree, the Depositary shall promptly convene a conference to which all States Parties shall be invited. The Conference may adopt amendments proposed, if a majority of the States Parties present and voting, including the nuclear-weapon States, so agree. Amendments shall enter into force for each Party accepting them upon their adoption by the Conference and thereafter for each remaining Party on the date of acceptance of the amendments by such a Party.

2. Proposals for amendments of provisions of a technical nature to be specified in Protocols I and II will be subject to a simplified amendment procedure conducted and decided by the Board of Governors of the Agency.

ARTICLE IX. REVIEW OF THE TREATY

Five years after the entry into force of this Treaty, or earlier if it is requested by a majority of the States Parties to the Treaty by submitting a proposal to this effect to the Depositary, a conference of States Parties to the Treaty shall be held at ----------, to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any new scientific and technological developments relevant to the Treaty. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE X. ENTRY INTO FORCE

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by Signatory States.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by 40 Governments, including the nuclear-weapon States. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1, January 1967.

4. For those States who instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

ARTICLE XI. DEPOSITARY

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive the instruments of ratification and instruments of accession.

2. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Treaty and of any amendments thereto, any notice of withdrawal, and the receipt of other notices. He shall also inform the Security Council of the United Nations of any notice of withdrawal.

3. This treaty shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XII. DURATION AND WITHDRAWAL

1. This treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation, by any party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.

2. Withdrawal shall be effected by giving notice twelve months in advance to the Depositary who shall circulate such notice to all other parties.

ARTICLE XIII. OFFICIAL LANGUAGES

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

Mr. KOPETSKI. Mr. Speaker, clearly the international will amongst people exists at the Conference on Disarmament and within the United Nations to pursue aggressively and purposely a comprehensive test ban treaty and other important nonproliferation objectives.

The United States and other nuclear states, particularly Britain and France and other nuclear states, threaten to delay the process. These nations, particularly Britain and France, have a moral responsibility and a great power responsibility to provide the necessary leadership to lead the world away from the madness of nuclear weapons and the threat of additional nuclear proliferation.

Now, let me move on and discuss a few events related to a comprehensive test ban and the nonproliferation efforts around our planet Earth.

Here in the United States, Congress has supported President Clinton's leadership in pursuit of the CTB.

Legislation which I have introduced, House Concurrent Resolution 37, to encourage the President to negotiate the CTB already has 125 cosponsors.

Members of Congress have readily signed and sent a variety of letters to the President, either encouraging and supporting his decision to extend the testing moratorium, and also following the recent Chinese test, Members urged the President to continue the moratorium in pursuit of nonproliferation goals.

Within the people of America, the grassroots of America, support the U.S. moratorium and a comprehensive test ban is alive and growing amongst all the States in our great country.

I continue to receive letters from across this Nation urging Congress to push the administration and the world towards a CTB and a nonproliferation treaty extension.

Around the world, too, letters from Australia, Canada Britain, France and Russia, all write urging us to put pressure on our administration and the leaders of the nuclear weapons states to negotiate and negotiate quickly.

Let us look at other nuclear weapons states; first our longstanding partner and ally, Great Britain. In recent months Great Britain has been reluctant to support the United States and the President's testing moratorium, even going so far as to refer to last year's moratorium legislation adopted in the House and the Senate, signed into law by then-President Bush, as "unfortunate and misguided."

Let us not forget that Great Britain tests its nuclear bombs in the United States soil under the Nevada Desert, and with the support of the American taxpayer.

Earlier this year I introduced legislation, H.R. 1146, to require any foreign nation which tests nuclear bombs on U.S. soil that nation would be responsible to pay all the costs associated with the detonation of that nuclear bomb, including environmental restoration.

Just yesterday this House debated at great length our shared environmental problems with Mexico and Canada as part of the debate on the North American Free-Trade Agreement. These environmental problems pale in comparison to the destruction and long-term environmental threat that a nuclear bomb detonated under the Nevada Desert exerts.

It is only a matter of time before this issue, the environmental cleanup required in Nevada as a result of detonating over nearly a thousand nuclear bombs under the deset floor of Nevada before the American taxpayer is going to be faced with this bill.

It is only a matter of time before the taxpayers in Great Britain receive a bill for their portion of this environmental havoc.

This environmental cleanup bill will only increase if Great Britain is successful in its efforts to detonate additional nuclear bombs on United States soil.

To achieve a comprehensive test ban treaty and other nonproliferation objectives, the United States must enlist allied support. Our closest nuclear ally, without a doubt, is the United Kingdom. The British played a helpful and important role with President Kennedy in achieving the partial test ban treaty.

It has been pointed out to me by the British-American Security Information Council, as well as by the British Nuclear Test Ban Coalition, that from the time of President Kennedy and until 1980, the British continued to support strongly a comprehensive nuclear test ban treaty.

Times changed, of course, during the 1980's and today the situation is very different. The British are now reluctantly following President Clinton's position. This week the British Defense Secretary, Mr. Malcolm Rifkind announced some scaling back, 20 percent, of Britain's nuclear expansion plans. They scaled back their expansion by 20 percent.

He also stated:

> The United Kingdom is therefore ready to participate fully and constructively in negotiations to secure a comprehensive test ban. This has not been an easy decision for us.

But Mr. Speaker, is the British support full and constructive? I am not yet convinced of Great Britain's support for President Clinton's nonproliferation objectives. The Prime Minister has clearly stated that he opposes any time limit for the conclusion of the Comprehensive Test Ban Treaty negotiations, even after he consulted with the Clinton administration on this issue.

I call upon the British Government to support a quick timetable, a fast-track timetable for comprehensive test ban talks, in the spirit of conservative leaders, like Harold McMillan, who worked diligently with President Kennedy to achieve the partial test ban treaty.

Prime Minister Major has made it clear that Britain does not have a declared nuclear testing moratorium on nuclear weapons testing, unlike the policy of the United States, France, and Russia.

This lines the British up with the Chinese against the stated position of the United States.

Any nation who breaks the nuclear testing moratorium, any nation, as China has done, is acting as a rogue nation.

Great Britain would be a rogue nation if it conducted a nuclear weapons test.

It appears that the United States moratorium is the only reason currently deterring Great Britain from behaving and earning this rogue nation status and acting against the international will in support of a Comprehensive Test Ban.

Let me be more blunt about all this. Would Britain continue to test its nuclear bombs if they had to use their own soil to test these bombs? If they did, would they continue to test? Would the British people allow the detonation of nuclear bombs under their soil?

It is one thing if you can use another land's environment, another nation's sovereignty. It is quite another policy matter if you have to use your own.

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And we, unfortunately, have been very generous in allowing them to use our testsite. Well, that is the question, one of the questions, that I think the people of Great Britain ought to ask their leaders because, if I have any say, any power, over who uses the Nevada test site, be it the United States, Great Britain, France, anybody else, I will do everything in my power to prevent any nation from detonating another bomb on the soil of the United States.

Our law today, Mr. Speaker, limits Great Britain to three tests if they meet our legal requirements for the need for a test. I have been made aware of British efforts through diplomatic efforts and weapons scientists communications; they do talk amongst themselves, to encourage, to encourage on behalf of the British, renewed nuclear weapons testing. I did do and have reminded my British friends that the legislation allowing three additional British nuclear weapons tests states that the American President must, quote, determine that it is in the national interest of the United States to do so; in other words, not in the interests of Great Britain to test, but it has to be in the United States', America's best interests that they conduct a test.

I believe that that decision will never come before this Congress, even if the U.S. moratorium were to end. The resumption, the attempt to resume British testing on United States soil, would draw strong protests, to say the least, from this Member, and, believe me, other Members of this body.

I also remind my British friends that according to United States law any nuclear weapons test authorized in the future must be for safety and reliability purposes only. Let me also point out that our law contradicts British plans for their testing program.

Here is a quote from the British Minister of Defense taken from a 1992–93 Government report entitled "The Progress of the Trident Program." The Minister of Defense says it remains the Government's view that to disclose financial information relating to the underground testing program, or any other aspect of the nuclear warhead program, could risk revealing the details of, for example, the direction our research and development program is taking or the level of nuclear capability of our forces. Such information could be useful to anyone constituting a potential threat to United Kingdom security interests, unquote.

Clearly the United Kingdom is engaged in weapons development and wants to continue this program with United States assistance, including the use of the United States nuclear weapons test site in Nevada. President Clinton has determined that weapons development is not in the U.S. national security interest. I think the President will have a hard time concluding weapons development by the United Kingdom could possibly be in the best interests of the United States.

In regard to the Chinese nuclear weapons test, while the United States and other nations protested vigorously the Chinese test, Prime Minister Major merely expressed his regret at the test by the Chinese. Again this appears to be an indication that the United Kingdom's secret desire to drag down and oppose the successful completion of a comprehensive test ban treaty, which is being advocated by and worked on by President Bill Clinton.

These are serious and critical issues. They indicate that the British line up with those who do not want and are doing their best to drag out the process. British officials have lobbied hard the Congress and the administration to oppose the moratorium imitated here by the people's body, the United States House of Representatives. The United States supports Britain's nuclear weapons state, and they do not support; in fact, they work against, the objectives of the United States Congress and President Clinton. Why is it in the interest of the United States to keep the British in the nuclear weapons business when they clearly do not support stopping nuclear weapons proliferation?

Mr. Speaker, my colleague, the gentlewoman from the great State of Oregon [Ms. FURSE], was not able to be here tonight, and she does have a statement for the RECORD which I submit at this time:

STATEMENT BY CONGRESSWOMAN ELIZABETH FURSE

Nuclear Non-Proliferation and a Nuclear Test Ban are crucial to the security of the United States. During our recess there will be much diplomatic activity on these issues, so it is important to address them now. For many years we have been allied in our nuclear policy with the United Kingdom. I also have a long standing family connection both to national security issues and to Britain. My grandmother was an Admiral in the British Royal Navy, founding the Women's Royal Naval Service, my father was an Admiral in the Royal Navy. Today I serve on the Armed Services Committee of this House.

I am concerned that today British nuclear policy may be obstructing our efforts on nuclear non-proliferation, while we are at the same time helping them expand their nuclear arsenal. As a result I am looking into the possibility of holding hearings on the U.S.-U.K. nuclear relationship.

There have been a few hopeful signs, and it is always best to begin with the good news. I noted with pleasure that the British Defence Secretary, Malcolm Rifkind, said this week that he was "thoroughly opposed" to "so-called 'usable' nuclear weapons—very low yield devices which could be used to carry out what are euphemistically called 'surgical' strikes." This is a clear endorsement of the measure I proposed, and which is now included in our defense authorization bill prohibiting the development of mini-nukes. It is also welcome that British leaders express public support for various measures, including extension of the Nuclear Non-Proliferation Treaty, the ultimate conclusion of a Comprehensive Test Ban Treaty, and a fissile material cut-off, to name a few. Nevertheless, these positive messages are outweighed by the lack of British plans to implement these policies.

On testing, Prime Minister John Major has made plain to the British Parliament that while Britain supports a nuclear test ban, the U.K. is not taking an active role in achieving a CTB. For example, Mr. Major said he does not support a test moratorium, does not support any deadline for concluding negotiations for a CTB, and he indicated that he did not contact China prior to its recent test to express concern over the implications of that test.

The British say they hope to play a constructive part in supporting the President's military fissile material cut-off. However, as in most U.K. non-proliferation policies, they are opposed to establishing deadlines to reach that end. With issues of such grave immediate importance, it is sometimes necessary to establish timelines as a means to encourage negotiations.

Then there is the issue of so-called civil plutonium production. The British will soon open a plant which will dump 60 tons of new plutonium into a world which cannot work out what to do with what it has. *I see from the British press that company managers from the THORP plant are looking forward to selling plutonium to South Korea, and South Korean sources are saying they will only buy this fuel if North Korea builds a nuclear weapon. This is simply madness.*

Then there are Britain's own nuclear weapons. Despite a welcome reduction in its planned Trident force, it is clear that the U.K. still plans to double the warheads in its strategic arsenal. As the opposition Labor Party spokesman, David Clark, said this week: "This decision could fatally undermine the Non-Proliferation Treaty . . . it seriously undermines our security by encouraging states to copy this massive increase in Britain's nuclear arsenal." I agree.

On all of these issues the British people have no right to freedom of information. It is a tragic irony that I as a member of Congress and the Armed Services Committee can be better informed on U.K. defence matters than a British citizen or Member of Parliament. In Britain there is no public discourse on many nuclear matters that we routinely discuss openly here in the U.S. The British people are not allowed even to know how many Trident nuclear missiles they are purchasing, how many warheads they will deploy, how much these items cost. The U.K. denies its citizens this type of information, which the U.S. routinely publicizes.

To help them I place in the record a copy of a U.S. Department of Defense Directive controlling the supply of nuclear weapons information to Britain. It may surprise some of my colleagues to learn that there are over forty Joint Working Groups with the British on nuclear weapons.

Britain has a long record of successful alliance with the United States and many glorious military and political episodes in its history. It also has its share of disasters. Fortunately, we in this House are in a position of some influence. We feed the British nuclear weapons complex, and right now they are biting the hand that feeds them.

Without our support it is questionable whether Britain could afford to remain a nuclear power. I tell you if the British did not have the bomb they would be the most enthusiastic supporters of nuclear non-proliferation. I believe that only if the British bureaucracy is confronted with this possibility will they take seriously the issues before us today.

U.S. cooperation with the British nuclear weapons program is enshrined in the 1958 agreement with Britain and is currently administered by the United States Navy and the Joint Atomic Information Exchange Group of the Defence Nuclear Agency. Article 1 of the Nuclear Non-Proliferation Treaty prohibits the "indirect" supply of nuclear weapons from one nuclear state to another. It seems to me that we need to investigate whether that is happening here.

I hope the British see sense and help us build a more secure future. It is clear that a little change has begun. But we do not have time to waste. I do not want to face up to a failed nuclear proliferation policy and find our closest ally tripped us up. The U.S.–U.K. special nuclear relationship now has to become a partnership for non-proliferation.

I also submit for the RECORD an article by the British-American Security Information Council.

[From: "The UK Trident Programme: Secrecy and Dependence in the 1990s," Basic Report 93.5, Sept. 1993]

U.S.-U.K. NUCLEAR RELATIONSHIP

The co-operation between the two countries on Trident is only a part of a much larger collaboration on nuclear weapons which dates back to the 1940s. For the most part, this co-operation has been conducted secretly, without public debate or awareness in either country. For example, an elaborate series of joint atomic working groups exists between the two nations to facilitate the transmission of nuclear weapons-related technologies and systems, including warhead design features, passing classified nuclear information freely across the Atlantic.

At first sight, this is hard to reconcile with either the spirit or letter of Article 1 of the NPT. A similar question mark hangs over direct or indirect transfer of control of U.K.

nuclear weapons to the U.S. during British testing at Nevada. In the report's final Chapter, we recommend that clarification of these two matters, and the U.S.-U.K. nuclear relationship in toto, be provided by the two Governments, or sought by Congress.

The following is an overview of the extent of the nuclear co-operation between the U.S. and U.K.

NUCLEAR TESTING

Since 1962, the United Kingdom has conducted all of its nuclear tests at the U.S. Nevada test site, with the close co-operation between scientists and engineers from the two countries. Much to the dismay of many U.K. Government leaders, the recent U.S. testing moratorium in reality also halts all U.K. testing.

POLARIS AND TRIDENT MISSILE SYSTEMS

Britain's Polaris and Trident submarines are scaled-down versions of U.S. designs. Polaris missiles were purchased from the U.S. and serviced in the U.K. Trident missiles are effectively leased from the U.S. and servicing will be carried out at Kings Bay, Georgia. Assistance also included submarine design data and the design for the Polaris warhead. Serious questions have been raised about the safety of the U.S. Trident missile system; because the U.K. and U.S. systems are so closely related, it is highly probable that many of these problems are to be found in the U.K. system as well, despite U.K. Government assurances to the contrary.

WARHEAD DESIGNS

The U.S. and U.K. share warhead design information (this co-operation is formalised in the 1958 Agreement for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes). In the 1960s, the U.K. was able to use this design information to deploy at least three new nuclear weapons designs while carrying out four nuclear tests, one of which was acknowledged to be a failure. Warhead collaboration also covers non-nuclear components-including assemblies to which the British only add the nuclear components. It is likely that the British Trident warhead is a derivative of the U.S. W76 used primarily on U.S. Trident I missiles. In 1987, the U.K. National Audit Office stated that "Most of the expenditure on development and production [of the Trident warhead] is incurred in the U.S."

TRANSFERS OF NUCLEAR MATERIALS

British plutonium, some from civil reactors, has been exchanged for American highly enriched uranium. The assurances given by U.S. authorities that the plutonium received by them was to be used only for civil purposes have been repeatedly questioned. At a minimum, it is clear that the British plutonium freed similar U.S. material, which could then have been used for nuclear weapons. Since 1971, this trade has continued using British military plutonium only.

SUBMARINE REACTOR TECHNOLOGIES

This resulted in the transfer to the U.K. of a U.S. Westinghouse S5W type 2 reactor for use in HMS *Dreadnought*. Rolls Royce & Associates, a U.K. company, then further developed this design. The derivatives of this reactor are now known to have serious coolant circuit problems which have caused the decommission of HMS *Warspite* and threatens the Polaris fleet.

Mr. KOPETSKI. Mr. Speaker, I want to take just a moment to talk about France. We have in this Chamber General Lafayette's portrait in a place of honor for the fact that they helped us become a nation state. No other nation has a portrait in this hallowed Chamber but France. They have been our friend and a friend sometimes we fought and argued, but we have always been friends, and I want to praise the words indeed of French President Mitterrand. President Mitterrand stated recently, quote,

Since I have been President of the Republic I have always been told 'We have the capacity to assure deterrence, no-one would dare attack us.' So, from the point, as long as the Americans, the Russians and the British accept a test halt as long as we do, everything remains balanced here and there; for us and for them. That is why I believe that we should not recommence testing unless one of those countries recommences. The Chinese affair has muddled the waters, but China, according to our information, still lacks the capability to deploy nuclear weapons of the capability that we in the West have, therefore I can see no reason why we should begin testing again.

However, like Great Britain, I also have serious questions about the French commitment to the moratorium and nonproliferation objectives. For example, French Defense Minister Francois Leotard was recently quoted, "The question isn't whether it's necessary to resume, but when." The Defense Minister and the right-wing majority in Parliament clearly want to resume nuclear weapons testing. This desire to resume nuclear weapons testing is not shared by the residents of the South Pacific who have already endured years of French nuclear weapons testing.

This desire to resume nuclear weapons testing is not shared by the residents of the South Pacific who have already endured years of French nuclear weapon testing on their soil, not on France's soil, but on their soil. Recently 47 U.S. Senators sent a letter to the French National Assembly urging France to maintain its nuclear test moratorium.

□ 2000

This letter states in part,

We urge your government to maintain France's current nuclear test moratorium and to work toward the earliest possible conclusion of a comprehensive test ban treaty. This position is consistent with that of our government. We believe that the requirement to strengthen the nonproliferation regime is far more compelling for global security than the perceived need to conduct additional nuclear tests. The nonproliferation treaty will only be renewed if a majority of its parties conclude that the treaty continues to promote their national security interests. If the United States, France, and other nuclear powers do not continue to distance themselves from the logic that a dynamic nuclear arms competition, fueled by nuclear testing programs, confers greater security than negotiated restraints, other nations will undoubtedly utilize the similar logic to rationalize decisions to pursue their own nuclear weapons programs.

Mr. Speaker, I will place a copy of this letter in its entirety in the RECORD.

Mr. Speaker, in Russia, the new nation state of Russia, the Russian nuclear testsite remains silent. President Yeltsin to date has been a constructive advocate and force in advocating for the comprehensive test ban treaty. The international community needs to recognize that a comprehensive test ban strengthens the hand of democracy in this republic, a piece of the former Soviet Union.

The forces for change in Russia are the environmentalists and the peace activists who continue to advocate a CTV.

Lest we should forget, the Ukraine. We should not, because often we talk of nuclear weapons in the former Soviet Union without mentioning this great new nation.

I want to commend the Ukranians for their willingness to cooperate with international arms control authorities as they seek to negotiate destruction of all their nuclear weapons on Ukrainian soil. I strongly encourage the people of the Ukraine to continue these efforts.

Further, it is important that the Ukraine and the state of the former Soviet Union are also included in international efforts to control the spread of nuclear technology.

Finally, let me talk about China for a second. Their unfortunate test on October 5, 1993, broke the global nuclear silence that lasted for more than a full year. Many have acted to condemn the actions by the Chinese in this test, for the message resulting from the Chinese test should be clear. While the Chinese action is unfortunate and irresponsible as a world leader, it does not warrant nuclear testing by other nations, and should serve as an additional incentive to get on with the CTV negotiations.

The world should give credit, however, to the Chinese for their work with the Clinton administration and the United States to bring the North Koreans back within the framework of the nonproliferation treaty. The Chinese have acted admirably and with great leadership, and with considerable skill, in working in concert with the United States to make the Korean peninsula safe from the nuclear weapons option.

I remind my colleagues of the fact there is a company in Britain poised and ready to make money by selling weapons-grade plutonium to South Korea. That is what we are talking about here when we talk about the madness, because this is how it began 48 years ago. One nation had the bomb and other nations did not.

There other nations, of course, involved in making certain that we come to closure on a comprehensive test ban treaty. Certainly North Korea and South Korea. Iran and Iraq. One of the more troubled spots in the world, of course, is India and Pakistan.

Theare are many nations in the world today, non-nuclear weapons

states, including Mexico, Sweden, Indonesia, who have all worked hard and diligently in their own way to move toward nuclear disarmament. These nations have earned the respect of the American people and the community throughout this world that wants to rid this planet of nuclear weapons, from the trouble spots in the world, the hot spots, the nations who are courageous and demonstrate that this issue is of extreme international importance.

Let me remind this body and this world that the United States has over 10,000 nuclear warheads. Russia and the Commonwealth of Independent States it is estimated has 15,000 nuclear warheads. Great Britain, we understand they have 200 nuclear warheads. France has 524 nuclear warheads. China has 450 nuclear warheads.

At the time of the Cuban missile crisis, if my memory serves me correctly, the United States had about 500 nuclear warheads and the Soviet Union had approximately 300 nuclear warheads. It only takes one on each side.

The entire world is watching, watching what will happen beginning in January in Geneva, and it is asking for and demanding leadership, leadership to end the arms race and to take steps to end the madness.

I salute President Clinton's efforts to date. I call upon the President to increase his efforts. I call upon all the nuclear states to join the international tide in support of a comprehensive test ban treaty and action on the nonproliferation treaty.

The people of the United Kingdom should ask a couple of questions of their governmental leaders. Why are you, through the Thorp plant, anxious to sell plutonium to the South Koreans, whose stated purpose would be to build a nuclear weapon? Why is the leadership of the United Kingdom looking to develop new nuclear weapons systems, given that the cold war is over?

I think the people of Britain ought to ask, to whom are your nuclear bombs pointed? Who is the enemy? Who is the enemy that is so evil, that is such a threat to your national security, that you are willing to risk a nuclear confrontation, a nuclear holocaust?

To the American people and the people in every country, we must ask our government leaders, who is your leader? Who is the enemy today that requires continued testing and development of nuclear weapons?

To those nations that have a bomb, is not one enough? To those nations that do not have a bomb and potentially seek one, look at the amount of aggravation, look at the amount of stress and worry, consternation, peril, threat, evil, that having a nuclear bomb exerts within your own country and throughout the world. Why step into this madness?

Mr. Speaker, as I conclude my remarks this evening, I want to call upon the American public to continue its strong support for the comprehensive test-ban treaty. Your voices are heard here in Congress and in parliaments throughout the world. I can assure you that as we approach the new year and a new session of Congress, your voices will be heard in Washington, in London, Beijing, Paris, Moscow, and throughout the world.

Mr. Speaker, the documents referred to during my special order are included for the RECORD.

U.S. SENATE,
Washington, DC, November 5, 1993.

M. PHILIPPE SÉQUIN,
Président de l'Assemblée Nationale, Hôtel de l'Assay, 128, rue de l'Université, 75007 Paris, France.

MONSIEUR LE PRÉSIDENT: We commend your government's decision to enter into a nuclear test moratorium in April of last year, as well as your government's commitment to seek indefinite extension of the Nuclear Non-Proliferation Treaty at the forthcoming renewal conference in 1995.

We are concerned that China's October 5 nuclear test will undermine efforts to seek an early conclusion of a Comprehensive Test Ban Treaty by inducing other nations to resume their nuclear test programs. We believe that it is important for the governments of all nuclear powers to exercise restraint by not resuming nuclear tests in the wake of the recent Chinese nuclear test. As fellow legislators, we urge your government to maintain France's current nuclear test moratorium and to work toward the earliest possible conclusion of a Comprehensive Test Ban Treaty. This position is consistent with that of our government.

We believe that the requirement to strengthen the non-proliferation regime is far more compelling for global security than the perceived need to conduct additional nuclear tests. The Non-Proliferation Treaty will only be renewed if a majority of its parties conclude that the Treaty continues to promote their national security interests. If the United States, France, and other nuclear powers do not continue to distance themselves from the logic that a dynamic nuclear arms competition—fueled by nuclear testing programs—confers greater security than negotiated restraints, other nations will undoubtedly utilize a similar logic to rationalize decisions to pursue their own nuclear weapons programs.

Those aspiring nuclear powers would then view the nuclear powers—which would simultaneously be conducting nuclear tests and seeking to deny nuclear testing programs to other nations—as adhering to a double standard. Such an outcome will not enhance prospects for renewal of the Non-Proliferation Treaty. That is why conclusion of a Comprehensive Test Ban Treaty at the earliest possible time is essential.

We wish to express our strong support for the steps that France has taken on these important issues. We are committed to working with you to reduce the risk of nuclear war.

Best regards.

Sincerely,

John Glenn, Claiborne Pell, Bob Graham, Bill Bradley, John F. Kerry, Russell D. Feingold, Edward M. Kennedy, Daniel K. Akaka, J. Robert Kerrey, Thomas A. Daschle, Patty Murray, Frank H. Murkowski, Herb Kohl, Joseph I. Lieberman, Paul S. Sarbanes, David Pryor, Barbara A. Mikulski, Harris Wofford, Daniel K. Inouye, Max Baucus, Mark O. Hatfield, Paul Simon, Frank R. Lautenberg, James M. Jeffords, George J. Mitchell, John H. Chafee, Dennis DeConcini, J. James Exon, Tom Harkin, Daniel Patrick Moynihan, Wendell H. Ford, Carl Levin, Byron L. Dorgan, Dale Bumpers, Patrick J. Leahy, Howard M. Metzenbaum, Ben Nighthorse Campbell, Carol Moseley-Braun, Arlen Specter, Paul Wellstone, Donald W. Riegle, Jr., Joseph R. Biden, Jr., Christopher J. Dodd, Dave Durenberger, John C. Danforth, David L. Boren, Ted Stevens.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 15, 1993.

HON. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our support for continuation of the U.S. nuclear testing moratorium, despite the recent Chinese nuclear test.

Earlier this year, you determined that U.S. national security interests were best served by a vigorous effort to control the spread of nuclear weapons, technology, and materials. Central to this effort are negotiation of a Comprehensive Nuclear Test Ban Treaty (CTBT), indefinite extension of the Nonproliferation Treaty (NPT), and greater controls over the proliferation of weapons-grade material and ballistic missile technology—all of which we strongly support.

Now that the Chinese have conducted a nuclear test, however, we know there will be individuals in and out of the government who will be calling for a tit-for-tat response: a U.S. test for a Chinese test. In our view, this makes no sense. If a Chinese test harms U.S. efforts to achieve its policy goals in this area, a U.S. test would make achievement of our objectives even more difficult. And there is still no compelling reason for tests to improve the safety and reliability of the U.S. nuclear arsenal.

We applaud your statement condemning the Chinese test. In addition, we believe the United States should announce its intention to continue the moratorium, urge other nuclear powers to desist from further testing, and finally, declare its commitment to the rapid conclusion of a CTBT.

Thank you for your attention to our request. We look forward to working with you on this vital matter.

Sincerely,

Martin Sabo, Martin Meehan, Howard Berman, Mike Kreidler, Eni F.H. Faleomavaega, Nancy Pelosi, Peter DeFazio, David Minge, Anna Eshoo, Richard Durbin, James Oberstar, Edward Markey, Jerrold Nadler, Ron Klink, Joe Moakley, Pat Schroeder, Jolene Unsoeld, William Ford, Eliot Engel, Dale Kildee, Earl Pomeroy, Maurice Hinchey, Charles Schumer, Dan Glickman, James Moran, Ron Wyden, Richard Gephardt,

Mike Kopetski, Bernard Sanders, Hamilton Fish, Pete Stark, Carolyn Maloney, Lane Evans, Connie Morella, Tom Andrews, Don Edwards, Julian Dixon, Lynn Woolsey, Vic Fazio, George Brown, Neil Abercrombie, Ben Cardin, Alan Wheat, Robert Underwood, Larry LaRocco, Ronald Coleman, Chris Shays, Collin Peterson, Bart Gordon, Jim Slattery, Peter Visclosky, Jim Leach,

Barney Frank, Tony Beilenson, Major Owens, Edolphus Towns, Marjorie Margolies-Mezvinsky, Eleanor H. Norton, Tim Penny, Henry Waxman, Ed Pastor, Bruce Vento, Carrie Meek, George Miller, Albert Wynn, Bobby Rush, Louise Slaughter, Joseph Kennedy, John Olver, Patsy Mink, Elizabeth Furse, James Walsh, Leslie Byrne, Dave Obey, Melvin Watt, Thomas Foglietta, Glenn Poshard, Pat Williams.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 21, 1993.

His Excellency LI DAO YU,
Ambassador, Embassy of the People's Republic of China, Washington, DC.

YOUR EXCELLENCY: For nearly twelve months, there has been no test explosion of a nuclear weapon anywhere in the world. This is the first year this has been true since 1959. In the case of the United States, the suspension of nuclear weapons testing was legislated by Congress and signed into law by President Bush a year ago. The U.S. moratorium has been extended by President Clinton for at least another year unless another nation tests. Two other nuclear states—Russia and France—have declared that they will not be the first to renew testing.

This unprecedented situation has created a favorable environment for the speedy negotiation of a Comprehensive Test Ban. Yet, if reports are correct, a nuclear weapons test may be imminent in the People's Republic of China.

The first nation to conduct a nuclear weapons test—whether it is one that has conducted nearly a thousand or one that has conducted only a few dozen tests—would bear the heavy responsibility of relating other nuclear state from their declared moratoria and of encouraging and strengthening those elements in each of the nuclear states that oppose a CTB, and will press promptly for renewed testing.

The result is likely to be a renewal of nuclear weapons testing by one or more additional nuclear powers and ultimately by all of them. That could only worsen the prospects for a Comprehensive Test Ban. An unprecedented opportunity would be destroyed. And the nation that initiated this chain of events would be widely and deservedly blamed for it.

We recognize the fact that China has conducted fewer nuclear weapons tests than any of the other nuclear powers. Moreover, we are aware that some of your weapons scientists are convinced that some further tests are justified for various reasons, including improved safety. But that latter point is equally true within the nuclear weapons laboratories of each of the nuclear states, including the two nations that have conducted more than twenty times as many tests as China.

In the United States, Russia and France, the present leaders have judged that the claimed safety benefits of further testing—however real they may be—are vastly outweighed by the dangers associated with renewed nuclear weapons testing and the loss of the present opportunity for negotiating a permanent end to nuclear weapons testing.

We share this judgment; indeed, we have urged it strongly upon our own President, just as we now recommend it to the leaders of each of the nuclear states. We feel sure that it holds true for China as well, believing as we do that Chinese leaders are sincere in their declarations that they share the goal of a negotiated Comprehensive Test Ban.

Moreover, with renewed testing taking place and with a CTB clearly put further off, the likelihood of extending, broadening membership, and strengthening the Non-Proliferation Treaty when it comes up for renewal in eighteen months is distinctly worsened. If China were to test now, the NPT it joined recently might have a short subsequent life and little prospect of strengthened effectiveness, depriving China of the benefits it hoped to achieve by joining, and making the world a more dangerous place for all.

It could have tragic consequences if the silence since last September at the world's five nuclear test sites is broken in the coming months or weeks by a nuclear explosion in China.

With respect, we ask you to convey this judgment, and our profound concern over this possibility, to your government.

Sincerely,

Mike Kopetski, Martin Sabo, Pete Stark, Ron Wyden, Pat Danner, Ron Dellums, Peter DeFazio, Dan Hamburg, Lane Evans, Eni F.H. Faleomavaega, Pat Schroeder, Joe Kennedy, John J. LaFalce, Pat Williams, Tom Lantos, Nancy Pelosi, Sam Farr, Ed Pastor, Dan Glickman, Romano Mazzoli, Charles Schumer, Doug Applegate, Jose Serrano, Sander Levin, G.V. (Sonny) Montgomery, Louis Stokes, Elizabeth Furse, Bernard Sanders.

DEPARTMENT OF DEFENSE DIRECTIVE, JULY 24, 1981

Subject: Disclosure of Atomic Information to Foreign Governments and Regional Defense Organizations.

References: (a) DoD Directive 5030.14, subject as above, March 24, 1971 (hereby canceled); (b) Dod Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," March 2, 1979; (c) Atomic Energy Act of 1954, as amended.

A. REISSUANCE AND PURPOSE

1. This Directive reissues reference (a), authorizes the Joint Atomic Information Exchange Group (JAIEG), and transmits the DoD/DoE Agreement (enclosure 1) that sets forth the policies and procedures governing disclosures of atomic information to foreign governments and regional defense organizations.

2. Disclosures of classified military information that are not atomic information are governed by reference (b).

B. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organizations of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter called "DoD Components").

C. DEFINITIONS

1. Agreement for Cooperation.—Agreement between the United States and another nation or regional defense organization for mutual defense purposes in which the President authorizes the sharing of atomic information or material with another government or organization. An agreement includes the terms, conditions, duration, nature, and scope of cooperation and a guaranty by the other government or regional defense organization that appropriate security standards and safeguards will be maintained. (See reference (c)).

2. Statutory Determination.—A written determination by the President, or those duly authorized by him, that the cooperation will promote and will not constitute an unreasonable risk to the common defense and security. (See reference (c)).

3. Sponsor.—Any DoD Component that formally proposes atomic information for disclosure under applicable agreements for cooperation and statutory determinations.

4. Technical Director.—Synonymous in meaning and function with the title "Deputy Chief, JAIEG."

D. POLICY

Under the terms of the Atomic Energy Act (reference (c)), the Department of Energy and the Department of Defense are responsible for controlling the dissemination of U.S. atomic information. In carrying out this responsibility within the Department of Defense, U.S. atomic information may not be disclosed to foreign nations or regional defense organizations unless it meets the criteria specified in applicable agreements for cooperation and statutory determinations and such disclosure is in accordance with any policy constraint imposed.

E. RESPONSIBILITIES

1. The Assistant to the Secretary of Defense (Atomic Energy) shall furnish policy guidance to the JAIEG. The Director of Military Application of the Department of Energy has been assigned the corresponding responsibility for that Department.

2. The Joint Atomic Information Exchange Group shall: a. Be organized under the Director, Defense Nuclear Agency; b. Review and make determinations as to the transmissibility of atomic information sponsored for disclosure, and perform the collateral functions related to the responsibility. In the absence from duty of either the Chief, JAIEG, or the Technical Director (Deputy Chief, JAIEG), no disclosure may be authorized without the specific concurrence of both the senior DoD and senior DoE employee on duty with the JAIEG.

3. Sponsors shall: a. Determine the recipient's need to know; b. Determine what portions of proposed disclosures, which are not under the sponsor's purview, have been authorized for inclusion in the release; c. Refer atomic information proposed for disclosure to the JAIEG for a determination as to whether disclosure is permissible; d. Release or authorize the JAIEG to release the atomic information, if the JAIEG determines it to be transmissible.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant to the Secretary of Defense (Atomic Energy) within 120 days.

FRANK C. CARLUCCI,
Deputy Secretary of Defense.

DOD/DOE AGREEMENT FOR THE OPERATION OF THE JOINT ATOMIC INFORMATION EXCHANGE GROUP

A. PURPOSE AND SCOPE

The purpose of this agreement is to establish policies and procedures for the operation of the DoD/DoE Joint Atomic Information Exchange Group (JAIEG) under the Director, Defense Nuclear Agency (DNA). The JAIEG will carry out for the Department of Defense (DOD) and the Department of Energy (DOE) certain responsibilities, as outlined herein, with respect to cooperation for mutual defense purposes with other nations and regional defense organizations pursuant to agreements for such cooperation made in accordance with the Atomic Energy Act of 1954, as amended.

B. DEFINITIONS

1. Atomic Information.—a. In the case of United States information, "atomic information" is Restricted Data, within the definition of Section 11y of the Atomic Energy Act of 1954, as amended, and information removed from the Restricted Data category in accordance with the provisions of section 142d of the Act (this is referred to as Formerly Restricted Data); b. In the case of foreign information, "atomic information" is defined in the applicable agreement for cooperation.

2. Transmissibility, Transmittal, Transit, Communicate, Communication.—As used herein, these terms refer to the actual exchange of information by representatives of one nation or regional defense organization with representatives of another nation or regional defense organization by any and all means, including documentary, visual, and oral.

3. Transmission Channel.—The agency, department, or office designated in accordance with an agreement for cooperation for mutual defense purposes as responsible for the actual transmission and initial receipt of atomic information under such agreement.

4. Security Assurance.—A certification by the nation or regional defense organization, which will receive atomic information, that its representatives have been specifically authorized to receive atomic information from the transmitting government in accordance with applicable agreements for cooperation.

C. MISSION AND FUNCTIONS

1. The mission of the JAIEG is to act as the agent of the DoD and the DoE in performing the following functions with respect to exchange of atomic information, except as provided in paragraph 2, pursuant to U.S. agreement for cooperation for mutual defense purposes with foreign governments and regional defense organizations made in accordance with the Atomic Energy Act of 1954, as amended. Specifically, the mission is to:

a. Review and determine transmissibility of all properly sponsored exchanges of atomic information from the U.S. to other nations or regional defense organizations under the terms of mutual defense agreements for cooperation and statutory determinations.

b. Be responsible for preparation for transmittal and such other aspects of release, including acting as a transmission channel, if requested by the sponsoring agency.

c. Establish and maintain records and appropriate administration for atomic information transmittals.

d. Conduct an annual review of its record holdings to eliminate all but essential records of atomic information transmittals, and to assure that retained records reflect the latest downgrading and declassification actions.

e. Support the DoD, and DoE, and other requesting U.S. agencies in implementation and formulation of administrative arrangements (such as reporting, accounting and dissemination procedures) with other nations or regional defense organizations.

f. Carry out such other functions or provide such other support as may be jointly directed by the DoD and the DoE.

2. The DoE will be responsible for all aspects of transmission of classified military reactor information in accordance with existing arrangements. With respect to this information, the DoE will provide copies of pertinent administrative papers (including, for example, transmittal lists, security assurances, identity data, visit information, summaries of information exchanged during visits, and summaries of materials and equipment exchanged) to the JAIEG.

D. ORGANIZATION

1. The JAIEG is assigned to the Director, DNA.

2. The organization shall be headed by a Chief, JAIEG who shall report to the director, DNA. Either a DoD employee/officer or DoE employee may be assigned as Chief, JAIEG.

3. A Technical Director shall be assigned to the Chief, JAIEG to serve as his advisor for all matters within the mission and functions of the JAIEG. An employee/officer from the agency not providing the Chief, JAIEG shall be assigned as Technical Director.

4. The Director, DNA is responsible for the JAIEG organization and staffing in accordance with agreements between the Assistant to the Secretary of Defense (Atomic Energy) (ATSD(AE)) acting for the DoD and the Director of Military Application (DMA) acting for the DoE.

E. POLICY

The JAIEG shall be operated in accordance with policy guidance furnished jointly by the ATSD(AE) for the DoD and DMA for the DoE to the Director, DNA.

F. PROCEDURES

All proposals by DoD and DoE to exchange atomic information subject to this agreement shall be processed in accordance with the following procedures. In the event other Federal Agencies submit such proposals to the JAIEG, they shall also be processed under these procedures.

1. Referral Procedures.—Each proposed communication of atomic information to another nation or regional defense organization pursuant to the appropriate agreements for cooperation shall be referred to the JAIEG for review to determine whether it is within the scope of statutory determinations and approved programs of atomic cooperation, and not within the scope of policy constraints provided to the JAIEG pursuant to Section E. Referral procedures in special situations are provided for as follows:

a. In programs under agreements for cooperation where the transmittal of atomic information is limited to repetitive data transmitted over an extended period of time, special arrangements may be worked out between the JAIEG and the agency, department or office engaged in such program.

b. In unusual circumstances when it becomes impossible to provide in advance a detailed text of atomic information proposed for transmittal by oral or visual means, the sponsor shall instead submit guidelines or similar delineations of areas of atomic information to be transmitted. In such cases transmissibility shall be determined on the basis of the guidelines. However, after each such transmittal, a verbatim transcript or summary memorandum for the record, setting forth in detail all atomic information communicated through oral, visual, or other means, shall be furnished to the JAIEG.

2. Review Procedures.—a. The JAIEG review shall be commensurate with the scope and sensitivity of information proposed for exchange; b. Upon completion of the review the Chief, JAIEG shall take one of the following courses of action:

(1) Make a determination, based on the recommendation of the Technical Director, that the proposed communication is transmissible, and so notify the sponsor.

(2) Make a determination, taking into account the recommendation of the Technical Director, that the proposed communication is not transmissible, and so inform the sponsor. If the sponsor does not agree, the decision may be appealed for further joint DoD/DoE consideration. Appeals from DoD sponsors shall normally be addressed to the ATSD(AE) and appeals from DoE sponsors to DMA. Copies of the appeals and decisions shall be furnished to the JAIEG.

(3) If unable to determine transmissibility or nontransmissibility, refer the issue through the Director, DNA to the ATSD(AE) and DMA for joint resolution.

c. The JAEIG shall have no responsibility with respect to the transmissibility of classified defense information other than the atomic information subject to review by the JAIEG under this agreement. The transmissibility of any classified defense information other than atomic information included in a proposed communication is the responsibility of the sponsor pursuant to the "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations (NDP-1)."

3. Release Authorization.—Upon notification that the proposed communication is transmissible, the sponsor may release the information or authorize the JAIEG to do so.

G. IMPLEMENTATION

1. All agencies, departments, and offices of the DoD and the DoE whose present directives and regulations are in conflict with this agreement shall revise such directives to conform to the provisions contained herein.

2. This agreement is effective immediately.

3. This agreement supersedes and cancels the agreement of April 7, 1980. "The DoD/DoE Agreement for the Operation of the Joint Atomic Information Exchange Group."

———.

Deputy Assistant Secretary for Military Application.

———.

Assistant to the Secretary of Defense (Atomic Energy).

□ 2010

IMPORTANT FIFTIETH ANNIVERSARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, I hesitate to also take a special order when the House gets past 8 o'clock here on the east coast and our fabulous, and I mean that sincerely, fabulous staff has worked hard all day long, but we are getting down to the last days of the first session of the 103d Congress.

I have before me the schedule that was laid out here for Republicans on this side. It says we are going in at 10 tomorrow. We will do Youthful Offenders. What a sad subject that is. We will do the intelligence authorization conference report, which I just signed off as a member of that very important and sensitive committee. That should go through fast. And then we may or may not debate adding a 15th Cabinet position to the Office of the President of the United States. That would be another growth executive branch agency.

And then it says here, for us on this side, Saturday, Sunday, Monday, meeting times uncertain. Possible business includes, and it mentions, four things.

D.C. statehood. Let us see, the murder rate is running ahead of last year, a little bit behind the year before. But it looks like it may break all records. We lost nine people dead in the city here last week. It is going to blow through 450 again probably this year. So we are still the murder capital of the civilized world.

The population is shrinking from 600,000 to 570,000. My State has 32 million, 32 million citizens. That is not even counting illegal aliens, and we only have two Senators. And this D.C. city, which is supposed to be a Federal mandate, district, it wants to be a State, while its population is dropping and it is the murder capital of the free world. "I don't think so," as our people say.

Then comes Campaign Finance Reform. That will be a joke. That will be another incumbency protection act. Then Reinventing Government. The way to reinvent government is to freeze everything, but we will waste a lot of time on that. And then comes the Unemployment Conference Report, which should go through. And that is it.

Then it has a footnote that the Senate expects to adjourn sine die, without any more days, they are out of here. And then we will probably be driven by that and get out of here Sunday, even though everybody still is talking Monday or Tuesday.

We always have our business finished ahead of the other distinguished Chamber, so I would say we are out of here Saturday. That means tonight and tomorrow night are the last times I will have an opportunity to pay homage to the heroes of World War II, and we are going through, Mr. Speaker, some incredible anniversaries. All this year is the 50th anniversary of 1943 events. And if 1942 was the dark year, when the issue was in doubt, and the great Western statesman, Winston Churchill, called this year "the beginning of the beginning of the end," then we should have taken some time. Because most people are not around for 100th anniversaries, especially for those of us who were alive, even though we were children.

We should have taken pause, every week at some point in our schedule—they do not seem inclined to do it in the other Chamber—to pay homage to these people that lived and served and were wounded and, in the case of 312,000 of our fellow Americans, died to drive Hitler to suicide in less than 3 years and 5 months. Mussolini was through by this year. And the warlord Tojo was in jail in disgrace in Japan by next year, along with most of his warlords.

What a time of heroes. And that war began with about 134 million Americans. It ended in 1946. In those days the census did not count armed services people overseas. By the time we got all of our men back and all of our Army nurses and all of the other women that were serving overseas, our population, when Clinton was born in 1946 in August, the July census that year said we were pushing 147 million people. We jumped 13 million people from Pearl Harbor to the end of the war, by the time we got our forces home, 13 million. Hardly noticeable was the loss of life of 312,000. Hardly noticeable, unless you were a gold star mother or a widow or a child without a father, just a few momentoes coming home in a footlocker or even worse, in a tiny box.

If they were lost at sea, a few items from a ship; if they were a prisoner or missing, even worse, and they did not turn out to have been a prisoner and been released, if they were a prisoner under Hitler, we lost 1 percent in the camps. If they were a prisoner under the warlords of Japan, we lost almost 40 percent of those prisoners.

What a difference between the evils of Japanese imperialism and Nazism against our prisoners.

I stood up in a 1-minute this week, Mr. Speaker, and mentioned this report that the Pentagon had released, because of outside family pressure, that several hundred, I am quoting, "Several hundred United States prisoners in Korea were secretly taken to various places in the Soviet Union, mostly by rail; in many cases, through China," and that about 8,140 American servicemen are still officially unaccounted for. Those were, in many cases, the same heroes fighting the second war within 5 years.

I am going to speak on that and probably run out of time doing it, but before I do, I want to structure my remarks.

I want to do what is almost a mantra for me, Mr. Speaker, and mention that it is not just you and I, and when the camera pans the empty Chamber so ably manned by our terrific communications team down there, it is not an empty Chamber here. There are 1,200,000, that is a low-ball figure, 1,200,000 people watching.

Somebody bumped into me in the parking lot today and said, "Gosh, I love it when you are speaking. I feel so embarrassed for you that there is nobody there, none of your colleagues listening." Some of our Members, a little secret we keep around here, are living in their offices. They are not in bed yet. They keep the TV on. I know that a few watch. Many of their families are watching at home.

But the people that I think are in that C–SPAN audience, Mr. Speaker, who vote over 95 percent, they talk about a survey category of most likely to vote, these are some of the best citizens in our country. And if they will stay with us and follow the proceedings here, while I talk a little history that I love so much, thanks to my parents and great teachers, then here is the way I want to structure my time tonight.

First, I want to talk about the cultural war, because we had some of that on the House floor today. I started to write down political war as part 2, and I scratched it out, because nothing can equal the cultural war we are going through right now, except that part of it when we do ourselves dishonor in this Chamber. So I retitled it "Clinton and Political Skirmishes." I think I can go through that in about 5 minutes.

Then I want to get to the heroes, like Jimmy Doolittle, who died September 27 of this year, Pebble Beach, CA, 96 years of age, an original donor, a man who to me personally is someone I will treasure the rest of my life. I photographed his first $250 check, because I knew I would treasure it. I did not have a chance, with the rush of events the last few weeks, to other than put things in the Extension of Remarks. But I want to talk about what an inspiration Jimmy Doolittle was to young Americans of my vintage.

Then Tarawa, that battle is coming up the 50th anniversary in 2 days, day after tomorrow, on November 20. The story of our young Marines. And then the Army following up on another atoll island in that area.

I have a good friend who looks probably younger than I do who was there at 19 years of age hitting the beach 50 years ago. He is an assemblyman in California, Gil Ferguson, big, tall, tough marine, fought in three wars.

□ 2020

He and his wife Anita, what great Americans, what a public servant. He is on his way to Tarawa right now to be there at the 50th anniversary. I was supposed to go with him, but we are still in. We are supposed to be out, but no way.

I wish I could walk those beaches again, but I did get to walk them with one of the distinguished Members from the other side, who unfortunately was beaten last year. Steve Solarz and I walked the beaches of Tarawa, and a few days later we walked the battlefield of Guadalcanal. Steve was as moved as I was by the longest battle of American history. At this point the Solomon battle was in its 15th month. We moved up the chain to Bougainville. There was incredible fighting, still. New Guinea, we had been fighting there for, pushing on to almost 1 year and 9 months, and it was incredible. That was one of the least reported upon battles in the world, like Burma. New Guinea was to be constantly, always with us, but it did not have the romance of the Normandy invasion.

Normandy is never far from my mind, because not only is the 50th anniversary coming up next June, but Chris Heil, one of our reporters of debate, you may not know this, Mr. Speaker, hit the beach 3 hours before the landing, was one of those combat

Marine-Army guys that had to clear away the tank traps and the barbed wire so our guys could effect that landing. Today is the 50th anniversary of Sir Arthur, nickname "Bomber", Harris starting the Battle of Berlin. It was kind of a revenge title, because the Battle of Britain had almost lost all of Great Britain to Nazism. But the Battle of Berlin lasted until March of next year, it started today, we lost 600 planes, 600 aircraft lost over Nazi Germany, each plane going down, and if it was a 4-engine bomber, 9, 10, 11 crew members. Our B-17s had been joined by now by B-24's.

We were starting to do our share. By this time next year we would have eclipsed the British, but they were taking the brunt. That Battle of Berlin turned the air war. Then I will talk about Jimmy Doolittle. In case I forget, I want to say something about Doolittle right now. As an Air Force pilot, I just love this.

Washington lawyer Ramsey D. Potts, a retired Air Force major general who served in England with General Doolittle, believes the legendary aviator made one of the "critical tactical decisions of the war when he took charge of the 8th Air Force." The 8th Air Force was mostly bombers, but it had its fighter escort. The escort was medium bombers and fighters working as fighter-bombers.

PBS has had a special this week two nights in a row about a young pilot at that time, a P-47 Thunderbolt pilot, that just absolutely made clear to me that the fight on the ground was more deadly than the fight in the sky, and there were no aces down there. You flew and fought and tore up German armor until you got blown out of the sky, and there was little time for you to get your chute open if you were lucky enough to get out of the flaming cockpit.

To continue this, he says, "When Jimmy Doolittle took charge of the 8th Air Force, he ordered allies in P-51 Mustangs and P-47 Thunderbolts," don't leave out the P-38's here, Mr. Potts, the Lightnings, to go after the enemy fighters, to become aggressive and follow them to their bases after air battles. This aggression, American and British aggression, which meant the German Air Force became hunted over their own territory, was the key to our gaining air supremacy.

If we had not had air supremacy, we could never have invaded Europe. Remember the great Zanuck film, "The Longest Day"? Only Two enemy 109 Messerschmidts made it to strafe the beach at Normandy. As tough as that fight was on the ground, our guys only had to worry one short, brief 2 minutes when two Messerschmidts strafed the beaches, one of them a German fighter pilot that just died here a year ago. In the film he says contemptuously of Goering and his own Luftwaffe, "The Luftwaffe has had its day." And it was thanks to this young fighter pilot that Doolittle said, "After you are through in the air defending the bombers, go get them right in their own scorpion's nest." A lot of young guys got killed in 1943 doing that.

I want to talk at length about those heroes. Then I want to finish on Somalia, because I am not through with that issue. I have only got two more nights to discuss it, and I guess I am going to be frustrated and not get the investigation I want on Somalia.

Before I go back to the culture war, let me read a "Dear Colleague" that is going to circulate in the House tomorrow. I will read it in toto here, so that 1,200,000 Americans will know what I am driving for here before the Congress goes out. It is important.

JACK MURTHA, One of the most respected Members of this House, chairman of, I believe, because it involves national security, the most important subcommittee of the Committee on Appropriations, the Subcommittee on Defense, went to Somalia after that horrible firefight on October 3 and 4.

It was a real battle for me to get to hitchhike on an Air Force airplane to get over there. He, being a chairman, was able to go to Frankfurt and commandeer his own Gulfstream and get down there on his schedule. I had to wait to hitchhike on a big Galaxy C-5.

I got there about 3 days after he did, 4 days. He and I are the only two who have gone over there since these October casualties, going from 11 dead to 30 dead in just 3 days, killed; in cases, I think beaten to death and murdered. He put out a "Dear Colleague" earlier this week, the gentleman from Pennsylvania, JACK MURTHA, did. He said, "My colleagues, I brought back a letter from Major General William Garrison. He takes all the blame, and don't blame anybody in the Pentagon." For a lot of the Democrats and maybe Republicans that do not follow this, it was like that sets everything to rest and let us press on.

Here is my response to my dear friend that I admire very much a Marine Major from the Vietnam conflict: "Dear Colleague: Earlier this week my good friend and our well-respected colleague, Jack Murtha, sent you a letter concluding that officials at the Department of Defense were not responsible for the heavy casualties we encountered in Somalia on October 3d and 4th. As the only other Member of Congress to visit our forces there since that operation, I must take exception to my friend Jack's analysis.

"After personally talking to troops of all ranks involved in these operations, I am convinced that additional firepower and better planning from the Pentagon in Washington would have helped with the October 3d-4th Ranger Special Forces raid, as well as with other military missions in the Horn of Africa.

"U.S. Rangers were engaged for nearly 15 hours on the ground. I have spoken to Special Operations, 16th Special Ops Aviation Regiment, aviators who spent 17 to 18 hours in the air during the fight. Of course, they had a gung ho battle cry, 'Don't quit.' I visited with them at their base at Fort Campbell.

"For over 9 of the 15-plus hours during the firefight from hell," that is a magazine title, "Aideed's militia and civilians with automatic weapons pinned down our good guys while the U.N. forces awaited permission from their specific capitals—Rome, New Delhi—to release their tanks or armored vehicles. It is impossible to say that U.S. M1 Abrams tanks or M2 Bradley fighting vehicles could not have altered the outcome of events there and saved some lives, and dozens of others from being wounded, during the extraction, the exfiltration.

"During my trip to Somalia, one commander specifically brought up his request for armor. That was Major General Montgomery. I didn't have to ask, he brought it up. The commander of the forces who conducted the October 3d-4th operation made no mention to me about not needing armor to effect a rescue, and they mentioned nothing to me about a letter—he mentioned nothing to me about a letter to the President that he had sent out with Congressman MURTHA.

"At this point only two people have seen the now-famous letter, other than the writer, of course, because it has supposedly only been delivered to President Clinton. Les Aspin, our former colleague here, has not seen it, as Secretary of Defense."

□ 2030

"I believe that in writing the letter General Garrison was being a good soldier and trying to take all of the blame upon himself. This commander was the last person BOB DORNAN saw in Somalia. He walked me to the C-5 as I left, and he said to me," and this is a verbatim quote. Few people in this Chamber challenge this Member's memory. "He said, 'Congressman, I must tell you something. That was a good mission. We completed our mission, and then we got in a hell of a firefight on the way out.' Agreed, but it's this quick reaction force, General Thomas Montogery, Silver Star, Vietnam rescue aspect that needed armor to break through roadblocks and to blast through the ambushes." And I don't have it here, but by that time it was in every single corner.

"The only day to clear up contradictions and prevent such operational problems from ever repeating themselves is for the highly decorated and superbly professional commander of the Special Ops to personally brief Members of Congress on the Somalia mission." I guess I am asking that he brief us in depth the way he appears to

have briefed our respected colleague, JACK MURTHA. "He has returned stateside, this commander, and could easily be made available to Congress before Thanksgiving.

"I truly have the utmost respect for JACK MURTHA, but my own site investigation and my follow-up leads me to the inescapable conclusion that civilians in the Pentagon made serious and deadly errors by pulling out the AC–130 Specter gunships," and I could add my letter on August 23, last summer. The Rangers arrived and the Special Forces guys 2 days later, and the gunships were gone that they trained with regularly. And then, "By compounding that error, by refusing the request for armor made by combat commanders in the field, an error I believe which certainly cost American lives during the exfiltration phase.

"I do not necessarily believe anyone should resign over this single bloody firefight," nor have I hinted at it or called for it, nor joined with any other effort here in the House along those lines. "But what is important is that the American people and the families of the wounded and KIA get all of the facts about what happened out there and why, and how we can prevent it from happening. Let's get the facts."

I take to heart that motto with the 160th guys, the best pilots in the military, and that includes jet pilots. These helicopter pilots dazzled me, especially when I went and looked at their simulators, and flew one of the big simulators for the CH–47s, and then found out the process that they must go through to get included in that squadron.

So Somalia is important.

One thing I want to discuss is the Ia Drang Valley, November 14 to 18 of 1965 where we had the 28th anniversary last week, and I did not get a chance to mention it. But there was a lot of talk about the Ia Drang battle, the first battle in Vietnam where we came anywhere near losing more than five or six Americans in one fight. We lost 301. The one was an Air Force A–1 Sky Raider Sandy pilot who went in and crashed and was killed right in front of all of the men almost being overrun by two whole regiments of North Vietnamese Army soldiers, not Viet Cong. And that battle was talked about in the Pentagon during the whole month of October, maybe still this month because of the parallels over the casualties which were 19 compared to 301 killed in action. It looked like the events were getting ahead of us, just as it did in Vietnam.

So let me come back to this opening theme in the culture war. Today we have another one of these peculiar debates, a kind word, on abortion, where a lot of Members in this House were voting correct instead of what is spiritually correct. And I went into my pocket and I pulled out an article by Cardinal John Joseph O'Connor, His Eminence, the Archbishop of New York, a column that he wrote in the Archdiocesan Weekly called Catholic New York. His column is entitled "From My Viewpoint." It appeared in the September 9 issue. I have it courtesy of James McFadden, one of the clear-thinking Catholic laymen in this century, who put it into his great newsletter "Catholic Eye." And I have been carrying it around for almost a month and a half here, waiting to read this into the RECORD because it says an awful lot about this culture war that I alluded to so many times in the debate today, and particularly meaning the corruption of the beautiful little Nation of Denmark. That story has been rounded various times all across the country on I think I said Hard Copy today, but it is not. It is Inside Edition. And they showed these beautiful, even mentioned how beautiful these little children are there. Children are beautiful all over the world, anywhere, and they do not have to be blondes with blue eyes. But they showed these beautiful little tiny children, but they are still children, 10, 11, 12, 13, smoking, drinking. They showed a 10-year-old boy in a liquor store where he buys a fifth of something, buys cigarettes, comes out and is smoking, and the beautiful little children, girls, some the same age as my young granddaughter, talking about easy sex. Sometimes they say it was wrong. Sometimes they did not. Talking about how they lost their virginity. This is 12-, 13-, 14-year-olds, and showing them drunk in public, falling down, hugging one another. And then they cut to an American expatriate, an American psychologist saying this was all good and healthy, and they did not have the hangups like in America, and that is where we should be.

And then they were also showing how they all have condoms which they get from their school, or they get from their parents, and none of them have accents. It is amazing how English is such a second language in all of the Scandinavian countries now, and in Germany and in Switzerland. You have to listen to detect an accent. So there are these girls who are all being interviewed, and when the young boy is asked when his father gave him a condom what did he say, and he just said, "He said be careful." That is the slogan of America, play Russian roulette, if you get AIDS, well, you tried to be safe, or it failed because there is a big failure rate with condoms.

So here is my good friend, and the fighting Irish Archbishop of New York, John Cardinal O'Connor:

I was hardly dressed for what was coming, in my miter, full vestments and holding my staff in hand, waiting outside Our Lady of Sorrows 125-year-old church to begin the anniversary Mass. Her look almost withered my miter. Her words withered my ears.

"How many kids will die in these streets because you won't give out condoms in the schools?"

I could have shrugged it off as the no-win "When are you going to stop beating your wife" question. I didn't. It disturbed me because she meant it and she was sincere. Nor is she alone in her thinking. Various school boards throughout the country are saying much the same; cheered on by editorials in some of the most important newspapers. I'm told a delegation of assemblymen from Albany want to come to see me to tell me that Catholic teaching on condoms is leading to genocide.

Dornan footnote to Archbishop O'Connor, there are going to be a lot of Judas Iscariot Catholics in this group coming to lecture this shepherd of Jesus.

Cardinal O'Connor says:

I watched the entire Labor Day Parade from beginning to end. A lot of nice people marching, including a large contingent of the United Federation of Teachers, some with their own children. I spoke with a number and had pictures taken. They seemed to me like the kind of teachers who are serious about teaching youngsters in the classroom, just as they seemed serious about the care they were giving their own children. I didn't get any sense at all that they had become teachers to give out condoms.

But now it would appear that the federal government itself wants to get behind condoms in a big way. I saw young kids on television enthusiastic over the idea; heard them say their parents should have nothing to say about it—"none of my parents' business."

Good God! What are we doing to the young? They are crying for bread, and we're giving them stones. Who is killing them, not only physically, but morally and spiritually?

I'm not going to argue that too many condoms are defective or improperly used, or induce a sense of false security, so that kids end up with AIDS or a venereal disease or get pregnant. Those arguments are absolutely true, but there's a much more critical argument about pushing condoms on kids: It's wrong! It's corrupting thousands of kids. It's telling them they have no personal moral responsibility for their actions. It's telling them that the only real sinners are those who deny them condoms! It says: "It's not your fault if you get AIDS or give someone else AIDS. It's the fault of those who try to push moral values down your throats—those killers—those Catholic priests and bishops, those Protestants and Jews and Muslims who believe in Divine Law and personal responsibility."

□ 2040

William Murchison, I have had the honor of meeting this gentleman 25 years ago, 20 years ago, in one period of my life when I traveled the country fighting pornography, so I am glad the cardinal quotes him; William Murchison, syndicated columnist based at the Dallas Morning News, writes, "The times for the human life review," and I quote from his article in the latest issue, summer of 1993, an article titled "The Straight '90s," speaking of the striking down of all Louisiana sex education curriculum by a State court, State court, Murchison writes, "The curriculum recommends sexual abstinence as one means of preventing pregnancy and sexual disease. Ah, but the

court reasons that the promotion of abstinence violates the taboo on interjecting religious beliefs and moral judgments into teaching. Such a finding is as interesting as it is outrageous. What the court has done is concede to religion the high ground of common sense."

In other words, it cannot be argued that abstinence does not work. Of course it works. Avoid sex and you will avoid the consequences of sex, but abstinence is also a moral proposition. In other words, morality equates with common sense; to do the right thing is to do the sensible thing, the thing that works.

The court's problem is that moral connection. The Constitution, on the court's showing, rules out the interjection of moral and religious beliefs into public discourse. This means, under the new order, that we cannot teach what works best. All we can teach is what works second and third best such as condoms, which are notoriously ineffective in preventing pregnancy much less AIDS. We rule out the best remedy as unconstitutional. We settle for runner-up remedies, not on account of their effectiveness but rather to facilitate the worship of ideological propriety, in other words, political correctness supersedes in an increasingly jaded nation, spiritual correctness and common sense. Back to the cardinal: "I even hear otherwise intelligence people argue, 'Well, kids are going to do what they are going to do, so at least we should give them some protection.' And with that well-meaning proverb, they buy into the quick fix; stop fighting the real problem, give up on any hope of goodness and decency and common sense, give up; let us face what we are really doing, give up on the antiquated notion that there is anything wrong with such normal, good, clean fun as sex outside of marriage, recreational sex, inevitable sex, everybody is doing it, so let's make it safe. It is that kind of safety, not Catholic teaching on sex and marriage, on purity and virtue, on Heaven and hell that kills. I have been scorned in some quarters before for saying it, but I will say it again and again, bad morality is bad medicine. I have only heard that ridiculed but never disproved. It is a sad, sad day when people really believe that the church is engaged in genocide by teaching that condoms are a formula for disaster. It admittedly hurts to be called a killer when you are all dressed up for mass with a miter on. It hurts even more to know that others share that opinion, but it would hurt far worse if I believed it myself. Sorry, lady, I think you are dead wrong."

The church is lucky in these troubled times to have cardinals like O'Connor and Cardinal Bernard Law up in Boston.

The bishops have been meeting in this town. The only quarrel I have with the bishops is their, I guess, is in what they call wisdom they are so slow to respond to the attacks upon our culture and the weakest of the bishops, and there are more than a few, the gutless ones, the ones that try to submerge the most serious issues, tearing us apart and mix it up with the Central American poverty issues that Jesus loved the poor. Nobody goes to hell for being poor.

This excuse that people are killing and raping and murdering and slaughtering one another in their own neighborhoods or ghettoes or barrios or poor white trash enclaves, they are all killing one another because they are poor; what a distortion of the humblest of our human family that are closest to God, and my remarks earlier, and I want to put that full brochure in now, Mr. Speaker, when I joined the gentleman from Indiana [Mr. BURTON] who said that I had this little Bible tract that a Protestant young scholar had given me out on the steps.

I want to read what was inside after that front page with the eagle and the Jefferson nickel with Thomas Jefferson looking almost right at the word "God," and the words "In God We Trust" that are above your head, and in the Senate they are on the south wall so that the presiding officer in the Senate, whether it is Vice President GORE, as the President of that group, whoever is sitting in for him, they look at "In God We Trust" all day long. It is right across from him, right above their eyes.

Here is what it says inside. I did mention the quote before to the gentleman from Indiana [Mr. BURTON], of George Washington, "It is impossible to rightly govern the world without God and the Bible." Here is what this beautiful Protestant little pamphlet says: "We have come a long ways from the old days when our government and its institutions openly admitted that we needed God to have this nation work. In our public life, we either ignore God or are openly hostile to Him. We live in a culture where the media has made the word 'Christian' have almost an insidious if not almost a hostile sound to it. They reject the word 'sodomite,' but they have made the word 'homosexual' destroying the adjective 'gay' making that out to be a cause as glorious as any cause of human or civil rights in all of history." Incredible. This goes on to say that symbols that remind us of God are not allowed in public places.

Well, this is a public place, and it is here, along the edge of our Gallery, and it is in the other Chamber, so they have not stripped it out of these places yet. We begin our sessions with a prayer, and the same for the Supreme Court, and the same for the U.S. Senate, but I am sure those are targeted traditions.

TV names Him frequently. Him with a capital "H," but usually as a curse.

When I watched the 25th anniversary for 2 hours on Sunday night of what is one of the top serious shows in America, sometimes the top of all the shows, "60 Minutes," here is Mike Wallace, a respected journalist saying "God" and then follows it with "damn it." Here is a woman saying "Bull" followed by a scatological four-letter for human excrement.

At least, when the First Lady was almost hit on the head with a lamp in that lay-down, powder-puff interview with the Governor of Arkansas when he was a candidate in New Hampshire, and his wife, at least when the lamp, or at least when the lamp almost hit her, she said, "Jesus, Mary, and Joseph," which can be called an ejaculation of respect of the tiniest of prayers, but all the way through this program rough, vile language, and several times taking God's name in vain.

What was their excuse? That this was off the record background film of their filmed meetings or something? I heard the "f" word used for the first time. I was sitting at the kitchen table doing some House floor work and I yelled to my wife, "Are you on cable?" She said, "I knew you would hear that. No, honey it is one of the networks. Make a note of the time. It is 9:40-something." There they were injecting the "f" word in, and it was because it was a wife-beating situation, and it was a run-on sentence, and I sent for the transcript, but right after "NYPD Blue" debuts with full nudity now, and they are trying to crank in every last, although still rare mercifully on federally regulated airwaves in the public interest, for the convenience and good learning of the American public, but on cable television, of course, anybody who turns on cable television, anybody who turns on MTV and then wonders why their beautiful little Pinocchio turns into a punk named Lampwick with a foul mouth, smoking cigars, and trying to nail every tiny little girl in his school, you had better wonder what kind of garbage is coming over your TV. And do not gripe later when you have lost the religious heritage that your parents raised you with as you turn your kids out into the world.

TV names Him frequently, but usually as a curse, even the 25th anniversary of "60 Minutes."

It is not unusual for a nation to ignore God. The story of nations is a story of unbelief.

Usually, as a nation prospers, the people ignore God, and it falls on bad times, and the people return to God.

The God we are talking about here is the God of Abraham; all of the Old Testament is replete over and over and over with the chosen people going into good times, rejecting God, and then slipping into bad times.

This pamphlet continues that we ignore God and His commandments, the Mosaic law, at our peril. There is

Moses up there looking down at you, the only one of our 23 great lawgivers in these beautiful marble bas-relief medallions, and Moses is the only one that looks down at you, Mr. Speaker.

□ 2050

When we ignore God and his Mosaic Commandments, it is at our peril. Families, institutions, whole cultures crumble, which is what our culture is doing, when they ignore God. Our complex problems of runaway crime, drug abuse, broken homes, teenage pregnancy, AIDS, rampant abortion, child abuse, hopelessness, they are all rooted in our choice—choice, there is that wonderful word—to ignore God. God is going to have the last word on our Nation as He has had on every nation in all of history. God will destroy this Nation if we continue to wallow in our sin. His desire throughout the history of nations and for our Nation today is that we repent, turn to Him and truly trust Him. To trust God is to take him at His word, accept his Son, Jesus Christ, and obey His Commandments. As DAN BURTON said, for all of the other great religions who believe Jesus is only a prophet, and some who believe He is just a soothsayer, a son of Abraham, but those Mosaic Commandments, the laws honed in the 11th century by the Rabbi Maimonides, whose great beautiful medallion is up in the northeast corner of the House, it is Abraham's God that was so respected when this country was formed. And it was the Judeo-Christian ethics, no New Testament, no Jesus without the Old Testament respecting the people of God when we take that Bible that most Bible holders still put their hands on when they swear to very high office.

Mr. Clinton was using his mother's Bible when he was sworn in last January 20. But then the pamphlet finishes: "God in His mercy has provided the solution to our personal and national sins. He sent His only Son, Jesus, to come and die for us so that everyone who believes in him can have his sins washed clean and become a permanent member of the family of God. When we are God's children, we learn what a relief it is to trust in God, living by God's desire we learn how to govern ourselves, our families, and our Nation. If you are ready to trust God with your life, here is a prayer to get you started."

I read that prayer earlier, and the three biblical passages, one from the Hebrew people, from Psalms, David, the shepherd boy who slew Goliath, and the other two from the beloved evangelist, John. I would put those in the record, too.

Mr. Speaker, in the cultural war that we saw played out today, again I come back to this tack by many Members who put a wet finger in the air—Margaret Thatcher used to call them "the wets," they were so weak, afraid of political correctness, and the police, especially in the media, the political thought control people coming down on him, heaping him with insult. They do not understand that the American people innately like someone who stands on their own convictions. I as a Catholic, I was not about to sell out my principle and become a weak, lousy or grubbing Catholic caving in to what is trendy in order to hold on to this seat. I have never had a seat that did not poll against me on abortion 2 to 1. I represent a Democrat seat. When I tell my colleagues on the other side of the aisle, they get shocked. My seat is 52 percent Democrat, 40 Republican. My trendy seat in West L.A., my first go-around here for 6 years, I was a congressman for not just Ronald Reagan but for Jane Fonda, Tom Hayden. They were organizing against me round the clock year in and year out. That is why I won my 51 percent, 52 percent, 53, 55. I have never hit 60; I came close 4 years ago, 60, but that was before Ross Perot organized a lot of people and did not get his target priorities straight.

Enough of the culture war. Now let me slide into part 2, what I call political skirmishes. That was a political and a cultural fight today.

Now, I faxed up to Rush Limbaugh—and I am going to be sitting in for him Christmas week, Mr. Speaker. I hope you will forgive this commercial, but I will be sitting in that chair talking to every square inch of America—Alaska, Hawaii, the great 49th and 50th States, every territory then, General Blaz's great island territory out there in Guam, the area of Mr. FALEOMAVAEGA, a great little area of American Samoa, Puerto Rico, which I hope will be a State soon, the Virgin Islands—all over there on this incredible phenomenon of Rush Limbaugh, 630 stations.

Now, I will be sitting there going over this again, but I faxed it up to him. It has to do with all the trauma and investigation of the alleged improprieties by my party in New Jersey's gubernatorial election.

Now, Haley Barbour, the chairman of our Republican Party, was here to talk to some of us today and said that it appears that not a dollar was spent to influence anybody. They have not come up with a single human being, not only not any black ministers—and we should think better of them than to think that they would take money to tell the people not to vote in these troubled times—they have not come up with a single person who has heard or who can name with an FBI anonymous name; nobody can find anybody that took any walking-around money.

So what happened to my friend, Ed Rollins? I will tell you what happened. What he would call 45 days out in the wilderness out there, he was in Texas with Ross Perot. He got to what is easy for all of us. James Carville, on the other side, has fallen victim to this sometimes; a little bragging, a little exaggerating. In this case, it seems to go way beyond exaggerating when you make something up out of whole cloth.

As Rush Limbaugh has said on the air, "Hey, go for it, try to undo the election, give more lawyers more money in the political field." I do not think it is going to work, I think Christy Whitman's victory will stand. But he understands them going after that electoral investigation where nobody was killed, nobody was injured, and they may not even find $1 of, not unethical money, because nothing is unethical in New Jersey, with this walking-around money, but even the unseemly passing of money to any reverends of any denomination of any church.

But, go for it, my colleagues in the Democrat Party. But here is what I faxed to Rush: "How about these 10 scandals"—and I am adding almost one a day as I think about this for my colleagues. What about scandals that are dragging on interminably and that would be major, huge scandals with independent counsels appointed by this Congress, with millions of dollars allocated like all these millions were squandered on this frivolous science fiction story called "The October Surprise," where George Bush as Vice President candidate in 1980 was bobbing around on an SR-71 trying to encourage the crazed Iranians to hold our hostages beyond election day so that Ronald Reagan could win. That nutty thing cost us taxpayers $3.5 million to $4 million.

Here are the ones that are out there, and I will try to make them brief: One, the House post office. I made a note next to that that there is hope that this may come to some resolution.

Two, the White House pay scandal. That is jacking up people's pay retroactively, jacking up consulting money. If that was the White House and we had this gridlock in government, believe me, Congress would be all over the White House like a cheap suit trying to get to the truth of that.

Three, the White House travel office, what the media call "travelgate," swept under a rug. Do not believe for a minute that a tall, handsome, Catholic father of three blew his brains out with an old 1913 pistol—speaking of Vincent Foster—because of the travelgate thing. There was a white paper swept under the rug. You will see that Foster comes up here later.

Now, Waco and the Branch Davidians. At least there was one M-1 tank there. NEWT GINGRICH thinks this is coming back. I do not know. It seems to me it was swept under the rug. Twenty children burned? One of my sons said to me, "Dad, little kids walk around in the adult world with their head back all the time, looking up to the big, tall adults for protection, inspiration and hope." Why did those 20

children have to burn to death in day 51 of this standoff when there was so much firepower outside this Branch Davidian Mt. Carmel compound? Where is the full, deep investigation and congressional hearings on that?

One of my colleagues here, the gentleman from Michigan [Mr. CONYERS], I was proud of him when he said he was going to get to the bottom of this. What happened to my colleague's investigation?

No. 5, Vince Foster, suicide; why? Why? Is it because of something that is coming up later?

Six, Ron Brown and the Vietnamese connection. The news magazines are already predicting, "Oh, this will all go away." This is the Secretary of Commerce, and he says he never discussed the trade implications of writing off all of our MIA's and getting in on the action, the bottom line, dealing with the brutal government in Hanoi that is still committing human rights violations every day. I am getting like a Clinton with these hands working out there in the air.

No. 7, White House health care task force meetings which were illegally not open to the public, no disclosure forms, no vouchers, no accounting, and a Federal judge has just said, "Give it to us." And there are the toughest confrontational words I have ever seen in ordering the White House to come forward, forthcoming with all that stuff.

No. 8, I read this at the opening of my special order: The AC-130 Spectre gunships were moved from Mogadishu 2 days before the Rangers and the Delta guys got there who train with them all the time. What was that all about? And the denial of the armor?

□ 2100

I relate back to No. 4, the Waco death of 80-some people, not even one M-1 tank, not even the specially fixed up M-1 tank to pump noxious fumes out of the barrel as the Abrams systematically went around ripping the whole house apart. There are some videotapes around here of some film. I question some of the editing, but it is fascinating film that I have never seen on the news networks about what happened there outside of Waco. That is number eight.

Number nine. This may be the hottest of all. The Madison Guarantee Savings and Loan Bank in Little Rock, the White Water Real Estate deal where the attorney Power-of-Record was in a person named way back the Hillary Rodham-Clinton. You see, she used her name then. Sometime she signed it just Hillary Rodham, and then dumped it for the campaign as she took the name Clinton back for the first time in her life to win the Governor's seat back in 1982. There she is on all the documents. That is going to be fascinating.

And was Vincent Foster involved: Is this why this Christina gentleman blew his brains out, or was it just a Travelgate thing where all his friends were telling him it is a one-day story, put it behind you.

So that would be a major investigation with an independent counsel and millions of dollars put up by the House.

Then number ten. I only added this yesterday, this search of personnel files of Bush political appointees. Was this revenge for the so-called search of Clinton's passport file?

This week, Mr. Speaker, is the 24th anniversary, on the 15th or 16th, of the Clinton organizing demonstrations in England against his country's foreign policy. It would be fine if he stayed in the States to organize a big demonstration here on the 15th of 250,000 people, but after organizing it, he left for England to have the complimentary big demonstration in London in Grosvenor Square. Horses were stabbed, Bobbies were clubbed. The fight was on.

Clinton could not remember any of it until recently, and then he very cryptically said, "Well, I presented the casket to the Marines at the glass doors of the Embassy to stop the doors from all being destroyed and broken as more violent people were threatening."

Then the next day he had the prayer vigil on the 16th.

So that is 24 years and 2 days ago.

You know, this is one of those weeks where you wonder when you see the President on the news tonight, some of you will see it at 11, just wallowing in his victory that my party give him. One hundred and thirty-two of us gave him this huge NAFTA victory, saved him from what our former colleague, AL GORE, called a catastrophic devastating defeat, 102 Democrats, and there are 2 to 1 of those folks over us, and 132 Republicans, including myself, gave him this victory so he can go up to Seattle with his head held high; but I did not hear Andre Mitchell on the news talk about the Republicans gave him this chance to be the cock of the walk up there. All I heard was his reference to a bipartisan victory.

No, the majority of his own party was against him on that. That can cut several ways.

Here in the political skirmishes, I guess Oliphant is going to replace Conrad in the L.A. Times. It has Mr. Rollins, with beard, sitting on a bench with two little ministers in-between him and Mr. Clinton. Mr. Rollins is saying, "Ha, you should have seen me in New Jersey. I spread half a million of Whitman campaign funds around to suppress the black vote. Just kidding, just kidding."

And the President sitting on the other side of these two little very much in stature smaller ministers, he says, "Hey, that's what I did with NAFTA. I spread millions around in promise to Congress. Of course, I got these taxpayers' money. Just kidding, just kidding."

And here is that little Oliphant bird or duck. He said, "I take voting seriously. Just kidding, just kidding."

So the political skirmishes as a subset of the cultural war are fascinating.

Now, I knew that I would be left little time. That is why I am asking, I think it has already been filed for, a 1-hour special order tomorrow night where I will stay totally on the heroes of Somalia, Ia Drang, 1965 Vietnam, Italy in 1943. They were bogged down in the mud in the filthiest winter of all 50 years ago, the British 8th Army, the U.S. 5th Army slugging it out, the Germans fighting desperately. They were starting even to counterattack a little bit before the winter set in up in the bloodiest of conflicts in all the history of mankind, the Eastern Front where the Soviet Union lost in their conflict, not 20, but as we were told lately by Mr. Yeltsin, 30 million human beings.

The Solomons, I want to talk a little bit about the New Guinea, the Bouganville Campaign, Tarawa 1,123 Marines, sailors and Coast Guardsmen, really, taking in the landing barges.

Then I will start off tomorrow with my Jimmy Doolittle tribute, this wonderful man that God gave us for 96 years. His wife died on their wedding anniversary. What a lovely lady she was. Their 71st wedding anniversary 5 years ago. What a life he led.

And the humble title of his book, his book could have been just the word "Doolittle" and everybody would have known, but what it said was, "I never could be this lucky again." If you talk to him, what he meant by luck was his guardian angel, God, watching over him with all the scrapes he was in.

As a matter of fact, let me at least start that tonight to kind of end on a positive note, because tomorrow I am also going to talk about these hundreds of Americans who disappeared in Korea.

Let me give the title of hero. According to any dictionary, it is roughly this:

> A man of distinguished courage or ability, a man who is regarded as having heroic qualities and is considered a model or ideal.

I can think, Mr. Speaker, of yet another definition of a hero, a man whose name and accomplishments are synonymous with this one word, Doolittle, General James H. "Jimmy" Doolittle.

We all remember him as a three-star general, but he was given his fourth star in retirement, a full general.

He died September 27 at the age of 96 in Pebble Beach, CA. On Friday, October 1, he was buried among thousands of other brave American heroes at Arlington. And in a staff mistake, I missed his funeral. We were out that day. It breaks my heart to see the B-1's fly over following that beautiful B-25 Billy Mitchell, named after another great American hero, General Mitchell,

who sacrificed his career. He predicted the Japanese attack at Pearl Harbor, pushing air power against the battleship admirals.

Let us briefly recount just a few of the many accomplishments of this great aviator, combat leader and a truly great American. I will just go the end of my special order talking here about Mr. Doolittle.

He was born December 14, 1896, at Alameda, CA. He died just a few miles away at Pebble Beach in his beloved golden State. Born 1896, so he was 4 years older than my dad. God gave my dad 83 years, gave Jimmy 96. Those 4 years put my dad in the trenches of Europe. When the war ended November 11, 1918, Harry Dornan was there with three Wound Chevrons, now they call them Purple Hearts.

Jimmy always hated that he missed that. He enlisted in the Signal Corps in 1917 at just 21 years of age. Though the war ended before he would see service in France, he decided to stay on as an instructor pilot, a real compliment to a guy that young.

That very same year he married his high school sweetheart, Josephine Daniels.

He keeps plugging away as an instructor, and in 1922 he flies from Jacksonville, FL, to Rockwell Field at San Diego, CA, in the first coast-to-coast flight in less than 24 hours. He did it in 22 hours and 30 minutes. That got him the Distinguished Flying Cross. We only give that for combat now, but in those days we thought there would never be another war. That is why we gave the great Lindbergh this Medal of Honor which most people get by giving their lives for their country.

In 1925 Doolittle wins the Schneider Cup Seaplane Race with a converted Curtiss R3C–2 landplane. What a gorgeous airplane. I got a whole book on these Curtiss racers at home.

Because of these and a lot of other races, the United States is able to lay the groundwork for the development of high-speed fighters, that although we got a late start, would later dominate the air in World War II, including the Lockheed P–38 "Lightning," the Republic P–47 "Thunderbolt" and the Rockwell P–51 "Mustang."

In 1928 he becomes the first pilot ever to perform an outside loop. I do not think I have ever done that. That is an extremely difficult and dangerous maneuver. you know, it is one thing to naturally take your airplane along the airflow of its lift into a loop, but to bend it forward toward the ground and come up the back side and around, I have some friends that have biplanes that can do that, but I do not think I have ever taken them up on it.

In 1929 he flies from takeoff to landing purely by reference to instruments and an early radio navigation set. This began what was to become known as instrument flight, still today a cornerstone of civilian air commerce and military flying. That would have been enough for anybody's career, Mr. Speaker, but he plunges on.

□ 2110

Nineteen thirty-two: He wins the Thompson Trophy at the national air races in a Geebee that killed a lot of good racing pilots, the R–1 Geebee racer. Sets a world speed record at 296. That is still a record for most helicopters.

Nineteen forty-two: He leads the now-famous raid on Tokyo which is hailed as both a strategic and a morale boosting, massive success.

Never before had a large bomber aircraft been launched from aircraft carriers. The Japanese, first boats it sighted, said, "There's two of our carriers."

One of the Japanese enlisted men said to one of these captains on these small boats, "Those aren't ours." He went down below deck and committed hara-kiri.

Never before had the Japanese mainland been attacked from the air. Of the 80 men on the Doolittle raid three died in the raid. My staff goofed up on this research. Four were beheaded. We lost eight overall of those courageous Doolittle raiders.

Jimmy Doolittle sat on his wrecked airplane in China after a rain storm. He said to his men, "Well, I guess this is the end of my career," but the lieutenant colonel was never to serve as an eagle bird colonel. He was promoted to brigadier and awarded the Congressional Medal of Honor.

I will pick up tomorrow, Mr. Speaker, his service in World War II and then go from Jimmy Doolittle into the heroes of what happened, what was happening 50 years ago, and close again with some mention of Ia Drang in Vietnam, how great our veterans are from that war, so disgraced and vilified over the years, but every bit the equal of the great rangers and delta guys that I saw in Somalia, and I will do that tomorrow night.

HOLLOW FORCES UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 60 minutes.

Mr. TALENT. Mr. Speaker, several months ago I rose in the House to announce the formation of a committee called the Hollow Forces Update Committee. That was a committee which is going to report on the process by which America's armed services are inevitably hollowed out. Let me define once again what hollowing out the force means. It is a process by which you have a particular end strength, a number of troops, a number of sailors, soldiers, airmen and women, but you do not provide enough money to adequately fund, adequately equip, adequately train those forces, and you do not provide enough money to maintain quality personnel as you would like in those forces. So after a while they hollow out. In theory they are capable of accomplishing missions which forces of that size should be able to accomplish, but in practice they cannot do so because they do not have adequate training or equipment. As an analogy one might picture a home which on the outside looks perfectly good. It has a good coat of paint on the outside, the shingles seem fine on the roof, but, when you get inside, you see that the wallpaper is peeling, that there is no furniture or, even worse, that the plumbing is all out. In other words, it cannot do what a home is supposed to do. It is hollowed out from the inside.

Mr. Speaker, that is what is happening to America's armed services because of inadequate budgets, and the process is going to get worse as time goes on. Tonight I want to focus on a specific aspect of the hollowing out of the forces, the gutting of the modernization budget of the U.S. Army. Before I do that, Mr. Speaker, I need to digress and talk about end strength for the Army, and I will define that. End strength is simply the total number of troops or divisions that we have in the Army.

The Department of Defense earlier in the year conducted the celebrated Bottom-Up Review, a process by which the Department was supposed to look at the needs of America's armed services from the bottom up, consider what their missions were, and then report back to Congress and the President as to how much force was needed and how much was needed in funds to support that force. That is what was supposed to happen. Later on I will talk about what actually happened in the course of the Bottom-Up Review.

In doing the Bottom-Up Review, Mr. Speaker, the administration identified the mission of the Army as the ability to fight two contingency wars like Desert Storm at the same time while also maintaining peacekeeping activities in various parts of the world. Somalia is an example of that, the Golan Heights would be another, as would Bosnia, if we get involved there. That was the mission of the Army, In order to perform that mission the Bottom-Up Review reported that we would need about 10 active divisions in the Army or approximately 500,000 troops in the U.S. Army.

Recently, Mr. Speaker, the gentleman from Missouri [Mr. SKELTON], the chairman of the Military Forces and Personnel Subcommittee of the Committee on Armed Services, on which I have the privilege of serving, held a day of hearings in which the issue was whether the end strength of the Army, as projected by the Bottom-Up Review, would be adequate to accomplish that mission, which again is

to fight two regional contingencies at the same time while also conducting peacetime activities. There were two panels who testified at that hearing. The first was made up of officials from the Department of Defense and active duty officers from the Army. The second was made up of distinguished retired general officers, by and large, of the Army including Gen. Carl Vuono, former Chief of Staff of the Army.

The conclusion at that hearing, Mr. Speaker, the undeniable, irresistible conclusion that I reached and, I think, the members of the committee reached was that the end strength projected by the Bottom-Up Review is completely inadequate to perform the mission that we have detailed for the U.S. Army. If one just used simple country arithmetic, one would find out that we cannot conduct two Desert Storms at the same time we have peacekeeping troops committed everywhere in the world. In fact, we probably cannot do it even without the peacekeeping forces.

I am not going to go into a great deal of detail on that. I want to discuss tonight two aspects, two of the mistakes which the Clinton administration makes in believing that 10 active divisions are adequate to perform these missions. These were detailed by General Vuono in his testimony. The first is the mistake of believing that troops detailed anywhere in the world can be picked up and quickly deployed anywhere else in the world and that in doing that we can count those troops toward the number of men that are needed in order to fight the two regional contingencies. General Vuono stated that this is simply impossible to do because of the logistics of moving troops and because of the necessity to retrain them. The peacekeeping troops are a classic example. We have troops in Somalia peacekeeping there. To move them to Korea, for example, or even to the gulf to take part in a battle would require picking them up, getting them out of Somalia, and then getting other allies to come in and take over the responsibility for peacekeeping there. We would have to take them someplace and retrain them because what it takes to do peacekeeping is very different from what it takes to fight a battle, and soldiers who have been used to peacekeeping and have been most recently trained to do that cannot easily move over into battle. If we move them directly into battle, they are not adequately trained, and we suffer an unnecessary amount of casualties. After we get them retrained, we have to go through the logistics of getting them back into the battle.

So the mistake that the Department of Defense and the Clinton administration is making is in counting peacekeeping troops toward the number of troops that they have available to fight the regional contingencies. We simply cannot do it.

Another mistake that was made and that will lead me into my subject for tonight is counting on force enhancements that are not presently developed and procured by the Army. Force enhancements are another word for modernization, and what the Department of Defense is doing in the Bottom-Up Review is saying,

> Look, we only need ten active divisions because we are going to bring on line modernizations, new weapon systems, new intelligence gathering systems, that will make each soldier so much more efficient, that will pack so much more firepower into each soldier that we do not need as many people.

In theory that will work. There is a question whether in practice we can cut things that fine. In theory it will work.

□ 2120

But it is absolutely essential that you already have the force enhancements before you draw down the troops in reliance upon the enhancements. You see, what the Clinton administration is doing is they have got the cart before the horse. They are saying we are going to draw down the number of troops to 10 active divisions, because we know that down the road we are going to have new helicopters, new modernization, which will enable us to make do with fewer numbers of people.

Again, in theory, that will work. But you have got to have the enhancements on line before you reduce the troops. It is a classic mistake to bet on the come, that you will get those enhancements and that will enable you to function with fewer people.

That leads me into my main subject for the evening, Mr. Speaker, because even that theory assumes that we are going to get the enhancements. And yet what is painfully obvious, if you look just at what has happened to the Army modernization budget this year, is that the Clinton administration is gutting that budget. The Army will not be able to modernize in even the minimal way necessary in order for it to perform its functions.

What is modernization? Again, very simply defined, modernization is a process by which the Army is able to function with fewer people because it is able to pack more firepower into each soldier. Modernization improves the Army's ability to move people. It improves its ability to coordinate the forces that it has. And by doing that, it is able to make do with fewer people.

Why is modernization necessary now? Well, I will be hitting on this several times this evening. But it is necessary for essentially two reasons. The first is that if we are to accomplish the mission of the Armed Forces with a much reduced Army, you have to be able to do more with fewer soldiers. And the only way to do that is to improve their technical capabilities.

The other key aspect of modernization, and everyone must keep this in mind, is that modernization saves lives. If the Army is to be able to perform its functions in the future, in battles like Desert Storm, it must be able to inflict casualties on the enemy at much, much greater numbers than it takes itself. It must be able to inflict casualties at 5 to 10 times the rate that it suffers. Otherwise, we simply are not going to be able to accomplish those missions, and, of course, what is most tragic, is that we will unnecessarily lose American lives.

So modernization is again the process of acquiring new weapons and information systems which permits the Army to function with fewer people, and, most crucially, with fewer casualties in the event of armed conflicts.

Before I get into the budgets, I want to go through the five principles of modernization that the Army is following.

The first principle is projecting and sustaining the force. The Army needs to be able to modernize so that it can better project and sustain the force. That is simply the process by which it moves troops to the location where they are going to have to be deployed. That means lift, airlift, typically. Projecting and sustaining also means moving soldiers more efficiently and more quickly and more exactly after they are deployed.

Projecting and sustaining also means enabling soldiers to carry more firepower, so that the Army does not need as many people in that particular area. That is projecting and sustaining the force.

The second key area of modernization is in protecting the force. In thinking about this, Mr. Speaker, we only have to look back to Desert Storm. What was the major threat to our forces deployed there? The major threat was long-range missile firings—the Scud missiles that Saddam Hussein had.

They did not have to be very accurate. He just launched them. Launch enough Scud missiles and you get a hit and kill hundreds of our soldiers.

The next Saddam Hussein, Mr. Speaker, will load up on Scud missiles. He will have three or four times what the last Saddam Hussein had. And so it is a key function of modernization, a key aspect of it, that the Army be better able to know where those threats are. It has to have the intelligence to be able to find those long-range threats, and then smart missiles, smart weapons, so it can seek them out and destroy them.

The third aspect is winning the information war. That means improving Army intelligence so that it knows what is going on in the battlefield, while at the same time it is rendering the opponent blind. In other words, it cuts off the opponent's intelligence so that he does not know where his forces are, and at the same time improves its

own intelligence so the Army knows where its forces are, its tanks are, and is better coordinated.

Intelligence is key to every aspect of these modernization categories.

The fourth is the ability to conduct precision strikes. This is the ability to identify threats that are long range and knock them out without actually having to put our soldiers in harm's way. This means good intelligence, so you can identify targets when they are miles away, and then precise weapons so that you can line those targets up and hit them without putting our people in harm's way. Again, precise striking allows you to make do with fewer soldiers, and we hope and pray, with fewer casualties.

Finally, the last category, dominating the maneuver battle. This is again very dependent on better technology and better intelligence. If you know where the enemy's forces are on the battlefield itself and, equally crucial, you know where your own are, you can coordinate them more effectively.

Here is an example of that. If a tank commander has, let's say, 50 tanks under his command, with today's intelligence, he probably is doing very well if he can get 35 of those tanks engaged in 1 battle, because he may not know exactly where they are, and he may not be able to coordinate them properly.

With better intelligence, with digitized real time intelligence, so that our commanders know where our forces are and the enemy's forces are, and not an hour later but knows where they are and exactly when they are there, with that kind of intelligence you can get all the tanks coordinated into the battle, and then you need fewer tanks. Instead of needing 50, you only need 35 or 40, and you can make do with less. And it is the same thing with infantry. Of course, our soldiers are less vulnerable at the same time.

That is what modernization is. That is why it is absolutely key to performing the mission that we have set for the Army and absolutely key to doing it with fewer casualties. In fact, that is the point of it, to save lives.

What has happened, Mr. Speaker, to the modernization budget of the U.S. Army in the last 11 months? This graph shows it better than I can say it.

When President Bush left office, Secretary Cheney had signed off on a $68.10 billion modernization budget for the U.S. Army over the next 5 years.

President Clinton presented a budget in February 1993 that cut approximately $6 billion off of that modernization budget for a total of $62.52 billion over the next 5 years. But the budget went down further after that, and here I must link this process up with the bottom of review that was going on at the same time.

The bottom-up review, which I described before, of the Department of Defense, began approximately in the spring, after the budget had been approved for the next 5 years, at $62 billion.

Again, the point of that bottom-up review should have been and ostensibly was to identify the needs of the U.S. armed services, including the U.S. Army, and then to tell the President and Congress what those needs were and how much money would be necessary to fund them.

The point was not to have a budget number at the beginning and tell the service what that number was and then ask them what they could buy with that number. But that is exactly how this process was conducted. Because while the bottom-up review was going on, before the Army could present what it really need as a modernization budget, it was told how much it could spend. And, in fact over an additional $10 billion was cut out of the modernization budget from February through September 1993.

In April, the Army was told to cut another $2.7 billion out of the modernization budget for fiscal year 1994. In June they were told to cut another $9.8 billion over the next 5 years. And there were further rounds of cuts and negotiations. And eventually, over an additional $10 billion was cut from the Army modernization budget, leaving a budget for the next 5 years, as of September 1993, at $51.75 billion, or 25 percent less than the Army had been allowed only 10 months before. And remember this is in a crucial, absolutely crucial aspect, of the defense budget, if the Army is to accomplish its mission while saving the lives of its soldiers.

Mr. Speaker, what have those budget cuts actually meant in terms of programs that have had to be canceled? There have been dozens of modernization programs cut or substantially degraded, substantially reduced, as a result of these modernization cuts over the next 5 years.

□ 2130

I do not have time to discuss them all, but to highlight it, I want to discuss three of them tonight.

I talked about the five subareas of modernization: protecting and sustaining, protecting the force, winning the information war, precision strikes and dominating the maneuver battlefield.

I want to discuss three particular systems that are substantially degraded or going down altogether because of these modernization cuts.

The first is the Black Hawk helicopter, which is a key program to protecting and sustaining the force adequately.

The Black Hawk helicopter replaces the obsolete Vietnam era Huey helicopter. It can transport troops into battle and defend itself. It has more firepower than any other helicopter of its kind. It can carry four times the payload of the Huey. Now, why is that important to protecting and sustaining the force?

Because the faster you can get soldiers around in a battle area, the more firepower they can carry themselves and the less vulnerable they are when you are deploying them, the fewer people you need and the fewer casualties you are likely to suffer. Losing the Black Hawk means losing more American soldiers than you need to in a real battle.

The Clinton modernization cuts means the Army will stop buying Black Hawks in 1996, leaving the Army 557 helicopters short of what they had estimated to be their requirement. Again, I emphasize, this budget cut was not made because the bottom-up review produced a considered opinion on the part of the Department of Defense that they, for some reason, did not need these 557 helicopters. This cut was made because they were given a figure, apart from any estimation of need, and told to meet it in their budget cuts.

The next area is protecting the force. No more important area of modernization. This is the process, again, by which the Army protects its soldiers, our soldiers, our fighting men and women from long-range threats like missiles.

The Avenger is a key program in protecting the force. It provides air defense to ground troops. It protects against hostile aircraft and cruise missiles, and it is easily deployable. And it provides reliable protection for early entry troops. These are the troops who kick the door open, who go in initially when the situation is the most volatile and the least under control.

The Avenger is basically a missile which you can load up on the back of a vehicle. It is very easy to deploy. It has the most up-to-date technology, and it will protect our troops on the ground from aircraft, low-flying aircraft or cruise missiles.

The Clinton modernization cuts mean $338 million taken away from the Avenger, leaving the Army 130 units short of the requirements. Again, not as a result of a considered decision that they did not need as many or a decision to revise the missions so that the Army would not be entrusted with so many missions, but simply because they were given a budget number and told to meet it.

We have one more example I wanted to give, Mr. Speaker.

The Javelin, which is a key program in dominating the maneuver battlefield. Again, I discussed that before. That is the process by which the Army knows where its forces are and where the enemy's forces are and is able to coordinate our forces better so that it can get more people into battle and, at the same time, protect them, keep them from being killed.

The whole point of modernization, again, is to save American lives. The

Javelin is a shoulder-carried antitank system, which provides a revolutionary leap-ahead capability for our American soldiers and marines, especially those responsible for early-entry operations.

It is a shoulder-carried antitank weapons system. It allows troops to fire and immediately take cover. Anybody can understand the importance of this. Right now the antitank shoulder-carried weapon that is used is the Dragon. And among the Dragon's drawbacks is the fact that when you fire it, you have to guide it into its target.

Well, this is a battle situation. In order to fire the Dragon or any of these antitank shoulder-carried weapons, you have to move out from behind cover and fire. If you have to guide it in with the Dragon, it means you are remaining without cover. And you are vulnerable to being shot yourself, by a tank or by other infantry.

One of the key features of the Javelin, is that it allows soldiers to fire and forget, to fire and immediately take cover, which will cut down on casualties. And again, these are for early entry troops, the kind of troops who kick the door open in very volatile situations.

The Javelin would replace the obsolete Dragon, which is becoming increasingly ineffective and has only one-half the range. The further away you are from your target, the less vulnerable you are.

What about the Clinton modernization cuts? They take $834 million from the Javelin, leaving only one-third of the early entry, first-to-fight corps with this technology. Two-thirds of the soldiers we will expect to go in and land in hostile combat situations will have to use obsolete antitank weapons instead of one that would protect them and make them less vulnerable to becoming casualties.

What do these modernization cuts mean for America? They mean an American security which is less safe and less protected than it otherwise would be. And here it is important to remember, Mr. Speaker, that our armed services have two objectives.

One of them is to fight battles when they actually happen. But the other is to deter battles from ever happening.

Think of the analogy, if you have a big forest and you had a bunch of arsonists loose in the forest, the Saddam Husseins of the forest. And they like to start fires. But if they know that somebody is there and can put the fires out while they are still sparks, they are less likely to try and light the forest on fire in the first place. If they know that they can get a big fire going before somebody comes in, then they are much more likely to start the conflagration in the first place.

So it is absolutely vital that our armed services remain strong, not just to fight battles but to deter battles from ever happening. These cuts in the modernization budget of the U.S. Army, make America less secure and our allies and our interests less secure in the world also.

And even more tragically, these modernization cuts mean imperiled American lives. Mr. Speaker, I think that the U.S. Army will win in almost any situation eventually, because of the dedication and ability of our soldiers. But what will the cost be? Modernization not only ensures that we will win in situations where it is absolutely imperative to American interests that we win, but it ensures that we can win with the least loss of lives. That is the whole point of modernization—to allow us to defeat the enemy at casualty rates of 5 to 1 or 10 to 1 instead of 2 to 1 or 3 to 1.

It is very important, Mr. Speaker, that all of us in the Congress and in the executive branch avoid the temptation to think of our All-Volunteer Force as expendable. These people sign up, and they know what they are getting into; and it is all too easy and yet wrong for us to think of them as mercenaries whose lives can be put easily at risk and who we can put into any situation without very much regard for their training or for their equipment.

We have an absolute responsibility to provide them with what they need, if they are to do what we call on them to do.

In conclusion, Mr. Speaker, I want to make two points. I want to first of all quote a distinguished Member of the other body, Senator MCCAIN, who produced a hollow forces report earlier in the year. He said, "It is not the politicians or the accountants who have to pay for hollow forces. It is the men and women of the armed services who go overseas to engage in battle on behalf of the United States and do not return."

I would also like to recount a story from a hearing of the Armed Services Committee earlier in the year. As a new member of the committee, this was an experience that had a profound effect on me.

Some retired officers were testifying. The issue is not really that important, but they testified passionately. They felt strongly about it.

Then they looked at the committee members up on the dais.

They said, "You know, being in the armed services is a sacrifice, but it is one that we gladly make. We sign up. We know what the life is. We are willing to endure the hardship for our families."

□ 2140

"In fact, we love it. We know it is necessary to put our lives on the line." but then he said, "We count on you to protect us. We count on you to provide what we need to do what you have asked us to do."

That kind of statement should have a profound effect on all of us, Mr. Speaker. I do not believe that the trend toward hollowing out the forces is inevitable. I think there is still time to turn it around. I voted for the 1994 defense authorization bill, not because I was satisfied with the numbers in that bill, but because I believe people on both sides of the aisle on the Armed Services Committee are acting in good faith in difficult budgetary situations, and I believe there is still time to turn these trends around.

We still have a couple of years of grace left, maybe the rest of 1994 and part of 1995, before the force is hollowed out to the point where it will be very difficult to turn it around except with extraordinary effort and extraordinary expenditure of funds.

If we get to 1996 and 1997 and we have not availed ourselves of the opportunity to provide our soldiers with what they need, we will have abdicated on our primary responsibility to the country and also to the men and women of the American armed services.

I would put it this way, Mr. Speaker. In 1993, and now it looks like unless we do something differently, in 1994, we are sowing the wind for American security and for the men and women of the American armed forces. By 1996 or 1997, we will inevitably reap the whirlwind.

STATEHOOD FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, I have been coming before the House in a series of remarks designed to familiarize the House with conditions affecting the policy of the District of Columbia, about which most are unaware, and I do not blame my colleagues for being unaware. After all, the District of Columbia is a local jurisdiction, a district that is nobody's district but my own. Its internal affairs are no more familiar to my colleagues in general than are the internal affairs of the State of New Mexico or South Carolina or the State of Michigan or Washington State. Therefore, when I have spoken up for statehood for the District of Columbia I do not expect that instantly Americans, and not even my colleagues, will understand why such a request would be made by a Member of this body, a request to convert the neighborhoods of the District of Columbia, not the seat of government, but part of what is now considered the seat of government, into an independent State. What a strange idea. What would lead a perfectly sane Member of Congress, the Delegate from the District of Columbia, to make and offer such a proposition? I mean to indicate why this evening, Mr. Speaker.

Some of the Members may remember that we have recently gone through an appropriations battle over the District of Columbia. When the matter came before this House, it took up the time of this House, just as the defense appropriations, which my colleague has just spoken about, took up the time of this House, or the agriculture appropriation took up the time of this House, or the Health and Human Services budget, the largest in our country, took up the time of this House. This, mind you, is the smallest appropriation.

What most Americans who watched this battle did not know, Mr. Speaker, was that this was not your money, my colleagues, this was not the money of the United States of America, my colleagues. This was the money of the residents of the District of Columbia, paid for by District taxpayers, by District businesses.

What was this appropriation doing here in the House of Representatives, where only Federal matters are to be discussed? At the time of home rule, Mr. Speaker, there was included in the bill what you might have expected, to transfer all Federal jurisdiction to the District of Columbia. But in the haggling over whether or not to treat the residents of the District of Columbia the way we treat our other Americans, the Congress kept unto itself what no legislature has the right to keep unto itself, the right to say how local tax moneys shall be spent, when this body is not accountable to those from whom that money is raised.

If you will recall, it was that abuse that produced the United States of America. It was not freedom, it was not democracy, it was that the Crown, the British Crown, insisted upon taxing its subjects in America without giving them fair representation.

Who would have thought that 200 years later, the Congress of the United States would be guilty of the very same abuse, taxing people for whom there is no representation, or at least no full representation in this body, and worse, taking their own money, because most of the budget of the District of Columbia does not come from the Congress of the United States. Yet the Congress of the United States has the last word over how the budget will be spent. Even the King of England did not do as much.

Yes, my constituents want to become a State, but mind you, we have tried other routes. We have tried half loaves, for example, such as the attempt in the 1970's to get full voting rights in the House and Senate, and thank you, Mr. and Mrs. America, we got 16 States out of the 38 that were needed. Still, it would have been a partial loaf, because we would have had full representation here in the House and Senate, and yet the House and Senate could have done and would have done what it did a few weeks ago, and that is to decide how the residents of the District of Columbia would spend its own money. That part would not have been remedied by the voting rights amendment that was processed, but failed in the 1970's.

We have tried to gain gradual home rule. Let me say to you, Mr. Speaker, that those who oppose statehood but say, "By the way, we are for democracy. We will find some other way to bring democracy to the District of Columbia," those same Members, many of them from the Republican side of the aisle, have opposed each and every attempt to increase home rule and democracy short of statehood.

So, for example, instead of debating the internally raised budget of the District of Columbia here, for years we have proposed that that portion of our budget raised in the District of Columbia be subject only to D.C. public officials.

□ 2150

And let me tell you, Mr. Speaker, each and every time a budget autonomy bill for the District of Columbia comes before the District Committee, the members on the Republican side of the aisle vote against giving us exclusive jurisdiction over our own money. So much for your claims that you want to bring democracy to the District of Columbia. Give us then control over our own money.

That is not statehood. How can you possibly be against that?

Or what about the 30-day layover period? Try this on for size, my colleagues. My counsel passes a bill. It can be as large as its budget or as small as an alley closing. But that bill must come here for the 30 days, if it is a civil act, and 60 days if it is a criminal act to see if some Member of this body wishes to rise and undemocratically overturn the elected will of the residents of the District of Columbia.

And so we have said surely no American can justify that.

Let our laws become law without coming here the way they do in the 4 territories, the way they do in the 50 States, the way they do in every town and every city and every country and every State. And when our bill asking for elimination of any layover period for bills passed by the City Council, when our bill comes before the District Committee, each and every member on the Republican side of the committee votes against expanding home rule.

Is it no wonder that the residents of the District of Columbia are enraged? On the one hand there are Members who do not want to give us full equality with other Americans through statehood, and on the other hand these same Members do not want to give us partial equality by allowing us to have the final say over our own money and our own laws.

Who in this body, Mr. Speaker, would tolerate that? Stand up so we can see who you are. No one in America should tolerate that.

And I want to put this body on notice. We are not going to continue to tolerate it. It has got to fall. Slavery fell, restrictions on voting to white men failed, discrimination in the United States of America fell, and the outrageously undemocratic treatment of the capital city of a free Nation, that outrageously undemocratic treatment, it too shall fall. I only hope that you, my colleagues, are a part of this body when it falls, and that you can participate in the action that drives into history the notion that any part of America would have citizens declared unsuited for self-government.

Mr. Speaker, it was an experience to hear Members rise and declare that the Constitution of the United States gave them the authority to deny democracy to the residents of the District of Columbia. It just flowed out of their mouths. Had those words flowed from the mouths of Soviet dictators, my colleagues would have taken to the well to decry the outrageous notion that there were people who were not ready to govern themselves, or that there was any document, and certainly the extraordinary and cherished Constitution that could be used as the authority for saying that the Founders did not intend the residents of the District of Columbia to be equal to the residents everywhere else. Put that out of your mind, Mr. Speaker. The Framers did intend the Congress to have exclusive control over the seat of government, but in order to maintain a seat of government the Congress does not have to exert undemocratic control over the neighborhoods surrounding the seat of government. It can reduce the seat of government to a size sufficient to protect our cherished institutions and liberate the neighborhoods so that they can be like all other parts of our great country.

Do not cite the Constitution, my colleagues, ever for propositions that ring in tyranny. That does not resonate. That is a form of civic sacrilege when the names of the Founders are called down in that way. Citing the Constitution in that way is like the devil citing the Bible, yet I must say that too does occur, that too does occur.

I cannot say at this time because a final decision simply has not been made, whether I shall ask the Speaker to allow me to go to the floor for debate and a vote on statehood for the District of Columbia. I have not decided because the counts are still being taken.

I say to my colleagues when your colleagues come and ask you will you vote as a matter of principle for statehood for the District of Columbia, I hope you will say yes. I ask you to say yes. And I ask you to say yes not because when

we look up at the lights I can tell you that there will be at least 218 of you, a majority of the House who will say yes, I ask you to say yes in our whip count as a matter of principle.

Yes, at some point I will seek a vote on the House floor, because you cannot continue to struggle in this way without coming to cloture on a vote at some point. The reason I would want a vote at some point is quite simply because it is virtually the only way to help our colleagues and our country understand the seriousness of the condition of the people of the District of Columbia, left completely outside in some kind of antidemocratic netherland. If the House can debate and vote on statehood, surely this is an idea worth the notice of our country, so a vote has become necessary. Whether it will occur this session, this year, next year, it has to occur. And I know that it will occur before we get close to a majority vote, but it must occur.

Last week I wrote to my constituents because I insist that they not be patronized. For me statehood is not some campaign slogan, some political notion to bandy around, some chant to shout. It is a responsibility that I have as the Member from the District of Columbia.

□ 2200

And so if I am considering something as serious as asking for the first vote on statehood for the District of Columbia in more than 200 years, I said to myself I ought to let my constituents know what my thinking is, because when you ask for a vote when you know you do not have a majority, there are benefits and there are risks. The benefits are clear.

We need to, as residents of the District of Columbia, at least understand what our options are. We need to see what we have to do and how far we have to go.

We, after all, have struggled for more than a dozen years here. If we have a vote, we will have some sense of what we have to do to bring us closer to statehood, and we will look seriously at all our options.

I am not unaware of what I am doing. I have read deeply on the history of States. Our most recent States took a very long time to become States: Hawaii, 56 years; Alaska, 41 years.

Our country, even for territories in the middle of the country, always had difficulty admitting States, frankly, for partisan reasons, but after all, the partisan, the political can never be shut out from a decision of this kind. But I must say to you, Mr. Speaker, there was never a territory that at the moment it asked to be admitted to the State already was paying Federal taxes to the Federal Treasury except one territory, and that is your Capital city.

You begin to pay taxes once you become a State in order to keep faith with that heritage, that great forming principle without which there would have been no United States of America, the principle of no taxation without representation.

There is but one territory of the United States in the whole history of this country that has been subjected to taxation without representation by the Government of the United States. I do not refer to the Crown of England at this time. Even the four territories pay no Federal taxes to the Federal Treasury.

This is an abuse and an anomaly, the status of the District, that is, that has to be cured if we are to hold our heads up much less try to justify such an exception to principles born with the Nation itself.

But I said to myself, as I think through the notion of whether to ask for a vote on the House floor, very few people know what is in my mind, and so I wrote my constituents a letter to talk about what was on my mind and what the factors were that would guide my decision.

If an unprecedented floor vote would help to educate my colleagues and help make the country and the world understand what our political condition and burdens were, there would always, as there are today, be risks associated for going for a vote when you do not have all the votes.

The District of Columbia at the moment is a city, and a large one, and there is no large city which is not now the victim of terrible crime and fiscal problems. We have not recovered, this city, nor many others, from the last recession. Recovery has been slow.

The difference between the District of Columbia and other cities is one, that is, that Members live here, and Members will be more critical of the District of Columbia than they are of the cities from which they come which are experiencing the very same problem. And so inevitably there will be District-bashing if I go for a vote.

There are Members who delight in pointing to whatever difficulties the District of Columbia is having, as if that could be a reason for denying residents their democratic rights.

The last time I heard, there was no test you had to pass before you were entitled to your democratic rights. I thought that was what this country was all about, and yet a Member was on the floor during the appropriation debate and said that he thought that home rule ought to be taken back from the District of Columbia. That was said in this Chamber, Mr. Speaker. That was said in the United States of America, Mr. Speaker, that the right to govern themselves ought to be taken back from the District of Columbia.

What my colleagues have to explain is why it took them to 1973 to give the District of Columbia the right every American citizen deserves in the first place. Don't you dare talk about taking back anybody's democratic rights, and certainly not any American's democratic rights. Do not talk about taking back democratic rights in China, in the Philippines, in Europe, or in Latin America, and certainly do not talk about doing it here in this country.

This country has led the fight to expand democratic rights. Do not defile our principles by suggesting that any rights we now have could be retrieved by this body or any body which, after all, was never entitled to sequester our rights in the first place.

Last year I sought a vote on the House floor, but then asked for a postponement. I did so in part because there were problems in this city, but, frankly, I did so because there were problems in this House as well. Last year was the year of the House bank when Members feared for their political lives, and I feared that Members would be fearful of voting even for a proposition such as one that said that motherhood is a good thing. So I said I would try again in another year.

This is another year, but I cannot in all candor say to you that the city or the country looks much better than last year. The economy still has not entirely recovered. Crime has spread through every hamlet of our country, it would seem, and certainly through every large city.

So that in making this decision, one thing I am not going to do is to assume that I can control events or that I should succumb to the notion that a vote for statehood should be conditioned on a Member's view of the District of Columbia.

I must say to you, my colleagues, you come from places and under circumstances where you would not now be a State if you had used the standard on yourselves. Let me prove that proposition.

Alaska, the arguments were made time and again in ways that resonate to the District-bashing I hear: Alaska's population was too small for statehood; the sources of revenue were not certain enough; there was too much Federal land.

Members from Arizona, you came into the Union in 1912. It took you 19 years.

These are the kinds of things they said about you: Indian uprising, and that is the functional equivalent of crime today; the Territory was said to lack sufficient resources to sustain a self-government. Oh, my, over and over again, the arguments come, and yet we admitted Arizona.

And, Colorado, watch out. They said the Indian wars were there. We did not want you in this United States of America, Indian wars.

□ 2210

Indian wars, the version of a crime epidemic; border disputes with Canada;

the State would have a disproportionate share of influence in Congress because of the size of its population.

Watch out, Florida: prosperous Florida, into the Union in 1845, took you 7 years; big fight in the Congress. Many said those Indian wars, "We don't want you in here," the functional equivalent of crime. Population too small. Florida now one of the most populous States of the Union. Glad you got in, glad that our vision was broad enough to see the great potential of Americans everywhere.

Oh, Hawaii, did they give you a hard time; 56 years of trying and almost every argument against admission was raised against Hawaii. That is, the small size of the territory, the racial composition of the Hawaiians, and the fact, of course, that Hawaii, you look very different because you are after all not contiguous to the territory. There were supposed to be Communists out there, and yet Hawaii was admitted in 1959.

It first applied for statehood in 1903.

Now, New Mexico: Oh, my, what they said about New Mexico. There were said to be land titles that were disputed, Spanish and Mexican land titles; Indian uprisings, again; the Spanish language. Oh, my, we must not have a State where everybody does not speak English.

Is it not interesting that it took 61 years—New Mexico. It looks like the more a State does not look like the rest of the States the longer it takes the State to get in.

New Mexico, Hawaii, the District of Columbia, we look a lot different too. Some 70 percent of us are African-Americans. We come from a city and would be a city-state.

Heaven help us, many of us are Democrats, thus the partisanship is on the very surface; not even hidden. Republicans deny us home rule, not just statehood; Democrats, some Democrats, a number of Democrats acting like Republicans, even though they imagine we too, if we enter the Union, would be Democrats. Totally partisan considerations, leaving aside the principles mouthed in this Chamber every day about freedom and democracy and our superiority as a society because of it.

South Dakota, it took South Dakota 6 years. The population was said not to be large enough; disproportionate influence in the Congress. But admitted, nevertheless, in 1889.

Oh, Utah, Utah, Utah, what a hard time you had, Utah; opposed straight out because of the Mormon religion. The population of the territory was said to be too small and the State would have a disproportionate share of influence in this House and in the Senate, given its population.

This beautiful State, it took you an awfully long time, almost 47 years, the manifest destiny notwithstanding; the notion that if you are in the territorial United States, somehow or another you are going to become a State, and that did not happen nearly as quickly as one would have thought. That is one reason, Mr. Speaker, that opposition to the District of Columbia leaves me undaunted, when I see States located where one would assume they would almost have to get into the Union. When I see what a struggle it was for them to take their rightful place, I am no ways tired, no ways tired as the spiritual says.

I know this will happen. I know it will happen in good time. Mr. Speaker, let me say it will happen, not in 46 years or 61 years; it will happen far sooner than the pessimists predict.

Mr. Speaker, the pattern is clear, and we fall straight into the pattern; the pattern of partisan opposition to a newcomer in the Union. It is awfully comfortable the way it is for those on the inside. Well, Mr. Speaker, the difference between the others on the outside and us is that you have extracted from us the same things you extract from yourselves on the inside. If we did not pay taxes, that might be something else, Mr. Speaker. But I bet if I were to put a bill before this House tomorrow asking that the District be exempt from taxes because we have no representation in the Senate and not full representation in the House, I bet you, Mr. Speaker, that I could not command a majority for that proposition though it flies in the face of every American principle to extract my taxes and not give me full representation in the House and in the Senate.

I bet you, Mr. Speaker, that there would be no vote where I would immediately command a majority for that proposition.

You cannot have it all ways, both ways, and every way; you cannot run around the world saying, "Democracy or nothing," without starting at the seat of Government in this Chamber, in this place. And I am asking, Mr. Speaker, that people cast a vote on principle for statehood for the District of Columbia should a vote be allowed in this Chamber; cast a vote for principle. It will not hurt you, it will not hurt those whom you represent. It will hurt us if we do not make a good showing, it will encourage us if we do. And think, as you consider the proposition of statehood for the District of Columbia, think about the history of your own State, I ask you this evening. Think about Michigan and Wisconsin and Minnesota, whose admission was held up because they gave aliens the right to vote; think about Louisiana, California, and Oregon, whose admission was held up because they were not then contiguous with the rest of the United States; think about Texas, whose admission was held up on the theory that Congress had no constitutional authority to admit a foreign nation.

□ 2220

Texas, what could be more American than Texas today, but then it was argued Congress did not have the authority to grant Texas admission.

Finally, though, by a majority vote, Texas was admitted in 1845.

Mr. Speaker, do you know that most Americans probably could not pass a civics test that asks them what does it take to get a State admitted to the Union? What it requires is a vote of the House by a majority, a vote of the Senate by a majority and the signature of the President of the United States, like any other bill. In that manner, each and every State has been admitted. Yet there are some who would say that the District of Columbia has to be admitted by a constitutional amendment.

I submit, Mr. Speaker, that if the District of Columbia is admitted by a constitutional amendment, that is unconstitutional, because that is not the process described by the Constitution of the United States. That is not the process by which each and every State has been admitted.

Some say that they are not sure, for example, that West Virginia is legally admitted even today. You will remember how we got a West Virginia. It broke off from Virginia in the middle of the Civil War. After the Civil War, the State of Virginia, of course, was a Yankee State of Virginia, so to speak. In any case, that Virginia ratified or consented to the formation of West Virginia, which of course had already broken off; but when old Virginia came back, they said, "We didn't consent to any such thing."

But would anybody suggest today that West Virginia should not be a free and indepdendent State of the United States of America?

Oh, the list is long and there was hardly a State that did not come in without a great struggle, Mr. Speaker.

President Clinton comes from Arkansas. Arkansas had a very hard time. It was said to be very poor and thus inevitably to become a drag on the U.S. economy. It was very poor then. It is very poor today, and yet I do not believe there is an American who would not want Arkansas, the home of President Clinton, in the Union.

Oh, but did they talk about Arkansas. At that time there were still duels, fighting and brawls involving elected officials, yet they had the temerity to want to become a State with all of that going on. Yes, they did become a State.

Mr. Speaker, while I mention Arkansas, do let me be clear that the President of the United States supports the admission of the District of Columbia as the 51st State, the State of New Columbia, and has said so and has repeatedly said so and has told me that he will be sending a letter to Members of the House to that effect. He just figured it out. He paid some considerable attention to the proposition in the way

we have come to expect of him and says that he simply cannot justify today, if you ever could, any Americans who are less equal than other Americans in the civic recognition.

Too late? Perhaps you could rationalize it at some other period in American history. After all, we have rationalized all manner of lack of freedom.

As an amateur historian, one who studied history in undergraduate and graduate school, I have never believed that those of us who come in one era can be morally superior by requiring the people who lived earlier to observe the principles that we now observe, so that tough I am an African woman, I have read deeply enough in history to have an understanding of why some would have treated people of my race and my sex as they did. I have an understanding, even though I concede that I cannot embrace or ever justify what was done, but I know that I cannot superimpose the principles of 1990 on 1890 and expect it all to look the way it looks today, because in fact we learn from history and we learn as each day goes by and we see the meaning of oppression and people organize to overthrow oppression.

So I cannot understand, at least as an objective historical matter, that it might have been possible to be sane and to believe in democracy and believe that the District of Columbia could be governed by Congress and by a Commissioner.

I know that the Framers were very troubled by this. They thought they had to have an independent piece of land. They thought that the Congress would find a way to democratically govern that land. They really believed it. It was what they hoped.

As time went on and it became clear that Congress was in fact governing this territory, even though people did not have their full rights, people became troubled with it, but yet it was not until 1973 that something was done about it.

My colleagues, my fellow Americans, did you know that it was not until 1964 that the residents of the District of Columbia could vote for the President of the United States? Understand that all of this time, all of these 200 years, we were paying the same taxes that you pay. How many of you would condone that? No, none of you would condone that for your people. Do not expect me to condone it for mine.

Whatever has been the past, our country is a great country because it discards what is wrong in its past. I cannot say that of every country. Most countries have discarded what was wrong in their past by bloody revolution.

There is only one thing that was wrong in our past and it had the same effect, and that was, of course, the Civil War. We were unable to dispose of slavery peacefully, but the great test of this country is that it used law, it used the Constitution to bring freedom, not the gun.

Well, the residents of the District of Columbia ask you to use that same law to recognize our full equality as American citizens.

Late though it be, it is not too late. It must not become too late.

I do not know whether a vote on statehood for the District of Columbia will occur this session. I do not yet know. I do know that we are taking a count. I do know that we do not expect that we will have anything but a base line vote if we take a vote.

□ 2230

We are not crazy. I do know that, if it took New Mexico more than 50 years, if it took Hawaii and Alaska more than 50 years, that we cannot expect the first year we want to vote to be into the Union, but we can expect that those who believe in democracy, those Members of this House who believe that all citizens are equal, will cast a vote for statehood for the District of Columbia. It will be a vote on principle if we vote. It is only that vote on principle that I ask tonight.

It may be that there will not be a vote, in which case I say to my colleagues, if you want to register how you feel on principle, you will have to do it in some other way such as allowing the District laws and elected officials to lie in the District of Columbia, not here in the House. There will be other opportunities. But if the opportunity should come to vote on statehood for the District of Columbia, even if you have doubts, I ask you to vote "aye" because those doubts should not keep you from at least registering your principled view that all Americans should be treated equally as citizens.

Mr. Speaker, that is all the vote will mean. It will not mean that the District of Columbia will become a State. It will only be a vote for the principle of equality of citizenship when there is equality of burden of citizenship, and I ask my colleagues not to vote "no" on the proposition that democracy should apply to each and every American.

So, Mr. Speaker, if one of our colleagues comes around tomorrow and says, "If there were a vote on statehood for the District of Columbia, how would you vote," think about what it means to say that you would vote "no." Think about what it would mean to vote "no" when the people of the District of Columbia are paying more taxes per capita than all but two States. Think about what it would mean to vote "no" when my constituents were fifth per capita in the Persian Gulf. Think about what it means for an American to vote that another American is not entitled to full citizenship.

If we go for a vote, vote "yes" on the principle because that is all that will be at stake. The grant of statehood will not be at stake from this vote. I ask only for a vote for statehood as a way of endorsing the principle that the residents of the District of Columbia are entitled to full citizenship.

Mr. Speaker, I am fourth generation, have lived in the Capital City all my time, and my father all his life, and his father all his life, and his father all his life, and I have seen this Capital City convert itself from a sleepy, segregated southern town to the great metropolis, the diverse population, strong in economy, that today is the capital of this Nation. I graduated from segregated schools in the District of Columbia. My sister graduated from schools which had been declared, under the 14th amendment, to be open to all.

Mr. Speaker, I have seen my city change. I have seen us wipe away the irony of segregation in the capital of the free nations. I say to my colleagues: "If you have seen what I have seen, you will not be daunted by the proposition that our country would go the whole way for the residents of its Capital City. If you have seen what you and I have seen happen to South Africa in a half dozen years, you will not be daunted by what we now ask to happen to the capital City of this country."

Mr. Speaker, I watched this morning as the South Africans moved in a way I was sure they would not move in my lifetime as recently as 7 or 8 years ago. I refuse to give up a faith in my country, a faith that has been ratified by what I have seen during my own lifetime, what I have experienced.

I have come from being a girl going to segregated schools in the District of Columbia to being a woman who represents the District of Columbia in the Congress of the United States. When I was growing up in the District of Columbia, Mr. Speaker, there were no rights whatsoever that my city, my Capital City, had. This city was governed by commissions. The city had no city council and no mayor. Congress used the city for its own personal patronage. It was segregated. My Lord, it had more of the evils associated with tyranny than any other place in the United States of America. It had all of the segregation that the South had, and it had an absence of democracy that no part of the United States had, and yet today it is a city with the full right to govern itself. The Mayor of the District of Columbia and the city council of the District of Columbia in fact can run this city in the way that the mayor of any city and the council of any city can.

The problem is, Mr. Speaker, that they can be second guessed by the Members of this body. I say to my friends and colleagues: "You have much more to do than trouble yourselves with our troubles. The District will not be better governed tomorrow because you keep undemocratic control

of your Capital City. You do nothing to govern it. You want to do nothing to govern it. You will not cure its crime. You will not cure its other ills. So let my people go. Do unto this city as you would want done unto the place where you reside. You who live by American principles, who vote them every day, let us live by those same principles."

I leave my colleagues not with the words of George Washington or Thomas Jefferson. I leave my colleagues not with the words of Frederic Douglass or Martin Luther King, Jr. Rather, I leave my colleagues with the words that are older than all of them in order to impress upon my colleagues this proposition I have argued before them this evening. The words are ancient, are as old as human longing for freedom.

Mr. Speaker, Aristotle said, "Democracy rises out of the notion that those who are equal in any respect are equal in all respects."

CONFERENCE REPORT ON H.R. 2330

Mr. GLICKMAN submitted the following conference report and statement on the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-377)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330), to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1994".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The National Reconnaissance Office.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Federal Bureau of Investigation.

(11) The Drug Enforcement Administration.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(A) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1994, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 2330 of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—The Director of Central Intelligence may authorize employment for civilian personnel in excess of the number authorized for fiscal year 1994 under section 102 of this Act when the Director determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1994 the sum of $113,800,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1995.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized 222 full-time personnel as of September 30, 1994. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1994, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1994 the sum of $182,300,000.

SEC. 202. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—The Central Intelligence Agency Retirement Act is amended—

(1) in section 101(7) (50 U.S.C. 2001(7))—

(A) by striking the comma after "basic pay" and inserting in lieu thereof "and"; and

(B) by striking ", and interest determined under section 281";

(2) in section 201(c) (50 U.S.C. 2011(c)), by striking "the proviso of section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3))" and inserting in lieu thereof "section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5))";

(3) in section 211(c)(2)(B) (50 U.S.C. 2021(c)(2)(B)), by striking "the requirement under section 241(b)(4)" and inserting in lieu thereof "prior notification of a current spouse, if any, unless the participant establishes to the satisfaction of the Director, in accordance with regulations which the Director may prescribe, that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the current spouse";

(4) in section 221 (50 U.S.C. 2031)—

(A) by striking "(or, in the case of an annuity computed under section 232 and based on less than 3 years, over the total service)" in subsection (a)(4);

(B) in subsection (f)(1)(A)—

(i) by inserting "after the participant's death" before the period in the first sentence; and

(ii) by striking "after the participant's death" in the second sentence;

(C) by striking "(or is remarried" in subsection (g)(1) and inserting in lieu thereof "(or is remarried,"; and

(D) by striking "(except as provided in paragraph (2))" in subsection (j);

(5) in section 222 (50 U.S.C. 2032)—

(A) by striking "other" the first place it appears in subsection (a)(7) and inserting in lieu thereof "survivor";

(B) by inserting "the participant" before "or does not qualify" in subsection (c)(3)(C); and

(C) by inserting "spouse's or the" after "month before the" in subsection (c)(4);

(6) in section 224(c)(1)(B)(i) (50 U.S.C. 2034(c)(1)(B)(i)), by striking "former participant" and inserting in lieu thereof "retired participant";

(7) in section 225(c) (50 U.S.C. 2035(c))—

(A) by striking "other" the first place it appears in paragraph (3) and inserting in lieu thereof "survivor"; and

(B) by striking "1991" in paragraph (4)(A) and inserting in lieu thereof "1990";

(8) in section 231(d)(2) (50 U.S.C. 2051(d)(2)), by striking "241(b)" and inserting in lieu thereof "241(a)";

(9) in section 232(b)(4) (50 U.S.C. 2052(b)(4)), by striking "section 222" and inserting in lieu thereof "section 224";

(10) in section 234(b) (50 U.S.C. 2054(b)), by striking "sections 241 and 281" and inserting in lieu thereof "section 241";

(11) in section 241 (50 U.S.C. 2071)—

(A) by striking "A lump-sum benefit that would have been payable to a participant, former participant, or annuitant, or to a survivor annuitant, authorized by subsection (d) or (e) of this section or by section 234(b) or 281(d)" in subsection (c) and inserting in lieu thereof "A lump-sum payment authorized by subsection (d) or (e) of this secn 281(d) and a payment of any accrued and unpaid annuity authorized by subsection (f) of this section"; and

(B) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) PAYMENT OF ACCRUED AND UNPAID ANNUITY WHEN RETIRED PARTICIPANT DIES.—If a retired participant dies, any annuity accrued and unpaid shall be paid in accordance with subsection (c).";

(12) in section 264(b) (50 U.S.C. 2094)—

(A) by inserting "and" after the semicolon at the end of paragraph (2);

(B) by striking "and to any payment of a return of contributions under section 234(a); and" in paragraph (3) and inserting in lieu thereof ", and the amount of any such payment;"; and

(C) by striking paragraph (4);

(13) in section 265 (50 U.S.C. 2095), by striking "Act" in both places it appears and inserting in lieu thereof "title";

(14) in section 291(b)(2) (50 U.S.C. 2131(b)(2)), by striking "or section 232(c)"; and

(15) in section 304(i)(1) (50 U.S.C. 2154(i)(1)), by striking "section 102(a)(3)" and inserting in lieu thereof "section 102(a)(4)".

(b) RETROACTIVE EFFECTIVE DATE..—The amendments made by subsection (a) shall take effect as of February 1, 1993.

SEC. 203. SURVIVOR ANNUITY, RETIREMENT ANNUITY, AND HEALTH BENEFITS FOR CERTAIN EXSPOUSES OF CENTRAL INTELLIGENCE AGENCY EMPLOYEES.

(a) SURVIVOR ANNUITY.—

(1) IN GENERAL.—

(A) ENTITLEMENT OF FORMER WIFE OR HUSBAND.—Any person who was divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System and who was married to such participant for not less than 10 years during such participant's creditable service, at least five years of which were spent by the participant during the participant's service as an employee of the Central Intelligence Agency outside the United States, or otherwise in a position the duties of which qualified the participant for designation by the Director of Central Intelligence as a participant under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013), shall be entitled, except to the extent such person is disqualified under paragraph (2), to a survivor annuity equal to 55 percent of the greater of—

(i) the unreduced amount of the participant's annuity, as computed under section 221(a) of such Act; or

(ii) the unreduced amount of what such annuity as so computed would be if the participant had not elected payment of the lump-sum credit under section 294 of such Act.

(B) REDUCTION IN SURVIVOR ANNUITY.—A survivor annuity payable under this subsection shall be reduced by an amount equal to any survivor annuity payments made to the former wife or husband under section 226 of such Act.

(2) LIMITATIONS.—A former wife or husband is not entitled to a survivor annuity under this subsection if—

(A) the former wife or husband remarries before age 55, except that the entitlement of the former wife or husband to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce;

(B) the former wife or husband is less than 50 years of age; or

(C) the former wife or husband meets the definition of "former spouse" that was in effect under section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before December 4, 1991.

(3) COMMENCEMENT AND TERMINATION OF ANNUITY.—

(A) COMMENCEMENT OF ANNUITY.—The entitlement of a former wife or husband to a survivor annuity under this subsection shall commence—

(i) in the case of a former wife or husband of a participant or retired participant who is deceased as of October 1, 1994, beginning on the later of—

(I) the 60th day after such date; or

(II) the date on which the former wife or husband reaches age 50; and

(ii) in the case of any other former wife or husband, beginning on the latest of—

(I) the date on which the participant or retired participant to whom the former wife or husband was married dies;

(II) the 60th day after October 1, 1994; or

(III) the date on which the former wife or husband attains age 50.

(B) TERMINATION OF ANNUITY.—The entitlement of a former wife or husband to a survivor annuity under this subsection terminates on the last day of the month before the former wife's or husband's death or remarriage before attaining age 55. The entitlement of a former wife or husband to such a survivor annuity shall be restored on the date such remarriage is disolved by death, annulment, of divorce.

(4) ELECTION OF BENEFITS.—A former wife or husband of a participant or retired participant shall not become entitled under this subsection to a survivor annuity or to the restoration of the survivor annuity unless the former wife or husband elects to receive it instead of any other survivor annuity to which the former wife or husband may be entitled under the Central Intelligence Agency Retirement and Disability System or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

(5) APPLICATION—

(A) TIME LIMIT; WAIVER.—A survivor annuity under this subsection shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require. Any such application shall be submitted not later than October 1, 1995. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

(B) RETROACTIVE BENEFITS.—Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former wife or husband with respect to all periods before such approval during which the former wife or husband was entitled to such annuity under this subsection, but in no event shall a survivor annuity be payable under this subsection with respect to any period before October 1, 1994.

(6) RESTORATION OF ANNUITY.—Notwithstanding paragraph (5)(A), the deadline by which an application for a survivor annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored after October 1, 1994, under paragraph (2)(A) or (3)(B).

(7) APPLICABILITY IN CASES OF PARTICIPANTS TRANSFERRED TO FERS.—

(A) ENTITLEMENT.—Except as provided in paragraph (2), this subsection shall apply to a former wife or husband of a participant under the Central Intelligence Agency Retirement and Disability System who has elected to become subject to chapter 84 of title 5, United States Code.

(B) AMOUNT OF ANNUITY.—The survivor annuity of a person covered by subparagraph (A) shall be equal to 50 percent of the unreduced amount of the participant's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 and shall be reduced by an amount equal to any survivor annuity payments made to the former wife or husband under section 8445 of title 5, United States Code.

(b) RETIREMENT ANNUITY.—

(1) IN GENERAL.—

(A) ENTITLEMENT OF FORMER WIFE OR HUSBAND.—A person described in subsection (a)(1)(A) shall be entitled, except to the extent such former spouse is disqualified under paragraph (2), to an annuity—

(i) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

(ii) if not married to the participant throughout such creditable service, equal to that former wife's or husband's pro rata share of 50 percent of such annuity (determined in accordance with section 222(a)(1)(B) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032 (a)(1)(B)).

REDUCTION IN RETIREMENT ANNUITIES.—

(i) AMOUNT OF REDUCTION.—An annuity payable under this subsection shall be reduced by an amount equal to any apportionment payments payable to the former wife or husband pursuant to the terms of a court order incident to the dissolution of the marriage of such former spouse and the participant, former participant, or retired participant.

(ii) DEFINITION OF TERMS.—For purposes of clause (i):

(I) APPORTIONMENT.—The term "apportionment" means a portion of a retired participant's annuity payable to a former wife or husband either by the retired participant or the Government in accordance with the terms of a court order.

(II) COURT ORDER.—The term "court order" means any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.

(2) LIMITATIONS.—A former wife or husband is not entitled to an annuity under this subsection if—

(A) the former wife or husband remarries before age 55, except that the entitlement of the former wife or husband to an annuity under this subsection shall be restored on the date such remarriage is dissolved by death, annulment, or divorce;

(B) the former wife or husband is less than 50 years of age; or

(C) the former wife or husband meets the definition of "former spouse" that was in effect under section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before December 4, 1991.

(3) COMMENCEMENT AND TERMINATION.—

(A) RETIREMENT ANNUITIES.—The entitlement of a former wife or husband to an annuity under this subsection—

(i) shall commence on the later of—

(I) October 1, 1994;

(II) the day the participant upon whose service the right to the annuity is based becomes entitled to an annuity under such Act; or

(III) such former wife's or husband's 50th birthday; and

(ii) shall terminate on the earlier of—

(I) the last day of the month before the former wife or husband dies or remarries before 55 years of age, except that the entitlement of the former wife or husband to an annuity under this subsection shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

(II) the date on which the annuity of the participant terminates.

(B) DISABILITY ANNUITIES.—Notwithstanding subparagraph (A)(i)(II), in the case of a former wife or husband of a disability annuitant—

(i) the annuity of the former wife or husband shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under the Central Intelligence Agency Retirement Act (other than a disability annuity) or the date the disability annuity begins, whichever is later; and

(ii) the amount of the annuity of the former wife or husband shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

(C) ELECTION OF BENEFITS.—A former wife or husband of a participant or retired participant shall not become entitled under this subsection to an annuity or to the restoration of an annuity unless the former wife or husband elects to

receive it instead of any survivor annuity to which the former wife or husband may be entitled under the Central Intelligence Agency Retirement and Disability System or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

(D) APPLICATION.—

(i) TIME LIMIT; WAIVER.—An annuity under this subsection shall not be payable unless appropriate written application is provided to the Director of Central Intelligence, complete with any supporting documentation which the Director may by regulation require, not later than October 1, 1995. The Director may waive the application deadline under the proceeding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

(ii) RETROACTIVE BENEFITS.—Upon approval of an application under clause (i), the appropriate annuity shall be payable to the former wife or husband with respect to all periods before such approval during which the former wife or husband was entitled to an annuity under this subsection, but in no event shall an annuity be payable under this subsection with respect to any period before October 1, 1994.

(4) RESTORATION OF ANNUITIES.—Notwithstanding paragraph (3)(D)(i), the deadline by which an application for a retirement annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such annuity is restored after October 1, 1994, under paragraph (2)(A) or (3)(A)(ii).

(5) APPLICABILITY IN CASES OF PARTICIPANTS TRANSFERRED TO FERS.—The provisions of this subsection shall apply to a former wife or husband of a participant under the Central Intelligence Agency Retirement and Disability System, who has elected to become subject to chapter 84 of title 5, United States Code. For purposes of this paragraph, any reference in this section to a participant's annuity under the Central Intelligence Agency Retirement and Disability System shall be deemed to refer to the transferred participant's annuity computed in accordance with section 302(a) of the Federal Employee Retirement System Act of 1986.

(6) SAVINGS PROVISION.—Nothing in this subsection shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under title II or III of the Central Intelligence Agency Retirement Act.

(c) HEALTH BENEFITS.—

(1) IN GENERAL.—Section 16 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403p) is amended—

(A) by redesignating subsections (c) through (e) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (b) the following:

"(c) ELIGIBILITY OF FORMER WIVES OR HUSBANDS.—(1) Notwithstanding subsections (a) and (b) and except as provided in subsections (d), (e), and (f), and individual—

"(A) who was divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or the Federal Employees Retirement System Special Category;

"(B) who was married to such participant for not less than ten years during the participant's creditable service, at least five years of which were spent by the participant during the participant's service as an employee of the Agency outside the United States, or otherwise in a position the duties of which qualified the participant for designation by the Director of Central Intelligence as a participant under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013); and

"(C) who was enrolled in a health benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to such participant; is eligible for coverage under a health benefits plan.

"(2) A former spouse eligible for coverage under paragraph (1) may enroll in a health benefits plan in accordance with subsection (b)(1), except that the election for such enrollment must be submitted within 60 days after the date on which the Director notifies the former spouse of such individual's eligibility for health insurance coverage under this subsection.

"(d) CONTINUATION OF ELIGIBILITY.—Notwithstanding subsections (a), (b), and (c) and except as provided in subsections (e) and (f), an individual divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or Federal Employees' Retirement System Special Category who enrolled in a health benefits plan following the dissolution of the marriage to such participant may continue enrollment following the death of such participant notwithstanding the termination of the retirement annuity of such individual.".

"(2) CONFORMING AMENDMENTS.—(A) Subsection (a) of such section is amended by striking "subsection (c)(1)" and inserting in lieu thereof "subsection (e)".

(B) Subsection (e)(2) of such section (as redesignated by paragraph (1) of this section) is amended by inserting "or to subsection (d)" after "subsection (b)(1)".

(d) SOURCE OF PAYMENT FOR ANNUITIES.—Annuities provided under subsections (a) and (b) shall be payable from the Central Intelligence Agency Retirement and Disability Fund maintained under section 202 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2012).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall take effect as of October 1, 1994, the amendment made by subsection (c) shall apply to individuals on and after October 1, 1994, and no benefits provided pursuant to those subsections shall be payable with respect to any period before October 1, 1994.

(2) Section 16(d) of the Central Intelligence Agency Act of 1949 (as added by subsection (c) of this section) shall apply to individuals beginning on the date of enactment of this Act.

SEC. 204. CROSS-REFERENCE CORRECTIONS TO BE REVISED CIARDS STATUTE.

(a) ANNUAL INTELLIGENCE AUTHORIZATION ACTS.—Section 306 of the Intelligence Authorization Act, Fiscal Year 1990 (50 U.S.C. 403r–1) is amended by striking "section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "section 303 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2153)".

(b) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(1) in section 853 (22 U.S.C. 4071b), by striking "title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in subsection (c) and inserting in lieu thereof "title II of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011 et seq.)";

(2) in section 854 (22 U.S.C. 4071c)—

(A) by striking "title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in subsection (a)(3) and inserting in lieu thereof "title II of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011 et seq.)"; and

(B) by striking "title III of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in subsection (d) and inserting in lieu thereof "title III of the Central Intelligence Agency Retirement Act (50 U.S.C. 2151 et seq.)"; and

(3) in section 855 (22 U.S.C. 4071d), by striking "under title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees or under section 302(a) or 303(b) of that Act" in subsection (b)(2)(A)(ii) and inserting in lieu thereof "under title II of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011 et seq.) or under section 302(a) or 303(b) of that Act (50 U.S.C. 2152(a), 2153(b))".

(c) INTERNAL REVENUE CODE OF 1986.—Section 3121(b)(5)(H)(i) of the Internal Revenue Code of 1986 is amended by striking "section 307 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "section 307 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2157)".

(d) SOCIAL SECURITY ACT.—Section 210(a)(5)(H)(i) of the Social Security Act (42 U.S.C. 410(a)(5)(H)(i)) is amended by striking "section 307 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "section 307 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2157)".

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 303. TEMPORARY PAY RETENTION FOR CERTAIN FBI EMPLOYEES.

(a) IN GENERAL.—Section 406 of the Federal Employees Pay Comparability Act of 1990 (104 Stat. 1467) is amended to read as follows:

SEC. 406. FBI NEW YORK FIELD DIVISION.

"(a) The total pay of an employee of the Federal Bureau of Investigation assigned to the New York Field Division before the date of September 29, 1993, in a position covered by the demonstration project conducted under section 601 of the Intelligence Authorization Act for Fiscal Year 1989 (Public Law 100–453) shall not be reduced as a result of the termination of the demonstration project during the period that employee remains employed after that date in a position covered by the demonstration project.

"(b) Beginning on September 30, 1993, any periodic payment under section 601(a)(2) of the Intelligence Authorization Act for Fiscal Year 1989 for any such employee shall be reduced by the amount of any increase in basic pay under title 5, United States Code, including the following provisions: an annual adjustment under section 5303, locality-based comparability payment under section 5304, initiation or increase in a special pay rate under section 5305, promotion under section 5334, periodic step increase under section 5335, merit increase under section 5404, or other increase to basic pay under any provision of law.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993, and shall apply to the pay of employees to whom the amendment applies that is earned on or after that date.

SEC. 304. ANNUAL REPORT ON INTELLIGENCE COMMUNITY

(a) ANNUAL DCI REPORT.—Title I of the National Security Act of 1947 is amended by adding at the end the following new section:

"ANNUAL REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES

"SEC. 109. (a) IN GENERAL.—The Director of Central Intelligence shall submit to Congress an annual report on the activities of the intelligence community. The annual report under this section shall be unclassified.

"(b) MATTERS TO BE COVERED IN ANNUAL REPORT.—Each report under this section shall describe—

"(1) the activities of the intelligence community during the preceding fiscal year, including significant successes and failures that can be described in an unclassified manner; and

"(2) the areas of the world and the issues that the Director expects will require increased or unusual attention from the intelligence community during the next fiscal year.

"(c) TIME FOR SUBMISSION.—The report under this section for any year shall be submitted at the same time that the President submits the budget for the next fiscal year pursuant to section 1105 of title 31, United States Code."

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 108 the following new item:

"Sec. 109. Annual report on intelligence community activities.".

SEC. 305. SECURITY REVIEWS.

(a) FINDINGS.—The Congress finds that—

(1) the President directed the Director of the Information Security Oversight Office to review Executive Order 12356 and other directives relating to the protection of national security information and to report no later than November 30, 1993; and

(2) the Secretary of Defense and the Director of Central Intelligence have established a joint security commission to conduct a review of security practices and procedures at the Department of Defense and the Central Intelligence Agency and to report within 1 year of the establishment of the commission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director of Central Intelligence, the Secretary of Defense, and the Director of the Information Security Oversight Office should conduct the reviews referred to in subsection (a) with maximum consultation with each other; and

(2) the results of these reviews should be incorporated into a consolidated recommendation for the President.

SEC. 306. REPORT ON UNITED STATES EFFORTS TO COUNTER TERRORISM.

(a) IN GENERAL.—The Secretary of State, the Attorney General of the United States, and the Director of Central Intelligence shall jointly submit to the Congress, not later than May 1, 1994, a report on United States Government programs to counter terrorism.

(b) MATTERS TO BE COVERED IN REPORT.—The report required by subsection (a) shall, at a minimum—

(1) identify Federal Government activities, programs and assets which are being utilized or could be utilized to counter terrorism;

(2) assess the processing, analysis, and distribution of intelligence or terrorism and make recommendations for improvement;

(3) make recommendations on appropriate national policies, both preventive and reactive, to counter terrorism;

(4) assess the coordination among law enforcement, intelligence, and defense agencies involved in counterterrorism activities and make recommendations concerning how coordination can be improved; and

(5) assess whether there should be more centralized operational control over Federal Government activities, programs, and assets utilized to counter terrorism, and, if so, make recommendations concerning how such control should be achieved.

SEC. 307. REPORT ON INTELLIGENCE GAPS.

(a) REPORT.—The Director of Central Intelligence and the Secretary of Defense jointly shall prepare and submit by February 15, 1994, to the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate, and to the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives a report described in subsection (b).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify and assess the critical gaps between the information needs of the United States Government and intelligence collection capabilities, to include the identification of topics and areas of the world of significant interest to the United States to which the application of additional resources, technology, or other efforts would generate new information of high priority to senior officials of the United States Government;

(2) identify and assess gaps in the ability of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) to provide intelligence support needed by the Armed Forces of the United States and, in particular, by the commanders of combatant commands established under section 161(a) of title 10, United States Code; and

(3) contain joint recommendations of the Director of Central Intelligence and the Secretary of Defense on appropriate means, to include specific budgetary adjustments, for reducing or eliminating the gaps identified under paragraphs (1) and (2).

SEC. 308. INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products properly designated as having been made in the United States.

SEC. 309. AMENDMENT TO SECTION 307 OF THE NATIONAL SECURITY ACT.

Section 307 of the National Security Act of 1947 is amended by striking "provisions and purposes of this Act" and inserting in lieu thereof "provisions and purposes of this Act (other than the provisions and purposes of sections 102, 103, 104, 105 and titles V, VI, and VII)".

SEC. 310. RATIFICATION OF FUNDING TRANSACTION.

Funds obligated or expended for the Accelerated Architecture Acquisition Initiative of the Plan to Improve the Imagery Ground Architecture based upon the notification to the appropriate committees of Congress by the Director of Central Intelligence dated August 16, 1993, shall be deemed to have been specifically authorized by the Congress for purposes of section 504(a)(3) of the National Security Act of 1947.

SEC. 311. NATIONAL SECURITY EDUCATION TRUST FUND.

(a) REDUCTION OF AMOUNTS IN TRUST FUND.—The amount in the National Security Education Trust Fund established pursuant to section 804 of Public Law 102-183 (50 U.S.C. 1904) in excess of $120,000,000 that has not been appropriated from the trust fund as of the date of enactment of this Act shall be transferred to the Treasury of the United States as miscellaneous receipts.

(b) ANNUAL ASSESSMENT.—(1) Section 806 of such Public Law (50 U.S.C. 1903) is amended by adding at the end the following new subsection:

"(d) CONSULTATION.—During the preparation of each report required by subsection (a), the Secretary shall consult with the members of the Board specified in paragraphs (1) through (7) of section 803(b). Each such member shall submit to the Secretary an assessment of their hiring needs in the areas of language and area studies and a projection of the deficiencies in such areas. The Secretary shall include all assessments in the report required by subsection (a).".

(2) Section 802(a) of such Public Law (50 U.S.C. 1902(a)) is amended—

(A) in paragraph (1)(A), by inserting before the semicolon at the end the following: "in those language and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d))"; and

(B) in paragraph (1)(B)(i), by inserting before the semicolon at the end the following: "and in which deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d))".

(c) FUNDING FOR FISCAL YEARS 1993 THROUGH 1996.—Title VIII of such Public Law (50 U.S.C. 1901 et seq.) is amended by adding at the end the following:

"SEC. 810. FUNDING.

"(a) FISCAL YEARS 1993 AND 1994.—Amounts appropriated to carry out this title for fiscal years 1993 and 1994 shall remain available until expended.

"(b) FISCAL YEARS 1995 AND 1996.—There is authorized to be appropriated from, and may be obligated from, the Fund for each of the fiscal years 1995 and 1996 not more than the amount credited to the Fund in interest only for the preceding fiscal year under section 804(e).".

(d) TECHNICAL CORRECTION.—Section 802(a)(1)(A) of such Public Law (50 U.S.C. 1902(a)(1)(A)) is amended by striking the comma after "term,".

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. SUPPORT FOR SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION.

(a) GENERAL AUTHORITY.—In recognition of the importance of science, mathematics, and engineering to the national security and in order to encourage students to pursue studies in science, mathematics, and engineering, the Director of Central Intelligence may carry out a program in fiscal years 1994 and 1995 to award cash prizes and visits to the Central Intelligence Agency (including the payment of costs associated with such visits) for students who participate in high school science fairs within the United States.

(b) MERIT.—Awards made under subsection (a) shall be made solely on the basis of merit.

(c) EQUITABLE REGIONAL REPRESENTATION.—The Director shall ensure that there is equitable regional representation with respect to the program carried out under subsection (a).

(d) LIMITATION ON EXPENDITURES.—The Director may not expend more than $5,000 for each of the fiscal years 1994 and 1995 to carry out this section.

TITLE V—ADDITIONAL TECHNICAL AMENDMENTS

SEC. 501. CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 is amended—

(1) in section 5(a) (50 U.S.C. 403f(a))—

(A) by striking "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget"; and

(B) by striking "sections 102 and 303 of the National Security Act of 1947 (Public Law 253, Eightieth Congress" in the first sentence and inserting in lieu thereof "subparagraphs (B) and

(C) of section 102(a)(2), subsections (c)(5) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), 403–3, 403–4, and 405)";

(2) in the first sentence of section 6 (50 U.S.C. 403g)—

(A) by striking "the proviso of section 102(d)(3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session)" and inserting in lieu thereof "section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5))"; and

(B) by striking "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget"; and

(3) in section 19(b) (50 U.S.C. 403s(b))—

(A) by striking "SECTION 231" in the heading after "(b)" and inserting in lieu thereof "SECTION 232";

(B) by striking "(50 U.S.C. 403 note)" in paragraph (2) and inserting in lieu thereof "(50 U.S.C. 2013)"; and

(C) by striking "section 231" in the matter following paragraph (4) and inserting in lieu thereof "section 232".

SEC. 502. NATIONAL SECURITY ACT OF 1947.

Section 103(d)(3) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(3)) is amended by striking "providing" and inserting in lieu thereof "provide".

SEC. 503. CODIFICATION IN TITLE 10, UNITED STATES CODE, OF CERTAIN PERMANENT PROVISIONS.

(a) INTELLIGENCE-RELATED PROVISIONS.—(1) Chapter 21 of title 10, United States Code, is amended by inserting after section 424 the following new section:

"§425. Disclosure of personnel information: exemption for National Reconnaissance Office

"(a) EXEMPTION FROM DISCLOSURE.—Except as required by the President or as provided in subsection (b), no provision of law shall be construed to require the disclosure of the name, title, or salary of any person employed by, or assigned or detailed to, the National Reconnaissance Office or the disclosure of the number of such persons.

"(b) PROVISION OF INFORMATION TO CONGRESS.—Subsection (a) does not apply with respect to the provision of information to Congress.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"425. Disclosure of personnel information: exemption for National Reconnaissance Office.".

(b) CONFORMING REPEAL.—Section 406 of the Intelligence Authorization Act for Fiscal Year 1993 (Public Law 102–496; 10 U.S.C. 424 note) is repealed.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

DAN GLICKMAN,
BILL RICHARDSON,
NORMAN D. DICKS,
JULIAN C. DIXON,
ROBERT G. TORRICELLI,
RONALD D. COLEMAN,
DAVID E. SKAGGS,
JAMES H. BILBRAY,
NANCY PELOSI,
GREG LAUGHLIN,
BUD CRAMER,
JACK REED,
LARRY COMBEST,
DOUG BEREUTER,
R. K. DORNAN,
BILL YOUNG,
GEORGE W. GEKAS,
JAMES V. HANSEN,
JERRY LEWIS,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

RONALD V. DELLUMS,
IKE SKELTON,
FLOYD SPENCE,
Managers on the Part of the House.

From the Select Committee on Intelligence:

DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
J. BENNETT JOHNSTON,
JOHN W. WARNER,
ALFONSE D'AMATO,
JOHN C. DANFORTH,
SLADE GORTON,
JOHN H. CHAFEE,
TED STEVENS,
RICHARD G. LUGAR,
MALCOLM WALLOP,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD intelligence related activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Senate, and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act for Fiscal Year 1994. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriations category of Military Pay.

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1994 and establish personnel ceilings applicable to such activities.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances. The intelligence committees are to be promptly notified whenever this authority is exercised.

The conferees emphasize that the authority conveyed by section 103 is not intended to permit the wholesale raising of personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, or other means. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1994 for the Community Management Account. The Community Management Account consists of the Community Management Staff, the Center for Security Evaluation, the National Intelligence Council, the Advanced Research and Development Council, and the Environmental Task Force. The conference report authorizes $113,800,000 and 222 personnel for the Community Management Account, to be used in connection with the performance of some of the tasks associated with the responsibilities the Director of Central Intelligence (DCI) has for the management of the intelligence community. The conferees agreed that the amounts authorized for the Advanced Research and Development Committee and the Environmental Task Force identified in the classified schedule of authorizations which is incorporated into the bill by reference shall remain available until September 30, 1995. As part of the Office of the Director of Central Intelligence, the Community Management Account is administered in a manner consistent with the provisions of the National Security Act of 1947 and the Central Intelligence Agency Act of 1949.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SECTION 201

Section 201 of the conference report authorizes appropriations for fiscal year 1994 of $182,300,000 for the Central Intelligence Agency Retirement and Disability Fund. Section 201 is identical to section 201 of the House bill and section 201 of the Senate amendment.

SECTION 202

Section 202 of the conference report makes technical amendments to the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.). The majority of the technical changes included in section 202 of the House bill and section 202 of the Senate amendment were identical. The conference report adopts the provisions of the Senate amendment in subsections (a)(4)(C), (a)(4)(D), (a)(11)(D), and (b). The conference report also follows the Senate amendment, except for technical drafting modifications, in subsections (a)(3) and (a)(11)(A). Subsection (a)(5)(C) of the conference report clarifies that payment of a surviving spouse's additional survivor annuity terminates upon the surviving spouse's death or remarriage before age 55, in the same manner as a former spouse's additional survivor annuity terminates.

SECTION 203

Section 203 of the conference report authorizes retirement annuities, survivor annuities, and access to health insurance benefits for certain ex-spouses of participants in the Central Intelligence Agency retirement and Disability System (CIARDS). Section 203 would allow certain ex-spouses of participants in CIARDS who, on or before December 4, 1991, did not qualify as a former spouse because they failed to spend five years outside of the United States with the participant, to qualify for retirement, survivor, and other benefits available to a qualified former spouse starting on October 1, 1994. Section 203 is identical to section 203 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 204

Section 204 of the conference report corrects references to the Central Intelligence Agency Retirement Act found in the Intelligence Authorization Act, Fiscal Year 1990, the Foreign Service Act of 1980, the Internal Revenue Code of 1986, and the Social Security Act. Section 204 is identical to section 204 of the House bill. The Senate amendment did not include a similar provision.

TITLE III—GENERAL PROVISIONS

SECTION 301

Section 301 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law. Section 301 is identical to section 301 of the House bill and to section 301 of the Senate amendment.

SECTION 302

Section 302 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 302 is identical to section 302 of the House bill and to section 302 of the Senate amendment.

SECTION 303

Section 303 of the conference report provides that employees of the FBI Field Division in New York who were receiving certain retention payments as part of a "demonstration project" authorized pursuant to the Intelligence Authorization Act for Fiscal Year 1989 will not suffer a loss in pay as a result of the termination of that project. Section 303 is identical to section 303 of the Senate amendment except for technical drafting changes. The House bill contained no similar provision.

Pursuant to authority contained in the Intelligence Authorization Act for Fiscal Year 1989, a five year demonstration project was established in the FBI Field Division in New York whereby employees assigned to that division received a one-time payment to relocate to the New York office and thereafter received periodic payments of up to 25 percent of their basic pay so long as their assignment to the division continued. The demonstration project terminated on September 29, 1993.

The Department of Justice and Office of Personnel Management recently concluded that in the absence of new legislation, the payments being made under the demonstration project had to terminate on the date the project itself terminated, i.e., September 29, 1993.

In order to avoid what in some cases would be a considerable loss of pay, the Administration requested that the Congress provide authority to continue the payments under the project to those who have been receiving them. Section 303 provides such authority; however, in the interests of fairness, it also provides that the basic pay of such employees shall not rise in the future until the level of payments being made under the demonstration project has been surpassed as a result of incremental increases in the compensation of the employees concerned.

Section 303 shall take effect as of September 30, 1993, the day after the demonstration project terminated and applies to the pay of affected employees that is earned on or after that date.

SECTION 304

Section 304 of the conference report requires the Director of Central Intelligence to submit an unclassified report to Congress annually on the activities of the intelligence community. The report is to be submitted with the President's budget submission for the next fiscal year, and is to describe the community's successes and failures for the preceding fiscal year as well as highlighting the areas of the world and the issues which will require particular attention in the next fiscal year. Section 304 is identical to section 304 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 305

Section 305 of the conference report notes that there are two reviews relating to the protection of national security information underway in the executive branch, one being conducted by the Director of the Information Security Oversight Office and the other being conducted jointly by the Secretary of Defense and the Director of Central Intelligence. Section 305 expresses the sense of Congress that the officials responsible for conducting the reviews should do so in maximum consultation with each other and that the results of the reviews should be incorporated into a consolidated recommendation for the President. The section is not intended to delay the promulgation of a new executive order on the protection of national security information. Section 305 is identical to section 305 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 306

Section 306 of the House bill expressed the sense of Congress that the President should establish a National Task Force on Counterterrorism to review all counterterrorism activities of the intelligence community. The Task Force was to prepare a report which, among other things, was to: assess the processing, analysis, and distribution of intelligence on terrorism and make recommendations for improvement; assess the coordination among law enforcement, intelligence and defense agencies involved in counterterrorism activities and make recommendations for improvement; and make recommendations on appropriate national policies, both preventive and reactive, to counterterrorism. The Senate amendment did not contain a similar provision.

The conferees agreed that a report on counterterrorism activities would be beneficial, but did not agree that it was necessary to create a commission to produce the report. Accordingly, section 306 provides that the Secretary of State, the Attorney General, and the Director of Central Intelligence shall jointly submit to the Congress, not later than May 1, 1994, a report on United States Government programs to counterterrorism. With the exception of a definition of domestic and international terrorism, which is not required, the report should address substantially the same issues as would have been covered in the report required in section 306 of the House bill.

SECTION 307

Section 307 of the conference report requires a joint report from the Director of Central Intelligence and the Secretary of Defense to the appropriate committees of the Congress by February 15, 1994, identifying gaps in U.S. information needs and the intelligence collection capabilities of the United States available to satisfy them. The joint report will also include actions recommended to eliminate or close such gaps in order to satisfy the requirements of both civilian policymakers and military commanders in the field. Section 307 is identical to section 304 of the Senate amendment. The House bill contained no similar provision.

SECTION 308

Section 308 reflects the conferees' agreement on matters contained in sections 604 through 606 of the House bill. The Senate amendment contained no similar provisions.

Section 604 of the House bill prohibited the expenditure of any funds authorized pursuant to the Intelligence Authorization Act for Fiscal Year 1994 (the Act) by an entity unless the entity agreed that the expenditures would comply with relevant provisions of the "Buy American Act." Section 605 expressed the sense of Congress that entities expending funds authorized by the Act should purchase only American-made equipment and products, and that the Director of Central Intelligence should provide entities expending funds authorized by the Act with notice of the sense of Congress. Section 606 prohibited the award of any contract or subcontract paid for with funds authorized pursuant to the Act to any person finally determined by a court or Federal agency to have intentionally affixed a label to a product indicating that it was made in the United States when that was not the case. The prohibition would only apply if such person had been debarred, suspended, or otherwise determined to be ineligible to contract with the Federal government pursuant to applicable regulations.

The conferees were aware that the intelligence community is already covered by Federal Acquisition Regulations which embody the requirements of the Buy America Act. In agencies like the CIA, existing policy is to procure products from United States firms except in circumstances where the product sought is not produced domestically or the product has to be procured overseas for security reasons. Accordingly, the conferees agreed to section 308 of the conference report which expresses the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community should award contracts in a manner that would maximize the procurement of products produced in the United States, when such action is compatible with the national security interests of the United States, consistent with operational and security concerns, and fiscally sound.

SECTION 309

Section 309 of the conference report amends section 307 of the National Security Act of 1947, which provides a general authorization for any funds "necessary and appropriate to carry out the provisions and purposes" of the Act, to make explicit in law what is already clear, that such a general authorization does not satisfy the requirements of the Act that funding for intelligence and intelligence-related activities has been "specifically authorized by Congress."

Section 309 is identical to section 305(a) of the Senate amendment. The House bill did not contain a similar provision.

SECTION 310

Section 310 of the conference report ratifies a previous transaction concerning obligation of certain funds for the Accelerated Architecture Acquisition Initiative of the Plan to Improve Imagery Ground Architecture, which was notified by the Director of Central Intelligence to the appropriate committees of the Congress on August 16, 1993. Section 310 would deem the funds involved in this transaction to have been specifically authorized by Congress for purposes of section 504(a)(3) of the National Security Act of 1947.

Section 310 is identical to section 305(b) of the Senate amendment. The House bill contained no similar provision.

SECTION 311

Section 311 of the conference report reflects the conferees' resolution of issues concerning the National Security Education Act of 1991 (the Act). Section 303 of the House bill would have repealed the Act in its entirety and would have returned the amounts remaining in the National Security Education Trust Fund (the Trust Fund) to the Treasury. Section 502 of the Senate amendment would have repealed subsection 804(b)(2) of the Act which requires an authorization to either appropriate amounts to, or obligate amounts from, the Trust Fund. The Senate amendment also contained a provision authorizing the Secretary of Defense to accept donations to the Trust Fund.

The conferees agreed to reduce the Trust Fund by the amount in excess of $120 million that is not appropriated as of the date of enactment of the Intelligence Authorization Act for Fiscal Year 1994. Such amount shall be transferred to the Treasury as miscellaneous receipts. The conferees do not intend that funds appropriated from the Trust Fund but not yet obligated as of the date of enactment of the Intelligence Authorization Act for Fiscal Year 1994 shall be transferred to the Treasury as miscelleneous receipts.

One of the purposes of the Act is to produce an increased pool of applicants for work in the departments and agencies of the United States Government with national security responsibilities. The conferees thus agreed to amend the Act to specify that the Secretary of Defense, in preparing the annual report required by the Act, shall consult with the government members of the National Security Education Board (which includes the Director of Central Intelligence) to obtain an assessment of the hiring needs of each of the agencies concerned in the area of language and area studies, and a projection of deficiencies in these areas. The assessments shall be reported to the President and the Congress as part of the annual report made by the Secretary. The conferees expect that these assessments will form the basis for the awarding of assistance under the National Security Education Act programs.

The conferees further note that the Secretary is to award scholarships for studies in countries which are not emphasized in other study abroad programs, and fellowships and grants in foreign language and area studies disciplines in which these are deficiences in learning or training. Since most study abroad programs for undergraduates now operate in certain Western European countries, the conferees expect that these countries will not be the countries where undergraduates will receive scholarships for study. In addition, the conferees believe that French, German and Spanish are not languages in which there is a deficiency in learning or training, and thus expect that there would be no fellowships or institutional grants in these languages unless funding for them is explicitly recommended by the National Security Education Board.

The conferees further agreed that amounts appropriated from the Trust fund for fiscal years 1993 and 1994 shall remain available until expended. Finally, the conferees agreed that amounts authorized to be appropriated from the Trust Fund during fiscal years 1995 and 1996 shall not exceed the amounts of interest credited to the Trust Fund for the preceding fiscal year.

The conferees note that a provision in the National Defense Authorization Act for Fiscal Year 1994 repeals the requirement in section 804 of the Act that no amount may be appropriated to, or obligated from, the trust Fund unless authorized by law. Authorizations for appropriations from the Trust Fund for fiscal years 1995 and 1996 are provided by the conference report and the conferees intend to examine the advisability of reinstating an authorization requirement in the law before those authorizations expire.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SECTION 401

Section 401 of the House bill authorized the Director of Central Intelligence to carry out a program to award cash prizes to students who participate in high school science fairs within the United States. The Senate amendment did not contain a similar provision.

The conferees agreed to the House provision with several modifications. First, the conferees agreed to authorize the conduct of the program only for fiscal years 1994 and 1995, during which time its implementation is to be carefully examined by the committees. In addition, the conferees agreed to limit expenditures on the program to not more than five thousand dollars during each of the two fiscal years for which it was authorized. Finally, the conferees agreed that awards under the program are to be made solely on the basis of merit and are to be equitably distributed on a regional basis throughout the United States.

It is the intent of the conferees that the program not serve as a recruiting tool or incentive for the Central intelligence Agency or any other element of the United States intelligence community.

TITLE V—ADDITIONAL TECHNICAL AMENDMENTS

SECTION 501

Section 501 of the conference report makes conforming amendments to the Central Intelligence Agency Act of 1949 to reflect changes in the National Security Act of 1947 made by the Intelligence Organization Act of 1992 (Title VII of Public Law 102-496). Section 501 follows, with certain technical drafting changes, section 601 of the House bill and section 402 of the Senate amendment.

SECTION 502

Section 502 of the conference report corrects a technical drafting error in the National Security Act of 1947 (50 U.S.C. 403-3(d)(3)). Section 502 is identical to section 602 of the House bill and similar to section 402(b) of the Senate amendment.

SECTION 503

Section 503 of the conference report codifies section 425 of title 10, United States Code, and makes the conforming repeal. Section 503 is identical to section 503 of the House bill. The Senate amendment did not include a similar provision.

REPORT ON INSPECTORS GENERAL WITHIN THE INTELLIGENCE COMMUNITY

The conferees note that the reports accompanying the House and Senate authorization bills each included a requirement for a report relating to the performance of inspectors general within the intelligence community. The Senate report focused on the performance of "non-statutory" inspectors general of intelligence elements within the Department of Defense. The House report focused upon intelligence programs for which both the Director of Central Intelligence and the Secretary of Defense have responsibilities. These may not be adequately covered either by the Inspector General of the CIA, or by a "non-statutory" Inspector General of a DoD intelligence element.

The conferees agreed to modify the reporting requirements of both Houses by calling for a single joint report to be submitted by the Director of Central Intelligence and the Secretary of Defense to each committee no later than April 1, 1994. Such report shall, at a minimum contain:

(1) With respect to the "non-statutory" inspectors general at the Defense Intelligence Agency, National Security Agency, and National Reconnaissance Office: (a) a detailed description of the activities undertaken by each inspector general (IG) during calendar year 1993, including any significant actions taken by the respective agencies as a result of an IG audit, inspection, or investigation; (b) a breakdown of the personnel assigned to each IG office for the last three years; (c) an assessment of the performance of each IG office for the last three years; and (d) recommended actions to improve the effectiveness of the IGs concerned.

(2) With respect to the Inspector General of the Department of Defense (DoD IG): (a) a summary of the activities of that office with respect to DoD intelligence components over the past three years, including any significant actions taken by the intelligence components as a result of a DoD IG audit, inspection, or investigation; (b) a description of the DoD IG's role vis-a-vis DoD intelligence components; (c) a description of the DoD IG's role vis-a-vis the Assistant to the Secretary

of Defense for Intelligence Oversight; and (d) an assessment of whether the role of the DoD IG vis-a-vis DoD intelligence components or the Assistant to the Secretary of Defense for Intelligence Oversight should be altered.

(3) With respect to intelligence programs for which both the Director of Central Intelligence (DCI) and the Secretary of Defense have responsibilities: (a) an identification of such programs and the office which performs inspector general functions for each program identified; (b) a description of the IG activities performed with regard to each such program over the last year; and (c) recommended actions to improve the effectiveness of the inspector general function for such programs.

PERSONNEL MATTERS

The conferees wish to make clear as a matter of public record that the personnel actions reflected in the conference report (including the classified schedule of authorizations incorporated by reference in it) do not change the overall level of personnel reductions heretofore mandated by the Congress. Thus, the requirement to achieve an overall reduction of 17.5 percent in intelligence community personnel from fiscal year 1991 levels by the end of fiscal year 1997 is in no way affected by this Act.

The conferees express their strong interest in and concerns for ensuring that the intelligence community provides equal opportunity for all of its employees. The conferees were therefore disturbed by recent allegations of job hiring and personnel promotion discrimination against women and minorities at the National Security Agency (NSA). The conferees fully support the ongoing Department of Defense Inspector General investigation of these allegations and note that the Director, NSA, has publicly pledged to cooperate fully in this matter.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS AND EXECUTIVE BRANCH OFFICERS AND EMPLOYEES

Section 307 of the House bill would have prohibited, during fiscal year 1994, any element of the United States Government for which funds are authorized by the Intelligence Authorization Act for Fiscal Year 1994 from providing any classified information derived from that element's intelligence or intelligence-related activities to a Member of Congress or to an officer or employee of the executive branch until that Member, officer, or employee had signed an oath of secrecy and the oath had been published in the CONGRESSIONAL RECORD. The Senate amendment did not contain a similar provision. The House recedes.

REPORTING ON INTELLIGENCE ACTIVITIES OTHER THAN COVERT ACTIONS

Section 502 of the House bill would have amended section 502 of the National Security Act of 1947 (the Act) to explicitly include within the definition of the term "intelligence activity" any deployment of military intelligence personnel serving in clandestine intelligence collection units. The Senate amendment did not contain a similar provision.

Section 502 of the House bill was a response to past occasions in which the House committee was not kept informed of the deployment for intelligence collection and related purposes of a particular military unit. When these occasions arose, some Department of Defense officials asserted that the deployments were not among the intelligence activities about which the Act required that Congress be notified. It is clear as a matter of law that the activities of the unit are intelligence activities subject to Title V of the Act.

On November 8, 1993, Assistant Secretary of Defense Emmett Paige, Jr. provided written assurances to the intelligence committees that the Department of Defense recognizes that the activities of the military unit in question are intelligence activities for the purposes of the reporting requirements of the Act. The text of Assistant Secretary Paige's letter, which was classified, appears in the classified annex to this joint explanatory statement. In light of the official acknowledgement that the activities of the unit are intelligence activities subject to Title V of the Act, the conferees agreed to exclude section 502 of the House bill from the conference report.

DISCLOSURE OF THE ANNUAL INTELLIGENCE BUDGET TOTAL

Section 306 of the Senate amendment expressed the sense of the Congress that, in each year, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner. The House bill contained no comparable provision.

The conferees note that in 1991, the Senate passed the Intelligence Authorization Act for Fiscal Year 1992 with a provision to require annual disclosure of the aggregate intelligence budget figure. The Committee of Conference on that bill substituted "sense of the Congress" language that, beginning in 1993 and each year thereafter, "the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner."

Similar "sense of the Congress" language was also enacted by Congress the following year as part of the Intelligence Authorization Act for Fiscal Year 1993.

This year the Senate adopted a floor amendment to the FY 1994 bill which embodied essentially the same "sense of the Congress" language that had been enacted by the Congress the two previous years. This amendment was approved on two separate votes, by margins of 51–49 (defeating a motion to table) and 52–48 (adopting the amendment). Thus, while the amendment adopted by the Senate as a "sense of the Congress" was not legally binding upon the executive branch, it clearly expressed the sense of the Senate that the aggregate intelligence budget figure be disclosed to the public in an appropriate manner.

During the floor consideration of the House bill, an amendment was offered which would have required the public disclosure of the aggregate amounts requested and authorized for, and spent on, intelligence and intelligence-related activities. That amendment was rejected by a vote of 169–264. Although the mandatory language in the rejected House amendment clearly went beyond the "sense of the Congress" language in the Senate amendment, House conferees were of the view that, in light of the House vote, they could not agree to the inclusion in the conference report of the Senate's "sense of the Congress" provisions and therefore voted to insist on the House position. Nevertheless, the House conferees did state their willingness to entertain bill language expressing the "sense of the Senate" (as opposed to "sense of the Congress" expressing the views of both Houses) in favor of disclosure of the aggregate intelligence budget figure, but Senate conferees opposed to disclosure prevented agreement to such modification of the Senate amendment on an evenly divided vote of the Senate conferees. To resolve the impasse, the Senate conferees ultimately agreed to recede to the position of the House.

The conferees intend to revisit the issue of public disclosure of the intelligence budget in 1994. The chairmen of the Senate and House committees have each agreed to hold hearings on this issue early in 1994 in preparation for thoroughly evaluating a provision to require disclosure of the aggregate intelligence budget figure which may be considered during preparation of the Intelligence Authorization Act for Fiscal Year 1995.

CONFIRMATION OF THE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

Section 401 of the Senate amendment would have established the CIA General Counsel as a Senate-confirmed Presidential appointee position. The House bill contained no comparable provision.

A majority of the Senate conferees believe that the CIA General Counsel position should be made a Senate-confirmed Presidential appointee position for the reasons set forth in Senate report 103–115.

The House conferees believe that hearings should be held in the House Permanent Select Committee on Intelligence on whether the CIA General Counsel position and other CIA positions should be made Senate-confirmed Presidential appointee positions.

As a matter of comity and without prejudice to its position on the matter, the Senate recedes to the House on Section 401, to allow the House the opportunity to conduct its hearings on the matter. The conferees expect that the matter will be addressed in the process of considering the Intelligence Authorization Act for Fiscal Year 1995.

FOREIGN LANGUAGE PROFICIENCY PAY FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES

Section 501 of the Senate amendment provided the Secretaries of the Military Departments with authority to offer enhanced payments to members of military reserve components who qualify under the Foreign Language Proficiency Pay (FLPP) program. The House bill did not contain a similar provision.

The intelligence committees have long been concerned about the lack of adequate incentives to encourage active duty and reserve military linguists to maintain and increase their skills. The conferees are aware, however, that the National Defense Authorization Act for Fiscal Year 1994 contains a provision requiring the Secretary of Defense to devise and implement a test program to improve foreign language proficiency. An increase in proficiency pay will be evaluated as a part of this process. To give the results of the test program an opportunity to be fully evaluated, the conferees agreed to exclude from the conference report the enhanced authority which would have been provided by section 501 of the Senate amendment.

FEDERAL BUREAU OF INVESTIGATION COUNTERINTELLIGENCE ACCESS TO CONSUMER CREDIT RECORDS

Section 601 of the Senate amendment would have amended section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681F) to grant the Federal Bureau of Investigation (FBI) access to consumer credit records in counterintelligence investigations. This provision would have provided a limited expansion of the FBI's existing authority in counterintelligence investigations to use a "National Security Letter," i.e. a written certification by the FBI Director or the Director's designee, to obtain certain information

without a court order. The House bill did not contain a similar provision. The conferees are aware that a number of committees of the House of Representatives have an interest in any proposed expansion of the extraordinary authority provided by the "National Security Letter." As a matter of comity, the Senate receded to provide further time for the House committees to consider this matter.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

DAN GLICKMAN,
BILL RICHARDSON,
NORMAN D. DICKS,
JULIAN C. DIXON,
ROBERT G. TORRICELLI,
RONALD D. COLEMAN,
DAVID E. SKAGGS,
JAMES H. BILBRAY,
NANCY PELOSI,
GREG LAUGHLIN,
BUD CRAMER,
JACK REED,
LARRY COMBEST,
DOUG BEREUTER,
R.K. DORNAN,
BILL YOUNG,
GEORGE W. GEKAS,
JAMES V. HANSEN,
JERRY LEWIS,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

RONALD V. DELLUMS,
IKE SKELTON,
FLOYD SPENCE,

Managers on the Part of the House.

From the Select Committee on Intelligence:

DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
J. BENNETT JOHNSTON,
JOHN W. WARNER,
ALFONSE D'AMATO,
JOHN C. DANFORTH,
SLADE GORTON,
JOHN H. CHAFEE,
TED STEVENS,
RICHARD G. LUGAR,
MALCOLM WALLOP,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROMERO-BARCELÓ (at the request of Mr. GEPHARDT) for today, on account of official 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 Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. TORKILDSEN, for 5 minutes, on November 21 and 22.

Mr. KINGSTON, for 5 minutes, today.

(The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. KLINK, for 60 minutes, today.

Mr. HOYER, for 30 minutes, on November 19.

Mr. JEFFERSON, for 10 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TAYLOR of Mississippi, during debate on H.R. 3471 today.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GOODLING.
Mr. KASICH.
Mr. HUTCHINSON.
Ms. ROS-LEHTINEN.
Mrs. BENTLEY.
Mr. GALLEGLY in two instances.
Mr. MICHEL.
Mr. BLUTE.
Mr. BURTON of Indiana.
Mr. GILMAN in two instances.
Mr. PACKARD.
Mr. CRANE in two instances.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. LANTOS.
Mr. NEAL of Massachusetts.
Mr. TRAFICANT.
Mr. JACOBS.
Mr. VISCLOSKY.
Mr. REED in two instances.
Mr. SERRANO.
Mr. OWENS.
Mrs. MALONEY.
Mr. PAYNE of New Jersey.
Mr. PICKETT.
Mr. SWETT.
Mr. MANN in two instances.
Mr. BILBRAY in two instances.
Mr. TOWNS in five instances.
Mr. LAROCCO.
Mrs. KENNELLY.
Mr. HAMILTON.
Mr. HALL of Ohio.
Mr. BOUCHER.
Mr. ENGEL.
Mr. LANCASTER.
Mr. DOOLEY.
Ms. MCKINNEY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 986. An act to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes; to the Committee on Natural Resources.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2401. An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

H.R. 2677. An act to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Museum of Natural History building; and

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Friday, November 19, 1993, at 10 a.m.

EXECUTIVE COMMUNCIATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2169. A letter from the Acting Administrator, Farmers Home Administration, transmitting the FmHA Housing Demonstration Program for fiscal year 1993; to the Committee on Banking, Finance and Urban Affairs.

2170. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the semiannual report on the Affordable Housing Disposition Program which covers the reporting period defined as January 1, 1993, through June 30, 1993, pursuant to Public Law 102-233, section 616 (105 Stat. 1787); to the Committee on Banking, Finance and Urban Affairs.

2171. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the fiscal year 1993 annual report as required by the Inspector General Act Amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2172. A letter from the Acting Chief, U.S. Forest Service, transmitting the boundary descriptions for the Little Missouri River and the Cossatot River within the Ouachita National Forest in the State of Arkansas, pursuant to 16 U.S.C. 1271-1287; to the Committee on Natural Resources.

2173. A letter from the Assistant Secretary for Legislative Affairs, Department of State; transmitting a draft of proposed legislation entitled "Antarctic Environmental Protection Act of 1993"; Jointly, to the Committees on Merchant Marine and Fisheries, Science, Space, and Technology, Foreign Affairs, Natural Resources, the Judiciary, and Energy and Commerce.

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. BROWN of California: Committee on Science, Space, and Technology. H.R. 1994. A bill to authorize appropriations for environmental research, development, and demonstration for fiscal year 1994, and for other purposes; with amendments (Rept. 103-376). Referred to the Committee of the Whole House on the State of the Union.

Mr. GLICKMAN: Committee of Conference. Conference report on H.R. 2330. A bill to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 103-377). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3505. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; with an amendment (Rept. 103-378). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3216. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinine and methamphetamine, and for other purposes; with an amendment (Rept. 103-379, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWETT:

H.R. 3529. A bill to establish the President's Total Environmental Quality Award and the National Environmentally Sound Technology Award; to the Committee on Science, Space, and Technology.

H.R. 3530. A bill to provide for the use of Federal facilities to demonstrate environmental technologies; to the Committee on Science, Space, and Technology.

H.R. 3531. A bill to incorporate environmentally sound principles into certain ongoing programs; to the Committee on Science, Space, and Technology.

By Mr. BOUCHER (for himself, Mr. BROWN of California, and Mr. BOEHLERT):

H.R. 3532. A bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, to enact a prohibition against Antarctic mineral resources activities, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Science, Space, and Technology, Foreign Affairs, and Natural Resources.

By Mr. ANDREWS of Texas:

H.R. 3533. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself and Mr. COX):

H.R. 3534. A bill to amend the Export Administration Act of 1979 with respect to export controls on computers; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas (for himself and Mr. DEUTSCH, Mrs. MINK, Mr. FROST, Mrs. THURMAN, and Mr. BECERRA):

H.R. 3535. A bill to require the Secretary of Education to permit student loan borrowers to defer repayment during periods for which the borrower or a spouse is eligible for leave under the Family and Medical Leave Act of 1993; to the Committee on Education and Labor.

By Mr. KLEIN:

H.R. 3536. A bill to provide financial assistance for technology adaptation to promote exports; jointly to the Committees on Banking, Finance and Urban Affairs and Science, Space, and Technology.

By Mr. MANTON:

H.R. 3537. A bill to amend title 18, United States Code, to impose mandatory prison terms for possession or use of a firearm or a destructive device during conduct constituting a crime of violence or a drug trafficking crime under State law; to the Committee on the Judiciary.

By Ms. McKINNEY:

H.R. 3538. A bill to prohibit U.S. military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the U.S. Register of Conventional Arms; to the Committee on Foreign Affairs.

By Mr. MENENDEZ:

H.R. 3539. A bill to amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. MORELLA:

H.R. 3540. A bill to coordinate the life-cycle assessment activities and resources of the Federal Government relating to environmental technologies; to the Committee on Science, Space, and Technology.

By Mr. NEAL of Massachusetts (for himself and Mr. MOAKLEY):

H.R. 3541. A bill to provide for the duty-free entry of methanol produced aboard U.S. vessels on the high seas or in foreign waters; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3542. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of certain particularly dangerous bullets; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. SWIFT, Mr. MOORHEAD, Mr. OXLEY, Mr. SHARP, Mr. BLILEY, Mr. WYDEN, Mr. SCHAEFER, Mr. RICHARDSON, Mr. HASTERT, Mr. BOUCHER, Mr. UPTON, Mr. TOWNS, Mr. GILLMOR, Mr. PALLONE, Mr. WASHINGTON, Mr. KREIDLER, and Ms. MARGOLIES-MEZVINSKY):

H.J. Res. 294. Joint resolution to express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation; to the Committee on Energy and Commerce.

By Mr. GILMAN (for himself, Mr. ROHRABACHER, Mr. ROTH, Mr. PORTER, Mr. FALEOMAVAEGA, and Mr. LANTOS):

H.J. Res. 295. Joint resolution expressing the sense of the Congress that the United States should not establish diplomatic relations with the Government of the Socialist Republic of Vietnam until that government abides by internationally accepted standards of religious liberty; to the Committee on Foreign Affairs.

By Mr. TORRICELLI:

H.J. Res. 296. Joint resolution designating March 21, 1994, as "National Single Parent Day"; to the Committee on Post Office and Civil Service.

By Mrs. VUCANOVICH:

H. Res. 315. Resolution expressing the sense of the House of Representatives that previously authorized construction to improve medical facilities administered by the Secretary of Veterans Affairs should not be delayed by the national health care reform debate; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 3543. A bill for the relief of Wolfgang Dietrich Hofman; to the Committee on the Judiciary.

By Mr. KASICH:

H.R. 3544. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Mandiran;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 84: Mr. ROSE.

H.R. 214: Ms. DUNN.

H.R. 216: Mr. ZELIFF and Mr. SCHIFF.

H.R. 301: Mr. DOOLITTLE.

H.R. 302: Ms. FURSE.

H.R. 304: Ms. MARGOLIES-MEZVINSKY.

H.R. 324: Ms. MARGOLIES-MEZVINSKY.

H.R. 425: Mr. ENGEL, Mr. FRANKS of Connecticut, Mr. NEAL of North Carolina, Mr. ROMERO-BARCELÓ, Mrs. SCHROEDER, and Mr. WISE.

H.R. 426: Mr. MCDERMOTT.

H.R. 427: Mr. BEREUTER, Mr. ENGEL, Mr. FRANKS of Connecticut, Mr. NEAL of North Carolina, Mr. ROMERO-BARCELO, Mrs. SCHROEDER, and Mr. WISE.

H.R. 436: Mr. PAYNE of New Jersey, Mr. QUINN, Mr. DARDEN, Mr. JOHNSON of Georgia, Mrs. LLOYD, Mr. LIPINSKI, and Mr. ORTIZ.

H.R. 439: Ms. MARGOLIES-MEZVINSKY.

H.R. 441: Mr. KNOLLENBERG, Mr. HOEKSTRA, and Mr. GOODLATTE.

H.R. 465: Mr. SCHIFF.

H.R. 466: Ms. LONG.

69-059 O—97 Vol. 139 (Pt. 21) 18

H.R. 502: Mr. KLUG and Mr. BONILLA.
H.R. 702: Mr. PICKETT.
H.R. 711: Ms. MARGOLIES-MEZVINSKY.
H.R. 723: Mr. JACOBS.
H.R. 824: Mr. QUINN.
H.R. 883: Mr. ROYCE, Ms. DUNN, and Mr. HOEKSTRA.
H.R. 911: Mr. LEWIS of Florida.
H.R. 998: Mr. HOBSON.
H.R. 999: Mr. GOODLATTE.
H.R. 1126: Mrs. VUCANOVICH.
H.R. 1167: Mr. KLUG.
H.R. 1168: Mr. KLUG, Mr. SCHIFF, and Mr. WELDON.
H.R. 1182: Mr. LIPINSKI.
H.R. 1295: Mr. MANZULLO, Mr. ORTIZ, Mr. OBERSTAR, and Ms. LAMBERT.
H.R. 1482: Mr. ZIMMER.
H.R. 1483: Mr. ZIMMER.
H.R. 1486: Mr. ZIMMER.
H.R. 1487: Mr. KLUG, Mr. ZIMMER, and Mr. BROWN of Ohio.
H.R. 1504: Mr. DELAY, Mr. BOEHNER, Mr. BEREUTER, and Mr. MURPHY.
H.R. 1552: Mr. SANTORUM and Mr. GALLO.
H.R. 1608: Mr. STRICKLAND, Mr. GREENWOOD, and Mr. LEWIS of Florida.
H.R. 1620: Mr. HOBSON.
H.R. 1763: Ms. LAMBERT.
H.R. 1840: Mr. BEREUTER.
H.R. 1857: Mr. DOOLITTLE.
H.R. 1858: Mr. ZIMMER.
H.R. 1897: Mr. HOCHBRUECKNER.
H.R. 1921: Mr. ZELIFF.
H.R. 2012: Mr. CRAMER, Mr. GEJDENSON, Mr. BACCHUS of Florida, Mr. GIBBONS, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. GUTIERREZ, Mr. ROSTENKOWSKI, Mr. CLAY, Mr. ENGEL, Mrs. MALONEY, Mr. OWENS, Mr. KOPETSKI, Mr. REED, Mr. EDWARDS of Texas, and Mr. MYERS of Indiana.
H.R. 2043: Ms. MARGOLIES-MEZVINSKY.
H.R. 2119: Mr. STARK.
H.R. 2135: Mr. INHOFE.
H.R. 2227: Ms. LAMBERT.
H.R. 2241: Mr. GEJDENSON.
H.R. 2292: Mr. BROWN of California.
H.R. 2418: Mr. HANSEN.
H.R. 2438: Ms. LAMBERT.
H.R. 2591: Ms. VELÁZQUEZ.
H.R. 2599: Mr. UNDERWOOD, Mr. KLUG, and Mr. ACKERMAN.
H.R. 2641: Mr. CLYBURN, Mr. KILDEE, Mr. CHAPMAN, and Mr. ENGEL.
H.R. 2788: Mrs. MINK.
H.R. 2803: Mr. FLAKE.
H.R. 2873: Mr. BACHUS of Alabama, Mr. STENHOLM, Mrs. MEEK, Mr. DERRICK, Mr. MINGE, Mr. TANNER, Ms. DUNN, Mr. CALVERT, Mr. VOLKMER, Ms. ROS-LEHTINEN, and Mr. TORRICELLI.
H.R. 2913: Mr. MICA, Mr. KINGSTON, Mr. STUMP, Mr. PORTER, Mr. YOUNG of Alaska, and Mr. CASTLE.
H.R. 2971: Mr. ENGEL.
H.R. 3024: Mr. EVERETT.
H.R. 3030: Mr. DELAY.
H.R. 3097: Mrs. SCHROEDER and Mr. LIPINSKI.
H.R. 3183: Mr. BATEMAN.
H.R. 3227: Mr. CARDIN, Mr. SCHUMER, Mr. GEKAS, Mr. MONTGOMERY, Mr. UNDERWOOD, Mr. TOWNS, Mr. EMERSON, Mr. PARKER, Mr. BARCIA of Michigan, Mr. HOBSON, Mr. ROMERO-BARCELO, Mr. LEWIS of Florida, Mrs. MEYERS of Kansas, Mr. ENGEL, Mr. PORTMAN, and Ms. PRYCE of Ohio.
H.R. 3228: Mr. GUTIERREZ and Mr. GENE GREEN of Texas.
H.R. 3271: Mr. SHAYS.
H.R. 3272: Mr. HUGHES and Mr. CANADY.
H.R. 3322: Mr. SCOTT, Mr. ACKERMAN, Mr. DIXON, Mr. PAYNE of New Jersey, Mr. FIELDS of Louisiana, and Mr. OBERSTAR.
H.R. 3342: Mr. BARCA of Wisconsin, Mr. CONYERS, Mr. CRAMER, Mr. GLICKMAN, Mr. APPLEGATE, Mr. MURTHA, and Mr. TORRES.
H.R. 3359: Mr. CRANE.
H.R. 3370: Ms. MCKINNEY.
H.R. 3389: Mr. ROMERO-BARCELO.
H.R. 3397: Mr. TRAFICANT, Mr. SCOTT, Mr. FILNER Mr. GALLEGLY, Mr. MURTHA, Mr. FROST, and Mr. BAESLER.
H.R. 3408: Mr. MCCRERY.
H.R. 3520: Mr. BEILENSON.
H.J. Res. 90: Mr. LIGHTFOOT, Mrs. BENTLEY, Mr. GUNDERSON, Mrs. JOHNSON of Connecticut, Mr. GILCHREST, Mr. GILMAN, Mr. HUNTER, Mr. BLUTE, Mr. MANN, Mr. SKEEN, Mr. GRAMS, Mr. TAYLOR of North Carolina, Ms. DUNN, Mr. BORSKI, Mr. BREWSTER, Mr. CLEMENT, and Mr. CLINGER.
H.J. Res. 131: Mr. SERRANO, Mr. TALENT, Mr. BERMAN, Mr. INHOFE, Ms. MARGOLIES-MEZVINSKY, Mr. WATT, and Mr. CHAPMAN.
H.J. Res. 139: Mr. FRANKS of New Jersey, Mr. CAMP, Mr. NADLER, Mr. PETE GEREN of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CHAPMAN, Ms. KAPTUR, Mr. DELLUMS, Mr. HYDE, Mr. STUPAK, Mr. BALLENGER, Mr. BILBRAY, Ms. BYRNE, Mr. MILLER of California, Mr. BARRETT of Nebraska, Mrs. BENTLEY, Mr. WHITTEN, Mr. HOYER, Mr. GEJDENSON, Mr. BERMAN, Mr. RIDGE, Mr. BARLOW, Mr. PASTOR, Mr. REGULA, Ms. ROYBAL-ALLARD, Mr. MORAN, and Mr. DURBIN.
H.J. Res. 159: Mr. STUDDS, Ms. SCHENK, Mr. STUMP, Mr. SLATTERY, Mr. GILLMOR, Mr. BAKER of California, and Mr. JOHNSTON of Florida.
H.J. Res. 165: Mr. GOODLING.
H.J. Res. 237: Mr. KASICH and Mr. HUNTER.
H.J. Res. 246: Mr. BEVILL, Mr. DEUTSCH, Mr. HALL of Ohio, Mr. HOYER, Mr. MINETA, Mr. PARKER, Mr. PETERSON of Florida, Mr. ROYCE, Mr. SWETT, Mr. TUCKER, Mr. WYNN, Mr. BACCHUS of Florida, Mr. CALVERT, Mr. CASTLE, Mr. CLINGER, Mr. CLYBURN, Mr. FORD of Tennessee, Mr. KASICH, Mr. SLATTERY, Mr. WYDEN, and Mr. YATES.
H.J. Res. 247: Mr. FARR, Mr. FORD of Michigan, Mr. FIELDS of Texas, Mr. ENGEL, Mr. STEARNS, Mr. VOLKMER, Mr. POMEROY, Mr. DINGELL, Mr. HALL of Texas, Mr. MCHUGH, Mr. EDWARDS of Texas, Mr. KING, and Ms. MOLINARI.
H.J. Res. 272: Mr. PORTER, Mr. ORTON, Mr. MANTON, Mr. KILDEE, Mr. LAZIO, Mr. GEPHARDT, Mr. TAYLOR of North Carolina, Mr. HALL of Ohio, Mr. FAWELL, Mr. TANNER, Mr. LAUGHLIN, Mr. ABERCROMBIE, Mr. BACCHUS of Florida, Mr. PACKARD, Mr. LEWIS of Florida, Mr. APPLEGATE, Mr. PAYNE of New Jersey, Mr. BILBRAY, Mr. LEWIS of California, Mr. FORD of Tennessee, Mr. CLYBURN, Ms. FURSE, Mr. BISHOP, Mr. ROGERS, Mr. RIDGE, Mr. BORSKI, Mr. QUILLEN, Mr. COYNE, Mr. BEVILL, Mr. WAXMAN, Mr. WYDEN, Mr. BEILENSON, Mr. SMITH of Iowa, Mr. GLICKMAN, Mr. NADLER, Mr. INSLEE, Mr. DORNAN, Mr. HUNTER, Mr. GONZALEZ, Mr. WISE, Mr. VENTO, Mr. WATT, Mr. COX, Mr. PARKER, Mr. TORRES, Mr. HANSEN, Mr. DOOLITTLE, Mr. RUSH, and Mrs. VUCANOVICH.
H. Con. Res. 4: Mr. FRANK of Massachusetts
H. Con. Res. 20: Mr. ANDREWS of Maine and Ms. MARGOLIES-MEZVINSKY.
H. Con. Res. 84: Mr. FAZIO.
H. Con. Res. 107: Mr. FARR.
H. Con. Res. 110: Ms. LAMBERT.
H. Con. Res. 123: Mr. ENGEL.
H. Con. Res. 166: Mr. KNOLLENBERG.
H. Con. Res. 171: Mr. MCNULTY, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. DELLUMS, and Mr. FISH.
H. Con. Res. 175: Mr. SHAYS, Mr. BEILENSON, Mr. FOGLIETTA, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. GLICKMAN, Mr. BORSKI, Mr. OLVER, Mrs. MALONEY, Mr. OWENS, Mr. HOCHBRUECKNER, Mr. FILNER, Mr. MCCURDY, Mr. LEACH, Mr. COOPER, Mr. TEJEDA, Mrs. MEEK, Mr. KING, Mr. FROST, Mr. TORRICELLI, Mr. WHEAT, Mr. MCNULTY, Ms. SLAUGHTER, Mr. CARDIN, Mr. PRICE of North Carolina, Mr. GENE GREEN of Texas, Mr. COPPERSMITH, Mr. HORN of California, Ms. SHEPHERD, Mr. FALEOMAVAEGA, Mr. PALLONE, Mr. BARTLETT of Maryland, Mr. HINCHEY, and Mr. KYL.
H. Res. 21: Mr. ZELIFF and Mr. KLUG.
H. Res. 234: Ms. MARGOLIES-MEZVINSKY and Mrs. FOWLER.
H. Res. 247: Ms. LAMBERT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 300: Mr. COLLINS of Georgia.