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

NOT VOTING—14

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

□ 1535

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

Mr. HANSEN and Mr. NUSSLE changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN OVERSEAS INTERESTS ACT OF 1995

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolutions 155 and 156 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1561.

□ 1538

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, with Mr. GOODLATTE in the Chair.

The Clerk read the title of the bill.

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

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

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

Pro forma amendments for the purpose of debate;

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

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

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

Are there further amendments to the bill?

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

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

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

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

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

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

There was no objection.

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

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

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

SEC. 3212. CENTRAL ASIAN ENTERPRISE FUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 30, as modified, offered by Mr. CONDIT: After chapter 2 of title XXXIV (relating to special authorities and other provisions), insert the following new chapter (and redesignate the subsequent chapter accordingly):

CHAPTER 3—FOREIGN AID REPORTING REFORM ACT OF 1995

SEC. 3421. SHORT TITLE.

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

SEC. 3422. ANNUAL FOREIGN ASSISTANCE JUSTIFICATION REPORT.

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

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

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

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

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

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

(B) the justification for that amount;

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

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

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

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

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

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

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

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

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

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

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

(A) the amount proposed for such program;

(B) the justification for such program;

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

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

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

SEC. 3423. DEFINITION OF FOREIGN ASSISTANCE PROGRAMS.

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

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

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

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

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

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

(5) contributions to the International Monetary Fund;

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

(7) contributions to any regional multilateral development bank.

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

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

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

''(l) AUTHORITY.—

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

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

''(B) is not an end item; and

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

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

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

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

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

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

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

''(B) The total cost charged pursuant to subparagraph (A) shall be the same as that charged the United States Armed Forces for a similar repair and replacement transaction, plus an administrative surcharge in accordance with subsection (e)(1)(A) of this section.

''(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a repairable defense article as provided in subsection (a) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.''.

(b) RETURN OF DEFENSE ARTICLES.—Section 21 of such Act (22 U.S.C. 2761), as amended by this Act, is further amended by adding at the end the following new subsection:

''(m) AUTHORITY.—

''(1) IN GENERAL.—The President may accept the return of a defense article from a foreign country or international organization, if such defense article—

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

''(B) is not significant military equipment (as defined in section 47(9) of this Act); and

''(C) is in fully functioning condition without need of repair or rehabilitation.

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

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

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

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

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

''(3) CONDITION.—Upon acquisition and acceptance by the United States Government of a defense article under paragraph (1), the appropriate Foreign Military Sales account of the provider shall be credited to reflect the transaction.

''(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a defense article as provided in paragraph (1) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.''.

(c) REGULATIONS.—Under the direction of the President, the Secretary of Defense shall promulgate regulations to implement subsections (l) and (m) of section 21 of the Arms Export Control Act, as added by this section.

Amendment No. 34, as modified, read by Mr. GILMAN: At the end of chapter 1 of title XXVI (relating to miscellaneous foreign policy provisions), add the following new section:

SEC. 2604. REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

Part D of the Nuclear Proliferation Prevention Act of 1994 (part D of title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103–236; 108 Stat. 525) is hereby repealed.

Amendment No. 35, as modified, read by Mr. GILMAN: Page 203, line 2, strike ''for such fiscal year''.

Amendment No. 43, as modified, offered by Mr. HOKE: At the end of chapter 2 of title XXXIV of division C (relating to special authorities and other provisions), add the following new section:

SEC. 3420. PROHIBITION ON FOREIGN ASSISTANCE TO FOREIGN GOVERNMENTS NOT IMPLEMENTING EXTRADITION TREATIES.

(a) PROHIBITION.—Except as provided in subsection (b), the President may not provide foreign assistance to the government of any country determined by the President to have refused to implement an extradition treaty between such country and the United States with respect to one or more individuals of significant concern to the United States who have been charged with or who have committed felony offenses.

(b) EXCEPTION.—The President may provide foreign assistance to the government of a country that would otherwise be prohibited from receiving such assistance under subsection (a) if the President—

(1) determines that the provision of such assistance is in the national interest of the United States; and

(2) notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

(c) DEFINITIONS.—As used in this section:

(1) FELONY OFFENSE.—The term ''felony offense'' means an offense punishable by death or imprisonment for a term exceeding one year.

(2) FOREIGN ASSISTANCE.—The term ''foreign assistance'' means any funds made available to carry out any program, project, or activity under the Foreign Assistance Act of 1961 or the Arms Export Control Act, except such term does not include funds used to provide humanitarian assistance.

(d) EFFECTIVE DATE.—The prohibition contained in subsection (a) applies with respect to the provision of foreign assistance on or after the date of the enactment of this Act.

Amendment No. 49 offered by Mr. KING: Page 196, after line 13, insert the following section:

SEC. 2712. POLICY TOWARD IRAN.

(a) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP—GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combating Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups has led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–86 by the Hezballah.

(5) The Government of Iran provides several hundred million dollars annually in financial and logistical support to organizations that use terrorism and violence as a

tool to undermine the Middle East peace process.

(6) The Government of Iran provides financial, political, and logistical support and safe haven to groups that seek the violent overthrow of secular governments in the Middle East and North Africa.

(b) IRAN'S PROGRAM TO ACQUIRE WEAPONS OF MASS DESTRUCTION AND THE MEANS BY WHICH TO DELIVER THEM.—The Congress makes the following findings with respect to Iran's program to acquire weapons of mass destruction and the means by which to deliver them—

(1) the Government of Iran has intensified its efforts to develop weapons of mass destruction and the means by which to deliver them:

(2) given Iran's petroleum reserves, the desire of the Government of Iran to obtain gas centrifuge equipment and light water nuclear power reactors clearly demonstrates what had already been apparent, that Iran seeks to develop its nuclear weapons capability; and

(3) Iran has been relentless in its attempt to acquire the missiles needed to deliver nuclear and chemical weapons.

(c) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhitiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made ''no appreciable progress towards improved compliance with human rights in accordance with the current international instruments''.

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(d) UNITED STATES POLICY AND RESPONSE.—The Congress makes the following findings with respect to United States policy and response to Iran:

(1) The actions by the Government of Iran identified in subsections (a), (b), and (c) threaten the national security and offend the democratic values of the United States and many other nations in the Middle East and elsewhere.

(2) In response to this record of violent, destablizing, and antidemocratic conduct, it has been the policy of the United States to seek to isolate the Government of Iran diplomatically and economically, thereby making the continuation of such conduct increasingly costly.

(3) The policies the United States has pursued in an effort to pressure the Government of Iran diplomatically and economically have included refusing to conduct normal diplomatic relations with Iran; barring the importation of Iranian oil and other products into the United States; prohibiting the export or reexport to Iran of weapons or of goods or technology with potential military uses; voting against all loans to Iran by international financial institutions; and, most recently, imposing a total economic embargo on Iran.

(4) To further increase the cost to the Government of Iran of its objectionable conduct the United States has urged other countries with economic ties to Iran to take equivalent steps to isolate Iran economically and diplomatically.

(e) CONGRESSIONAL DECLARATIONS.—The Congress makes the following declarations:

(1) The imposition of an economic embargo on Iran by President Clinton was an important and necessary measure to increase economic and political pressure on Iran.

(2) The President should, as a matter of the highest priority, intensify efforts to persuade Iran's leading trade partners and creditors to join with the United States in ceasing all trade with Iran and ending any rescheduling or other relaxation of debts owed to them.

(3) The President should take whatever steps are appropriate to dissuade those who are aiding Iran's efforts to develop nuclear weapons and the means by which to deliver them from continuing such assistance.

(4) The United States should convene a special summit of the world's leading heads of state to address the issue of international terrorism and the means for improving the efforts to combat international terrorism.

(5) The Secretary of State should promptly take steps to strengthen each of the existing multilateral nonproliferation regimes to make them more effective in counteracting rogue regimes such as Iran.

(6) The President should make the development of a multilateral economic embargo on Iran a top priority on the agenda at the meeting of the G–7 industrial partners scheduled for June 1995 in Halifax, Nova Scotia.

Amendment No. 59, as modified offered by Mr. ROEMER: At the end of title XXVII of division B (relating to congressional statements), add the following new section:

SEC. 2172. CONFLICT IN CHECHNYA

(a) FINDINGS.—The Congress finds the following:

(1) Russian troops advanced into Chechnya on December 10, 1994, and were met with strong resistance from Chechen rebels who have now moved to the Caucasus mountains where they are engaging in what even the most optimistic Russian military officers predict will be a drawn-out guerrilla war.

(2) The cost of the Chechen battle is estimated to cost the Government of Russia at least $2,000,000,000 and could exacerbate the budget deficit of the Government of Russia.

(3) The United States has approved over $2,400,000,000 in loan guarantees through the Export-Import Bank of the United States and the Overseas Private Investment Corporation.

(4) The United States has provided Russia with significant direct assistance to promote a free market economy, support democracy, meet humanitarian needs, and dismantle nuclear weapons.

(b) DECLARATION OF POLICY.—The Congress declares the following:

(1) United States investment in Russia has been significant in promoting democracy and stabilizing the economy of Russia and this progress could be imperiled by Russia's continued war in Chechnya.

(2) the inability to negotiate an end to this crisis and the resulting economic implications could adversely affect the ability of Russia to fulfill its commitments to the International Monetary Fund, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation.

(3) In further contacts with President Yeltsin, it is imperative that President Clinton repeat his call for an immediate end to the war in Chechnya.

Amendment No. 61, as modified, offered by Mr. ROHRABACHER: At the end of title XXXIII (relating to regional provisions), add the following new sections:

SECTION 3314. ASSISTANCE FOR LAOS.

(a) It is the sense of Congress that—

(1) a permanent waiver on the prohibition of foreign assistance for Laos should be granted following the fullest possible accounting of all outstanding POW/MIA cases involving Laos;

(2) the United States should continue to improve its relationship with Laos as the mutual cooperation between the two countries on POW/MIA issues improves;

(3) no Lao citizen or government official should be held accountable by the United States for activities involved in holding American POW/MIAs if those citizens or officials cooperate with efforts to return such POW/MIAs alive or to otherwise account for such POW/MIAs;

(4) the future relationship of the United States with Laos should be characterized by economic cooperation and friendly diplomatic ties;

(5) such bilateral relationship will improve as respect for human rights in Laos improves, including human rights for Hmong people; and

(6) in the event an American POW/MIA is returned alive from Laos, the United States should view this action as a positive development and as strong incentive for the United States to rapidly improve our economic and diplomatic relationship with Laos.

(b) Notwithstanding section 620 of the Foreign Assistance Act of 1961, foreign assistance may be provided for Laos for fiscal years 1996 and 1997 only if the President determines and certifies to the Congress that the Government of Laos is cooperating with the United States on outstanding POW/MIA cases involving Laos.

Amendment No. 63 offered by Mr. ROTH: Add a new Section 2604 as follows:

SEC. 2604. ANNUAL ASSESSMENT

The Secretary of State shall assess the impact of the foreign policy of the United States on the ability of United States entities engaged in the manufacture, sale, distribution, or provision of goods or services to compete in foreign markets. The Secretary shall provide such assessments annually to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate and shall publish such assessments in the Federal Register.

Amendment No. 65 offered by Mr. SAWYER: At the end of title XXVII (relating to congressional statements) insert the following new section:

SEC. 2712. UNITED STATES DELEGATION TO THE FOURTH WORLD CONFERENCE ON WOMEN IN BEJING.

It is the sense of the Congress that the United States delegation to the Fourth World Conference on Women should include at least one representative of a United States-based nongovernmental organization representing Tibetan women.

Amendment No. 66 offered by Mr. SAWYER: At the end of chapter 6 of title XXXI (relating to other provisions of defense and security assistance), add the following new section:

SEC. 3194. ANNUAL MILITARY ASSISTANCE REPORT.

The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 657. ANNUAL REPORT ON MILITARY ASSISTANCE AND MILITARY EXPORTS.

''Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.''.

Amendment No. 69 offered by Mr. SMITH of New Jersey: In section 2102(b)(2)(C) (relating to voluntary contributions for the war crimes tribunal for the former yugoslavia)—

(1) in the heading strike ''FOR THE FORMER YUGOSLAVIA'';

(2) strike ''budget for the tribunal'' and insert ''combined budgets for the tribunals''; and

(3) after ''Yugoslavia'' insert ''and the United Nations International Criminal Tribunal for Rwanda''.

Amendment No. 71 Offered by Mr. TORRICELLI: At the end of Title XXXII (relating to regional provisions) at the following new section:

SEC. 3314. RESTRICTIONS ON ASSISTANCE FOR GUATEMALA.

(a) RESTRICTION.—None of the funds authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing) or for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) may be made available to the Government of Guatemala unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) substantial progress has been made in the prosecution of all those responsible for the human rights abuses against Michael DeVine, Nicholas Blake, Griffin Davis, Dianna Ortiz, Myrna Mack, and Efrain Bamaca Velasquez;

(2) former Guatemalan Lieutenant Colonel Carlos Rene Ochoa Ruiz, who is under indictment in the State of Florida for narcotics trafficking, has been extradited to the United States; and

(3) substantial progress has been made in the dismantling of the Voluntary Civil Self-Defense Committees, curbing their patrols, and returning their weapons to the Guatemalan military.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purpose of this section, the term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Amendment No. 78 Offered by: Mr. ZIMMER: At the end of title XXXIII (relating to regional provisions), add the following new section:

SEC. 3314. PROHIBITION ON ECONOMIC ASSISTANCE, MILITARY ASSISTANCE OR ARMS TRANSFERS TO THE GOVERNMENT OF MAURITANIA UNLESS APPROPRIATE ACTION IS TAKEN TO ELIMINATE CHATTEL SLAVERY.

(a) PROHIBITION.—The President may not provide economic assistance, military assistance or arms transfers to the Government of Mauritania unless the President certifies to the Congress that such Government has taken appropriate action to eliminate chattel slavery in Mauritania, including—

(1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and

(2) the rigorous enforcement of such laws.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ECONOMIC ASSISTANCE.—The term ''economic assistance'' means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and any assistance under chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.) (relating to the economic support fund), except that such term does not include humanitarian assistance.

(2) MILITARY ASSISTANCE OR ARMS TRANSFERS.—The term ''military assistance or arms transfers'' means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) (relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act (22 U.S.C. 2321j through 2321m);

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) (relating to international military education and training);

(C) assistance under the ''Foreign Military Financing Program'' under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or

(D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778).

Amendment No. 80 Offered by: Mr. BILBRAY: Page 100, line 10, strike ''$12,472,000'' and insert ''$19,372,000''.

At the end of the bill, add the following:

DIVISION D—ADDITIONAL PROVISIONS

TITLE XLI—FOREIGN BUILDINGS

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

Notwithstanding section 2101(a)(4), there are authorized to be appropriated for ''Acquisition and Maintenance of Buildings Abroad'', $369,860,000 for the fiscal year 1997.

Amendment No. 82 Offered by: Mr. BURTON of Indiana: In paragraph (1) of section 3309(b) (relating to the future of the United States military presence in Panama)—

(1) in the matter preceding subparagraph (A), strike ''a new base rights'' and insert ''an''; and

(2) strike subparagraph (B) and insert the following new subparagraph:

(B) to ensure that the United States will be able to act after December 31, 1999, to maintain the security of the Panama Canal and guarantee its regular operation, consistent with the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto; and

Amendment No. 83: Offered by Mr. CHABOT: At the end of the bill, add the following:

DIVISION D—ADDITIONAL PROVISIONS

TITLE XLI—AUTHORIZATION OF APPROPRIATIONS

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) FOREIGN MILITARY FINANCING PROGRAM.—Notwithstanding section 3101 of this Act, there are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,274,440,000 for fiscal year 1996; and

(2) $3,216,020,000 for fiscal year 1997.

(b) ECONOMIC SUPPORT ASSISTANCE.—Notwithstanding section 3201 of this Act, section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 234a(a)) is amended to read as follows:

''(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,346,378,000 for fiscal year 1996 and $2,238,478,000 for fiscal year 1997.''.

(c) DEVELOPMENT FUND FOR AFRICA.—Notwithstanding paragraph (2) of section 3221(a) of this Act, there are authorized to be appropriated $649,214,000 for fiscal year 1996 and $634,214,000 for fiscal year 1997 to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.).

Amendment No. 86 Offered by: Mr. Gilman: After section 510, insert the following new section:

SEC. 511. TRANSFER OF FUNCTION.

Any determination as to whether a transfer of function, carried out under this Act, constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5, United States Code, shall be made without regard to whether or not the function involved is identical to functions already being performed by the receiving agency.

Amendment No. 87 Offered by: Mr. Hamilton: On page 286 after line 19, amend the subsection ''(e)'' which would be added to Section 222 of the Foreign Assistance Act of 1961, by adding at the end a new sentence as follows:

''The provisions of this subsection shall not apply to guaranties which have been issued for the benefit of the Republic of South Africa.''

Amendment No. 96, as modified, offered by Mrs. SCHROEDER: At the end of title XXVII insert the following new section:

SEC. 2712. FEMALE GENITAL MUTILATION.

(a) FINDINGS.—The Congress finds that—

(1) female genital mutilation is a violation of women's basic human rights;

(2) female genital mutilation constitutes a major health risk to women, with lifelong physical and psychological consequences; and

(3) female genital mutilation should not be condoned by any government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President should seek to end the practice of female genital mutilation worldwide through the active cooperation and participation of governments in countries where female genital mutilation takes place; and

(2) steps to end the practice of female genital mutilation should include—

(A) encouraging nations to establish clear policies against female genital mutilation and enforcing existing laws which prohibit it;

(B) assisting nations in creating culturally appropriate outreach programs that include

education and counseling about the dangers of female genital mutilation for women and men of all ages; and

(C) ensuring that all appropriate programs in which the United States participates include a component pertaining to female genital mutilation, so as to ensure consistency across the spectrum of health and child related programs conducted in any country in which female genital mutilation is known to be a problem.

Amendment No. 98, as modified, Offered by Mr. TRAFFICANT: At the end of title XXVII (relating to congressional statements), add the following new section:

SEC. 2712. SENSE OF THE CONGRESS REGARDING SYRIAN OCCUPATION OF LEBANON.

It is the sense of the Congress that—

(1) the Government of Syria should comply with the Taif Agreement and withdraw all of its troops from Lebanon;

(2) the United States should use its contacts at the highest level of the Syrian Government to encourage the Government of Syria to withdraw all of its troops from Lebanon within a timeframe to be negotiated between the Syrian and Lebanese Governments; and

(3) the Secretary of State should inform the Congress as to the actions the United States has taken to encourage withdrawal of all Syrian troops from Lebanon.

Amendment No. 99, as modified, offered by Mr. TRAFICANT: At the end of chapter 2 of title XXXIV of division C (relating to special authorities and other provisions of foreign assistance authorizations), add the following new section:

SEC. 3420. LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES.

(a) Funds made available for assistance for fiscal years 1996 and 1997 under the Foreign Assistance Act of 1961, for which amounts are authorized to be appropriated for such fiscal years, may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, in the country in which the assistance is to be provided, except that this paragraph only applies if the total of such procurement for a project or activity in that country would cost less than procurement from the United States;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided;

(3) the Congress has specifically authorized procurement outside the United States or less developed countries; or

(4) the President determines on a case-by-case basis that the procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources, including to meet unforeseen circumstances such as emergency situations.

(b) For purposes of this section, the term ''less developed countries'' includes the recipient country if that country is not a developed country.

The CHAIRMAN. Pursuant to House Resolution 155 and House Resolution 156, the gentleman from New York [Mr. GILMAN] will be recognized for 5 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 5 minutes.

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

Mr. GILMAN. Mr. Chairman, the House is not in order.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members and the guests in the gallery are advised that participants in this debate are entitled to be heard, and they should not conduct conversations on the floor of the House or in the gallery.

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

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

Mr. Chairman, I am pleased to offer this amendment, which hopefully will speed up and simplify the process of consideration of this bill.

The amendment has been agreed to on both sides, and I want to thank the ranking Democratic Member, the gentleman from Indiana [Mr. HAMILTON], for his cooperation in putting together this list of amendments. These are noncontroversial amendments.

There is only one amendment in this en bloc amendment that affects funding levels. At the suggestion of the gentleman from Ohio [Mr. CHABOT] we have shifted another $20 million per year into the Development Fund for Africa. This money comes from the Economic Support Fund and Foreign Military Financing functions of the budget.

It does not increase the deficit or the overall spending levels in this bill.

I would like to point out to my colleagues that once we will have passed this amendment, the Africa Development Fund will get 85 cents for every dollar the general development assistance account receives for the rest of the world. Right now, the Africa Fund only gets 62 cents for every dollar the general fund receives. Although we are cutting many accounts, comparatively speaking, Africa is being treated very well in this bill.

Mr. Chairman, the en bloc amendment contains new language affecting the transfer of functions between the various agencies to be consolidated into the State Department under this Act.

Under the law, when functions are transferred, the employees performing those functions are likewise transferred, and the employees in the new combined agency may or may not be subject to a reduction in force, depending on the needs of the agency.

However, an unduly restrictive interpretation of the phrase ''transfer of function'' has cropped up in a little known case from the Merit Systems Protection Board, and the ruling in that case has unfortunately been adopted in recent regulations by the Office of Personnel Management.

Without this amendment, the rights of employees whose functions were shifted to the Department of State would be adversely affected if they performed a function similar to a function already carried out in the Department of State, even if they were the best qualified employees, were entitled to veterans preference, or otherwise ought to be retained.

In my opinion, the rights of employees should be protected in a merger regardless of whether some other employees performing their function works in a gaining Department. The gaining Department should have the right and duty to retain the best personnel of the combined agency work forces, consistent with RIF regulations, without giving special preference to Department of State employees.

Accordingly, this section changes the definition of ''transfer of function'' for the purposes of this Act. This change rejects, and it is my explicit purpose to reject for the purposes of this Act, the restrictive definition of the phrase ''transfer of function'' in the Office of Personnel Management's current regulations at 5 C.F.R. Section 351.203 (1995), and the restrictive interpretation of that phrase by the Court of Claims in *Childress* v. *United States*, 650 F.2d 285, 222 Ct. Cl. 557, 558 (1980), and by the Merit Systems Protection Board in *Kentner* v. *National Transportation Safety Board*, 20 M.S.P.R. 595 (1984). This provision is meant to ensure that employees affected by a transfer of function and any attendant reduction in force are covered by OPM's regulations on transfers of functions, 5 C.F.R., Part 351, Subpart C.

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

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

Mr. Chairman, the en bloc amendment, as modified, has been cleared by this side of the aisle. I want to express my appreciation to the chairman of the committee for his cooperation in working with us, and his willingness to do so, to modify several of the amendments so they could be included in the en bloc.

Mr. Chairman, I urge support of the en bloc amendment, and I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, while I have grave reservations about many parts of the bill, the en bloc is certainly acceptable. I want to commend the gentleman from New York [Mr. KING] for the work we have done together on the Iranian provision within it. There is no country in the world today that is more active in the support of terrorism that is trying to derail the peace process in the Middle East to the degree that Iran is.

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The signal that we must send from this Congress and from every government official in this country is that that kind of behavior is unacceptable, the United States will continue to resist it, and clearly the President's leadership on this issue is something we need to stand behind.

As we learned in the first instance where Americans were taken hostage in Iran, Iran may begin terrorism elsewhere on the globe but the pain will inevitably come back to us in the United States. This is something we need to get our European allies to join us on.

The efforts of this date are tremendous, but they are not sufficient without getting Europe to join us in this effort. Again, I would like to thank the gentleman from New York [Mr. KING] for working together on this amendment.

Mr. Chairman, I am pleased to co-sponsor this amendment with my colleague from New

York, Mr. KING, who has been a leader on this issue. This resolution puts our allies and others on notice that the Congress expects their cooperation in isolating Iran. The administration has no objection to this amendment.

On April 30, the President took a bold and decisive step by imposing a total embargo on Iran. It left no room for interpretation. The United States considers Iran to be an outlaw and is simply unwilling to make believe that Iran is among the family of civilized nations. President Clinton has done the right thing and the smart thing.

There seems to be little in the way of disagreement as to the United States objectives in regard to Iran. Iran needs to end its support for terrorism, much of which is designed to undermine the Middle East peace process. Iran must cease its development of weapons of mass destruction and the missiles by which to deliver them. Iran must significantly alter its abhorrent record on human rights.

The burden is now on our allies to come along. Thus far, the strategy of constructive dialogue embraced by many of our allies has, to put it delicately, been less than successful; to put it bluntly, Iran has paid no price for its support for international terrorism or its efforts to obtain weapons of mass destruction.

There are countries, even those with which we have significant differences, where a constructive dialogue could serve to further our objectives. Iran is not among them. It is a rogue regime hell bent on fomenting unrest in the region and determined to acquire weapons of mass destruction so that it can terrorize not only the region but the world.

Unlike North Korea, Iran is by no means isolated. Iran exports $15.5 billion of goods each year, $14 billion of which is comprised of oil. In addition, Iran has approximately $25 billion in foreign debt, $12 billion of which was re-scheduled last year, most of it by our allies. So, those who purchased Iranian oil and those who chose not to compel payment of Iranian debts contributed upwards of $15 billion to Iran's ability to obtain weapons of mass destruction and train terrorists.

I fully support efforts to deny United States exports to Iran. For the last 5 years I have sponsored legislation that would deny dual use technology to Iran. To maximize the impact of the embargo, we must get multilateral cooperation in denying Iran dual use and military equipment, and other items that Iran seeks to purchase. More important, we must forge a multilateral consensus to restrict imports from Iran and to limit relief to Iran on the terms of its foreign debt. We must deny to Iran the resources it needs to support terrorism and develop weapons of mass destruction.

Our allies must understand how serious we are about Iran. An Iran with a nuclear bomb and the means by which to deliver it is a blueprint for international chaos. It is encumbent on the administration to apprise our allies on a regular basis of Iran's actions in supporting international terrorism and developing weapons of mass destruction. The administration must continue to express at the highest levels the need to isolate Iran. The upcoming G–7 meeting in Nova Scotia is an appropriate place to raise this issue in very clear terms.

Again, I join with Mr. KING in offering this amendment and I urge my colleagues to vote for it.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I support the Chabot amendment to the en bloc, which would increase funding for the Development Fund for Africa, because there are important developmental and humanitarian assistance needs on that continent.

I am also pleased that the amendment of the gentleman from New Jersey [Mr. ZIMMER] on slavery in Mauritania has been accepted. It is long past time for us to take action against any Nation that tolerates slavery. The State Department reports that there may be up to 90,000 slaves in that country. Just one person held as a slave is reason enough for us, I believe, to refuse aid to the government that permits slavery to exist.

Finally, I commend the gentleman from New Jersey [Mr. SMITH] for his amendment to allow some of the funds authorized for the War Crimes Tribunal in Yugoslavia to be used for a similar tribunal in Rwanda. We must bring to justice those guilty of the crime of genocide in Rwanda.

I thank the gentleman from New York [Mr. GILMAN], the chairman, for including these important Africa-related amendments in the en bloc amendments.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

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

The Chairman, in the last several months the American people have learned a great deal about Guatemala. Ten Americans lost, disappeared, brutalized or raped. Their families have come forward to tell the story of their horrors in Guatemala.

The Drug Enforcement Agency has told us a story that nearly one-third of all the cocaine reaching the United States is now warehoused in Guatemala before being shipped to our own cities and towns. Yet 11 Guatemalan military officers indicted in the United States are protected by that country's laws where extradition is refused.

Against this, the backdrop of 150,000 people in Guatemala who have lost their lives in the last 30 years through a genocidal campaign against their own people, led by civil defense patrols who roam the countryside harassing, exploiting and murdering poor civilians who are defenseless.

Mr. Chairman, in the weeks since we have learned many of these things in the tragic history of Guatemala, President Clinton has suspended United States military assistance to that country's armed forces, demanding cooperation in the investigation of the deaths of Americans, insisting on cooperation in the extradition of military officers involved in cocaine trafficking.

I have included in the en bloc amendment an insistence that until there is cooperation on narcotics, on ending human rights abuses and on investigating the deaths and abuse of American citizens, that there be no further assistance. This is indeed legislatively the equivalent of what President Clinton has already done unilaterally.

I urge its adoption in the bill. I thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, for its inclusion in the en bloc amendments, and the gentleman from Indiana [Mr. HAMILTON] for his support, as well. It is simply a proper statement in this bill.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH], chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend the gentleman for yielding me the time.

Mr. Chairman, first I would like to thank the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentlewoman from Georgia [Ms. MCKINNEY] for cosponsoring this amendment with me, and for their leadership on the issue of trying to provide a modest amount of funds to the War Crimes Tribunal for the people who has suffered in Rwanda.

Mr. Chairman, the outbreak of warfare in Rwanda was accompanied by an outbreak of genocidal violence all too reminiscent of what happened in the former Yugoslavia. Under cover of long-standing tribal rivalries, an effort was launched by leaders of one tribe to bring about the systematic extermination of another.

It is important that the international community show that this kind of crime against humanity will be detected, prosecuted and punished. The Rwanda tribunal was created by Security Council Resolution 955 on November 8, 1994. Many Members no doubt remember that date for other reasons, but for Rwandans it was an important sign of hope that the world had not forgotten their sufferings and there would be a prosecution for committing these heinous crimes.

Mr. HASTINGS of Florida. I yield such time as he may consume to the gentleman from California [Mr. FILNER].

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

Mr. FILNER. Mr. Chairman, I rise in support of the en bloc amendment designated as number 80 which is a combination of amendments submitted by Congressman BILBRAY and myself, to restore funding required by the International Boundary and Water Commission [IBWC] to operate a critical sewage treatment facility soon to be completed in San Diego.

As many of you know, we are building a critically-needed $240 million

sewage treatment plant in San Diego, CA. This plant is under construction and will soon be completed. It is imperative that we provide the funds necessary to operate this treatment plant—and that we fulfill our commitment to the thousands of American citizens who suffer from the raw sewage that flows downhill from Mexico through our community and contaminates the Tijuana River and our beaches. This sewage is more than a nuisance, it is a health hazard!

While this is only a minor technical correction in the context of the State Department's overall budget, this amendment is critical for the IBWC to operate the soon-to-be-completed sewage treatment facility. Our failure to operate this facility would present a serious health threat to San Diego and threaten our Nation's ability to fulfill an international treaty obligation.

The failure of the federal government to operate this facility, after it is built, would be the height of absurdity—and would mark a tragic new day in our Nation's history, I urge my colleagues to support the bipartisan, Filner-Bilbray amendment!

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank my colleagues for putting a generic form of my amendment into this area.

Mr. Chairman, this is very historic, in that it is the first time this body will speak out and say that our government should recognize female genital mutilation as a major health risk to women and a major human rights violation, and we also should do everything we can to make sure that countries do not allow this practice to continue. This was important.

I had wanted to target this to Egypt, since we give so much aid to Egypt and since this practice is so rampant there, and especially since their government has recently tried to medicalize it rather than condemn it. This is a more generic form, but I approve it, and I think very much all of my colleagues who worked very hard to take this very, very important step of saying violations against women are also human rights violations and not just cultural violations. There has never been any religious reason for this. There has never been any reason except cultural, and we are making a great progressive step today.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. KING], a member of our committee.

Mr. KING. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for yielding me the time.

Mr. Chairman, I rise in support of the en bloc amendment. Iran is an outlaw state, the major destabilizing force in the Middle East, and is desperately attempting to obtain nuclear capability. I am proud I have been able to join my colleague, the gentleman from Connecticut [Mr. GEJDENSON], in sponsoring this amendment, amendment 49, which will establish on the record as a sense of Congress that Iran is an outlaw nation.

In addition to that, Mr. Chairman, this amendment will go one step further than the President's boycott announcement of April 30, where the President announced a unilateral boycott against Iran. This was a very important first step but it is not enough.

It is essential that all our allies join this embargo, and the sense of Congress resolution which is encompassed in amendment 49 will call upon the President to make the development of a multilateral economic embargo on Iran a major priority at the Halifax G–7 meeting.

I want to thank the gentleman from Connecticut [Mr. GEJDENSON] for his support in working with me. I want to thank the gentleman from New York [Mr. GILMAN], the chairman, and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for their support, and I urge support of the en bloc amendment and indeed final passage of the entire bill.

Mr. GILMAN. Mr. Chairman, with regard to the amendment offered by Mr. KING, I would like to congratulate the gentleman on his amendment and his leadership on our effort to combat Iran and its terrorist policies. This amendment makes a positive contribution to our policy toward Iran and puts a much-needed multilateral focus on the President's Executive order of May 8 prohibiting U.S. trade and investment with that country.

This amendment clearly identifies how Iran's policies pose a threat to our interests and to those of our allies in the region and urges the administration several policy initiatives that would help to isolate this outlaw regime.

In particular, it directs the President to intensify his efforts to persuade Iran's leading trade partners and creditors to join with the United States in ceasing all trade with Iran and ending any policy of rescheduling of debts owed to them.

Furthermore, the President is directed to convene a special summit of world leaders to address the issue of international terrorism. It would also call on the President to develop a comprehensive multilateral policy toward Iran with the goal of putting Iran on the agenda of the upcoming G–7 meeting in Canada and bringing consensus on the need to isolate this regime.

This administration has finally begun to transform its rhetoric into a more realistic approach to limiting the ability of this one country to finance and support terrorism around the world. The adoption of this amendment will ensure that the administration remains focused and committed in our fight against state-supported international terrorism.

Our allies still seem to believe that they can reap a short-term profit at our expense by continuing a policy of business as usual with Iran. They should be aware that there will be a long-term cost to our relationship and alliances if some kind of multinational consensus is not achieved on this issue.

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

Mr. GILMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. CHABOT], another member of the committee.

Mr. CHABOT. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], the distinguished chairman, and the gentlewoman from Florida [Ms. ROS-LEHTINEN], the chair of the Subcommittee on Africa, for their leadership in getting this amendment accomplished, and also the gentleman from California [Mr. ACKERMAN], the cosponsor on the other side of the aisle, for his assistance in this important amendment.

While the African continent is making great strides toward democracy, economic development, free markets and human rights, many African nations continue to face terrible hardships. This modest amendment will provide much-needed help to Africa without costing American taxpayers any additional dollars.

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. CHABOT] for his involvement and for his addition to our work.

Mr. SAWYER. Mr. Chairman. I would like to thank the chairman of the International Relations Committee and his staff for their assistance with my amendment which is included in the amendments en bloc before us.

Mr. Chairman, during the cold war our arms control efforts were directed at what was clearly the greatest threat to international security at that time—nuclear weapons. When we did undertake efforts in the realm of conventional weaponry—they were directed at large-scale strategic weapons such as planes, missiles, and tanks which could alter regional balances of power.

Well, times have changed, but unfortunately our thinking on arms control is still mired in the Cold War experience.

Today, the greatest threat to international security and stability are the growing number of wars of ethnic hatred and the increasing cases of government oppression. In these conflicts, it is light weaponry—AK47s, hand grenades, and land mines—that are the weapons of choice. The ample supply, falling prices, and ease of purchase of these weapons has helped to increase the ferocity and number of conflicts we are witnessing across the globe—from Liberia to Rwanda to Kashmir.

Of course, I do not mean to downplay the importance of arms control efforts directed at strategic weapons. I only wish to point out that the vast trade in light weapons, which is a real source of instability today, receives, comparatively little attention.

Before we can begin any control efforts for small arms, we need an effective mechanism to monitor their trade. What types and how many of these deadly weapons are being sent where and by whom? We need answers to these questions.

My amendment would reinstate a reporting requirement which existed from fiscal years 1978 through 1980. During those years the State Department and the Defense Security Assistance Agency produced an annual report

listing all U.S. military transfers and sales on a country-by-country basis.

The information for this report is maintained in a readily accessible data base. Producing the report would not require much more than the hitting of a print command key and binding the pages together. In other words, this is not an onerous reporting requirement.

Congress has a right and, indeed, an obligation to review the information contained in that data base. However, in 1993, I was denied a request for such information by the DSAA.

Once we begin to produce this report, we can use it as leverage to encourage other arms producing nations to provide greater transparency for their own activities. With a comprehensive understanding of the small arms trade, we can begin to work towards a regime to control this scourge.

But without good information, we can't formulate an effective policy. We will be left to witness the devastating effects of small arms proliferation and to pay the price both in terms of costly relief activities and in diminished international security.

The better approach is to take preventive action—to avert crises before they begin. This amendment is the first step in that process.

I urge support for the amendments en bloc.

Mr. Chairman, I would like to make special mention of Mr. BERMAN and Mr. ROSE who are coauthors of this amendment. I also would like to thank the chairman and ranking members of the International Relations Committee and the International Operations Subcommittee.

Mr. Chairman, when a government hosts an international conference, it also accepts certain obligations. The host government must abide by the terms which govern such gatherings and must uphold agreements it makes.

Unfortunately, Mr. Chairman, the Chinese Government has demonstrated that it does not intend to be a good host for the Conference on Women being held in Beijing this summer. The principle of openness, which is crucial to the success of this gathering, has run afoul of the communist instinct to suppress opposing points of view.

The Chinese Government has worked quietly to exclude groups representing Tibetan women from the women's conference. Mr. Chairman, this is not right, and it is not what the international community expected when it agreed to hold the conference in Beijing.

China's reneging on its obligations does not stop with the exclusion of groups it disagrees with. Originally, the Chinese had agreed to allow a gathering of nongovernmental groups in a downtown stadium near the official conference site.

However, as the time for the conference drew nearer, the Chinese Government began to fear the consequences of their citizens coming into contact with the thousands of foreigners participating in the nongovernmental gathering. Mysteriously, the stadium where the NGO's were to meet was declared structurally unsound.

The Chinese Government now wants to hold the NGO gathering an hour from Beijing in a remote location near the Great Wall.

Mr. Chairman, China's leaders need to be sent a message that they cannot impose their intolerant standards on the rest of humanity, and that they cannot turn this gathering into a platform for advancing their narrow agenda.

My amendment would urge the administration to include a representative of a U.S.-based group representing Tibetan women in the official U.S. delegation. This would ensure that Tibetan women have a voice at this conference. More important, it would send a message to the Chinese that we do not appreciate their attempt to muzzle groups with which they disagree.

Mr. Chairman, the Chinese Government has challenged the international community by excluding these groups. If we allow them to succeed in this, we are legitimizing their actions, and we should expect more of the same in the future.

I urge adoption of this amendment.

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

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HYDE

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

The Clerk read as follows:

Amendmemt offered by Mr. HYDE: Strike section 2707 (relating to recommendations of the President for reform of war powers resolution) and insert the following new section:

SEC. 2707. REPEAL OF WAR POWERS RESOLUTION.

(a) REPEAL.—

(1) IN GENERAL.—The War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.) is repealed.

(2) CONFORMING REPEAL.—Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) is repealed.

(b) CONSULTATION WITH CONGRESS.—

(1) PRIOR CONSULTATION.—The President shall in every possible instance consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

(2) CONSULTATION AFTER INTRODUCTION OF ARMED FORCES.—The President shall, after every such introduction, consult regularly with Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

(c) REPORTING TO CONGRESS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Subject to subparagraph (B), the President shall, in the absence of a declaration of war, submit a report to Congress in any case in which United States Armed Forces are introduced.—

(i) into hostilities or into a situation where imminent involvement in hostilities is clearly indicated by the circumstances;

(ii) into the territory, airspace, or waters of a foreign nation, while equipped for combat, except for a deployment which relates solely to supply, replacement, repair, or training of such forces; or

(iii) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation.

(B) EXCEPTION.—The requirement that the President submit a report to Congress in accordance with subparagraph (A) shall not apply if the President determines that to submit such a report would jeopardize the operational success of United States Armed Forces in a situation described in clause (i), (ii), or (iii) of such subparagraph.

(2) TIME AND CONTENT OF REPORT.—A report under paragraph (1) shall be submitted within 48 hours of the introduction of United States Armed Forces described in that paragraph. Each such report shall be in writing and shall set forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(3) ADDITIONAL INFORMATION.—The President shall provide such other information as Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(4) PERIODIC REPORTS.—Whenever United States Armed Force are introduced into hostilities or into any situation described in paragraph (1), the President shall, consistent with the constitutional responsibilities of the President and so long as such Armed Forces continue to be engaged in such hostilities or situation, report to Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation.

Mr. HYDE. Mr. Chairman, I am offering an amendment that repeals the War Powers Act and sets up a structure for consultation and reporting by the President.

This amendment that I am offering does three things: In addition to repealing the War Powers Resolution, it requires ongoing consultation between Congress and the President, the President to consult with Congress, before the introduction of troops, ongoing consultation while they are there and after the troops are introduced, and the third thing it does, it requires timely and comprehensive reports to Congress, within 48 hours of the engagement, and in detail. These also are ongoing.

Mr. Chairman, the War Powers Resolution was passed in 1973. In casting about for the best way to describe it, I came up with the inelegant phrase ''wet noodle,'' but that is about what the War Powers Act has been. It has never been used. No President have ever acknowledged that it is there or that it is constitutional. The vice, the flaw, the fault with the War Powers resolution is that the President must withdraw troops within 60 days after he has committed them unless Congress acts specifically to endorse the deployment.

Congress can halt a deployment after 60 days by doing nothing, by dithering, by debating. If Congress is unsympathetic or opposed to the commitment of troops, Congress can pass a bill cutting off the funding. The ultimate weapon, the ultimate power of the purse under the Constitution, remains with Congress. Therefore, that is all the authority we need to halt, to bring to a screeching halt, any commitment of troops. But to have on the books a law that says by doing nothing, by inaction we can halt and reverse and turn around a military commitment of troops is really an absurdity. What it does is provide our enemies with a statutory timetable. They can wait it out to see if Congress and the President are not getting along.

There are a couple of things we ought to always bear in mind. First of all, the Constitution says that President is Commander in Chief. That is true whether Ronald Reagan, George Bush, or Bill Clinton is President. We are talking about the institution and constitutional powers that devolve on the President, whoever that may be.

The second unshakable, immutable, important point is we always have the purse strings clutched in our hand. We can pass a bill, and we have passed several to withhold funding for certain military operations. That is the effective way to work our will should we disagree with the President.

Congress alone can declare war but the President who is charged with the responsibility of defending this country needs flexibility, he needs to act quickly, and he should not, and the law should not provide our enemies, whether it is Saddam Hussein or Raoul Cedras or anybody else, with the hope, with the expectation that in 60 days they will all have to come home.

□ 1600

That is a disincentive to settle a dispute and to negotiate.

So, I think that is a mistake and I think it has been on the books too long and it ought to be taken off.

No President has ever considered the war powers resolutions as constitutional. I have letters from President Ford, President Jimmy Carter, President George Bush. Henry Kissinger said it should be repealed; it is misleading and ineffective. Howard Baker when he was the majority leader in the Senate said it is an attempt to write in the margins of the Constitution. It is confusing and gives comfort to our opponents.

Congress has used its power of the purse to limit and even halt military operations, many, many times, and I have a list here from the congressional reference service. During the Vietnam war in December of 1970 we prohibited the use of funds to finance the introduction of ground combat troops into Cambodia or to provide advisers to or for Cambodian military forces. In 1973 we cut off funds for combat activities in Indochina after August 15, 1973. We did. June 30, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by U.S. military forces in or over, above the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, we set a personnel ceiling of 4,000 Americans in Vietnam 6 months after the enactment and 3,000 within a year; in Somalia we did the same. In Rwanda we did the same. And interestingly enough, the congressional reference service says, and I quote, ''With respect to your question regarding the number of instances when the Congress has utilized the War Powers Resolution, since its enactment in 1973, to compel the withdrawal of U.S. military forces from foreign deployments, we can cite no single specific instance when this has occurred.''

So it is a useless anachronism and we ought not to have it on the books. No Supreme Court test is even possible. Several attempts have been made to test it. The courts have said they are not justifiable. It did not stop what we did in Somalia, it did not stop what we did in Haiti. We had a vote on Desert Storm but nobody conceded that was pursuant to the War Powers Resolutions.

It provides a false hope to our adversaries; it is confusing.

My amendment does not just wipe the books clean of the War Powers Resolution, it requires adequate, timely, prompt consultation with Congress, and notice of what the President is going to do, and reporting, comprehensive reporting. There is a Presidential waiver, but that is for the Entebbe sort of situation and we still hold the ultimate weapon which is the purse.

We cannot get, as I say, a constitutional test on it, but it emboldens our adversaries while hamstringing the President when he most urgently needs the authority and the flexibility to act.

Permit me just to read from George Bush's letter of April 17, this year. ''Deal Henry, you are 100 percent correct in opposing the War Powers Resolution as an unconstitutional infringement on the authority of the President. I hope that you are successful in your effort to change the War Powers Resolution and restore proper balance between the Executive and Legislative Branches. George Bush.''

Gerald Ford: ''Dear Henry, I share your views that the War Powers Resolution is an impractical, unconstitutional infringement on the authority of the President, I opposed it as a Member of the House. As President I refused to recognize it as a constitutional limitation on the power of the commander in chief.''

Jimmy Carter to Congressman HENRY HYDE: ''I fully support your effort to repeal the War Powers Resolution. Best wishes in this good work,'' et certa.

So I just say to my colleagues, they are not yielding anything, they are retaining the power of the purse, which is the ultimate weapons. But my amendment requires notice, consultation, and reports, and with that in one hand and the power of the purse in the other, we are yielding no autonomy on the issue of committing troops, but are clearing off the books of unconstitutional infringement on the President's power, And are giving the President flexibility that the President may need over a weekend when something happens. And we are not giving hope and comfort to our adversaries that if they just wait it out, 60 days, will elapse, we will be dithering, we will be debating, and nothing will happen and the military engagement will end.

So I respectfully request the support of the Members in adopting my amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must say I rise to discuss the amendment by the distinguished chairman of the Committee on the Judiciary because I know he has given this very serious thought. But I think I come down on the other side and say maybe this is too hasty at this moment, and to move forward right at this time without more serious debate is very troubling.

The gentleman from Illinois and I were both here when this amendment went through, and I would be the first to concede it has not worked as well as many of us had hoped it would work when it was passed in 1973.

But let me talk about what I thought the driving factors were of that war powers amendment. If we go back and look at the history, the Constitution says in article I, section 2, the Congress is the one, the Congress is the one that gives the money and raises the army. We are the ones that must do that. And the President is the commander-in-chief.

If you also look at President Washington's speeches about foreign entanglements and many other such things, I think it is very clear that our forefathers and foremothers never really foresaw a day when we would be deploying hundreds of thousands of troops overseas. One of the incredible, unique things about this country is it had unloaded upon it, whether it wanted it or not, a world leadership role where even though we are only 3 percent of the world's population, we have been carrying a very heavy burden of maintaining freedom on this globe in this century, and the War Powers Act was a modification that came in this century.

Part of that was we have been one of the very few governments on the planet that would deploy hundreds and hundreds of thousands of our most precious treasures, our young people, overseas for someone else's freedom. This War Powers Act would not have occurred if we had only been acting within our borders to protect our borders as most countries do and is much more traditional.

But when you start deploying them overseas, and we had seen in both the Korean and the Vietnam war many hundreds of thousands deployed overseas without a declaration of war, without a consultation of Congress, and we were suddenly left there under article I, section 3 having to raise the money, and raise the number of troops through drafts and many other things, and so this body said no, no, no, there should be, when we are doing these massive deployments overseas, a little more consultation at the beginning.

The only area I can think of where this has worked very well since then has been the gulf war where we had a very historic debate on this House floor, and I must say I thought it was very valuable for the whole Nation. All over the Nation you could hear people listening to this debate, and when this debate ended and when one side won, everybody shut up and supported those troops that were over there until it was time to bring them home.

I think that is important, because otherwise, if you allow a President to decide when we are going to commit troops, whether it would be today in Bosnia, say the President of the United States today decided OK, we are going to go into Bosnia, that is probably option 3. Option 1 would be you help them withdraw. Option 2 would be we do nothing. Option 3, we are going to go gangbusters, we are going to take a side and we are going to be in there. In fact, there are some Members out there now saying that is what we should do. Do you want the President of the United States to be able to make that decision, send off a half a million men, which is about what it would take, men and women, and go over there and just come tell us about it after they did it, and our only choice would be that we cut out the money? I think the War Powers Act has had an effect, and I think with the demise of the cold war I do not see any reason that we cannot work out a way to maybe make this better, to maybe make it more efficient, but I am not sure we need to do it in a haste right now where we just withdraw as Members of Congress and say we are going to let all of that fall on the shoulders of the President of the United States, and of course if he messes up or she messes up, then we all have the prerogative to jump up and down and scream at him. I would think that the last few days of Bosnia would be the greatest reason for why we should not do this right now, because you see no matter what the President does you have all sorts of other voices jumping up and down saying no not that, oh why did he do this, oh, you cannot connect the dots on his policy, oh, he is not being consistent. He should do more; he should do less.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, it seems to me that what we would be saying is we want to be able to criticize, but do not give us any responsibility. I would think the American people would think that if the President decided we were going to take a side in the Bosnian war, he would do more than just come tell us, consult us, and send someone to brief us on it. I think they would want their representatives to be involved in that debate at the beginning, so that we stay behind those troops when they are overseas in that difficult point.

But I keep saying the War Powers Act came because of the new missions the United States had heaped upon it as a world leader after World War I and World War II. And I think it is a very, very, important addition, and I hope very much that maybe we take the concerns of the gentleman from Illinois [Mr. HYDE] into consideration and we all work very hard to figure out is there a better way to do this. But I think to back off and say we are giving it up would be the wrong way to go.

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

Mr. Chairman, I rise today to express my strong support for repealing the War Powers Resolution with the consultations as set forth in the Hyde amendment. I understand the history of the resolution that is described by the gentlewoman from Colorado, and I appreciate that, but it is my belief that this 22-year relic of the Vietnam era is both unconstitutional and ineffective. I want to commend the gentleman from Illinois for raising this issue, for bringing forth the amendment today and for all of his efforts over the years on this.

I served in the Bush White House in the counsel's office, so I saw firsthand just how this resolution can interfere with the President's ability as the commander-in-chief to defend U.S. interests. I think the Constitution has its right, particularly in this dangerous world where rapid deployment is vital, vital to success. The President must maintain his authority as commander-in-chief to protect U.S. interests around the globe. Under the War Powers Resolution, however, as the gentleman from Illinois [Mr. HYDE] stated earlier, if Congress fails to explicitly endorse the deployment of troops, the troops must return home. I think this is a flagrant intrusion on the President's constitutional rights inherent as commander-in-chief to defend and protect the Nation. There is a reason that all four former Presidents, Democrat and Republican, support repeal. The Constitution struck the right balance. It granted the President the right to act as commander-in-chief to protect U.S. interests. It also provided appropriate checks for leaving the authority for funding military operations with Congress. The War Powers Resolution tips that healthy balance, tips it too far, by allowing Congress to override the President's constitutional authority by mere inaction. If Congress simply fails to act, 60 days after deployment U.S. troops engaged in hostilities must be withdrawn. In my mind this is a taking. It is Congress taking authority away from the President to act as commander-in-chief.

As important, the practical application of the War Powers Resolution is essentially rendered ineffective. We have seen that over the years. It was noted earlier by both speakers. It has also increased the danger to U.S. personnel and interests. By requiring the withdrawal of troops within 60 days unless Congress acts, the resolution permits Congress to drag its feet until policy is established by inaction. More troubling I think is that the resolution unwisely undermines U.S. policy. It is dangerous. Our enemies have a strong incentive if the War Powers Act acts as intended to resist negotiations and wait out the 60 days. Why should they not? In other words, the effect of the War Powers Act is really to embolden our enemies and endanger our military personnel overseas unnecessarily.

Whether we are dealing with Raoul Cedras, Manuel Noriega, or Saddam Hussein, we cannot simply afford to send our enemies the message that the actions of our military and the President are not the actions of the United States, do not constitute the will of Congress and the people. They must, until Congress explicitly acts otherwise. If we insist on keeping the War Powers Resolution, I would urge this Congress to make changes to it to force Congress to face the issue.

□ 1615

Let us vote up or down on the issue. Let us openly confront the question of deployment.

Under the war powers resolution, we have got it both ways. We have got the best of both worlds. We can tie the hands of the President and avoid a direct up-or-down vote on an often tough issue whether to deploy or not. If we keep the resolution, I think it would be better to establish expedited procedures during that 60-day period, forcing to act by joint resolution on an up or down vote, either authorizing action or requiring disengagement.

As President Nixon noted in his veto of the War Powers Act in 1973, ''One cannot become a responsible partner unless one is prepared to take responsible action.''

Let us act responsibly today, 22 years later, and end this congressional encroachment.

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

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

Mr. BERMAN. Mr. Chairman, I appreciate the gentleman yielding, I appreciate his comments and certain parts of his argument I find very compelling.

Mr. PORTMAN. What part does the gentleman not find compelling?

Mr. BERMAN. The part I am going to get into right now. You spoke about working in the Bush White House and the War Powers Act tended to create some uncertainty, tended to immobilize the administration in some fashion, undercut the administration's aims.

I would like to develop this more extensively because the way I look at the War Powers Act, it is a law that no President recognizes, no court is willing to enforce, and as you pointed out, in almost every instance the Congress

is not willing to step up to the plate anyway because they do not want to take a firm position because they want to see how it is going before they jump on the bandwagon.

Mr. PORTMAN. Reclaiming my time, the gentleman has made an excellent case for repeal of an ineffective act. Presidents have ignored the War Powers Act on an official basis. However, our enemies overseas know it exists. It is on the books. Frankly, it is a consideration taken into consideration as Presidents decide whether or not to go to Congress, as we saw with the Gulf War, to receive, and in that case approval, so it is something that is not working. It is unconstitutional.

The reason it is not working, I believe, goes to the Constitution. In other words, the constitutionality of it is the reason it is not working.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has expired.

(On request of Mr. BERMAN, and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. Mr. Chairman, if the gentleman will yield further, is the gentleman saying that without the existence of the War Powers Act, the President would not have asked Congress to take a position authorizing the use of force in the Gulf?

Mr. PORTMAN. The answer to that question, reclaiming my time, I would say that is a consideration that every President has to factor in is that it is a law on the books. It is a pressure applied to the executive branch. It is a factor when one is considering deployment, and necessarily so. I think it would also lead to a lot less ambiguity, as I said earlier, with regard to our foreign adversaries.

Mr. BERMAN. If the gentleman wil continue to yield, I started out thinking that I would vote for the repeal of this act. But if the consequences of repealing the act, if the existence of the act did in fact argue for the President to come to Congress to ask for authorization for the use of force, you have given me the most serious, important, and useful purpose, more than I ever thought that I had.

Mr. PORTMAN. I would encourage the gentleman to take a look at the Hyde amendment carefully because it requires the kind of notification and the kind of consultation that, frankly, I do not think we have now. I think, under this new iteration, with repealing the War Powers Act, by being required to come to Congress for notification and for consultation, I think you would find that in fact Congress would be more of a partner with the executive branch in the future.

Mr. BERMAN. If you just would yield one more time, but that sort of begs the question. Consulting, we have all kinds of consultations, and all kinds of notifications, the fact is Desert Storm was a carefully planned, date-certain decision to use force. If it was not a war, then there is not any.

You are telling me, it sounds like, that in the Bush White House one of the reason they decided to come to Congress, to not consult, not notify but to seek authorization for the use of force, was the existence of the War Powers Act, which makes a case for the existence of that act and an argument against the repeal. I think, perhaps more than any I had though of, making me change my mind.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has again expired.

(On request of Mr. HYDE and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. PORTMAN. I thank the gentleman.

I thank my colleague from Illinois may have some salient comments on this. Let me say the power of the purse, to my friend on the other side of the aisle, is far more powerful and is a much more powerful inducement, I believe, to that President and other Presidents, than any other. Congress could always have acted to force us to withdraw troops from the Gulf had we used the power of the purse and pulled the appropriations. That is ultimately where I think our power derives. I think also, if you look at the amendment, you will see there is consultation and notification that would actually take place.

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

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

Mr. HYDE. I would just tell my friend from California at that time in history I was ranking member of the House Intelligence Committee and, therefore, I got invited into the consultations, and we spent a lot of time, many, many days at the White House, Dante Fascell, Senator NUNN, everybody who had any connection with the military, foreign affairs and intelligence sat around and this was fully, fully debated. There was no question that the President was going to do something without Congress's knowledge and acquiescence.

So I do not know what the gentleman doubts, because we require prior consultation, during consultation, after consultation, notification within 48 hours, and reports, detailed reports.

Mr. BERMAN. If the gentleman will yield, I understand there was all kinds of consultation, and I was in some of those meetings as well.

But what the gentleman in the well is saying is, in the end, the decision to come to Congress and ask for authorization was at least in part made because of the existence of the War Powers Act.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has again expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. HYDE. If the gentleman will yield, I would just say to the gentleman from California [Mr. BERMAN], and I hope I do live to see the day that you are President, I would be very thrilled and applaud that good judgment by our American voters, but I would say this——

Mr. BERMAN. Would you endorse me for reelection.

Mr. HYDE. I did not catch that. What did you say?.

Mr. BERMAN. I said would you just endorse me for reelection?

Mr. HYDE. I would not mind. I do not know who your opponent is.

Mr. PORTMAN. Reclaiming my time——

Mr. HYDE. You are getting me in trouble here. I would work very hard for the gentleman's vote.

Let me just say this to you: There is no question that a law on the books has to be taken into account by a President. He may think it is unconstitutional, but to just deliberately flout a law that is on the books and has not been declared unconstitutional would be very foolish. So I do not think you can read into the fact that they considered the existence of this law that it animated them to do anything. Common sense and the President's own military experience and service in Congress required him to consult, and he did.

Mr. BERMAN. If the gentleman would yield, but in the end, the Constitution gives the warmaking power to the Congress. Obviously, statute cannot repeal or modify or limit the power. I would have thought that the President would feel compelled to come to the Congress and that the use, authorization for use of force was the substantive equivalent of a declaration of war, and if in fact that is not the case, that was not the constitutional power of that provision that motivated him to come to Congress but, in part, was one of the considerations, it makes me a little concerned about what was, when I got up, an inclination to vote for repeal of this law.

Mr. PORTMAN. Reclaiming my time for what little time remains, I would just say I would like to echo the comments of the gentleman from Illinois. I think it has to be a consideration when it is on the books. I think it is ineffective. I think it violates the constitutional rights of the commander-in-chief. I think the reason previous President may have come to Congress, including the case the gentleman from California mentioned, perhaps that was a factor, but there are other considerations that were overriding.

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

Mr. Chairman, the situation in the world today, there is a lot of focus on Bosnia.

If this Congress votes to exclude itself in any active way from the process of engaging military forces around the globe, it will be very difficult for either

Republicans or Democrats to come back here if American troops are committed in a serious way to Bosnia, and say, ''Wait a minute, we want to get at this some way.''

And what is the response going to be? ''Well, you have got consultation. You are guaranteed to be consulted with. They will call you in and they will explain there are now troops on the way to Bosnia.'' You will say, ''We want to do something about it.'' ''Well, there is going to be another consultation as soon as the troops get there. When we get time to take the troops out, you will get another consultation.''

The war powers provisions are not perfect. This is not a world that can easily accommodate the two branches of government involved in the decision to commit American forces in war with a time frame that is often instantaneous.

But there is no question that the war powers provision, as is evident from the comments of the gentleman who just spoke, have forced Administrations to recognize the need to involve the Congress.

Now, is there an advantage to giving the Congress an opportunity to view the President's policy before making a commitment? Well, I would tell you that many of the Members of Congress who voted for the Gulf of Tonkin Resolution wish that they had not done so.

Why? The most difficult act in American politics is not to be wrong, it is not to be even voting against your constituents' interests. It is to be inconsistent, and it is impossible to explain that the circumstances have changed.

We all remember Mr. Romney when he ran for President changed his position on Vietnam. He said he was brainwashed. Well, that was probably a bad choice of terminology. But he was dead.

It is very hard for a Congress that has at the ground level jumped in the boat on a strategy to then review that strategy. It is almost impossible for an executive. An executive in his first term, looking at reelection, takes a course of action, and then he is going to come back and say to the American people, ''I made a mistake. We lost 5,000, we lost 10,000, we lost 300 men. But it was a mistake being there.'' No, he has got to stay the course. That is what seems to sell politically.

It is a lot better to have a Congress that has maybe sat back, in some instance out of lack of courage, I will grant you, but it is also timely, often, to sit back and view a policy and make a decision after more of the facts are in.

This is not a perfect process. But it is no question that simple consultation, and I think the desires of the gentleman from Illinois here are honorable, there is no question he is frustrated by what we have done in Congress all too often, and that it sat back as Presidents took action, fearful to take a public position, and he is also probably frustrated by Presidents who did not come to the Congress and demand we get engaged, but the Presidents do have that authority.

The President did not come here and ask us to give a declaration of war. The President can come here, as President Bush did, and ask for support for what he is doing, which may not be technically meeting of standards of being committed to war, but certainly was basically telling the same thing to the American people, that both the President and the Congress were on the same side of this particular issue.

The war powers provisions, I think have worked. They have worked to force the dialogue, to force the President to take into account what Congress might do, what Congress's actions could be if things do not turn out as rosy as the generals and the CIA tell them they are going to be.

To change the war powers provisions is for Congress to abdicate any serious role in the commitment of troops on the ground.

Again, whether in the next 4 years or in the next 5 years, whether a Republican or a Democratic President, think of yourself as a Member of Congress who voted to get rid of the war powers provision, think about yourself at a town meeting, and they are saying, ''Congressman, my son is in a battlefield today. I want you to bring him home.'' Your answer is going to be, ''I get to be consulted by the President.''

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

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

Mr. HYDE. Mr. Chairman, why does the gentleman assume paralysis on the part of Congress when it comes to appropriating money? Is the gentleman not aware that we have cut off funds time and time again for military operations? And the gentleman, as a Member of Congress, could join in the consensus that can be developed and cut the water off immediately.

Mr. GEJDENSON. The problem with simply dealing with the funding issue, we saw at the tail end of the Vietnam war, we have seen it in so many other instances, that the Administration, one has multiple resources.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. GEJDENSON] has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. GEJDENSON was allowed to proceed for 1 additional minute.)

Mr. GEJDENSON. Mr. Chairman, Administrations have multiple resources for smaller wars that they can operate without direct funding, and additionally, what it leaves us with is only one option to review the process, and often an option that is very difficult to bring to the floor.

My HYDE. I just think the gentleman underestimates the power of Congress.

Mr. GEJDENSON. I have been here not as long as has the gentleman from Illinois, but there is no question the power of Congress is enhanced by a law that gives us a role and a positive action in the process rather than simply being consulted.

□ 1630

The consultation process again is a very weak situation to find yourself in. The President fulfills the law if he calls up the Congress and tells them what he is doing. I think it is much better, both for Congress' responsibility and the President's responsibility, to force Congress to either take an action or, through its lack of action, to give the President support for his policies, and also clearly to give Congress and the American people some time to view the developments in the field.

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

Mr. Chairman, this is an extremely important debate. Although I was not going to talk on this issue, this is an issue that can affect the lives of many, many Americans, and I think that we all have to have our say. I rarely disagree with my friend, the gentleman from Illinois [Mr. HYDE]. He is one of the best members, by far, that we have on this committee, and I have sat next to him in the International Relations Committee for 10 years.

On this particular issue, which is of paramount importance, I listened closely to the comments from our former Presidents that were quoted here on the floor and from the people who worked in the White House. They are very eloquent. But, as my colleagues know, every president finds Congress inconvenient and an intrusion, but we are a democracy, not a monarchy, and that is why it is so important for Congress to be involved.

The American people have a right to have a say, and the American people, especially on issues of war where we send or sons and daughters into harm's way, certainly should have a right to speak out.

I once went on TV and debated the repeal of the War Powers Act with Representative Solarz. While debating, I said, yes, we have to repeal the War Powers Act. But when we stop to consider what we have seen since 1973, there is a reason why the War powers Act resolution was passed by this Congress. The history shows as I see it, that there are only two central issues involved in the War Powers Act: first, how to ensure that the president consults with Congress before U.S. troops are sent into hostilities; and second, that Congress must approve the use of forces or else they will be withdrawn within 60 days.

Now in the last 22 years there have been 40 occasions when the Presidents have consulted with Congress under provisions of this act, and these have covered events from Lebanon, to the Persian Gulf, to Haiti, Somalia and even to Bosnia. Twice Congress has invoked the act in authorizing the use of troops in combat, in Lebanon and also in the gulf war.

However, the crux of the law, which is forcing the withdrawal of U.S. troops when Congress does not approve, has never been invoked. There are some 12 cases that have come before the courts, and the courts have not become involved. This is the history of the War Powers Act.

But let me suggest to the members that this is probably the most important time to debate this resolution, because we are on a brink of war today. I mean that last night we had some 1,500 troops ordered out of Germany and flown down into Italy to get ready to jump into Bosnia, into that civil war. So this is the time to debate this issue, because the deepening crisis in the Balkans may lead us at some point to invoke the war powers to withdraw these forces.

After all, the American people are not in favor of this intervention. In matters of months, or weeks, or even days we may be grateful that we have the War Powers Act on the books. I want to be able to go back home and tell my people, You're darned right, I spoke up on the floor of Congress about this. This is an issue that involves the lives of young men and women here in our country, and it's important for us to speak out.

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

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

Mr. HYDE. I want to suggest to the gentleman I am as concerned as he is with the lives of young people. I have been in combat, I was in an invasion, so I am very sensitive to that.

Now will the gentleman tell me why is it, does he believe, that Congress is impotent to stop within one day any military engagement if we cut off the funding? Is the gentleman aware of how many times we have done that?

Mr. ROTH. Yes, I will——

Mr. HYDE. Why are we impotent? Why do we need this act which is a nullity——

Mr. ROTH. Let me take back the balance of my time, and I will be happy to respond. I say to the gentleman: With war powers you're giving the President 60 days to withdraw those troops. If he doesn't withdraw those troops, Congress is intervening.

I feel that Congress has not only a right, but has an obligation, to speak out in cases of America getting into war. That is why I think that the war powers resolution at certain critical times is something that we should have. We should have the power——

Mr. HYDE. When has it been used?

Mr. ROTH. I think twice, once in Lebanon and once in the gulf war.

Mr. HYDE. Nobody ever conceded that that was for the War Powers Act.

Mr. ROTH. I know that is your view, but let me take back the balance of my time and say the reason the President, I think, has been more sensitive to Congress is because we have had the war powers resolution on the books. I think, if we had not had the war powers resolution on the books, the President may not have been that sensitive to Congress.

I do feel that it is very important for the Congress to speak out. In my opinion, repealing war powers is like abolishing the fire department just because there has not been a fire in the last couple of years. We are facing an intervention in Bosnia right now. Just because Congress has not used the War Powers Act——

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(By unanimous consent, Mr. ROTH was allowed to proceed for 3 additional minutes.)

Mr. ROTH. For example, I think we are facing a very perilous time right now in Bosnia, and, as I mentioned before, there is a looming crisis. If we repeal the War Powers Act now in the face of a wider war in the Balkans, this Congress could, in my opinion, be guilty of dereliction of our duty to the American people and the young Americans whose lives may be at risk.

I feel that we in Congress have an obligation to speak out, and I am sorry that we have not been speaking out more forcefully in Bosnia. If the President is going to put 25,000 troops in Bosnia, why is this Congress not speaking out? Why are we not debating that issue on the floors?

On Friday we lost a pilot in Bosnia, one man, one American, and today it is Wednesday. We still have not found him. We do not know if he is alive or dead. Now we are getting ready to put 25,000 troops into Bosnia, and this Congress is not debating this issue.

I think we are being derelict in our duty, quite frankly, and I think that is why the war powers resolution is important, because it keeps Congress in the act. But if the President, as we have seen, is listening to people other than Congress, I think that is why the war powers resolution is so important.

How many of my colleagues here are aware just how close we are to fighting in Bosnia? I certainly hope we are aware of it. The Clinton Administration has promised to send some 25,000 ground troops into Bosnia. This is very serious; it is serious for our troops.

Sure, the people here are not going to be fighting, but the kids off the dairy farms in Wisconsin, small cities of Wisconsin, are going to be fighting, and I do not want them going into Bosnia without my having a right to speak up on the floor and having this entire Congress debating that issue. That is why this is important.

We all too often have been derelict in our duty. We have had 40 engagements since the War Powers Act was instituted, and only twice, only twice, have we invoked the war powers, and I think it is very important, especially at a time like this, that we not repeal the war powers resolution.

It has not harmed our foreign policy. We have had it for 22 years. Show me one instance where it has done any harm. It has not done any harm, so why repeal it?

With this administration seemingly bent on jumping into the quagmire, we simply cannot afford the risk.

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

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

Mr. HYDE. Can the gentleman envision Saddam Hussein taking comfort in the fact that after 60 days maybe the troops would be withdrawn while Congress dithered?

Mr. ROTH. Reclaiming my time, I say to the gentleman, Congress did not dither. I was here on the floor, and so were you, and so was everybody else when we voted to give George Bush, the President, the power to go into the Gulf War. So we were in that decision, and it didn't stop, hinder, us in any way because we had the war powers resolution.

I do not think that the war powers resolution ties the hands of a President, and I say, You're never going to be able to do that, but I think what it does is put Congress into the equation, into the debate. When we go into these issues of life and death overseas, I think it's not only right but it's proper, and it's our duty to do that.

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

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

Mr. HYDE. I just want to say I was here in 1975, and I remember it was 2 o'clock in the morning, and we were debating, and we debated—the total debate lasted three weeks, and President Ford wanted authority to send troops to get our people out of Saigon, and Congress never could reach a decision, and I remember John Connolly—John Conlan, I guess his name was, from Arizona—standing there saying, ''It's Dunkirk over there. We're getting pushed in the sea.''

Congress could never come to closure. The President finally sent the troops anyway, but that is what it was——

Mr. ROTH. Reclaiming my time, in the 22 years that we have had the War Powers Act on the books, it has not inhibited the President for a second in any particular time, and the Congress has got to be involved in these important issues.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(On request of Mr. BERMAN and by unanimous consent, Mr. ROTH was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, would the gentleman yield for a question?

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

Mr. BERMAN. Through the gentleman I would like to ask the gentleman from Illinois:

''I think there is a good case that the 60-day provision creates a level of uncertainty and can create an expectation in the enemy that doesn't serve

U.S. national interests. But you don't need to repeal the War Powers Act to do that. You need to deal with the 60-day requirement, and I just wonder how the gentleman feels about that particular concern, given that it is not enough to say the appropriations process. If you are talking about rescinding the appropriations for the military in the middle of a fiscal year, you are talking about getting the votes to pass it to override a veto. It's very different than the majority of the Congress cutting off—as simple as cutting off the appropriations in the middle of the year. That can't happen.''

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

Mr. Chairman, I want to thank my colleague from Illinois for graciously letting me go out of sequence here, although it does keep a continuity of pro-con, pro-con, and I will try and be brief here because I have pride of ownership here.

H.R. 1111 was the only bill in either body all year building up to this debate. I am indebted to my friend, the gentleman from Illinois [Mr. HYDE], for carrying this. I am going to put Mr. HYDE'S article, which I think says it all, when we go back into full House, and I will ask permission to do that at the end of the debate, and I am really curious to see how this debate is going to turn out because it has been a excellent debate, and I have got friends all over this.

As a matter of fact, the reason I am a bit antsy and about to get a hernia to get my chance is I have got the Secretary of Defense, William Perry, and Chairman of the Joint Chiefs, Shalikashvili, sitting there in the National Security Committee, and I do not want to send one single American young man or woman, not even fighter pilots, not ''Deny Flight,'' not top cover, not close air support. No American from this country, or Canada for that matter, should die for Europeans again in another civil war inside Bosnia-Herzegovina, and look what is seemingly contradictory. I am trying to give the President more power to act, and the reason I ask for that number 1111 is because this gives the Commander-in-Chief the ability to move quickly, effectively, unilaterally in our national interests before a prolonged debate here brings in Europe, Asia and Africa's opinions, and it enables him to move decisively.

Now obviously I am doing this for future Presidents. Nobody thinks about some of these military expressions like over hill or over dale, or off we go into the wild blue yonder, when you think of our Commander-in-Chief, let alone Semper Fidelis or Semper Paratus. However, I am doing this for history, for the Presidents to come. I would not go back through all the President's letters.

Suffice it to say this:

''Somalia proved the point of Mr. HYDE and myself, Mr. FUNDERBURK. Somalia proved that the current chain of command is more concerned about meeting requirements of the war powers resolution than ensuring that we deploy adequate combat power when necessary. If it weren't for this darned War Powers Act, we never would have thought twice about lending one M–1, one tank, or one Bradley. They had six of those at Waco. We didn't have one to blow through those road blocks on the ground in those filthy alleys of Mogadishu. We would have had our AC–130 Specter gunships in there. American troops would have had the support they needed, and maybe not one or most of the 19 of best-trained sergeants and helicopter crews would have died in the alleys of Mogadishu.''

Please support the Dornan-Hyde amendment. It is time to repeal the War Powers Act, and I look forward to an overwhelming vote today, and I tell the gentleman in front of my colleagues, ''Mr. DURBIN of Illinois, I owe you one.''

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

Mr. Chairman, I respect my colleague, the gentleman from Illinois [Mr. HYDE], and I respectfully disagree with his amendment.

□ 1645

One of the saddest responsibilities of any Member of Congress is to stand at the funeral of a fallen soldier. Many of us have had to do it. After the crack of the rifles, after the honor guard has folded the flag from the casket into a neat tri-corner and handed it to the family, it is often our responsibility to walk over to the family of the fallen serviceman and to strain to find some words to say.

I do not know that I could walk up to the family of a soldier who has died in the invasion of a foreign land, and say I am very sorry, but Congress voted just a few weeks ago not to have any voice in the decision as to whether your son or daughter would go to war. You elected me as your Representative, but I had no voice in a premeditated declaration of war which ultimately took the life of your son or daughter. You gave me your voice in Congress to represent you, and I gave it away. I could not say that.

Our Constitution could not make it clearer. Article I, section 8, clause 11 of the Constitution confers on Congress, the House of Representatives and the Senate alone, alone, the power to declare war, and the War Powers Act, imperfect though it may be, is an effort to carry out the intent of our Constitution, the clear unambiguous intent of that Constitution, to require Congress, and the American people through them, to enter into a debate and deliberation before we send our sons and daughters off to die.

I think today, 22 years after the fact, we may have forgotten the circumstances of the creation of this War Powers Act. It is said that those who ignore history are doomed to repeat it. This act was enacted in 1973 over the veto of President Richard Nixon. It followed the Vietnam war. It was an extraordinary situation. Congress came together, Democrats and Republicans, and rebuked the sitting President of the United States and said ''We have learned our lesson. Vietnam has taught us a bitter lesson. Never, never, never again will this country allow so many wonderful young men and women to give up their lives without the kind of full-scale national debate of this Nation through its Congress.''

Then we enacted the War Powers Resolution, after 58,000 Americans lost their lives in an undeclared war which Robert McNamara now concedes as unwinnable in his infamous apologia. An America ravaged by the divisive national debate over Vietnam, an America devastated by the loss of so many good men and women in that war, an America cynical over being lied to and misled by Presidents of both political parties, that America of 1973 passed this law and vowed to do everything in its power to avoid any repetition of the national tragedy of Vietnam.

So today, 22 years later, we come to repeal the law, to walk away from it, to basically abdicate our congressional responsibility, to say to this President and every President to come, it is your responsibility. It is your war. Come see us, consult us, talk to us. If we get upset with it after it is done, we will probably try to address it through an appropriations process.

Like so many other actions we have taken over the last several months, this is a further erosion of the power of everyone sitting in this gallery and everyone listening to my voice who elects a man or a woman to come and stand in this well before this microphone and speak for them. It takes away that power. It takes away the authority of your family to be represented in that national debate.

As I reflect on what I have accomplished in the years that I have served in the House of Representatives, one of my proudest moments was to cosponsor a resolution with former Congressman Charles Bennett before the Persian Gulf war. That resolution brought every Member of the House of Representatives to the floor in an all-night session to express their most heartfelt views as to whether or not we should engage in war. It was the finest hour of this Chamber in all the years that I have served. We stood tall for the constitutional principle that it was our responsibility to declare that war and to decide whether anyone's life would be risked. And we passed that resolution, saying it was the congressional responsibility, by a bipartisan vote of 302 to 131. We then went on to vote on the question.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 3 additional minutes.)

Mr. DURBIN. Mr. Chairman, as was alluded to by the gentlewoman from Colorado, after that debate, after the bipartisan decision that it was Congress' responsibility to decide whether we would go to war, we voted on the question. You could have heard a pin drop in this Chamber. People were waiting to see what would happen. It prevailed. President Bush's position prevailed. And even those, and I was one, who were critical of the idea of engaging in that war then said the debate is over. We stand behind the men and women whose lives are on the line. And we went forward, united as a Nation, to a swift and decisive victory.

Now, I know when the Constitution was written wars were conducted in a much different fashion. It took months, sometimes years, to muster an army and to bring about a war. There was plenty of time for deliberation. We live in a different time. The Commander in Chief of the United States, the President, has that express authority in the Constitution. He must respond to emergencies immediately. He cannot wait for Congress to debate it. The President of the United States as Commander in Chief must take defensive actions immediately. He cannot wait for a committee hearing.

But in a Persian Gulf war situation, with a premeditated deliberation, we had a chance as a nation to decide as a nation what we would do. This decision today, if we adopt the Hyde amendment, completely walks away from this congressional opportunity and responsibility.

To argue that we could take the funds away once the war has started, sure, that could happen, over months, maybe even over years, as we debate back and forth the right language, whether an appropriation will be changed, whether we can override a veto. Sure, Congress has a voice in it, but only a voice, and a muted one, because of this amendment.

I implore my colleagues not to seize this amendment as the opportune moment today in today's circumstances, but to reflect on the history that led up to this war powers resolution, the history of Vietnam, the history that taught us as a country and as a Nation we must stand together as a people and debate whether or not we engage in premeditated war.

Mr. Chairman, I urge my colleagues to oppose the Hyde amendment.

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

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

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

Mr. HYDE. Mr. Chairman, I just want to say I listened awestruck by what the gentleman from Illinois just got through saying. It appears to me that he really believes this act, this war powers resolution, which the Congressional Reference Service 2 days ago said, with respect to your question regarding the number of instances when the Congress has utilized the war powers resolution since its enactment in 1973 to compel the withdrawal of U.S. military forces from foreign deployments, we can cite no single specific instance when this has occurred.

It has never been used. The gentleman seems to imply that Congress would be in a state of paralysis if we got into a combat situation. I would tell the gentleman, but he knows this, we have a Committee on Appropriations, a Committee on Armed Services, a Committee on International Relations, and they would be vigorously holding hearings and disbursing legislation, and we control the purse. The existence or nonexistence of the War Powers Act is utterly irrelevant.

I thank the gentleman.

Mr. FUNDERBURK. Mr. Chairman, I am proud to stand with Chairman HYDE and Congressman DORNAN as an original sponsor of this amendment.

Mr. Chairman, there is no more vocal critic of this administration's foreign policy and its misuse of the military than this Member. My district borders Fort Bragg. The soldiers of the 18th Airborne Corps have borne the brunt of the Clinton administration's misadventures in Somalia and Haiti. As we speak the Clinton administration is even contemplating action in Bosnia. But, the issue here is not the competence of Bill Clinton. The issue is whether we will be faithful to the Constitution and restore the delicate balance of power between the President and the Congress.

There will be some who say that the timing of this amendment is wrong. They argue that with war in Bosnia looming we should maintain the status quo. That argument is wrong on two accounts. First, adhering to the original intent of the Framers is never wrong. Second, the repeal of the War Powers Act increases the President's responsibility for explaining to the American people the reasons for expanding our role in Bosnia. Repeal the War Powers Act now and Mr. Clinton can't say his Bosnian policy was hamstrung by the Congress.

Mr. Chairman, despite events in Bosnia, this isn't a partisan fight. Every President since 1973, Republican and Democrat, has urged the repeal of the War Powers Act. Plain and simple, it is a ticking time bomb. If we don't diffuse it now, at a time of relative peace, it has the potential to explode during a great national crisis. In a strange way, this act, first promoted by the so-called peace movement of the 1960's and 1970's, reduces deterrence, increases the risk of war, and places our combat troops in greater danger.

Let me put this debate in some historical context. The conflict between congressional and Presidential war powers is as old as the Constitution. But, until the twin disasters of Watergate and Vietnam, the President's authority over the deployment of American troops had been relatively undisputed. The War Powers Act, passed over the veto of President Nixon in 1973, changed that. The act was the centerpiece of the activist, radical Vietnam/Watergate Congress.

As Ambassador John Norton Moore notes, the first problem is that the act itself is a product of a myth—the myth that somehow the Vietnam war was ''a presidential war'' and if Congress only had a veto over the President's war powers there would have been no lives lost in Indochina. That myth is nonsense. From the time of the 1964 Gulf of Tonkin resolution, the Congress passed appropriation after appropriation to pay for the increase in troop levels and material requested by the White House. The late Sam Ervin, the primary opponent of the War Powers Act and the leading constitutionalist in the Congress, argued that each Vietnam resolution and appropriation was a ''declaration of war in the Constitutional sense.''

Congress was a full and equal partner in the decision to prosecute the war. Only when the war became unpopular did the Congress try to shift the blame and the result was this misguided legislation.

This act is clearly unconstitutional. At its heart is an attempt by the Congress to define the war powers of the President. The Congress has no such authority. The President's power comes solely from the Constitution of the United States not a temporary majority on Capitol Hill. Congress has the power to provide the President with an Army and a Navy and to declare war but it has no constitutional authority to deny the President his right to deploy and engage Americans forces in any action short of offensive war.

Section 5 of the act contains the most egregious violations of the Constitution.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. FUNDERBURK] has expired.

(By unanimous consent, Mr. FUNDERBURK was allowed to proceed for 2 additional minutes.)

Mr. FUNDERBURK. Mr. Chairman, it requires the President to withdraw troops in any situation in which hostilities are possible within 60 days of the deployment. It gives the Congress a legislative veto over the constitutional prerogatives of the Executive. This is a flagrant attempt by the Congress to exercise the Commander-in-Chief authority vested by the Framers in the President.

Section 5 is also practically dangerous. It tells friend and foe alike that the President's commitment of force is only good for 60 days, after that American resolve is left to the whim of 535 Secretaries of Defense in the Congress. It sends a signal that if the Congress can't determine the propriety of the President's actions, this act automatically assumes that the President is wrong and it works as a silent veto over his decision. Knowing that American forces will disappear in 60 days

might encourage an enemy to fight harder or wait us out in order to gain a political victory.

We have been lucky so far. But we can't continue to gamble with American security. What happens during a crisis to a President who considers the War Powers Act unconstitutional? The President must either give up his right to uphold and defend the Constitution or force a fight with the Congress at a moment of maximum danger to America. Can we afford to have such a momentous decision left up to the unelected justices of the Supreme Court? Let's head that disaster off right now. Mr. Chairman, it is long past time to repeal this dangerous legacy of the Vietnam era—it is time to dispose of the War Powers Act.

Support the Hyde-Dornan-Funderburk amendment.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

□ 1700

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

Mr. HAMILTON. Reserving the right to object, Mr. Chairman, we are prepared on this side at some point to enter into a limitation of time and agree to a unanimous consent request. We do have a bit of a problem here, because there is an important briefing going on now in the Committee on National Security on Bosnia. I am informed that several of those Members would like to speak.

May I ask if the gentleman would defer his request for maybe 15 or 20 minutes, and we will try to reach an agreement.

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

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

Mr. GILMAN. Mr. Chairman, I will be pleased to defer for another 15 minutes.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for his cooperation.

Mr. GILMAN. Mr. Speaker, I withdraw my unanimous consent request.

The CHAIRMAN. The unanimous-consent request is withdrawn.

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

Mr. Chairman, it is interesting, if you followed the debate, the discussion of the repeal of the War Powers Act, what we have here actually is a partial repeal of the War Powers Act without due deliberation.

The committees of jurisdiction, the Committee on International Relations, has held no hearings and has marked up no legislation; the Committee on National Security, which is vitally concerned, has held no hearings and has marked up no legislation. Yet before us suddenly springs full blown a proposal to partially repeal the War Powers Act and to substitute a shadow of the constitutional powers delegated to the Congress by the Constitution.

We would be better served if this were an absolute repeal. It would be cleaner, and it would not give anyone the impression that the role of Congress was ''the President shall in every possible instance,'' that is a pretty big loophole, ''consult with,'' does that mean, Congress, who are they? All 435? I am a member of Congress. Would I be consulted with? Would I have an opportunity to represent the people of my district? No. A few people could be selected; one person could be selected. What does it constitute? This is a shadow of the authority that was granted to the Congress by the Constitution.

I admit that the War Powers Act is, in fact, effective and at the end of my 5 minutes I will sketch out a fix. But to partially repeal it and instead impose a very weak, prior consultation loophole-ridden provision certainly gives solace to those who believe that the commander in chief, the president, is preeminent. Unfortunately, none of the Framers of the Constitution felt that was a very good idea.

If you would refer to James Madison's notes on the Federal Convention, he quotes:

> Mr. Sharman thought it stood very well. The Executive should be able to repel and not to commence war. ''Make'' better than ''declare,'' the latter narrowing the power to much.
>
> Mr. Gerry never expected to hear in the Republic a motion to empower the executive alone to declare war.
>
> Mr. Mason was against giving the power of war to the Executive because not safely to be trusted with it; nor to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but facilitating peace. He preferred ''declare'' to ''make.''.
>
> On a motion to insert ''declare'' in place of ''make,'' it was agreed to.

That is reserved to the United States Congress, as is the power to raise armies.

The gentleman, the esteemed gentleman from Illinois has pointed out, certainly we have the powers of the purse, but once you of deployed troops, secretly, after consultation with one or more Members of Congress, if the opportunity arose and it was convenient for the President, once those troops are on the ground, under hostile fire, is this Congress going to stand up and repeal the funds immediately? No. Member after Member will come to the well and say, we must stand with the Commander in Chief, we must stand behind those troops, no matter how ill-intentioned the initial deployment. This Congress is not going to have anymore guts to cut off the funds than it does to use the implementation of the act and to require that the President submit a report, which has not happened during my time in this Congress.

The key here is prior restraint before we get into a shooting war, before we have had casualties, before emotions run high. Prior restraint was in the Senate version of the War Powers Act and, had we adopted the Senate version instead of the more watered-down House version, we would have an effective War Powers Act. We can fix the War Powers Act. We can require prior restraint and require consultation as the Framers of the Constitution intended.

It is no surprise that four former Presidents have said, ''Repeal the War Powers Act.'' Of course, every Executive, as the Framers of the Constitution pointed out, is wont to foreign adventures without the restraint of this body, without having to go through a torturous debate before the U.S. Congress on the passing of resolutions.

But remember, again, if we are to do this through the appropriations of the powers of the purse, if a President has gone forward and if the Congress, a majority of the elected representatives of the people should say,'' Let us restrain the President, let us bring the troops home,'' the President could veto that resolution and it would require a supermajority of the Congress to exert our constitutional role.

Under this act, if we adopt this amendment, this is not a repeal of the War Powers. If we adopt this amendment to the War Powers Act, future Congresses will require a two-thirds majority in order to restrain the President's war-making authority, certainly nothing that the Framers of the Constitution would have envisioned, nor endorsed.

There is a fix to War Powers. It is possible. Three modifications: a return to the concept of prior restraint, as was in the original Senate bill, defining in advance those uses of the armed forces in hostilities for which the President needs no prior authorization; a prohibition on any other use of the Armed Forces in hostile situations and on any of the permissible uses lasting longer than 60 days.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

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

Mr. DEFAZIO. A prohibition on any other use of the Armed Forces in hostile situations and on any of the permissible uses lasting longer than 60 days, unless such use is authorized by Congress, and using purse string restrictions to enforce the prohibition; and providing for judicial review.

This is key. I am one who has gone to try and defend the constitutional prerogatives of the Congress several times in the last decade. But the courts will not act. We need to give standing so we need to provide for judicial review by conferring standing to bring suit upon Members of Congress in the event of presidential noncompliance and limiting the court's discretionary powers to dismiss such cases.

That would fix War Powers. That would reassert the war-making powers

of the United States Congress. But if we adopt this amendment to War Powers, not repeal, we will superimpose and put in place a mere shadow of the power of Congress. And, yes, some Members of Congress might be consulted if it is convenient for the president and then we will have a war. I do not believe that that is what the American people want.

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

Mr. Chairman, the preceding speaker in the course of his remarks acknowledged that the War Powers Resolution that we have before us that has been in effect for the last 22 years is toothless and weak. It is the weak version that was adopted that contains no restraint whatever on the Commander in Chief exercising the war power legitimately given to the Congress under the Constitution. In fact, it is a 60-day grace period during which this resolution unconstitutionally purports to confer that power for a time on the president.

I rise in wholehearted support of the amendment of the gentleman from Illinois [Mr. HYDE] to repeal the War Powers Resolution. It is now, and has been every day since it was passed, unconstitutional.

As has been pointed out several times in the course of this debate, President Clinton, President Bush, President Reagan, President Carter, President Ford and President Nixon all have said that this War Powers Resolution in effect for the last 22 years is injurious to the national security of the United States.

It is harmful to the United States. This resolution weakens both the President and the Congress. It is that bad. In time of crisis, it actually increases the risk of war. Most importantly for purposes of this debate, it offends two centuries of our constitutional history.

First let us take a look at how it weakens the Congress. It is very important to recognize that that is exactly what this is all about. It is a 60-day abdication of Congress's legitimate war-making power. Article I, Section 8, clauses 1 and 11 of the Constitution give to Congress the power to provide for the common defense and to declare war. There is no requirement that the Congress wait 60 days in order to exercise its constitutional authorities in these respects.

But the War Powers Resolution with its 60-day grace period purports to give the President carte blanche to wage war for a full 2 months without any congressional authorization, just as President Clinton did in Haiti. The War Powers Resolution has provided political cover for this Congress to sit back and do nothing for months, to abdicate its responsibility so that later it can take political pot shots at the President and the Commander in Chief after our troops are already in the field.

It has bread flabbiness in the real war-making power of this Congress. It has caused this body to retreat utterly and shamelessly as it did in Haiti when the then-Speaker of the House went so far as to prevent this House of Representatives from even debating the use of force in Haiti.

It weakens the Congress as well as the President. Here is how it is weakening the President. The vesting clause, Article II, section 1 of the Constitution, unambiguously grants to the President, not to the Congress, the totality of the executive power. Article II, section 2 of the Constitution provides that the President shall be the Commander in Chief of the Army and Navy. For centuries American Presidents have relied on these sweeping grants of authority to use our Armed Forces in a host of contexts without prior congressional action such as responding to attacks or threats on American forces, citizens or property, or when secrecy or surprise are essential.

No one thinks that we ought to have weeks and weeks of debate before the Commander in Chief could act in those circumstances or where the necessity for an immediate military response leaves no opportunity for congressional action. But the War Powers Resolution in effect over these last 22 years purports to shrink these historic inherent Presidential powers to just one circumstance: a direct attack on the United States.

Thankfully the War Powers Resolution was not on the books for a single one of the major wars in which our Nation has been involved over 200 years. It is a distortion of our Constitution. It ignores the entire course of our constitutional history. If it were correct, then Presidents Adams, Jefferson, Lincoln, Grant, Wilson, FDR, Truman and Eisenhower were all lawbreakers.

No American President of either party, including President Clinton, has ever recognized perversion of our constitutional order. None has ever pretended to follow its terms. It is instructive that in the course of this debate not a single Member has pointed to a single instance in which the War Powers Resolution was in fact invoked to withdraw U.S. troops from combat. It has not ever happened.

The War Powers Resolution claims to force an end to hostilities in 60 days unless Congress has affirmatively acted. This unwise and inflexible rule has emboldened our enemies. They have every reason to doubt our resolve.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX of California was allowed to proceed for 2 additional minutes.)

Mr. COX of California. It has tempted our enemies to think that America's staying power in any conflict is limited to those 60 days. It is ironic that this measure enacted 22 years ago ostensibly for the purpose of limiting the use of force, minimizing it, has vastly magnified the risks of war, and it will continue to do so every day that it is on the books.

The War Powers Resolution illegitimately pretends to allow Congress by simple concurrent resolution to compel the President to break off military action. That is a flatly unconstitutional legislative veto. As the chairman, the gentleman from Illinois [Mr. HYDE], has pointed out so eloquently, through the exercise of its legitimate constitutional powers this Congress has ample means to achieve the same result.

Mr. Chairman, we can redress a grave constitutional injury today. We can improve the stature and the standing of Congress. We can protect our legitimate war-making prerogative by repealing the War Powers Resolution. We can strengthen the Commander in Chief simultaneously and restore his legitimate constitutional authority. And we can better defend the national security against tyrants and other external enemies by letting the world know our staying power in any conflict extends beyond a mere 60 days.

Mr. Chairman, our Constitution is right. The War Powers Resolution is wrong. Let us repeal it today for the sake of our national security and for the peace of the world.

□ 1715

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

Mr. Chairman, let me say first of all that I think the gentleman from Illinois, Mr. HYDE, has performed a genuine service here in bringing this amendment forward. There just is not any doubt at all that the War Powers Act just has not worked well.

The gentleman from Illinois has a serious amendment. It needs to be and is being carefully discussed. He very well points out that there are serious flaws in the War Powers Resolution. He is correct when he says that no President accepts the War Powers Resolution in its current form. He is correct, I think, when he says that the 60-day clock provision means the Congress can control by inaction, and thereby play into the hands of an adversary.

He is correct, I think, when he says that the concurrent resolution mechanism does not work. Put aside constitutional questions, which are serious, but that mechanism does not work. The statute does not define hostilities, and that allows the executive branch to stretch the meaning of it beyond rationality. The consultative process could stand a lot of improvement. I concede all that. I acknowledge that.

On the constitutional level, although it has not been finally determined, the concurrent resolution mechanism has likely been rendered moot by the Chadha decision on legislative vetoes. The 60-day clock by which congressional silence or inaction requires a President to bring the troops home very likely steps over the line into the President's Commander-in-Chief powers.

Having said all of that, on the constitutionality of the core principle behind the War Powers Resolution, it is at that point that I think that the gentleman from Illinois [Mr. HYDE] and I disagree. I believe that the Constitution absolutely requires that Congress share with the President the decision to send troops abroad for combat. We do not always do it, we often do not like to do it, but I do not think that we should cede the power away. That is the way I read the gentleman's amendment.

Mr. Chairman, it is very important to recognize the advantages of the War Powers Resolution. Despite all of its deficiencies, there are some real advantages to it. The decision to commit American forces to combat is the gravest decision that a government makes. Presidents are not infallible. They do make mistakes. They are surrounded by aides, almost invariably aides who favor the executive power. When faced with a judgment about committing troops abroad, I believe that the President needs the balanced judgment from the legislative branch.

The core principle behind the War Powers Resolution is that sending troops abroad requires the sound collective judgment of the President and the Congress. I do not think that principle should be abandoned. The War Powers Act provides a framework for shared decision making. It gives the President strong incentive to consider the opinion of the Congress, and I think most of us who served in the Congress before the War Powers Act and after the War Powers Act understand that presidents now are much, much more careful about consulting with the Congress with the War Powers Resolution than without it. It provides a precedent process to get congressional advice to consult with the Congress, and it does, I think, give the Congress some leverage on this key decision of sending troops into combat.

Mr. Chairman, the argument is made that the War Powers Resolution weakens the President's hand. I believe I would argue just the opposite. When the Congress goes on record in support of the President's judgment to send combat troops abroad, that collective judgment strengthens the President's hand. I think it strengthens the role of the United States in the conflict, because it shows that the Congress and the American people support the President. Absent the clear indication of support what a congressional authorization provides, the President and his policies are vulnerable to every blink of public reaction when U.S. forces face hostilities.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(By unanimous consent, Mr. HAMILTON was allowed to proceed for 3 additional minutes.)

Mr. HAMILTON. Mr. Chairman, we do a lot of signal sending in this body. I think the signal sending we do today is important. I have come down on the side that repealing the War Powers Act sends the wrong signal, because, as others have stated, it represents an abdication of our powers. It gives the President a kind of a green light for his action without the legislative branch, except consultation.

The argument is made, of course, that we have the power of the purse, and we certainly do, and that that is enough. I do not think I can agree with that. The power of the purse is not equivalent to Congress sharing the critical threshold decision, up front, about whether to send troops at all. The power of the purse is usually, not always, but usually exercised after the fact, weeks after the fact, sometimes months after the fact.

It is true that we can cut off funding any time for a given operation. It is very difficult to cut off funding before an operations starts, although we have done it on occasion, but it is difficult to do. Presidents are going to fight, as they should, to keep their options open. However, it is also difficult to cut funding after the troops are in the field. Senator Javits I think rightly pointed out that Congress can hardly cut off appropriations when we have American troops fighting for their lives in the field.

Mr. Chairman, I understand that the gentleman from Illinois has received a number of endorsements from former Presidents. However, I do not think that should surprise anyone. Former executives are not exactly disinterested parties in questions about war powers authority. This discussion goes to the very heart of what our institutional responsibilities are. Institutional prerogatives govern the war powers debate. It is not surprising that Presidents want fewer restrictions on their ability to take action.

However, I believe that the Congress should hold tenaciously to the power to share the tough decision about putting troops into battle. I look upon the act of repealing the War Powers Act as an act of abdication by the Congress of its power.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

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

Mr. HAMILTON. Mr. Chairman, the Congress can stand against a President. The Congress can stand beside a President. What Congress must not do is to stand aside. Congress should not cede its constitutional responsibilities. We are a co-equal branch of government.

Of course, consultation is necessary and important, but it is not enough when it comes to the War Powers Resolution. This is an extraordinarily important debate that the gentleman from Illinois, [Mr. HYDE] has opened up. I know him well enough to know, and I have visited with him about it, that this amendment is the beginning, and not the end, of a serious dialogue on the war powers. It is my hope that his amendment, if it is adopted, is not the final proposal, but I do think our vote today sends a signal.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. HAMILTON was allowed to proceed for 3 additional minutes.)

Mr. HAMILTON. Mr. Chairman, if we are prepared to cede congressional power on this important decision, then the vote is yes. However, if Members believe, as I do, that Congress has a role to play when we send these troops into action, that we ought to be in on that decision, even though we reluctantly take that decision, or try to avoid it, then I think Members should vote against this amendment.

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

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

Mr. HYDE. Mr. Chairman, I thank my friend for a thoughtful, well reasoned, and illuminating statement, which is typical of the gentleman. I just want to simply say in Vietnam there was not a bullet shot, there was not a gun held by a GI, that was not authorized and paid for by this Congress, and this Congress can stop it, or can make it go ahead any time it wants.

I suggest again to the gentleman that my amendment requires us to know, to be in at the take-off as well as the landing, to be not only informed but to be given reports, periodic reports. Then we have the power to stop it or go ahead, and be a full partner. We would be the dominating partner, because the President cannot wage war without our funding it.

Lastly, the lesson of Vietnam, to anybody who is not deaf, dumb, and blind, is that you cannot carry on a war without the support of the people. That means the support of Congress. We are, under the Constitution, under the power to appropriate and raise the money and spend it, we are full partners. We are the senior partner with the executive.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

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

Mr. HAMILTON. Mr. Chairman, the gentleman from Illinois, of course, always states well and eloquently his position. I think the problem with the gentleman's position is that there comes a critical point, a very critical point when you have to decide to commit these troops or not. The power of the purse really is not involved at that point. We want the power at that critical point, at the threshold of the decision, to be part of that decision.

It is not enough just to be consulted. We have to be consulted, but it is not

enough. We are a co-equal branch of government. This is the most important decision a government makes, and we ought to be in on that threshold decision when it is made, not later when we take up the appropriations bill.

Mr. GILMAN. Mr. Chairman, we have now had 13 Members speak on this debate.

I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

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

Mr. HAMILTON. Reserving the right to object, Mr. Chairman, the problem I confront here is that we have a list of 8 speakers on our side remaining. That could easily jump by a couple. A cut-off at 6 o'clock, 15 minutes on each side, would just be extremely limiting.

Mr. Chairman, I wonder if the gentleman would agree to 6:30.

Mr. GILMAN. Mr. Chairman, we only have three speakers on our side. would the gentleman agree to 6:15 as a cut-off time?

Mr. HAMILTON. Mr. Chairman, I would agree only to 6:30.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 1 hour, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

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

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 30 minutes.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

□ 1730

Mr. UPTON. Mr. Chairman, I thank the author of the amendment for yielding me the time as he knows that I am opposed to his amendment.

Mr. Chairman, I rise in opposition to this amendment for a number of reasons. As the previous speaker indicated, I do believe very strongly that we need a shared responsibility between the branches of the Government. I can remember well, probably the biggest vote that I have ever cast, certainly the biggest vote that I have ever cast was to give President Bush the authority to go into the gulf war. I view the War Powers Act as one of the major issues back then as to why the President came to this body and came to the American people and persuaded them convincingly that that was the right vote. I am not so certain that he would have done that had there not been a War Powers Act.

I have talked to Members of Congress on this floor today who have indicated that had he not come to the House floor, they probably would have voted to impeach him, and yet they still voted for the resolution as it passed that night in January on a fairly convincing vote.

Mr. Chairman, I remember well an earlier vote that same night, the Bennett resolution, a resolution that passed in this floor 302–131. It expressed the sense of Congress that the Constitution vested the power to declare war on Congress and that the President must gain congressional approval before any offensive military action could be taken against Iraq. That was a check and a balance. That is what this Government is about, a check and a balance.

As I look at the votes that were cast on overriding the President's veto, President Nixon back in 1973, I look at a number of my colleagues past and present. I passed one today, Larry Coughlin, who voted to override the President that day. But I look at some of the names, Mr. Edwards and Dickinson of Alabama, later became the ranking members on the Committee on Armed Services here in the House and served in a distinguished way and on Appropriations as well. I look at Mr. Rousselot from California who voted to override, at the gentleman from Illinois [Mr. CRANE], still in the House, and Mr. Erlenborn and Mr. Anderson. I look at TRENT LOTT, now the majority whip in the Senate, who voted to override. I look at my own former Members from Michigan, Bill Broomfield, who were ranking Members of this committee. I look at Mr. Frenzel.

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

Mr. UPTON. I yield to the gentleman from Illinois. I wish the gentleman had been in the Congress in 1973.

Mr. HYDE. Mr. Chairman, I would just point out to the gentleman that there was another issue overhanging that debate and that vote. The President had just gone through the Saturday night massacre. There was nobody more vulnerable on this planet than Richard Nixon, and I dare suggest, without knowing, a lot of those people wished to show a lack of support for the President because of the problems he was having. I could be wrong but I would just like to offer that. I thank the gentleman.

Mr. UPTON. Again, I respect the gentleman from Illinois tremendously, but this is an issue that puts the Congress as a player in making decisions that are certainly, I think, the biggest ones that we make, sending, whether it is our children or our friends' and neighbors' sons and daughters off to war. I believe that it has to be more than a consultation process, it has to be one where we can take some action. Again, I look at the gulf war. I do not believe that President Bush may have come to this body seeking our approval without that hanging over his head. He did so, and he did so admirably. He made the point and we had strong bipartisan support. Thank goodness it was the right decision for all of us to live by.

I would just suggest that perhaps we do need reform of the War Powers Act, having seen it play now for 20 some years. But I do not know that revocation is the answer. I would certainly welcome hearings before the Committee on National Security and others to look at ways that we can improve the bill rather than repeal it. I urge my colleagues to vote no.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] is recognized for 30 minutes. Does he choose to yield time?

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] is recognized for 7 minutes.

Mr. SKAGGS. Mr. Chairman, I thank the gentlemen for yielding me the time.

Mr. Chairman, I have great respect for the gentleman from Illinois and believe that he has offered what is almost a good amendment. In a debate like this about one of the most significant powers that the Constitution grants to the Congress, I think it is well to look back to the thoughts of one of the Founders and perhaps the Father of the Constitution. Madison observed as follows about this power, and I quote:

> Those who are to conduct a war cannot in the nature of things be proper or safe judges whether a war ought to be commenced, continued or concluded. They are barred from the latter functions by a great principle of free government . . . .

In other words, the Executive who would be charged with the prosecution of the war should not be considered the proper authority for determining whether to commence one.

We clearly have constitutional problems with the current War Powers Resolution. I think in order to understand those, we really need to parse out the kinds of situations that we face that implicate the war power provisions of the Constitution.

First clearly we have those actions that truly involve the commencing of war in a constitutional sense. I would assume that the gentleman would agree that in those cases, the power of Congress is paramount. It is not a matter of consultation or reporting or a shared power. It is our responsibility, and no one else's, to make the decision.

Then there are all other cases, deployments of one sort or another, emergency responses, humanitarian efforts, all of the variations on the theme in which I believe we have to concede a good deal of constitutional authority to the President of the United States both as Commander in Chief and as the individual with authority under our system to conduct the foreign policy of the country.

The War Powers Resolution impinges on the constitutional authority on the one hand of the Congress, by ceding authority to the President in some instances where it is our paramount responsibility to act. And it impinges on the constitutional authority of the President as Commander in Chief in some instances, in those other wide-ranging examples that fall short of the commencement of war in a constitutional sense.

It is a defective statute constitutionally with respect to both the executive and the legislative branches and the responsibilities we each have under the Constitution.

This amendment is perhaps unfortunate in that it does not go far enough and simply repeal the War Powers Act in toto. Or better yet, we should attempt a constitutionally coherent effort to explain and to state the respective roles of the executive and the legislative branches with respect to military action abroad.

Instead, this partial repeal, I fear, will leave a remainder of the War Powers Resolution that carries an unfortunate implication. And that implication is that the presidential authority in war is restrained only by a consultative and reporting requirement. I do not believe that is what the gentleman intends. It is certainly not what the Constitution permits. But relative to the current state of debate as reflected in the War Powers statute, that I think is the only inference to draw from making this change.

I think we do a great disservice to the constitutional responsibility of the Congress under Article I if we appear to tilt too far in expressing deference to the executive.

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

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

Mr. HYDE. Mr. Chairman, I think it is a fact of modern history that declarations of war are gone. I think they are anachronistic. I do not think they will happen. Clearly the Constitution assigns the declarations of war function to Congress and only to Congress. But declaring war has consequences in a technologically advanced world that nobody wants to face.

Had we declared war against Vietnam, the fear was China and Russia would have had to declare war against us. So you get into a cascading snowball situation. Instead what you do is you call it a police action, as we did in Korea, or you call it something else, but you do not formally take that giant leap of declaring war.

So we are back to the President as Commander in Chief having the authority to move troops around but we always have the inescapable function of Congress, and that, too, is constitutional, to provide the appropriations. Without the appropriations, they cannot get a drink of water.

Mr. Chairman, I just suggest that requiring consultation does not exhaust Congress's authority. We have the untrammeled authority to unappropriate, disappropriate funds. That is the key, and that makes us the king of the hill. I suggest that by repealing the foolish, nonsensical, unusable parts of the War Powers Resolution and requiring the President to keep us informed comprehensively, we enhance the use, ultimate use of our appropriation authority.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I simply disagree with the way the gentleman characterizes the ultimate impact of what he is proposing. I think it really would be a default to the executive on the powers that we must hold.

I think the gentleman makes a good argument for amending the Constitution, perhaps, to reflect current times. I would disagree with that step, but that is the argument he is really making. In fact, I think we need a more constitutionally subtle and discrete approach to this issue than is encompassed in his amendment, perhaps one that would be the product of a full committee hearing and deliberation process in both the Committee on International Relations and Committee on National Security.

In any case, under these circumstances with this debate on this bill, I would reluctantly urge a ''no'' vote on the gentleman's amendment.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

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

Mr. Chairman, I have been in the Committee on National Security this afternoon listening to testimony by the Secretary of Defense and by the Chairman of the Joint Chiefs, and so I missed the earlier part of this debate.

I wonder if the gentleman from Illinois would answer some inquiries, some questions that I have regarding his amendment.

The first is, would you explain as briefly as possible just what you repeal. Second, would you please explain the purpose behind that.

I would like to add, if I may, is it not correct that Presidents in recent years, and my recollection is that during my term in Congress, which is the same as my friend from Illinois, that the Presidents have complied with the notification portions of the War Powers Act without acknowledging its force and effect.

Mr. HYDE. If the gentleman will yield, as a practical matter, the Presidents are wise enough to consult with Congress, let Congress know because you can not keep a secret when you move troops around the world. So the President has consulted. But no President has acknowledged it was pursuant to the War Powers Resolution. It was just common sense and comity between two co-equal-and-essential-to-each-other branches of government.

Mr. SKELTON. But would the gentleman answer my first question. Please explain what you repeal and the basic reason therefor.

Mr. HYDE. Yes. Section 2707(a)1, the War Powers Resolution, is repealed. That is the law that requires the President after 60 days to bring the troops home if we have not acted affirmatively to support the presence of the troops there. In other words, by doing nothing, the President has to call everybody home, which gives a false expectation to our adversaries, if they just wait us out. It has never been tested in court. No President ever, of either party, has recognized it as constitutional. It is unworkable. I am just trying to clean up the law so we have left a requirement of consultation and reporting timely and comprehensive and we always have that appropriations authority. You will remember the Boland amendments which cut off funds for the Contras. We passed one every year over my objection, but we did. Just one example of Congress cutting off funds for belligerencies we did not agree with.

Mr. SKELTON. My next question, if you recall, deals with a bit of history back in the 1940 era, early 1941, when President Roosevelt made certain actions, particularly with the United States Navy. How would the War Powers Act have affected him?

Mr. HYDE. It would not. What we did was transferred destroyers to Great Britain. He declared them surplus.

Mr. SKELTON. No, no, no. In his activities in having patrols acting against the submarines of the Nazis at the time in the North Atlantic. Does that ring a bell?

Mr. HYDE. If he was sending troops into hostilities or into a place where hostilities were imminent, that is the language of the War Powers Resolution.

Mr. SKELTON. So, in other words, the War Powers Act had it been in effect in 1940–41 would have affected what President Franklin Roosevelt did at the time, is that correct?

Mr. HYDE. I do not know what knowledge Congress had of what was going on. If they knew and were looking the other way, as I suspect was the truth, nothing would have happened.

Mr. SKELTON. I thank the gentleman.

□ 1745

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

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

Mr. Chairman, every American schoolchild learns to respect and revere the Constitution of our country and those who wrote it. It is a near perfect document, an expression of extraordinary wisdom. But it was not without flaw.

Among those flaws has been a 200-year conflict in authority between the commander-in-chief and the powers incumbent upon him and the war-making

powers of this Congress. The problem was masked for many years. But time, changes in technology and diplomacy made a collision inevitable, the speed of war, the powers of weapons, the change of diplomacy. That collision came most dramatically in Vietnam.

The result was not simply the loss of life of thousands of Americans after a constituency for that war in this Congress and among our people had evaporated. There was another price, the near loss of legitimacy of this Government in its actions.

It has been suggested by the gentleman from Illinois that this Congress was not without recourse, at any moment we could have abandoned the providing of appropriations, withdrawn funding, and by doing so expressed the wishes of our constituencies and ourselves. And indeed in the final analysis, after more than 10 years of combat that is exactly what happened. But the War Powers Act was enacted because Members of Congress themselves found that that choice was inadequate. Members were not going to choose to take away appropriations from our own sons and daughters who were fighting and dying while they were in combat. They would not do it, and neither would we. It was not a sufficient power. We needed the right to express ourselves before the Nation engaged in combat.

The War Powers Act itself may not have been a perfect expression either. Indeed, from Grenada to Lebanon, for different reasons and different circumstances, we have seen the flaws in the act itself. But it has nevertheless in our own time been a valuable method of expression for this Congress, creating at a minimum a period of consultation, a consultation, a sharing of power between the Congress and the Presidency that did not exist when FDR invaded Nicaragua, or when Lyndon Johnson sent forces to the Dominican Republic.

In our own time that power has been shared and has been different. Would the marines have stayed in Haiti for 30 years if the Congress had had power when Woodrow Wilson acted. Would we have remained for a generation in Nicaragua when Roosevelt acted? It has been different and it has been better because of the War Powers Act.

Maybe George Bush never accepted its constitutionality. Maybe he did not agree and maybe today he would like to see us repeal it. But when he was faced with a judgment in the Persian Gulf, he was quick to bring Members of this Congress to the White House, and quick despite his objections to seek a congressional vote, because he understood not a problem, but an opportunity in the War Powers Act. He wanted Saddam Hussein to know that this was no Vietnam, you will not divide the American people in combat, that the Congress and the Presidency will act together, and so he did not seek to avoid a vote, he wanted it, because he knew of what it telegraphed to Iraq. That vote more than anything else brought the United States allies and showed solidarity.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. The time is controlled by the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I regret I do not have the time.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent the gentleman from Indiana have 2 more minutes on his time.

The CHAIRMAN. The Committee is operating under an existing unanimous-consent agreement which equally divides the time on the Hyde amendment.

Mr. HYDE. What was the gentleman's request?

Mr. TORRICELLI. I asked unanimous consent for an additional 2 minutes.

Mr. HYDE. We should have an equal division then.

The CHAIRMAN. The gentleman has asked unanimous consent that the amount of time be extended by 2 minutes.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield 2 additional minutes?

Mr. HYDE. Of course I yield 2 minutes to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, there are many reasons why this system has survived for so long when so many other constitutional systems around the world have faltered, but there may be one which is more important, the idea of refusing to centralize power in the American constitutional system. Admittedly, this has been a conservative idea, central to conservative doctrine in the American political system, that no one individual and no one institution would monopolize power.

Ironically, a great Member of this House, a leader in the conservative movement, the gentleman from Illinois [Mr. HYDE], today would repeal this idea, and leading us back to a different time when one man, one institution in this Government could so control constitutional power.

I rise today in defense of that conservative idea, because cutting off appropriations is not an answer, and in an age with the technology today that exists, when the gentleman from Illinois is correct that war may no longer be formally declared, to give that power to one man is more dangerous than when Lyndon Johnson had it, more dangerous than when Franklin Delano Roosevelt had it. This constitutional system serves best by insisting that the Congress share in that right, and that the lessons of Vietnam and the opportunities of the Persian Gulf remain with us.

When there is a better way to distribute power, better than the Persian Gulf war lessons, better than the resolution we would repeal today, let us do it. It is not before this House today.

I thank the gentleman for yielding me the time.

Mr. HYDE. Would the Chair tell me how much time I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 17 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 20 minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I came to the floor this afternoon planning to support the Hyde amendment, and have been giving it a lot of thought since then and have decided to change my mind, one of those rare times where the debate on the floor actually affects somebody's decision.

I agree with so much of what the gentleman says. First of all, the argument that this law could be at the center of congressional participation in the decisions about whether or not to go to war. When you get right down to a law that no President has ever considered constitutional, no court has ever been willing to enforce, and in most instances Congress has not even been willing to implement just does not I think, make a lot of sense to me.

This is law that at its heart and at the part that Mr. HYDE wishes to change and repeal, since once the President submits a report pursuant to the War Powers Act, within 60 days after the hostilities or the imminent threat of hostilities for U.S. forces within 60 days either Congress has to extend, has to grant that authorization for additional time or the forces must come back.

In the Lowry case, in the reflagging of the Kuwaiti tankers, the district court in response to the lawsuit seeking to compel a determination that the Presidential information on the reflagging of the Kuwaiti tankers constituted a report said we are not going to get into that, we are not going to declare it a report. If the report has not been made pursuant to the War Powers Act, the 60 days do not run. So the act becomes meaningless and it has become meaningless in any legal sense.

The more interesting question is whether the act serves a purpose. There has been some discussion on the floor. Initially it was stated on the floor that in fact President Bush decided to come to the Congress with the authorization for the use of force in the Desert Storm because of the existence of the War Power Act, and that that played some role in this decision. Others have said that really played no role in the decision, and of course I do not know the full story of what went on in his mind. But what I do know is that the Committee on International Relations should conduct hearings on this

subject. We should look at modifications. We should get rid of the 60-days requirement. I think we should change the threshold. There are a lot of times where our forces are in imminent threat of hostilities where we do not want to trigger any particular congressional action.

We should look at a meaningful consultative process that has an ongoing precedent the Executive Branch involved. If we pass the Hyde amendment today without more attention to what that consultative process will be, and that were to go into law, we have no leverage to get the more meaningful consultative process from a President who would like to see the repeal of the 60-day requirements and of the requirement for the report which triggers any time period set.

So I would suggest a better course, and I do it very reluctantly, is to vote against the Hyde amendment today, for the Committee on International Relations have hearings, to draw up a bill which goes to the heart of what the gentleman from Illinois, Mr. HYDE, does but provides for a more meaningful consultative process with the executive branch, and hand the administration a package which allows them to get out of a requirement which they do not consider constitutional, which, as the gentleman from Illinois [Mr. HYDE] points out, in some cases give aid and comfort to our adversaries by giving them hope that the Congress will not act, even though no one argues that the President will listen to what the Congress said on this subject anyway or is legally compelled to listen, get rid of that 60-days requirement and substitute a more carefully drafted consultative process and I would urge, and thereby maintain some legislative role in those decisions.

So I would like to get a separation of two different kinds of questions. In Desert Storm I think the President was constitutionally compelled to come before Congress. I considered it would have been an impeachable offense for him to engage in that kind of attack with time for preparation, with a date certain set, without coming to Congress. I am not sure Mr. HYDE agrees with me. I would like to go through a process where we seek to separate the more minor incidents, which it does not work to have a congressional role, from the more serious incidents where we want to preserve the core congressional functions.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

□ 1800

Mr. TORKILDSEN. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, the distinguished gentleman from Illinois [Mr. HYDE], the Chair of the Committee on the Judiciary.

The Constitution grants the President the power of Commander in Chief of our Armed Forces. Yet, the Founding Fathers also granted Congress the authority to ''organize, arm, and discipline'' an army.

At our country's founding, we were insulated from attack by foreign powers by two vast oceans. Thus it wasn't necessary to keep large peacetime armies. Congress effectively limited the President's authority to make war by not funding large, peacetime standing armies.

The framers of the Constitution were so intent on keeping a too-powerful chief from making war, that not only did they give the power to make war to the Congress, they also specifically prohibited, in the Constitution itself, any appropriation to raise and support armies from lasting more than two years.

But as our country grew, and technology made the insularity of the oceans limited at best, it became necessary, in our own national interest, to keep and maintain large armies in peacetime as well as during conflict. However, in funding these large peacetime armies, Congress was giving up much of its constitutionally authorized role in determining whether or not make war.

The War Powers Resolution was passed in 1973 as one way to re-assert the Congress' constitutional authority to determine whether or not any President can make war in the name of the people of the United States.

With passage of the War Powers Resolution, Congress sought—rightfully so—to restore its legal authority to determine whether or not U.S. armed forces are involved in war.

Today we are faced with an amendment which would effectively repeal the War Powers Act, and replace it with a requirement for simple consultation by the President with Congress.

As a member of the National Security Committee, I am aware of many arguments for and against the War Powers Resolution. Clearly, the War Powers Act does need to be amended, both to take into consideration the many new missions we ask our troops to perform, and to make it work in times of crisis. Amending it is far different than repealing it.

Now is not the time for Congress to give up its role in determining whether or not troops are committed to combat. I urge my colleagues to defeat the repeal of the War Powers Act, and work together for the logical amendment the act requires.

Mr. HAMILTON. Mr. Chairman, does the gentleman have further speakers?

Mr. HYDE. Mr. Chairman, I have three more speakers left, and I understand, if I yield the gentleman 2 minutes, we will then be permitted to close.

Mr. HAMILTON. We are prepared to let you close, but let me make sure I understand how this debate plays itself out. My understanding is that you will want to call a quorum call?

Mr. HYDE. Correct.

Mr. HAMILTON. That would be toward the end here, after which there will be four speakers, two on each side? Is that correct?

Mr. HYDE. That is correct.

Mr. HAMILTON. Although we have the privilege of closing under the unanimous consent, it is my understanding the Speaker would like to speak, and we will be glad to yield him the privilege of speaking last.

Mr. HYDE. Mr. Chairman, I thank the gentleman.

Does the gentleman require 2 additional minutes?

Mr. HAMILTON. We may before we are through. The gentleman may hold them in reserve.

Mr. HYDE. I will hold them in reserve. All right.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, the War Powers Act has become a resolution without meaning, honored in its breach rather than in its compliance. It has cost us credibility at home and abroad. It is time to reform it.

It is time to get back to basics, to a basic understanding of the separation and the balance of powers in our carefully crafted system of government.

Coequal does not mean the same. While the executive branch has certain powers, Congress likewise has certain powers. From time to time, in certain areas, these may converge, but they do not coincide. There are differences and shall always and should always remain differences.

I have been honored over the years to work very closely on national security matters. As a matter of fact, at the time the war powers resolution was being debated and passed and enacted I was working in national security matters for the CIA. I know, as do other Members of this great learned body, how swiftly the affairs and matters of national security are, arguably, subject to the war powers resolution come up, how quickly they can change, how difficult it is to anticipate, except, of course, by our adversaries, how the War Powers Resolution would play itself out and constrict the ability of our commander-in-chief to operate.

We cannot tie the hands of our commander-in-chief, because when we do that, when we tie his hands, we cost the lives of our soldiers, and it is improper and unconscionable to put their lives at risk.

That is why, Mr. Chairman, for over 25 years our Presidents, Republican and Democrat alike, have found way after way after way around the War Powers Resolution, because it does not work. It will not work, Mr. Chairman.

The amendment fashioned by the learned chairman of the Committee on the Judiciary brings this long out-of-balance resolution and separation of

powers back into balance for both parties and for both branches of Government, and importantly, also in the eyes of our allies and adversaries alike in the world.

Let us remove this cloud, this fog hanging over the ability of our Government of which we are both a part, the Congress and the President, to conduct coherent and effective national security policy around the world in the most dangerous situations imaginable.

I rise in strong support of the amendment offered by the learned gentleman from Illinois.

Mr. GILMAN. Mr. Chairman, can the Chair tell us how much time is remaining on each side?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 15 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 14 minutes remaining.

Mr. HYDE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 358]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1828

The CHAIRMAN. Four hundred five Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

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

□ 1830

Mr. TANNER. Mr. Chairman, I thank my friend from Indiana for yielding. I do not think I will take all of 2 minutes. I did not intend to speak on this matter, but I served on a committee with Larry Hopkins from Kentucky some years ago as we tried to perfect the War Powers Act. I served in the Navy during the Vietnam war, and I went into the Navy in 1968. By the time I got off of active duty or discharged in 1972, I saw our country divided as maybe never before, at least since the Civil War.

Now, as imperfect at the War Powers Act is, my friends, it does put the Congress in the mix to express the will of the people into the equation. I saw during those 4 years our country divided in a way perhaps it has not been since the Civil War.

My friends, it does put the Congress into the mix to express the will of the people. Any administration, be it the Kennedy, Johnson, or Nixon administration as it was in Vietnam, is going to get into matters that it cannot extricate itself. Never again let us go into war with bullets flying and people dying without the expressed will of the American people, at least with some resolution by the Congress, so that we do have that critical mass of popular support for whatever it is we may do. I really believe it is critical, even though it is imperfect, that we stay involved in the process.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 15 minutes remaining, the gentleman from Indiana [Mr. HAMILTON] has 11 minutes remaining.

Mr. HYDE. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me speak from a practical standpoint in favor of the Hyde amendment. In the last couple years we have had real problems with peacekeeping, for instance, and I have always felt that the President should get authorization from Congress before be deploys troops in peacekeeping mission. But I separate peacekeeping from war making. And I think there is a distinctive difference, and I think it is very difficult for us to insist on the convoluted war powers requirements for a President to make decision on sending troops into battle.

Now, I remember vividly, and Vietnam war hangs over us with all the concerns and problems that we had, but I remember vividly going to meet with President Bush upstairs in the White House. And the thing we discussed it how long would the American public support a war in Saudi Arabia. As we discussed that, there were recommendations that probably the public would support it anywhere from 6 months to the next election. And this all grew out of the hostilities that were throughout the country during the Vietnam war.

My prediction was that the public would support this deployment for about 6 months. And after 6 months, if you remember, we started to get requests, or at least in my office I did, we started to get requests from people in my district that were serving overseas in the hardship position that these folks ought to come home. It is never popular to put people in harm's way. Nobody believed that the Congress would pass an authorization to send troops into harm's way.

As a matter of fact, I remember after talking to the public at home, I came up and called General Scowcroft, who was the national security advisor at that time, and I said to him, I think the Congress, because the public supports the need for national security and the importance of the Middle East and the energy supply, they will support an authorization to go to war. An awful lot of people did not agree with that. But when the Congress met and debated, one of the finest debates that this Congress has ever been involved in, we did the right thing. By an overwhelming margin in the House we authorized this great Nation to send our young people into harm's way.

It worked out fine, and that is the way it should be. We had public support. We called up the Reserves, and we did it the right way.

The danger in the War Powers Act in my estimation is by inaction. We can stop the President from making a decision. We should have to take action. It should be hard. No President is going to send troops into harm's way without a national security reason. It is not an easy thing.

I supported President Reagan all through the Central American crisis. I supported President Bush in Saudi Arabia. I opposed him in Somalia because I felt Somalia was a mistake and we would not be able to solve it. It was an internal problem. I oppose using ground forces in Bosnia except to extract U.N. forces under NATO.

But let me say this: I believe that when the American people elect a President, that President should have the leeway and the right to send people into harm's way with the advice and counsel of the Chiefs of Staff. I do not believe that in an emotional situation the Congress should be able to stop this in any way. I do not think there should be hope that because we have something on paper that the Congress of the United States is going to stop the President from making the right decision.

So I support very strongly what the gentleman from Illinois [Mr. HYDE] is trying to do in getting rid of this. Now, can we do something in the future? I do not know. But at this time in our history, I think it is up to this Congress to step up and say that it is the President's prerogative, and if we want to take exception to that, we can stop the appropriation funds.

So I strongly support and urge the Members of this Congress to vote for the Henry Hyde amendment and to eliminate the War Powers Act.

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

Mr. DELLUMS. Mr. Chairman, members of the committee, I was here many years ago when we debated the War Powers Resolution. It was back in my black haired days and many days have gone by. And I recall the debate vividly, Mr. Chairman. It was a significant debate. A freestanding resolution came to the floor as a product of a deliberative and substantive legislative process.

To the consternation of a number of my colleagues on this side of the aisle, I found myself, Mr. Chairman, in opposition to the War Powers Resolution and was one of the few Democrats who voted against the resolution. And I did so for several reasons. One, I felt that the War Powers Resolution diminished the clarity of the Constitution on the issue of Congress' role in war making.

Second, I felt that it was a mistake to allow the President to introduce American forces into a situation and seek retroactive approval from the Congress of the United States. I thought that our Founders thought brilliantly and thoughtfully and creatively about the issue of war making and war powers, because that was a grave decision that the body politic would engage in.

While I believe, Mr. Chairman, that the post-cold-war era has introduced a new period in American and world history and that the War Powers Resolution should be looked at, we may very well need a new instrument to guide us through this transitional period into the new world of the 21st century. But I would submit, though I believe in the need for a new instrument and while in the early 1970 I opposed the War Powers Resolution, I find myself today on the floor of Congress asking my colleagues to oppose the amendment before us for two reasons: One, on process, and, two, on substance.

With respect to process, Mr. Chairman, the War Powers Act is no small piece of legislation. The War Powers Act is not a minor instrument in our government. This is a high profile instrument. It is a contentious issue. There are thoughtful people on all sides of the question of what should be an appropriate instrument that guides us in the context of the post-cold-war world. I believe that this issue is so important that the policy with respect to war making, the role of the Congress of the United States vis-a-vis the President, is so significant, that it should not come to the floor simply and solely as an amendment. Though I would agree that there is some debate here, this is the end product of the legislative process, not where it should begin.

It should begin in subcommittee and in full committee, where we hear and understand the subtleties and the nuances of any significant policy that affects our lives and millions of people in this country and throughout the world. The War Powers Resolution does just that.

So I would suggest that we oppose it, first, because of the process being flawed. We should not come to the floor with policy considerations so exceptional and so profound and so extraordinary, and we simply debate them here on the floor of Congress. It needs to be substantive, deliberative, and thoughtful. Hearings were not held, markups were not held. This is much too large.

Second, to the issue of substance. As I understand the resolution, it, A, repeals the War Powers Resolution, and, two, puts in place the following: A consultative process. The President consults with the Congress of the United States, with reporting requirements that are weaker than in the present War Powers Resolution.

There are some of us, Mr. Chairman, in the body politic who believe that the role of Congress goes far beyond simply one of being consulted. There are times when this gentleman believes that we need prior approval.

I would remind a number of my colleagues, some of whom were not here in the context of the debate on the Persian Gulf that the distinguished former speaker spoke to, this gentleman took the President of the United States to court trying to protect and defend the Congress' constitutional prerogatives in war making.

So there are thoughtful and courageous people on both sides of the issue, some who think it is simply one of consultation, others who believe that we should embellish upon that with prior approval. I am simply saying that this does not get us here.

Finally, and in conclusion, I think that the gentleman from Illinois [Mr. HYDE] is attempting to do something important. This is not the forum, this is not the product. I urge my colleagues to oppose the amendment.

Mr. HAMILTON. Mr. Chairman, I yield myself the balance of my time on this side.

The CHAIRMAN. The gentleman is recognized for 6 minutes.

Mr. HAMILTON. Mr. Chairman, let me begin by simply saying that I think that the gentleman from Illinois [Mr. HYDE] has performed a genuine service in bringing before this body the question of a repeal of the War Powers Resolution. There is no doubt that the resolution has many defects to it. The gentleman from Illinois and others are quite right when they point out those defects.

There is no President that accepts the War Powers Resolution. You are right about that. The 60-day clock provision means that the Congress can control whether or not we have combat troops there by inaction. That does not make any sense. I acknowledge that.

□ 1845

The concurrent resolution mechanism does not work; so all of us agree,

I think, in this Chamber that the War Powers Resolution needs major revision. But I want to put out to you what the Hyde amendment says. In its very first substantive sentence, the War Powers Resolution is repealed. I want Members to think a little bit about what that means.

One of the mysterious attributes of this body is that we do not sometimes want the power that the Constitution gives us. And that is exactly what a repeal of War Powers means here. I believe that the Constitution absolutely requires the Congress to share with the President the decision to send troops into combat. Presidents make mistakes. Presidents are not infallible. And the gravest decision that a government makes, do you send young men and women into war, is a decision that should be made not by any person alone, even if that person is the president. It should be made with a collective judgment. And is that not the theory of the Constitution, that the war making power requires a collective judgment of the President and the legislative branch?

That is the core of the War Powers Resolution. The other parts of it need to be corrected; but do not cede away the core power of the resolution because, when you do that, you are walking away from the constitutional power of the Congress.

The War Powers Resolution has been helpful. Any of us in this Chamber who served before the War Powers Resolution and then served after the War Powers Resolution knows that presidents today consult a lot more with the Congress after the War Powers Resolution was enacted.

Now, what does the amendment do by the gentleman from Illinois, [Mr. HYDE]? It does not acknowledge that Congress should share in this most important decision to go to war. It means that on this most important decision we are not a coequal branch. We say: Mr. President, please consult with us. We do not even require him to consult. We just say in every possible instance consult. The President can ignore us under this amendment if he wants to. The Congress becomes on this most important power a junior partner who will be consulted or not as the President chooses. Do not cede away this power. Work with us to improve it.

I have talked with the sponsor of this amendment. He is a very reasonable man. I think he believes that this amendment is not the end but the beginning of a serious effort to revise and strengthen the War Powers Act. I believe that to be the case. But repealing the War Powers Act now sends a signal to the American people, and that signal is that we abdicate our power in this body and we give it to the President of the United States carte blanche, carte blanche authority. I do not see how we can do that. I do not see how we can do it and read the Constitution of the United States.

We give a green light unchecked to the President, and we send that message that we have no role up front.

Now, the point is often made that we have the power of the purse. But just think about that. There comes a critical point whenever you are making a decision to commit troops, we all know it, there is a critical point. And that critical point is when the decision is made to send them in or send them out. That is when you want the Congress involved, not months later when you are dealing with the power of the purse.

Sure, we can cut off funding. But it is very difficult to cut off funding beforehand because you want to keep your options open. It is very difficult to cut off funding after the fact because the troops are already in the field. I am not saying we do not ever do it. I am just saying it is extremely difficult to do it.

I think the Congress of the United States on this question of war powers can stand against the President. I think there are times when we should stand beside the President, but Congress should not stand aside when American soldiers go into combat; and that is precisely what this amendment puts forward.

I urge a vote in order to keep the constitutional powers of this institution. I urge Members to vote ''no'' on the Hyde amendment.

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

I want to respond very briefly. There is no carte blanche authority given to the President by this amendment of mine. This amendment strengthens. There is nothing requiring notification in the War Powers Act. This amendment says the President shall in every possible—not may—shall report to Congress before, before the troops go in; and then after the introduction, the President shall. So we will be informed. The same thing goes for the report.

We are not required to leave our common sense out in the Rotunda. The facts of life are Lyndon Johnson could not even go to his own convention because the people did not support what he was doing in Vietnam. And that lesson has not been lost on anybody with a room temperature IQ. So do not think the War Powers Act forces the President to consult. No President who wants to survive another week will omit consulting.

Mr. Chairman, I yield 9 minutes to the Speaker of the House, the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me.

I rise for what some Members might find an unusual moment, an appeal to the House to, at least on paper, increase the power of President Clinton. And here we are in the middle of the Bosnian exercise with troops in Haiti and with all sorts of concerns, and yet I stand here to say that for America, the right thing to do is repeal these provisions, for America.

The reason is simple. First of all, I listened carefully to my good friend, the gentleman from Indiana [Mr. HAMILTON], who I think is a very serious and a very committed scholar of this. But he said something that all of us need to be aware of. He said, he complained, ''We have no role up front.'' I want to make two points about this, because he is right. We have no role up front.

We have no role up front because in an age of instantaneous change, as we were tragically reminded in Oklahoma City, there are times and moments when you need what the Constitution called ''the Commander in Chief.'' And once we have designed the military and we have paid for the military and we have established the framework and we have created the laws, within the legal framework of those laws in an emergency the Commander in Chief has to actually act as the Commander in Chief.

And that has been true of both parties. In fact, it was true of George Washington. It was true of Thomas Jefferson. People who say I am a Jeffersonian conservative, well, Jefferson sent the Marines to Tripoli and then told this Congress.

So the fact is, in the real world, if we are going to be honest with our constituents, a Commander in Chief exercising those powers with American troops scattered across the planet and, I think, over 100 different countries, if you count various advisory groups, they are there. We did advise. We passed the appropriations. We said, we established the Congress. We maintained the Navy, to use the two terms, and we established the Army and maintained the Navy, and the fact is they are there.

And if tomorrow morning somebody were to attack our troops, there would be an instantaneous, immediate reaction. And I certainly hope, for one, they would not stand there taking casualties waiting for the President to come to the Congress to see if we could report out a resolution to allow our troops to defend themselves.

My good friend would say, the War Powers Act does not stop that. Exactly. What the War Powers Act says is if the President decides to notify us that the troops are in imminent danger, then we have 60 days. I have been through this drill. I was through this drill with President Reagan. I was through this drill with President Bush. I am now going through this drill with President Clinton. Let me tell you what happens.

We get committed somewhere. And then the military comes in and says, you could pass this. But if you pass this, you are now saying to every terrorist, why do you not kill some Americans to force them out? Do you want to set the standard that Americans are targets so that the Congress can be pressured and suddenly everybody in senior leadership in both parties. Somebody says, Well, maybe we do not

want to make Americans targets; maybe we do not want to set up Americans to get killed. What happens?

Let me give you an example from the Clinton administration. A letter, written July 21, 1993. It said about Somalia, in a situation where people were being killed, ''intermittent activity, intermittent military engagements involving U.S. forces overseas, whether or not constituting hostilities, do not count.'' So an ambush in Mogadishu, the loss of 18 American lives, that does not count. They are not in imminent danger.

Nobody jumped up, the Democratic leadership did not return to the floor, the then chairman of Committee on International Relations did not rush to the floor, did not say, 18 Americans have died. Clearly, are in imminent danger.

Instead everybody agreed, let us hold hands, let us not risk any additional Americans being killed.

Why, if that is the case, why am I for repealing this?

Because it sends exactly the wrong signal to both branches. It says the Congress is just enough involved to have everybody downtown wandering in circles and being confused, and it says to the Congress, oh, you really have a role. You want to cut off troops in Haiti or Somalia or you want to cut off troops in Bosnia, there is an easy way to do it. It is called the power of the purse.

In fact, we have done it before. In the case of Lebanon, we did it. In the case of Somalia we did it. We used the appropriations process exactly as the Federalist Papers described and exactly as the Founding Fathers wanted, and we had a clean and a decisive choice.

Where we are responsible, which is the money, we said, No, after this date get out, period, end of story.

Now, we negotiated to make sure the day was a safe one. We negotiated to protect our troops. But we exercised the power of the Congress without having a complicated, convoluted, and profoundly dishonest law. Because what this law does is it says to every administration, do not tell the truth. If Americans are in imminent danger, do not say it because if you say it, you will trigger the War Powers Act. And by the way, if it triggered the War Powers Act and we did not pass something and you had a strong President, they would promptly say, as the Clinton administration said last year, it does not count. And they would stay. And guess what, the only way you could get them out would be to pass an appropriations bill to cut off the funding or to impeach the President.

So what I am begging for is clarity. Let us return to a system that worked from the founding of the country to the mid-1970's. Let us return to a system that says, we in Congress have awesome power. If we do not pass an appropriations bill, nothing happens. There is no government. There is no Army. There is no Navy. But if we delegate powers to the President and we establish a framework of law and we agree to establish something to happen, let us actually allow the Commander in Chief to be Commander in Chief.

And I asked my good friend, the gentleman from Illinois [Mr. HYDE], to allow me to close because I think the American nation needs to understand that as Speaker of the House and as the chief spokesman in the House for the Republican party, I want to strengthen the current Democratic president because he is the President of the United States. And the President of the United States on a bipartisan basis deserves to be strengthened in foreign affairs and strengthened in national security. He does not deserve to be undermined and cluttered and weakened.

When we get to disagreements, we will have the right place to have them. But this particular bill was wrong when it was passed. It has not worked in 20 years. And it is wrong now. And we should clean up the law, get it back to the constitutional framework and allow the President of the United States to lead in foreign policy with us deciding on key issues by our power of the purse.

□ 1900

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 17, as follows:

[Roll No. 359]

AYES—201

Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bono
Borski
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coburn
Collins (GA)
Combest
Cox
Crane
Crapo
Cremeans
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Manzullo
Martinez
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McKeon
Mica
Miller (FL)
Mink
Molinari
Mollohan
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Roberts
Rogers
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stockman
Talent
Tate
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Vucanovich
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—217

Abercrombie
Ackerman
Allard
Andrews
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Cardin
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Cunningham
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Emerson
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
McCarthy
McDermott
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Moakley
Morella
Nadler
Neal
Ney
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roemer
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shuster
Skaggs
Skelton
Slaughter
Spratt
Stearns
Stokes
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Thomas
Thompson
Thurman

Torkildsen	Vento	Williams
Torres	Visclosky	Wise
Torricelli	Volkmer	Woolsey
Towns	Walsh	Wyden
Traficant	Ward	Wynn
Tucker	Waters	Yates
Upton	Watt (NC)	
Velazquez	Waxman	

NOT VOTING—17

Bonilla	Kleczka	Peterson (FL)
Bryant (TX)	Laughlin	Stark
Cubin	Lofgren	Waldholtz
Dicks	Lucas	Watts (OK)
Houghton	Montgomery	Wicker
Johnson (CT)	Paxon	

□ 1917

Mr. SCARBOROUGH changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that debate on the amendment about to be considered and all amendments thereto be limited to 60 minutes, to be equally divided and controlled by myself and the gentleman from Indiana [Mr. HAMILTON].

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

Mr. ACKERMAN. Mr. Chairman, reserving the right to object, I would like to ask the distinguished chairman if he has discussed this at all with the minority.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, I do not believe it has been discussed with the minority.

Mr. ACKERMAN. In that case, I will be compelled to object, Mr. Chairman.

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

Mr. ACKERMAN. Mr. Chairman, further reserving the right to object, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, how many speakers does the gentleman have on his side on this amendment?

Mr. ACKERMAN. We are not sure right now, but we would be delighted to discuss it with the gentleman. We think it is in the neighborhood possibly of anywhere from 4 to 6.

Mr. GILMAN. If we could agree on some reasonable time, if the gentleman will yield further, we have until 9 o'clock to wind up this evening. We have one other major amendment to consider this evening.

Mr. ACKERMAN. I think that we would be very amenable to discussing it on a staff level at this point while this amendment is being debated.

Mr. GILMAN. We will be pleased to discuss it further with the gentleman's staff.

Mr. Chairman, I withdraw my unanimous consent request.

AMENDMENT OFFERED BY MR. ACKERMAN

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

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: On page 67, after line 9, insert the following new section:

SEC. 501. CONSOLIDATION REPORT.

(A) REPORT.—No agency of the United States Government may be abolished or its functions transferred or consolidated with another such agency pursuant to this division or any other provision of this Act relating to reorganization unless the Director of the Congressional Budget Office and the Director of the Office of Management and Budget independently calculate and submit to the Congress a joint report analyzing the costs and benefits of any such action.

(b) CONTENTS OF REPORT.—The cost/benefit analysis required by subsection (a) shall include, but not be limited to—

(1) An assessment of direct and indirect costs for the first five years associated with the implementation of the provisions of this division or any other provision of this Act relating to reorganization; and

(2) The effects of consolidation on personnel, management systems, real property, decisionmaking processes, administrative costs, and costs associated with terminating, amending, renegotiating, or negotiating existing and new contracts.

(c) FURTHER CONGRESSIONAL ACTION REQUIRED.—Notwithstanding any other provision of this act, if the Director of the Congressional Budget Office and the Director of the Office of Management and Budget either jointly or independently determine and report that the costs associated with the consolidation required by this division or any other provision of this act relating to reorganization exceed the fiscal year 1995 operating costs of the affected agencies, such provisions shall not become effective unless—

(1) the President determines that such consolidation is in the national interest of the United States; or

(2) a joint resolution is enacted specifying that such provisions shall become effective upon enactment of such resolution.

Redesignate sections 501 through 511 as sections 502 through 512.

Mr. ACKERMAN. Mr. Chairman, this amendment is modeled on principles that the majority has articulated in this chamber since January, and it is my hope that we will have strong bipartisan support for its adoption. Members on both sides of the aisle—whether they support consolidation within the State Department or not—should find this amendment very attractive. We should know what our actions will cost or save before we engage in a massive reorganization.

The amendment is designed to ensure that this body does not unknowingly write a blank check in the course of passing this bill, something that concerns all of us who are trying to save taxpayer dollars from frivolous Government spending.

For those who are not on the International Relations Committee, let it be known that there is presently no way of knowing if the bill, as reported, will save one penny as a result of reorganization.

Under this bill, we abolish three agencies and direct the former heads to report to work and assume new roles within the State Department. Yet there is no specific plan on how this will be accomplished.

There is no plan in place to reduce any staff. There is no plan in place to eliminate the cost of maintaining buildings, if indeed any are found not to be needed, and there is no plan in place to determine the costs and savings in buying out leases and service contracts. In fact, as the legislation is written, a consolidation plan is not required until March 1996.

How do we do this in the blind? Without this amendment we will be passing a blank check bill. At this point, there is simply no way to conduct a cost-benefit analysis because under the bill we won't even see a plan until March 1996.

To rectify this problem my amendment does the following:

First, it requires a joint report from the Director of OMB and the Director of the CBO, who is a Republican, requiring an analysis of the costs and benefits of the proposed plan for the first 5 years it is in effect. The report will cover effects of consolidation on personnel, management systems, real property, decision making processes, administrative costs and costs associated with terminating, amending or negotiating existing and new contracts.

What if the proposed consolidation doesn't save money, but actually costs more money? That might come as a surprise to some. But you may want to go forward anyway—and you can.

Second, if the report indicates that the costs of the reorganization exceed the fiscal year 1995 operating costs of the agencies, the President may determine it is in the national interest and proceed—and don't forget, this bill applies to the next president. If the President does not make that determination, the Congress must enact a joint resolution specifying that the consolidation, if more costly, may proceed.

My goal here is simple: It is to guarantee that the Congress know and understand the costs of its action, and then proceeds to act with that knowledge. This provision is consistent with the vision of the Republican majority who have shown a consistent dedication to rigorous application of cost-benefit analysis. I look forward to strong bipartisan support in adoption of this amendment.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Ackerman amendment.

Mr. Chairman, our colleague, the gentleman from New York, has put forth an amendment, but in reality what the amendment really does is to put a hold, to absolutely gut the provisions of the bill. This bill, as written in this section, will allow the consolidation of ACDA, AID and USIA functions within the State Department.

Of the organizations that are in an unusual fashion expressing support for this bill today, the support is coming because we are in fact consolidating the agencies that now exist as separate agencies, AID, ACDA and, of course, USIA. That is the reason we are having the taxpayer groups and so many other conservative groups, who ordinarily would never come out and suggest that we ought to vote for a foreign assistance bill, but in fact it is one of the major ways that we are saving an extraordinary amount of money.

I want to call my colleagues' attention to a couple of changes that the committee made in the course of deliberations on the proposal to consolidate

these agencies. One of the most important concerns I had early in the process was the fact that we may be burying ACDA, the arms control agency, and their recommendations, too deep in the bureaucracy of the State Department. So in fact we amended that and moved the placement so that the director of ACDA will be making recommendations not through some layer of bureaucracy but directly to the National Security Council, to the President. It cannot be delayed, cannot have his recommendations deferred or set aside by some assistant Secretary of State or even the Secretary of State.

The other thing I wanted to mention is the fact that while the concept started in the other body and was once enunciated in the House bill at its earliest stage of having a separate foundation run what are now the programs of the Agency for International Development, that concept was jettisoned. Indeed, what we have kept is an assurance by the organization proposed that the programs of the Agency for International Development in its new home, it is not being eliminated, it is being placed and consolidated into the State Department, that those programs will in fact be a tool or set of tools to be implemented by the President of the United States.

□ 1930

After all, the development policies and the other programs run by the Agency for International Development ought to be under the direction of the President so that they can indeed serve our national interests, our foreign policy objectives.

So I would say to my colleagues, if they vote for the Ackerman amendment they are basically gutting the bill's savings provisions, the part that conserves our dollars and makes a better use of them, they are gutting the consolidation efforts that we have shown in this bill.

Importantly, the Ackerman amendment gives the Director of the Office of Management and Budget an independent veto over this consolidation. A new statute would be required to override the veto. Now those are the kind of decisions I think properly are left to the Congress of the United States and not to CBO and not to OMB. I do not think we need additional studies. If there are savings in this approach, I think it is a rather extraordinary circumstance that they would have to demonstrate. It is very clear that the savings in the bill are in significant part because of this consolidation.

So I urge my colleagues to reject the Ackerman amendment and to leave what we have crafted in the way of a consolidation effort. I think it focuses the programs, the decisionmakings that do relate to our foreign policy where it ought to be in the State Department but with careful placement of these three new subcomponents.

I ask my colleagues to vote against the Ackerman amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Ackerman amendment.

Mr. Chairman, I support the Ackerman amendment for one very simple reason: I think the matter of arms control policing is much too important to be left in the hands of the State Department. I recognize the efforts made by the committee to try to ensure that ACDA will in fact still directly report to the National Security Agency. But the fact is that so long as the Arms Control and Disarmament Agency remains in any way a part of the State Department, it will be under pressure, regardless of the bureaucratic boxes, it will be under pressure to follow the party line of the agency. And with all due respect to the State Department, and I have a lot of respect for it, I think the Congress needs to know that it has an absolutely independent and fiercely independent agency which will call the shots as they see it when they are evaluating whether other countries who share this globe with us are in fact in compliance with arms control agreements or not. And so long as the arms control agreements or not. And so long as the arms control agency is folded into the State Department, we will always have the tendency of the State Department to want to take into account other factors, and they will bring pressure on ACDA to take into account other factors such as our political relationships with those countries.

Political relationships are important. But when it comes to arms control, this Congress needs to be able to know that it has the unvarnished facts, and I think there are just too many pressures on the State Department to assure that we are going to get those unvarnished facts, and therefore I would oppose what the committee does.

I cannot think of any more important information which the Congress needs to have than to know whether or not some other country in the world is either violating or getting close to violating arms control agreements which they have signed.

I do not want to have even the slightest scintilla of pressure be brought on an arms compliance evaluating agency to take into account the fact that we need to have good relations with another country, or we need to take into account what is happening with the political opposition in that country. It just seems to me that the primary obligation of this Congress is to have clear, straight information, and I think we risk the fact that we will not have it if ACDA is submerged into the State Department.

So I would strongly urge that the Ackerman amendment be supported. All it says is that this action cannot take place until there is a cost-benefit analysis. That to me refutes the argument of my good friend from Nebraska, with whom I very seldom disagree on foreign policy issues. It just seems to me in this case the Congress' overwhelming interest in having absolutely neutral, straight, hard-nosed information about whether other countries are giving us a snow job or not in terms of their compliance overrides all other considerations. We ought to vote for this amendment.

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

Mr. Chairman, have no doubt about it, this amendment would gut the reform that the Republicans have brought to the foreign policy establishment of this country. The American people voted for change. We have come forward with a bold plan of reform, and what we have now is an attempt to derail that reform, to study it to death.

In answer to some of the arguments that have been made, whether it is arms control or whether it is AID policy, or whether it is communications policy, these are not separate efforts. These are not things that operate and should operate independently of a global strategy. These are part and should be part and parcel of a global strategy, part of the same effort. This is what is behind our whole reform proposal to take arms control, AID decisions, and communications and put them into the State Department so that we can have what this country needs, and that is bold leadership on the part of the executive rather than what we have had in the last 10 years, which is quite often nothing more than an attempt by people who hold executive power to reach a consensus among independent agencies.

The fact is that if we are going to be efficient in the post-cold war world we need to make sure that our organizational structure is more efficient, and is operating with decisive leadership, which is exactly what you cannot have when you have different agencies operating independently.

What we are trying to do is consolidate, reform, and restructure the foreign policy apparatus of the United States in order to bring down costs and to make the system more efficient. What this amendment would do is prevent that reform, and maintain an ineffective status quo.

We need to provide American ambassadors, for example, more flexibility in their decisions with lower budgets, because they will have lower budgets. If we do not restructure at a time when we are bringing down the budgets of our foreign policy establishment, if we do not give them more flexibility, we are going to end up with a worse foreign policy apparatus. We need to change the way our foreign policy establishment has been doing business because this is a different world. And there is no way that you can force these types of reform decisions to be made than to force this type of restructuring by a reform process.

Again what we have here is a proposal to study our reform measures to death. Instead it is time to act decisively, time to move forward, time to

change the status quo, and not sit back in indecisive studying of the problem.

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

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

Mr. ACKERMAN. I appreciate the gentleman's yielding.

First, Mr. Chairman, the gentleman misinterprets my intent. I am not intending for anything to be studied to death. I do not want it to be studied any more than the time necessary to make the appropriate decision, but the gentleman refers, as previous speakers have referred, to the supposed fact, and it may or may not be true, that this bill as constructed is going to save money. And the only thing that I am asking and those who support this bill are asking is, where is the savings? Has there been, as you have called for time and time again, a cost-benefit analysis of any major change? Perhaps it is going to cost less, perhaps it is going to cost more. Without any delay, why can we not have somebody tell us where the savings are, where is it going to be more efficient, how many dollars. Could the gentleman tell me within $100 million how much we might save? There is not penny of savings in the bill.

Mr. ROHRABACHER. Reclaiming my time in order to answer the question, we are bringing down these budgets, and by restructuring we are forcing those people, those managers within the system, to be more efficient, to make decisions that will make their operation more effective within decreased budgets. The fact is that in the post-cold-war world we need some restructuring, and we perhaps need our ambassadors in foreign countries to be able to operate a little bit more independently even though their budgets in foreign countries will be less than what they were 10 years ago at the height of the cold war.

Mr. ACKERMAN. If the gentleman will yield further, as the gentleman knows, within the bill presently there is no plan for restructuring. The bill calls for a plan to be put forth by March of 1996. So there is no plan on which to base any costs. Why is there opposition to having somebody do an analysis of whether this will cost or save money?

Mr. ROHRABACHER. There is a reform plan.

Mr. GILMAN. Mr. Chairman, we have only one remaining speaker.

The CHAIRMAN. The Chair would advise the Members we are under the 5 minute rule.

Mr. ACKERMAN. Mr. Chairman, in answer to the gentleman's question, we have five additional speakers who are present in the room right now.

The CHAIRMAN. The Chair is proceeding under the 5 minute rule.

Mr. GILMAN. The gentleman has five additional speakers?

Mr. ACKERMAN. That is correct.

Mr. GILMAN. We have only two. Would the gentleman consent to unanimous consent to wind up all debate by 8 o'clock?

Mr. ACKERMAN. If he will limit each of his speakers to 1 minute each and allow us the balance of the time, the answer is yes, but obviously we have more speakers than he.

Mr. GILMAN. We are pleased to limit our speakers so we can wind up by 8 o'clock if we can share the time equally.

Mr. ACKERMAN. I have to object; if the gentleman has two speakers and we have five, splitting the time equally would not be equitable.

Mr. GILMAN. We will be pleased to try to limit our speakers to 3 minutes each and reserve the balance for the gentleman's side.

Mr. ACKERMAN. We will try to exercise the maximum restraint possible. We are not interested in dragging this out, but we do have Members who have signed up.

Mr. GILMAN. May I further suggest that we limit the remaining speakers to 3 minutes each on both sides?

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

Mr. ACKERMAN. Reserving the right to object, Mr. Chairman, I withdraw my reservation to object, but not to the 8 o'clock ceiling. But we will limit subsequent speakers to 3 minutes each.

Mr. GILMAN. Mr. Chairman, I withdraw my initial unanimous-consent request and I ask unanimous consent that each speaker be allowed 3 more minutes so we can wind up the debate at an early hour.

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

Mr. ACKERMAN. Reserving the right to object, Mr. Chairman, I just want to make it clear we are talking about this amendment specifically, and we are not amending the 5-minute rule to now be known as the 3-minute rule for the remainder of the debate on this particular bill.

The CHAIRMAN. It is the understanding of the Chair it will be this amendment and amendments to this amendment.

Mr. ACKERMAN. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. HAMILTON. Mr. Chairman, I rise in support of the Ackerman amendment.

The CHAIRMAN. The gentleman from Indiana is recognized for 3 minutes.

Mr. HAMILTON. Mr. Chairman, I think what strikes me about the provision in the bill with respect to reorganization is that we simply do not know what the bill's impact is on people, on costs, on the ability to carry out the mission. I do not know whether we make any savings with this bill or not, the reorganization.

□ 1945

The chairman of the Subcommittee on International Economic Policy, during the committee debate, said there are no savings from the consolidation in this bill. The word ''abolish'' is used several times in the bill to abolish AID, abolish USIA, abolish ACDA, and put them all into one organization, but all of the functions of those agencies are continued. So we are simply moving boxes around, as far as I can see.

What it does, the reorganization proposal, is to vastly expand the State Department. It doubles the number of employees in the State Department. It triples the budget of the State Department.

Now, all of us agree that government has to be downsized, and I want to say that the Administration has worked pretty hard at that. Staff has already been reduced by 2,300 in the foreign policy agencies. That has contributed $500 million in cost savings thus far. It has pledged to cut another $5 billion from the international affairs budget from 1997 through the year 2000.

I want to point out that the Congressional Budget Office has not done any study on the potential cost savings that would result from the consolidation mandated by this bill, and it is important to compare the processes here with the processes used in the Defense Department and the intelligence agencies, where you really had a bottom-up review. Compare this bill with the approach taken in the intelligence community today, also a bottom-up review, but here we have no rationale. We are not connecting the changes in reorganization with the problems in American foreign policy.

There is no effort to tie these reorganization proposals to any improvement in American foreign policy, and I simply do not have a good idea of what this reorganization does in terms of improving American foreign policy.

The Ackerman amendment gives us the ability to know what we are buying into in this bill, and through that amendment we will find out whether there is money to be saved or there is not, whether decisionmaking will be enhanced or it will not be, whether effectiveness will be improved or it will be diminished.

So this amendment, which mandates a cost-benefit analysis of agency reorganization prior to the implementation of any reorganization or consolidation plan, makes a lot of sense to me in terms of management.

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

Mr. Chairman, I hope that the Members of this Chamber have had a chance to look at this amendment. You know, this is a very craftily adopted, created amendment. This amendment is very clever. It is Machiavellian in an effort to undo a major provision of this bill.

I do not know if the people have all read this amendment, but when you read it there are a couple of sentences in here. It say, look at this, ''Unless

the Director of the Congressional Budget Office and the Director of the Office of Management and Budget, independently, calculate and submit to the Congress a joint report, nothing can be done.

In other words, you have got 100 Senators, 435 Congressmen, and two bureaucrats can stifle the entire Congress and the will of Congress. That is what this amendment says, if you take a look at the amendment from line 5 to line 9. This amendment really guts the main provision of this bill.

Now, our bill consolidates three out-of-date Cold War agencies. And how many times have you been home when people have said, ''Hey, our government is too big, our government costs too much?'' And basically what we are trying to do with this bill is take these three agencies and downsize them.

The American people have loudly and clearly told us again and again that our government has gotten too big and costs too much. What is at issue here is basically a fight between the people who want to change what is happening in our government and the people who are fighting for a status quo. That is really at issue here, and the agents opposed to change are fighting a rear guard action here to gut the bill. It is the old adage, if you cannot defeat the bill, gut the bill.

The President actually is given here a heck of a lot of authority. We are giving the President, under this bill, tremendous authority. He has all the advantages to structure this any way he wants, plus we are not giving him until tomorrow morning to do it. We are giving him 3 years to bring about this change. That certainly is enough. We are leaning over backwards to be fair.

No one can argue the President is being disadvantaged. He has got all the time and all the abilities and all the advantages in carrying this out.

This amendment merely says that we want change, and that change has to come about. This amendment is the old liberal welfare state philosophy of big government, of study, study, study, study. Study? How many studies do you need? You do not need any more studies. No matter how many studies are going to come here, you are going to make a decision whether to cut the government or not.

Study, study, study, spend, spend, spend, but the real objective is to delay, delay, delay.

What we are saying is we want to move forward. The American people have spoken, and we are saying that we are going to go ahead and downsize this government.

Yes, we are going to move ahead, and we want to work with you, but we cannot allow you to totally stymie us and to keep us from doing what we have pledged to the American people that we will do. Let us do what the people have repeatedly asked us to do.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(On request of Mr. ACKERMAN, and by unanimous consent, Mr. ROTH was allowed to proceed for 1 additional minute.)

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

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

Mr. ACKERMAN. I can understand and appreciate the gentleman's strong aversion and opposition to study. But could the gentleman cite for me one penny's worth of savings in this bill that you do not want to study? Not a dollar, not a thousand, not a million, not a billion. One penny. Tell me where it is saved in this bill.

Mr. ROTH. We are bringing these three agencies into the State Department.

Mr. ACKERMAN. At what cost?

Mr. ROTH. We are downsizing them by one-third; each agency will be downsized by a third. Therefore, the cost of the agencies should be downsized by a third. That is what we are doing in this amendment.

Mr. ACKERMAN. If the gentleman will explain how much the cost that offsets that in avoiding or renegotiating existing contracts.

Mr. ROTH. Reclaiming my time, and I appreciate the gentleman getting me more time——

Mr. ACKERMAN. Tell me how that saves more money on balance.

Mr. ROTH. Reclaiming my time, we are going to be saving, because when we put these three agencies into the State Department, we are mandating to the President that when he brings these agencies in, he has to downsize them by a third.

Mr. ACKERMAN. You do not mandate he saves any money?

Mr. ROTH. Each one of these agencies will be downsized by a third. That is where the savings are going to be. This is a poor amendment, and I hope we all vote against it.

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

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

I think, let us step back and take a look at what is going on. The majority party has put a bill on the floor which is a frontal assault on the President's authority to conduct foreign relations, micromanages to a level that the Democrats during Ronald Reagan's presidency never even presumed to go to, and massively slashes the amount of money spent on the foreign relations function.

But they have got a problem because some of their members said they never would vote for anything, and the bill still is a $17 billion bill and they have got to get their members to vote for it. So they say, ''Well, this does something else. This reforms the foreign affairs agencies by consolidating them.'' It gives total discretion, or pretty close to total discretion, to the executive branch as to how to consolidate it. There is no inherent savings in the consolidation.

The gentleman from New York has pointed out why the act of consolidation will cost money, but now they can say it is reform, it is slashing, and it is attacking the President, so maybe now they can pick up the votes.

The gentleman from Wisconsin [Mr. ROTH], my friend, says we are cutting each by one-third. You could leave the agencies separate and cut them by one-third. The act of consolidation does nothing to save money. What it does do is ensure commercial interests, like they did in Iraq, will supersede nonproliferation issues when you eliminate the Arms Control and Disarmament Agency. What it does take independent radios and make them subordinate to the geopolitical relationships between countries, moves that independence which allows an accurate voice of what is going on in a country to be broadcast to that country where there is a dictatorship, where there is an absence of free press, and has caused conservatives, who are very much supportive of bringing that word to those countries, to oppose this consolidation.

What it does is make development assistance goals and humanitarian goals subordinate to government-to-government relationships. There are major bad policy consequences from the consolidation.

There are no savings. But now you can say you slashed and you reformed and you have attacked the President, and maybe you can pick up your party's members who said they would never vote for an even $17 billion Foreign Assistance Act.

The amendment offered by the gentleman from New York [Mr. ACKERMAN] calls that bluff by saying, through a cost-benefit analysis, demonstrate the act of consolidation saves money. It puts you to the test. If this is the goal of consolidation, you will have no objection to the Ackerman amendment.

If the goal is simply to put a label of reform onto a bill, then you probably want to oppose the Ackerman amendment.

I urge adoption of it.

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

Mr. Chairman, well, let me just stress that I think we have probably exaggerated the debate.

The fact is the Department of State can well function with the consolidated basis. The foreign policy of the United States can well function in a more decentralized basis.

As perhaps the only Member of this body who has served in one of these agencies as a Foreign Service Officer, having spent 2 years in the Arms Control and Disarmament Agency, it is my sense that for long term continuity the country's foreign policy probably operates better on a decentralized basis. We have a long and proud history of the United States Information Agency, under great leadership, of great independence and respect. Likewise with the Arms Control and Disarmament Agency, and while AID is obviously a

controversial mission, we have had distinguished people serve at the Agency for International Development.

I would only rise to stress whether one is for or against this bill, it should not relate to the outcome of this particular amendment.

My view is to be sympathetic to it, and I will support it, but I would also stress that one can consolidate and function effectively. It all is a matter of leadership at any given point in time, and here we are involved in kind of a great political science debate in the sense of sometimes agencies of government, like business, are better off consolidated; sometimes, depending on leadership, they are better off with decentralized leadership. Sometimes there is a case for flux, where one has one circumstance to change it. Sometimes, in addition, there is a case for stability.

Now, having said that and having noted that one can reach opposite conclusions, I think in the long term the best interest here is for stability and for decentralization and, therefore, I think on balance the Ackerman amendment makes the most sense at this particular time.

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

I urge my colleagues to support the Ackerman amendment. It quite clearly gives us the opportunity to take a more careful look at what I think is the not carefully thought through proposal for consolidation that is in the base bill.

Mr. Chairman, effective foreign policy should represent the pursuit of enlightened self-interest. One of the most pressing interests in American foreign policy today is to control the spread of weapons of mass destruction. This becomes more and more important as regional and ethnic conflicts continue to explode across the globe. Today, more than ever before, it is in our critical self-interest to maintain an agency that advocates, negotiates, implements and verifies effective arms control, nonproliferation, and disarmament policies, strategies and agreements. That agency is the Arms Control and Disarmament Agency.

Independent status means that ACDA brings to the policy table an expert and undiluted arms control viewpoint. Often, this viewpoint differs from the State Department's perspective, which must be primarily concerned with diplomacy. That is why ACDA was created and that is why ACDA has continued to prove its worth to U.S. national security over the years.

H.R. 1561 eliminates ACDA's independent voice on arms control. It eliminates the ACDA's Director's access to the President, the National Security Advisor and the Secretary of State. It expels ACDA from interagency policymaking process where significant arms control and nonproliferation decisions are made.

To understand the efficacy of ACDA's role in the foreign policy process one need only to look at recent newspaper headlines. I find it ironic that earlier this month, during the same week when the International Relations Committee proposed its abolition, ACDA's director was with the President at a summit in Moscow working on important national security matters while ACDA's deputy director was in New York securing one of the greatest American post-Cold War foreign policy successes—permanent extension of the Nuclear Nonproliferation Treaty.

Negotiation of the permanent extension of NPT was reached against the odds. Without the relentless effort of ACDA's expert negotiators over the last 3 years we might not have the NPT today. The protection that NPT helps provide against nuclear proliferation benefits all Americans.

The supporters of H.R. 1561 claim that ACDA is a cold war relic. This claim shows how out of touch the authors of this legislation are with the realities of the foreign policy environment we face. Given the remaining dangers of Russian overarmament, and the new dangers of the post-cold-war world, ACDA is a relic today only if weapons of mass destruction are a rumor and proliferation is a myth.

The authors of H.R. 1561 claim that it would save money by eliminating an independent ACDA. In fact, according to the Congressional Research Service, it will cost $10 million to eliminate ACDA.

ACDA's basic budget is $50 million. According to the U.S. Strategic Command, the existing strategic arms limitation treaties have saved about $100 billion. Since these treaties took about a decade to negotiate, you could argue that there's a payoff of 200 to 1 from ACDA. I suspect that the impact of this ill-conceived legislation will be the reverse—one bill and 200 new problems caused by the disruption, dislocation, and crippling reductions contained in this bill.

The creation of a mega-bureaucracy that absorbs ACDA comes at the worst time—as the U.S. Government is pursuing the biggest and broadest arms control and nonproliferation agenda in history. Now is not the time to be dismantling the one agency whose sole mandate is to fomulate, negotiate, and verify arms control and nonproliferation policies and agreements.

This bill ought to be called the ''American Leadership Reduction and Avoidance Act of 1995.'' By silencing ACDA's independent voice on arms control and nonproliferation issues this bill presents a serious threat to the future security of this country. The purpose of ACDA is to bring the arms control perspective to the table when foreign policy decisions are made. This perspective has helped protect America and the world from dangerous proliferation of nuclear, chemical and biological weapons of mass destruction for a third of a century. Now is not the time to stop or shrink from responsibilities of leadership.

□ 2000

Now is not the time to be dismantling the one agency whose sole mandate is to formulate, negotiate, and verify arms control and nonproliferation policies and agreements. I urge a ''yes'' vote for the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment before the House.

Mr. Chairman, this amendment requires that the Directors of the Congressional Budget Office and the Office of Management and Budget to submit a joint report to the Congress analyzing the costs and benefits of proposals to abolish or consolidate the U.S. Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency. This cost/benefit analysis will allow this Congress to make an informed decision that fully considers the effects of consolidation of agencies on the personnel and management systems involved.

I support the goal of achieving a balanced budget over seven years, but I believe that we need to focus on the hard working citizens, many who live in Northern Virginia, who face possible job loss as a result of the agency consolidations proposed by this bill. I serve on the Subcommittee on Government Management, Information and Technology where we are currently reviewing the costs and benefits of many of the consolidation and downsizing proposals that would reshape the Executive Branch of the Federal government. During our recent hearings, it has become evident that so-called downsizing and consolidation efforts can have the unintended consequence of actually increasing costs to the federal government. For example, it costs the federal government an average of $35,000 for each employee that is terminated from the civil service. This amendment would provide for enough time to make an informed decision regarding agency consolidation—a decision that could avoid the unintended costs associated with massive layoffs.

Earlier this year, I strongly supported several measures that emphasize cost/benefit analysis and informed decision-making by regulatory agencies. My support for this amendment on agency consolidation is consistent with my support for regulatory reform. Congress has a fudiciary duty to ensure that it takes the time to consider the costs of legislative proposals. I urge my colleagues to join me in support of this amendment to delay the consolidation of U.S. AID, USIA, and ACDA, to preserve jobs, and to avoid an unintended waste of tax dollars.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman

from New York [Mr. ACKERMAN] because it addresses one of the most egregious aspects in this bad bill. The problem with the proposal to gut the Agency for International Development, the United States Information Agency and the Arms Control and Disarmament Agency by putting them into the State Department is that it compromises the mission of every one of those agencies.

The mission of the State Department, my colleagues, in diplomacy. That is not the mission of AID, USIA and ACDA.

The mission of the United States Agency for International Development is to maximize the economic and the human potential of everyone around the world and, by doing so, create market opportunities for American industry.

The mission of the U.S. Information Agency is very simply truth, not truth that complies with State Department policy that is politically oriented, that is acceptable, but simply, plainly credible truth. That is what the USIA delivers around the world.

And the mission of the Arms Control and Disarmament Agency is to save us expenditures and arms procurement by enabling us to control the proliferation of nuclear, chemical and biological weapons.

Of all the times in history to think about gutting the mission of the Arms Control Disarmament Agency, when we know how able dictators, tyrants, crazy nuts around the world have access to lethal weapons, and we are going to gut the mission of the Arms Control and Disarmament Agency? Of all the times to gut the mission, to compromise the mission or the Agency for International Development.

Consider the fact that as we move into the next millennium, the 21st century, there will be five new human beings born every second of every day, and three of them are going to go hungry, without adequate housing, without decent medical care. The Agency for International Development can enable them to become not desperate, hostile people, but constructive members and contributing to a world of peace and economic and social stability and, by doing so, create markets throughout the world for the American economy.

That is what the Agency for International Development does, and let me quote just from the New York Times here on USIA.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. MORAN] has expired.

(By unanimous consent, Mr. MORAN was allowed to proceed for 15 additional seconds.)

Mr. MORAN. In his directive granting the United States Information Agency independence, independence which would be eliminated by this bill, President Eisenhower empowered it to explain imaginatively the correlation between United States policies and the legitimate aspirations of other people of the world. Now is not the time to tear the United States Information Agency from that appointed task.

President Eisenhower knew what he was doing. He would vote against this bill, but he would certainly support the amendment offered by the gentleman from New York [Mr. ACKERMAN].

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

Mr. Chairman, the opponents of the amendment offered by the gentleman from New York [Mr. ACKERMAN] are saying that what his amendment would essentially do is gut the bill. I say that unless we have the Ackerman amendment, we are gutting America's role in the world.

I said it before, and I will say it again. Did we spend billions upon billions of dollars to fight and win the cold war, only to throw it away after we are successful? American foreign aid, only 1 percent of the budget, has worked. The people pushing this bill—and I oppose the bill because I think the bill is an isolationist bill; I think the President is exactly right on that—the people pushing this bill are saying that consolidation of AID, ACDA, and USIA would be a good thing.

Well, how do we know? I say to my colleagues, ''If you are for the Contract for America, then you ought to be for this amendment. All we are saying is do a cost-benefit analysis, see if indeed there will be savings, and then make an intelligent judgment after we see what the cost-benefit analysis says.''

Voting this way is buying a pig in a poke. We do not know if it is going to save money. In fact, many of us believe it will lose money. We do not know if it is going to be more effective. In fact, many of us believe it will be less effective.

I like AID, ACDA, and USIA as independent. Do we really want them rolled into the State Department? They have different roles. Do we really want them under the thumb of the State Department? I do not.

I say to my colleagues, ''The only plausible reason you can make to consolidate is if it saves money, and, my colleagues, if it doesn't save money, then what are we doing this for?''

So all my colleague from New York is saying is, ''Let's do a cost-benefit analysis, which my friends on the other side of the aisle often talk about the cost, they often talk about wasteful government programs, they often talk about downsizing and consolidating if it saves money, but if it doesn't save money, what are you doing? You are shifting the bureaucracy from one part to the next, and you're probably making for a less efficient agency.''

So again, whether my colleagues are for this consolidation or whether they are not, and I am not, what detriment can a cost-benefit analysis do. If it, indeed, saves money, it would seem to me that my friends on the other side of the aisle would have something to bolster their argument to consolidate, and, if it loses money, I would think a lot of people on both sides of the aisle would not want to vote for it anyway.

So let us stop having our heads in the sand. Let us stop having the fervor of consolidation and downsizing only. Let us do something that makes sense. Where there is fat, let us cut it out. If it makes sense to consolidate, let us consolidate, and, above all, let us look at the cost. A cost-benefit analysis is right for America.

Again I say to my colleagues, ''If you supported the Contract, you should be for this. Everybody ought to be for this on both sides of the aisle, so I urge my colleagues to support the Ackerman amendment.''

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

Mr. Chairman, I urge my colleagues to vote against the amendment offered by the gentleman from New York [Mr. ACKERMAN]. It seeks to gut our whole reorganization structure, and I merely want to quote from two former Secretaries of State.

James Baker said,

> Your proposal is breathtaking in its boldness and visionary in its sweep. It represents the fundamental reorganization needed if we are to transform government institutions to meet foreign policy challenges of the twenty-first century.

Then Larry Eagleberger, former Secretary said:

> With regard to the consolidation, I am already on record in testimony before Senator Helms in enthusiastic support of what his committee and yours seek to accomplish. By abolishing the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency, the bill will eliminate bureaucratic overlap, improve efficiency, save money, and enhance the ability of the Executive branch to advance American interests abroad.

I urge my colleagues to vote against the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. MOAKLEY. Mr. Chairman, there are many reasons to oppose this bill. It undermines the ability of the U.S. Government to conduct foreign policy. It abdicates U.S. leadership worldwide. It wastes our resources on moving boxes when the challenges of the post-cold-war world demand our attention, and it ties the President's hands and eliminates many of the tools at his disposal. National Security Advisor Tony Lake rightly calls it the ''unilateral disarmament'' of American foreign policy.

Under the reorganization provisions of this bill, we stand to lose a foreign policy tool which is vital to our national security. The Arms Control and Disarmament Agency is charged with solving the nuclear, chemical, biological, missile technology and conventional arms proliferation problems of our day. ACDA is a small, lean agency with a budget of only $50 million. Yet the U.S. Strategic Command tells us that the strategic arms treaties ACDA administers save the nation's taxpayers about $100 billion.

In its present form, ACDA's Director has an independent voice and direct access to the President, the National Security Council and

the Secretary of States. But this bill buries the director under three levels of bureaucracy. To make his voice heard, he will first have to make his case to an Assistant Secretary, then to an Undersecretary, and then to the Secretary of State.

State Department decisions, by nature, are often grounded in diplomacy and sensitive to the political considerations of other nations. ACDA has no entrenched interest in diplomatic relations. Thirty years ago, it stood alone in support of a nuclear non-proliferation treaty that the State Department opposed out of deference to some of our allies. It stood alone in support of a ban on deployment of multiple-warhead land-based missiles in the SALT treaty negotiated by Richard Nixon. When that effort failed, it took twenty years to negotiate a new agreement (START II) to remove the highly-threatening Soviet land-based missiles. And ACDA was the key to getting the Soviet Union's radar at Krasnayarsk removed as a violation of the ABM treaty in spite of reluctance at the State Department.

An independent ACDA has made tremendous contributions toward peace. Ralph Earle, Deputy Director of ACDA, recently put it this way:

> If one thinks that arms control implementation and compliance can largely take care of itself; that the dangers of proliferation are overblown; that the chemical weapons terrorism in Japan was a fluke; and that we should let arms and sensitive dual-use technologies flow abroad more freely, then the proposed legislation may be the way to go.

But, Mr. Chairman, I submit that our President—and our country—needs the full range of tools to make the most informed and effective decisions. The Arms Control and Disarmament Agency is a vital agency built around highly trained arms control specialists. Our national security necessitates its independent voice, its unique expertise, and its direct access to the highest levels of government. The reorganization provisions proposed in this bill will cost us money, disrupt arms control and non-proliferation progress, and surrender valuable expertise. They are harmful to our nation's security and I urge their rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 233, not voting 24, as follows:

[Roll No. 360]

AYES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Emerson
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—233

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—24

Bonilla
Bryant (TX)
Clayton
Coburn
Cubin
Dicks
Foglietta
Gephardt
Houghton
Johnson (CT)
Kleczka
Largent
Laughlin
Lofgren
Lucas
Montgomery
Paxon
Peterson (FL)
Spratt
Stark
Thornton
Waldholtz
Watts (OK)
Wicker

☐ 2029

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mrs. Waldholtz against.

Mr. MASCARA changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 1561, the American Overseas Interests Act of 1995. By eliminating important foreign policy functions of the Federal Government this bill retreats from our obligations as Americans and human beings to the neediest citizens of the world. As the recent tragedies in Rwanda and Bosnia clearly demonstrate, this is not time for America to retire from the world community.

The stated objective of the American Overseas Interests Act, is the elimination of the Agency for International Development [AID]. The U.S. Information Agency [USIA], and the Arms Control and Disarmament Agency [ACDA] in addition to slashing $1.8 billion in foreign aid, international broadcasting, and diplomatic functions funding from the administration's requested level. In fact 29 percent of the development assistance for child survival programs, African development aid, disaster assistance, and Latin American and Caribbean aid will be cut by this draconian legislation. This shortsighted and rushed legislation will reorder American foreign policy objectives by abolishing foreign and peace organizations, interfering with the foreign policy prerogatives of the President and substantially cutting assistance to friends of America in great need.

The American Overseas Interests Act of 1995 that we are considering here today is completely out of balance. H.R. 1561 seeks to isolate the United States by restricting America's role in the world. It recklessly cuts U.S. contributions to the United Nations and U.S. peacekeeping operations. It would be an abdication of American humanitarian leadership overseas to support this legislation.

Contrary to the representations of the supporters of this bill, foreign aid constitutes less than 1 percent of the U.S. budget. This small investment is leveraged further by a public-private partnership involving several hundred U.S.-based charitable organizations. Without the U.S. contributions of seed money, these cuts in aid will be devastating.

Foreign aid is no giveaway. These dollars work as an effective means of developing and expanding U.S. export markets. In fact, the recipients of U.S. Foreign aid constitute the fastest growing market for U.S. exports. In the past 10 years, our exports to developing countries have more than doubled from $71 to $180 billion. This valuable trade results in thousands of badly needed jobs for American workers.

Mr. Chairman, H.R. 1561 is not only a bad deal for the American economy, it also compromises the President's initiatives in foreign affairs. In a seven to one decision, the U.S. Supreme Court in *United States v. Curtis-Wright Export Corp.,* 299 U.S. 304 (1936) held that because of ''fundamental differences'' in national power with respect to internal and external affairs, the President of the United States possesses additional prerogatives in the foreign affairs field that, in my opinion, this legislation compromises.

This bill imposes restrictions and limitations on the President's special authorities that would hamper the ability of the United States to respond to rapidly changing international circumstances. Therefore, the constitutionality of the American Overseas Assistance Act is in question and should be carefully examined prior to any further consideration of this bill.

A dramatic example of the negative impact this legislation would have on the President's prerogatives in foreign affairs is the fact that H.R. 1561 directly inhibits vital Presidential objectives such as—implementation and funding for the framework agreement with North Korea; debt reduction for poorer nations; democracy building and market reform in Russia; and funding for worldwide family planning activities.

Contrary to the arguments that have been made by the supporters of H.R. 1561, President Clinton has proposed a budget that reasonably addresses the overseas interests of the United States. President Clinton's fiscal year 1996 foreign affairs budget has two key initiatives; reasonable consolidation and maintenance of our obligations to our friends and the world's neediest people.

The administration has proceeded vigorously with its efforts to streamline AID, ACDA, USIA, and the Department of State. Under the administration's efforts, foreign affairs agencies are reducing staffing by 4,700 positions, cutting bureaucratic layers and duplication, eliminating low-priority posts and programs, reengineering their business processes, and establishing common administrative services. The administration has taken these steps to enhance the efficiency and effectiveness of these agencies.

By contrast, the approach of H.R. 1561 is to simply eliminate AID, ACDA and USIA. This extreme action would result in an unwieldy, costly, and ineffective compromise of U.S. foreign policy objectives and would constitute an abdication of American humanitarian leadership overseas.

The ironic truth about H.R. 1561 is that it will actually weaken our influence overseas and therefore compromise our national defense, prestige, and effectiveness. As a result of the bill's redirection of $1.8 billion away from programs that help uplift the world's poor, American interests will be compromised.

Mr. Chairman, there is no doubt that with the end of the cold war the United States now reigns supreme as the world's only superpower. Over the past 7 years, our foreign policy has undergone a massive undertaking to adjust to a post-cold-war world which has allowed us to maintain a better balance of our domestic and foreign interests. Because of these changes in world politics, the United States is faced with an unprecedented opportunity to redirect funds to relieve problems here at home and help improve the lives of our friends overseas.

Mr. Chairman, unfortunately, as a political maneuver, the current majority has attached to this bad bill provisions authorizing aid to Israel and her Mid-East peace partners. This insulting and cynical attempt to force those of us who support Israel to endorse the overwhelmingly shortsighted and offensive objectives of H.R. 1561 will not work.

My record in Congress supporting issues important to Israel and the Mid-East peace process has been consistent and steadfast. In the form of foreign aid, trade relations, and support for the peace process, I have recognized the wisdom of a vital Israel and a fair peace process. Despite the fact that I have been forced to vote against this bill, rest assured I will do all that I can to ensure that the President's budgeted aid for Israel and the Mid-East peace process is delivered by this Congress.

In closing, H.R. 1561 reflects my colleagues' desire to sacrifice the interests and obligations of the American people in exchange for isolationism and inhumanity. I urge my colleagues to vote against this bill.

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

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, had come to no resolution thereon.

SCHEDULE FOR FURTHER CONSIDERATION OF H.R. 1561

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

Mr. MORAN. Mr. Speaker, I have asked unanimous consent to inquire of the chairman of the Committee on International Relations the schedule for tomorrow so that we understand what amendments might come up. I would like to inquire of the chairman of the Committee on International Relations the implications of the decision to rise at this point.

I understand that there is an hour and 45 minutes left of debate. We have at least three Democratic amendments scheduled: the gentleman from Maryland [Mr. HOYER], the gentleman from California [Mr. BERMAN], the gentleman from New Jersey [Mr. ANDREWS]. However, with an hour and 45 minutes tomorrow, it is conceivable that, particularly if the chairman was to oppose the Burton amendment, that the chairman might have two amendments in succession which would preclude the ability of the Democrats to offer any of our amendments.

I would like some assurance from the chairman that the Democrats will be able to offer an amendment after the subsequent Republican amendment to this bill.

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

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

Mr. GILMAN. Mr. Speaker, I have been informed that 1 hour and 45 minutes remain on full debate on this bill. We have a manager's amendment which is en bloc, a number of amendments, and then we have the Burton amendment. And whatever additional time that may be remaining, we will try to accommodate the gentleman.

Mr. MORAN. Mr. Speaker, I would suggest to the Chairman that is the reason for the inquiry because that may very well take up the full space of the 1 hour and 45 minutes which means that there would be two Republican amendments. There would not be the opportunity for any Democratic amendment to be offered, if that were the schedule. That is the concern of the minority side.

Mr. GILMAN. Mr. Speaker, if the gentleman will continue to yield, we will try to urge the Members to keep their remarks as brief as possible and the Berman amendment will be next following the Burton amendment.

Mr. MORAN. Can the Chairman assure us that we will get a Democratic amendment, at least one Democratic amendment considered tomorrow.

Mr. GILMAN. It will depend on the amount of time that we will be able to save with the debate on those two measures.

Mr. MORAN. This side would much appreciate the Chairman cooperating.

Mr. GILMAN. We will try to do our best to allow some time for additional amendments.

ON AMENDMENTS TO H.R. 1561

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, does that mean that no one else will be able to offer amendments? We have only got this 1 hour and 45 minutes and, as you know, I have a very, I think, important amendment dealing with immigration,