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No. 120

House of Representatives

The House met at 10 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe upon us, O God, the breath of life, speak to us in the depths of our hearts, look upon us with favor, hold us in Your strong arm and at the end of time, grant us Your peace that passes all human understanding. We place these petitions before You, gracious God, for You have been our help in ages past and You are our hope for years to come. As You have given us our very lives, so You give us the blessings that make each day possible and make each opportunity an occasion for serving others in their need. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mrs. SEASTRAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 740. An act to confer jurisdiction on the United States Court of Federal Claims

with respect to land claims of Pueblo of Isleta Indian Tribe.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3060. An act to implement the Protocol on Environmental Protection to the Antarctic Treaty.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes on each side.

TROUBLE IN IRAQ

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

Mr. GEKAS. Mr. Speaker, the trouble in Iraq was in the north, so we shot missiles in the south, 27 the first day, 17 the next day, then 1. A missile a day is not going to keep Saddam away. We know that we must and we do support the President's military action. He is the Commander in Chief and in times of this type of international crisis, we must remain united as a people and as a Congress, reflecting the wishes of our people.

But, Mr. Speaker, we also need to have the White House explain fully the long range goals and targets of this military action so that the American people will know that they do not have to face the prospect of another missile attack or another reaction by Saddam or a reaction to that action by our Armed Forces. What is the overall final policy envisioned by the White House? We need to know that so that we can support it as Congress should, and so that the American people will know what to support.

THE DOLE-GINGRICH TAX PLAN

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

Mr. BROWN of Ohio. Mr. Speaker, the folks who brought us the Government shutdown are back at it. Cut taxes on the rich, they say, and cut Medicare and student loans to pay for it. The Dole-Gingrich tax plan, some \$600 billion in tax breaks mostly for the rich, will mean ever bigger cuts in Medicare, ever bigger cuts in student loans, ever bigger cuts in environmental protection than the original Gingrich plan.

The Gingrich-Dole plan will mean fewer Medicare services and fewer student loans. The Gingrich-Dole plan will mean higher Medicare premiums, higher Medicare copayments, higher Medicare deductibles, and higher costs for middle-class students getting student loans.

The Dole-Gingrich plan will mean Medicare beneficiaries who are now paying about \$46 a month in premiums will see their premiums approaching \$100 a month.

Mr. Speaker, not cuts in Medicare and student loans to pay for tax breaks for the wealthy. It simply does not make sense.

DEMOCRATS HOOKED ON SPENDING

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, the liberal Democrat leadership will be holding mock hearings today for the sole purpose of criticizing the Republican plan to cut taxes by 15 percent.

Liberal Democrats just can't stand the idea of Americans keeping what they earn. For some reason, they love big government; they love spending billions and trillions of hard-earned tax

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

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



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dollars on Washington-based bureaucracy.

Today at their hearing, liberal Democrats will bring the old arguments that Republicans want to slash programs to the elderly to pay for tax breaks for the rich. But these arguments have been thoroughly rejected by the American people. Congress has proven that we can have substantial tax relief while saving sensitive programs, like Medicare, from bankruptcy.

The difference here is that Republicans trust the American people. Families should have the freedom to do what they want with their own money. Liberal Democrats love big government and they love the big taxes needed to run it.

BOB DOLE'S ECONOMIC PLAN

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

Ms. DELAURO. Mr. Speaker, Bob Dole's economic plan does spell disaster for the millions of Americans who depend on Medicare. His proposal for a close to \$600 billion tax cut could result in \$300 billion in Medicare cuts. That is not my number, that is the Congressional Budget Office which is controlled by the Republicans. It calls the cuts draconian. They say that Medicare beneficiaries would probably find their own costs rising substantially, that is a direct quote, if \$300 billion in Medicare cuts were required. Mr. Dole says he plans to pay for this tax cut by closing corporate loopholes.

Get a hold of the New York Times this morning where this is the following quote from the New York Times:

During Mr. Dole's 27 years in the Senate, he has proved himself to be a master at engineering the very sorts of special tax breaks for constituents and corporations that he now decries. And recipients of those breaks in turn have been among Mr. Dole's most generous contributors.

Let me say this to you, that he was also very proud that he voted against Medicare, 1 of 12 to do that. Who do you trust to deal with the Medicare system, Mr. Dole or the Democrats who have stood here to defend Medicare every single day for the last 20 months against the Republican onslaught?

TEENAGE DRUG USE

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

Mr. BALLENGER. Mr. Speaker, here is a headline from the Greenville News out of South Carolina, 2 weeks ago: "Twice as Many Teens Using Drugs as in 1992."

Mr. Speaker, why do we have this headline? Why is it teen drug use has exploded? There are probably many plausible theories, but I think the most important is the attitudes of those in positions of authority. In the 1980's, the Reagan administration told young people to just say no.

But in 1993, when Bill Clinton first took over as President, he slashed the budget of the Office of National Drug Policy. Then, his administration hired about 40 staffers who had to be placed in a special drug program because they admitted to using hard drugs such as crack cocaine only a few months before going to the White House.

Mr. Speaker, when we have an administration that takes a casual view of adult drug use, its no wonder we have headlines like this.

IRS AUDIT OF COLLEGE COURSE

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

Mr. VOLKMER. Mr. Speaker, I believe it is time for Members of this House to stand up to intimidation. A letter has been sent from the chairman of the Committee on Ways and Means, Mr. ARCHER, to the Commissioner of the Internal Revenue Service, Ms. Richardson, intimating that she should not continue with the audit of the two courses that were given in Georgia on which the Speaker was a party. They were at the Reinhardt College and the Keenesaw State University.

These audits that are ongoing are legitimate audits of a not-for-profit foundation that was possibly used for political purposes. Yet Mr. ARCHER has written to the Commissioner asking her not to continue with the audits. That is intimidation. Never, I have been here 20 years, I have never known a chairman of the Committee on Ways and Means ever try to intimidate an IRS commissioner.

ANOTHER VIEW ON IRS AUDIT

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

Mr. LINDER. Mr. Speaker, the gentleman who just spoke referring to the IRS audit of the course did not point out that this may be the only college course given for credit that has been audited in the history of this country. I wonder why. The IRS is also auditing the Christian Coalition, the National Rifle Association, and Pat Robertson. I wonder if they are auditing the AFL-CIO.

This is perhaps the most biased, the most tendentious, the most politically active IRS in the history of this country. And the chairman of the Committee on Ways and Means has a right to ask for an explanation. He did not order anyone to stop. He asked for an explanation. It is time that they explain their political activity.

MORE ON THE IRS

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

Mr. TRAFICANT. Mr. Speaker, the IRS. Murderers, terrorists, rapists, child abusers, even traffic violators are also innocent until proven guilty. It had been good enough for Madison, Jefferson, Washington, good enough for everyone except the Internal Revenue Service. The Internal Revenue Service says taxpayers should remain guilty and have to prove themselves innocent in tax court. And they said, Congress, if you change the burden of proof law it will cost us billions of dollars. Unbelievable, Congress.

Could you imagine Madison saying to Jefferson, discussing the Bill of Rights, Tom, this is great stuff but it costs too much? Beam me up. You want to talk about family values. The IRS, NEWT GINGRICH, picking on political targets.

Congress, put this thing in order. It is time to change the law. A taxpayer is a citizen, too. They should be innocent until proven guilty. Bring your damn case or do not bring it right. Think about that. I am asking Congress to change the burden of proof in a tax case and start treating taxpayers like American citizens. I yield back the balance of these laws.

REPORT ON TEENAGE DRUG USE

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

Mrs. CHENOWETH. Mr. Speaker, 2 weeks ago, the Department of Health and Human Services released a shocking report on teenage drug use. Here are some of the findings: Overall drug use for 12- to 17-year-olds, from 1992 to 1995 is up 78 percent; marijuana use up 105 percent in the same age group during the same period; marijuana use, in just the last year: up 37 percent; LSD use, 1992-95: up 183 percent; LSD use in just the last year: up 54 percent; cocaine use, 1994-95: up 166 percent. In just 1 year.

It used to be that the White House encouraged our young people to just say no. Today, the White House just says nothing about this explosion of teenage drug use.

The Clinton war against drugs has been a failed war against drugs. And now we see the consequences.

BACK TO SCHOOL

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

Ms. WOOLSEY. Mr. Speaker, in my home State of California, which is being called the epicenter of the school enrollment explosion, 5.5 million students are returning to school this week, 100,000 more than last year. Nationwide enrollment is expected to rise by 7 percent over the next 6 years. Instead of responding to this crisis, the majority, however, is contributing to it by proposing tax cuts on the rich while voting to cut education spending by 7 percent, 7 percent below 1995 levels.

President Clinton, on the other hand, and the Democrats want to help our schools, help our schools prepare for the future by ensuring that every child enters the classroom ready to learn, by training more teachers and raising learning standards through Goals 2000, by expanding the use of technology in our classroom and by making college more affordable.

Mr. Speaker, it is time to make education our No. 1 priority and ensure that every student enters the classroom ready to learn and has the opportunity.

DRUG USE AMONG TEENS

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

Mr. HOKE. Mr. Speaker, I looked at this survey that has been completed by HHS about drug use among teenagers. I do not get it. I am confused about why.

Here we have got overall drug use that has doubled in the last 4 years. Remember that after there was a substantial decline, Mr. Speaker, during the 1980's and the early 1990's, in the past 4 years overall drug use has nearly doubled. Marijuana use is up 105 percent. LSD is up 183 percent. Cocaine is up 166 percent. Inquiring minds wants to know why.

□ 1015

Why, Mr. Speaker, what has changed? What has happened? What can we look to? What is the explanation?

Mr. Speaker, I was the first invitee at a townhall meeting for the homeless in Cleveland about a week ago, and I asked those people what is the No. 1 problem that got them to this situation that they find themselves in, and they said drugs.

WE NEED THE TRUTH ABOUT TAX CUTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the question should be asked this morning as we move into this process where the American people will make choices: "What does a 15-percent tax cut do for you or for those Americans who are looking for a better life?"

We do not need political rhetoric. We do not need confusion. We need the truth.

It is interesting that my colleagues on the other side of the aisle want to now use the straw man of teenage drug use, something that all of us abhor, something that is necessary to prevent, when they are the very ones asking for almost a \$600 billion tax cut that benefits those making over \$100,000 so that, one, we can cut the drug-free schools program. As a member of the Committee on the Judiciary, that is what they

cut, cut the DARE Program that enhances and gives our children the incentive not to take drugs.

Mr. Speaker, I believe in prevention, but a tax cut does nothing but to scare seniors by causing a \$300 billion cut in Medicare, it cuts the environment and, likewise, it cuts our opportunities for education.

Let us tell the truth. This 15 percent across the board has no basis in fact. There is no way to tell how it can be done. There is no way to say that it will improve your life. Please realize what the truth is. Fight against those tax cuts and let us educate our children.

SET AN EXAMPLE ON DRUG TESTING

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

Mr. SOLOMON. Mr. Speaker, as my colleagues know, back in the early 1980's Ronald Reagan, at my urging, enacted random drug testing on the military. At that time over 25 percent of our active military were using drugs in one form or another. Once we put random drug testing into effect, within 4 years it had dropped from 25 percent down to 4 percent.

What is happening in America today is so frightening with 12- and 13-year-olds using marijuana and a 137-percent increase, 14- and 15-year-olds now increasing by 200 percent. Something has got to be done.

On opening day of the next Congress I will introduce a rule change to the House which will set the example bringing Members of Congress and their staff under random drug testing rules. We need to set the example. We need to go back to just say no to our young people so that they know it is important.

I hope my colleagues will support my rule change on January 3, 1997.

DOLE TAX CUT BAD FOR SENIORS

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

Mr. GENE GREEN of Texas. Mr. Speaker, I have no fear of taking a drug test, and I suggest we do it here on the floor of the House.

Let me talk about the cuts that we have in safe and drug-free schools, the same people we have heard this morning talk about the increase in drug use, and yet this majority Republican Congress cut \$99 million out of safe and drug-free schools that the President requested, again the DARE programs.

But that is not what I want to talk about today. Mr. Speaker, I really wanted to talk about the proposed spending of all the political career of Senator Dole as a budget balancer and now calling for a 15 percent tax cut. This sounds great and all of us would

like to have one, but how are we going to pay for it? In recent history, if there is any indication, it will be paid for by cuts in education, by cuts in the Medicare needs for seniors, and of course, remember last year when Senator Dole bragged about voting against the creation of Medicare in 1965. Now he says he wants to preserve and protect it.

Mr. Speaker, I am concerned that after November 5, if that happens, we will then hear about where those cuts are going to come, and they are going to come from education, from Medicare for seniors and from programs that we need to plan for the 21st century.

GINGRICH AUDIT

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

Mr. WARD. Mr. Speaker, it has come to my attention that a colleague of mine is trying to intimidate the IRS. In today's Washington Times, I read that Republican leaders are upset that the IRS is making an inquiry into the corporate funding of Speaker GINGRICH's courses at two Georgia schools. It seems that the Republican leadership is not pleased with the timing of the inquiry just 2 months before the election.

But, as my colleagues know, the information about the audit was not leaked by the IRS. In fact, it was the schools involved who told the press that these IRS audits were taking place.

Mr. Speaker, the audit is not new. It has been underway for some time. There is no political motive here. The American people deserve to know if one of their public servants has been a party to anything even remotely illegal, like the possible illegal corporate funding of these courses.

Perhaps it is ill-timed, but Speaker GINGRICH's constituents deserve to know the truth.

LAY OFF, MR. ARCHER

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

Mr. LEWIS of Georgia. Mr. Speaker, this morning the Associated Press reported that the chairman of the House Ways and Means Committee, BILL ARCHER, has sent an intimidating letter to the Internal Revenue Service concerning an investigation the IRS has launched into a partisan political course NEWT GINGRICH taught at two Georgia colleges.

The IRS has good reason to investigate Speaker GINGRICH. Allegations regarding the Speaker's abuse of tax exempt organizations have swirled for more than 2 years.

Mr. Speaker, it is fitting and appropriate for the IRS to investigate the serious allegations of misuse of nonprofit organizations by Speaker GINGRICH.

Mr. ARCHER ought to keep his hands off and let the IRS do its job. Not even the chairman of the powerful Ways and Means Committee can protect the Speaker from the justice he is due.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

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

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to this request.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 4, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR SPEAKER GINGRICH: Having accepted your appointment to the Committee on Agriculture, I hereby submit to you my resignation from the Committee on Small Business.

It has been a great honor for me to serve under the capable leadership of Chairwoman Meyers, and it is with deep regret that I leave her committee. However, I will continue to work closely with her and the committee to protect the interests of America's small business community.

With best wishes, I am
Sincerely,

DAVID FUNDERBURK,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, September 4, 1996.
Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 389(d)(2) of Public Law 104-127, I hereby appoint the following individual to the Water Rights Task Force:

Mr. Richard Roos-Collins of California.

Yours very truly,

RICHARD A. GEPHARDT.

APPOINTMENT OF CONFEREES ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Senate amendments, thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that in resolving the differences between the House and the Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3675, be instructed to disagree to Senate Amendment Numbered 150.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. WOLF. Mr. Speaker, I support the motion offered by the gentleman from Wisconsin [Mr. OBEY] and accept the motion.

Mr. OBEY. I thank the gentleman.

Since the gentleman from Virginia [Mr. WOLF] has accepted the motion, I see no need to debate it. I appreciate the gentleman's position.

The SPEAKER pro tempore. Do both Members yield back their time?

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

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. OBEY].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MYERS of In-

diana, ROGERS, KNOLLENBERG, RIGGS, FRELINGHUYSEN, BUNN of Oregon, PARKER, LIVINGSTON, BEVILL, FAZIO of California, CHAPMAN, VISCLOSKEY, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. BEVILL moves that the managers on the part of the House at the conference on the disagreeing vote of the two Houses on the bill H.R. 3816 be instructed to insist on the House position in respect to section 510 of the House-passed bill prohibiting the imposition by the Tennessee Valley Authority of a performance deposit on persons constructing docks or making other residential shoreline alterations.

Mr. BEVILL. Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. First, does the gentleman seek time?

Mr. BEVILL. No, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Indiana [Mr. MYERS] seek time?

Mr. MYERS of Indiana. Mr. Speaker, we accept the amendment.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, LIGHTFOOT, PACKARD, CALLAHAN, DICKEY, LIVINGSTON, SABO, DURBIN, COLEMAN, FOGLETTA, and OBEY.

□ 1030

UNITED STATES ARMED FORCES PROTECTION ACT OF 1996

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HUTCHINSON). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL] and welcome him back from a very productive trip, I understand, to North Korea, where there is a serious famine going on.

Pending yielding that time, Mr. Speaker, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

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

Mr. SOLOMON. Mr. Speaker, House Resolution 517 is a structured rule providing for the consideration of H.R.

3308, the Armed Forces Protection Act of 1996. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking member of the Committee on National Security. The rule provides that after general debate, the bill shall be considered for amendment under the 5-minute rule, and makes in order only those amendments printed in the report of the Committee on Rules.

Those amendments are as follows: an amendment offered by the gentleman from South Carolina [Mr. SPENCE] making technical clarifications, debatable for 10 minutes. That is equally divided between them; an amendment offered by the gentleman from Maryland [Mr. BARTLETT], the gentlewoman from Idaho [Mrs. CHENOWETH], and the gentleman from Ohio [Mr. TRAFICANT], pertaining to the wearing of U.N. insignia by U.S. Forces. That amendment is debatable for 40 minutes and, of course, is equally divided as well. And an amendment offered by the distinguished gentlewoman from Colorado [Mrs. SCHROEDER] adding an additional reporting requirement of the projected U.S. financial share of U.N. operations, which will be debatable for 20 minutes, again equally divided.

The rule further provides that amendments may be considered only in the order specified, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

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

Mr. Speaker, the minority was offered 1 hour on a substitute of their choice, and they have chosen not to accept that, so there will not be a minority substitute offered here today. They did have that opportunity, should they have wanted to do it.

Mr. Speaker, this rule attempts to accommodate the concerns of those Members who submitted amendments, yet provides for expeditious consideration of this important bill during the abbreviated week. It is a good rule and I would certainly urge its adoption.

On the bill itself, I would just like to make some quick observations. For the past several months I have served as the Republican leadership's point man on the issue of the U.N. control of U.S. Forces. I am pleased to see this legislation before us prior to us adjourning in about 3 weeks from now. It is an excellent bill, and I commend the chief

sponsor, the gentleman from Maine, Mr. LONGLEY, as well as the gentleman from South Carolina, Chairman SPENCE, and the gentleman from California, Mr. DELLUMS, for their work in getting this bill to us at this point.

This legislation is very similar to language in last year's defense bill that President Clinton specifically cited as one of the reasons he vetoed the measure. In my view, that was a mistake, but unfortunately, it fits a pattern established by this President of allowing our military forces to be dragged into multinational and other missions which have little or no bearing on our national interest of our national security.

This unwise tendency resulted in tragedy in Somalia, losing American military lives, and squandered scarce military resources down in Haiti. It presently has our forces embroiled in a complex quagmire in Bosnia. And a question now arises as to what will happen in Iraq, where there is some concern there, certainly on my part there is concern, because we know that this is not the same situation as Desert Storm, when we saw one country invading the boundaries of another. Now it is a civil strife within the boundaries of a country. I just think we have to really take a close look at just how much involvement we are in there.

Mr. Speaker, this legislation obviously does not address all aspects of the problem. It simply ensures American command of U.S. Forces in U.N. operations, except in extraordinary circumstances. But that is a great start. By stipulating that our Armed Forces only serve under U.S. military commanders, this legislation will, in turn, ensure that these young men and women who serve in our uniform will put their lives of the line for American and only American national interests.

Why should it be otherwise, Mr. Speaker? U.S. military personnel swear to defend the United States, not the United Nations. U.S. military personnel swear to obey a chain of command leading to the President of the United States, not Boutros-Ghali or someone else. That is why this is good legislation and that is why I trust we will pass this bill overwhelmingly today with bipartisan support.

Mr. Speaker, I include for the RECORD the following information on the amendment process under special rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,¹ 103D CONGRESS V. 104TH CONGRESS

[As of September 4, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open ²	46	44	82	59
Structured/Modified Closed ³	49	47	39	28
Closed ⁴	9	9	18	13
Total	104	100	139	100

¹ This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

² An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

³ A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.
⁴ A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 4, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-199; A: 227-197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230-191; A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	Debate			A: 257-155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234-191; A: 247-181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242-190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252-170; A: 255-168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225-191; A: 233-183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223-180; A: 245-155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232-196; A: 236-191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221-178; A: 217-175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258-170; A: 271-152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236-194; A: 234-192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235-193; D: 192-238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230-194; A: 229-195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242-185; A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232-192; A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217-202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230-189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409-1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255-156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323-104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414-0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388-2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241-173; A: 375-39-1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304-118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344-66-1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth.	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231-194; A: 227-192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235-184; A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228-191; A: 235-185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237-190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241-181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216-210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220-200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220-185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249-176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239-181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223-183; A: 228-184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221-197; A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230-188; A: 229-189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228-182; A: 244-168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote; A: 235-175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251-157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233-152; A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234-187; A: 237-183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244-166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232-180; A: 232-177 (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229-186; A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232-168; A: 234-162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps. FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	A: 290–133 (7/11/96).
H. Res. 475 (7/11/96)	O	H.R. 3756	Treasury/Postal Approps	A: voice vote (7/16/96).
H. Res. 479 (7/16/96)	O	H.R. 3814	Commerce, State Approps	A: voice vote (7/17/96).
H. Res. 481 (7/17/96)	MC	H.R. 3820	Campaign Finance Reform	PQ: 221–193 A: 270–140 (7/25/96).
H. Res. 482 (7/17/96)	MC	H.R. 3734	Personal Responsibility Act	A: 358–54 (7/18/96).
H. Res. 483 (7/18/96)	O	H.R. 3816	Energy/Water Approps	A: voice vote (7/24/96).
H. Res. 488 (7/24/96)	MO	H.R. 2391	Working Families	A: 228–175 (7/26/96).
H. Res. 489 (7/25/96)	MC	H.R. 2823	Dolphin Conservation Program	A: voice vote (7/31/96).
H. Res. 499 (7/31/96)	MC	H.R. 123	English Language Empowerment	A: 236–178 (8/1/96).
H. Res. 516 (9/4/96)	O	H.R. 3719	Small Business Programs	
H. Res. 517 (9/4/96)	S	H.R. 3308	Armed Forces Protection	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

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

Mr. HALL of Ohio. Mr. Speaker, House Resolution 517 is a modified closed rule which will make in order H.R. 3308, a bill to prohibit placing U.S. military forces under control of foreign commanders in U.N. military or peacekeeping operations.

I do not have any problems with the rule. My concerns are on the substance of the bill. This bill is unnecessary. It is probably unconstitutional. And it will interfere with the President's ability to use U.S. military troops for humanitarian and peacekeeping missions around the world.

I am proud of the role that our service men and women have played saving lives and providing humanitarian relief around the world. I have been to Somalia, Bosnia, and other places where United States troops have worked with our allies to make extraordinary contributions to the peoples of those regions.

I have seen the results of these missions with my own eyes. Starving people are fed, the sick are cared for, and the homeless provided shelter. These are good things that we should encourage.

These kinds of missions not only help others. They can boost the morale of our own Armed Forces and provide valuable training.

I fear this bill could greatly diminish the U.N. peacekeeping efforts and our ability to contribute to those efforts.

There is no need to tie the President's hands with this bill. Moreover, this bill represents a dangerous overreach by Congress into the constitutional powers of the Commander in Chief.

Finally, I have a concern over the timing of the bill. As we debate this measure, our Armed Forces are participating in a joint military exercise to patrol the no-fly zone over Iraq. The situation is tense.

Mr. Speaker, now is not the time to debate a bill that will take away power from our Commander in Chief. We need to stand by the President and show our support at this critical time.

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

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DORNAN], one of the most valuable and respected Members of this body and a member of the Committee on National Security.

Mr. DORNAN. Mr. Speaker, I wanted to take some time on the rule. I thank the chairman of the Committee on Rules for that, and also I will speak on the bill because there is nothing about this legislation that is going to in any way inhibit American military forces going on humanitarian missions and helping people around the world who find themselves in distress, either through man's inhumanity to man or through the forces of our Creator, the weather, nature, or starvation, which is generally a combination of both, more leaning on the man's inhumanity to man side.

I just came back yesterday from a trip to some of our air bases in England and some of our intelligence facilities. As almost all of us will do, we asked to

have breakfast set up with our constituents, usually enlisted people and noncommissioned officers. Then we will do the same at lunch and then at dinner, maybe meet with some of the commanding officers and senior NCO's. I did that. This piece of legislation came up. Of course, being professionals in the field, they were not even aware, because they are so busy, dedicated to doing what they do, and the men and women are doing it so well.

We discussed what would be acceptable on, for example, a food mission. My friend, the gentleman from Ohio [Mr. HALL], there is no more decent person that I have ever served with in two decades here, wants to reach out and help people around the world. But they said an armband would suffice to indicate that you are part of some humanitarian effort, a vivid colored arm band. Sometimes in a dangerous area it can even be what we call day-glo colors to indicate this is a peaceful emission.

But to ask someone to wear headgear, to ask them to wear insignias that are sewn onto the uniform, that replace or require the taking off of parts of the uniform of the United States of America, which is the country to whose Constitution every military person and everyone in this Chamber and in the U.S. Senate has sworn to protect and uphold, that is asking our military men far too much.

We can reach out to people. They know from our aircraft coming in that it is a U.S. effort. Nobody has the heavy military airlift that we do, the brand new C-17, the C-5 Galaxy, the stretch C-141s, or the incomparable C-130 Hercules, going everywhere in the world. We do not take and repaint our aircraft.

But I noticed in Bosnia that they were spraying all the white U.N. vehicles with European, what they call woodlands camouflage. When I asked on both trips that I went there, just in the last year, I said, who owns these vehicles; as we would say in California, who has the pink slip, it is still the U.N. So I said, when we pull out of here with this NATO mission, then the vehicles will be painted white again and go back to U.N. control? That is right.

So we have in the White House now a team that is almost compulsive, until very recently, about putting U.S. forces under foreign international command. The whole problem that allowed the killing to go on in Bosnia for 2½ of the 3½ years was that the White House was insistent upon putting us under U.N. command, when the only thing people there would have respected was a NATO command, which is totally different, because it has a ratified treaty from the last 1940's, ratified from the U.S. Congress. In other words, it follows legitimate constitutional authority as set down in the greatest document, our Constitution, ever written to guide a people and its government.

I would just like to point out to the gentleman from Ohio [Mr. HALL], that he has probably unknowingly touched on one of the major, if not the major, constitutional debates of our time. That is, our President is not a dictator. When Reagan was in the White House, I listened to a lot of heartfelt pleas from the other side vis-a-vis Central America, that there were things the President could not do without coming to this Congress.

There is a very simple line in the Constitution that says "In time of war," and war, that meant declared war. Just read the writings of our Founding Fathers: In time of war the President shall be the Commander in Chief. It is about 18 words, 16 words. Then there is a comma and there is another 18 words, "or when the militia is called to active duty." Of course that meant then the National Guard, our Minutemen, in principle.

This Congress is the only body that can debate and decide, other than in defense of emergencies, and it is debatable whether what is going on right now in Iraq is a defensible emergency when we are choosing sides between Kurdish groups that are stupidly killing one another after Saddam Hussein has mortared and shelled and machine-gunned with helicopter gunships their women and children, and we seem to be leaning toward the side that is dealing with the world's greatest terrorist state, Iran.

This is a constitutional problem. That our Congress was not informed over this action is outrageous. Let us continue to debate that.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DELLUMS], former chairman of the Committee on Armed Services.

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

Mr. Speaker, I rise to oppose the rule for debate on the bill, H.R. 3308. I do not do so, Mr. Speaker, because I believe the rule offered by the Committee on Rules is unfair. In fact, I believe that under the circumstances of their mandate to bring this bill to the floor, the Committee on Rules has been fair, it has been evenhanded, in attempting to construct a rule that would allow for various amendments and for general debate on the issue that is before the body.

□ 1045

The reason, Mr. Speaker, that I oppose the rule is because I believe the whole issue presented by H.R. 3308, whether or not the Congress should interfere with the President's exclusive powers under the Constitution as commander in chief of our Nation's military forces has not, and I repeat and underscore for the purposes of emphasis, has not received the deliberation and the attention that it deserves in the committees of appropriate jurisdiction.

Mr. Speaker, I would remind you that earlier in this Congress the gentleman from Illinois [Mr. HYDE], from the other side of the aisle, our distinguished chairperson of the Committee on the Judiciary, offered an amendment that would have undone the War Powers Resolution, despite broad sentiment in the body that the War Powers Resolution has indeed not worked to properly balance congressional and Presidential powers.

The effort of the gentleman was defeated, at least in part, Mr. Speaker, because of the articulated views of some of us in these chambers that matters of this weight should not be legislated initially on the floor of this body. That is why there is a committee process that allows for significant discussion, debate, deliberation, and articulation prior to a piece of legislation coming to the floor of this body.

With all due respect to our chair, the chair of the Committee on National Security, the gentleman for whom I have great respect, the gentleman from South Carolina [Mr. SPENCE], I noted in my additional views to the committee report on this very bill, H.R. 3308, that our committee made only the most cursory examination of this issue, held no dedicated hearings on this issue, did not hear from constitutional experts on the wisdom of such a course, and marked up the bill under pressure to move quickly to the floor.

Mr. Speaker, we should step back and take a comprehensive look at all of the war powers issues that the cold war's end raises for this Nation. These are significant issues here. We now find ourselves in unprecedented and uncharted waters. It requires the highest and the best in us. We should be substantive and deliberative as we embrace these difficult questions, not a quick rush to judgment to make some thinly veiled political statement. These are massive constitutional issues

that require that we look at the world as it is evolving.

Mr. Speaker, we have reached across the aisle and are serious in doing so to work with our colleagues in the other party to craft such a comprehensive look, and I hope that we do so. It is in that spirit that I urge defeat of the rule in order that we will be able to proceed with caution and with the dignity and seriousness that is both worthy of the very complex and important issue that is before the Chamber.

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

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I must say to the previous speaker, the gentleman from California [Mr. DELLUMS] who I just have the greatest respect for, and he earned that respect when he was chairman of the Committee on National Security, and we all do respect him. However, I just am concerned in that he spoke eloquently about how fair this rule is.

Mr. Speaker, I would just say to the gentleman, this is a deliberative body. This is where we debate the issues. And this matter, the identical matter, has been before this body four times and has already passed this body. It passed under H.R. 7 last year. It was a part of the contract for America that we passed. It was in last year's defense bill. This year it was marked up, as I understand it, under regular procedure.

Again, this is not something we need constitutional lawyers to tell us what to suggest to the President, and that is really all it is, because the President does have the prerogative of, if this is a national interest or national security issue of the country, he has the prerogative not to follow through.

I happen to be one that does not support the War Powers Act. I think the whole act was unconstitutional. This does not interfere with that. This simply says that we want our American troops to serve only under American command, and by golly, that is what we are going to get one way or the other.

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

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

Mr. DELLUMS. I thank the gentleman for yielding.

First, I appreciate his compliment; second, to say to the gentleman, if the gentleman would recall, back in the early 1970's when we debated the War Powers Act, this gentleman was zealous in defending the congressional war powers. I was one of very few Democrats in this Chamber, very few Members, who opposed the War Powers Act on the grounds that it watered down and diluted a very powerful and clear statement in the Constitution that Congress should have the right to declare war.

What we are looking at here is a question of congressional prerogatives on the one hand and executive prerogatives on the others. These are substantive issues that we need to debate.

With all due respect to the chairman of the Committee on Rules, I dissent from him on one significant point. What is the reason why we have a committee process and a subcommittee process? That is because at the subcommittee we hold the appropriate hearings, we do all of the substantive detail, we do bring in experts so that we make informed judgments. Each time a committee brings a bill to this floor, the 435 Members of Congress should feel certain that that committee did its job substantively.

What I am saying to the gentleman, that was not done in this instance. We can deliberate here, but this is not the first place that this bill ought to be discussed. I thank the gentleman for his generosity.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let me just say that I agree with the gentleman. I know that he was a strong, staunch opponent of the War Powers Act along with myself and the gentleman from Illinois [Mr. HYDE] and many others. But let me just say that this matter has been debated on this floor many, many times. It is no different than the constitutional amendment to prohibit the physical desecration of the flag. We know the issue. It is a very simple issue. That is why it should be brought to a vote on this floor.

Mr. Speaker, I urge support of the rule and the bill.

Mr. GOSS. Mr. Speaker, I rise in strong support of this rule. The rule before us makes in order four amendments: a manager's amendment, one that has bipartisan support and two offered from the minority, including a full substitute. I think most people will agree that given the limited time remaining in this Congress we have managed to report a fair and responsible rule for the consideration of this very important legislation. Mr. Speaker, this bill raises the important question of whether or not U.S. troops will be put under foreign command or forced to wear uniforms other than those of the U.S. Armed Forces. Many Americans find these notions abhorrent and I am unalterably opposed to placing our troops under anyone not directly accountable to the American people and Congress. There has been some misunderstanding about what H.R. 3308, the U.S. Armed Forces Protection Act seeks to accomplish. So let us be clear: would this bill make it more difficult for U.S. Forces to become entangled in international peacekeeping missions? Yes. Would it absolutely prohibit our involvement in these efforts? No. Since the end of the cold war, the number of United Nations peacekeeping missions has soared. Even so, there are no clear guidelines for U.S. participation in these adventures. Our experiences in Somalia, Bosnia, and Haiti have taught us a number of important and costly lessons. The bill before us works to make the President more accountable when deploying our troops as part of international efforts. It would prohibit the use of taxpayer's money to pay for U.S. participation in U.N. efforts unless: the President certifies that the mission is in the national interest, sets forth clear command and control arrangements, outlines the anticipated costs and most importantly provides an exit strategy for U.S. troops.

These are all sensible and necessary steps. I strongly urge my colleagues to support passage of these important safeguards—we owe it to the American people and we owe it to the dedicated men and women who serve our country in the Armed Forces.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HUTCHINSON). Pursuant to House Resolution 517 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3308.

□ 1054

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELUMS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

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

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

Mr. Chairman, I rise today to open the debate on H.R. 3308, the United States Armed Forces Protection Act of 1996, which was introduced this past April by the distinguished gentleman from Maine [Mr. LONGLEY], a valued member of the Committee on National Security.

This legislation should look very familiar to my colleagues as the House has attempted on several occasions to extend protections to United States service personnel who are placed under foreign commanders in the United Nations peacekeeping or military operations. Were it not for President Clinton's veto of last year's defense authorization bill, these protections would already be the law of the land.

Let me briefly revisit this legislation's history, which makes clear the long record of bipartisan concern over placing American troops under U.N. command. H.R. 3308 had its genesis in section 1041 of the fiscal year 1994 Defense Authorization Act back when my colleagues on the other side of the aisle were in the majority. Section 1041 re-

quired the Secretary of Defense to submit to Congress a formal report "whenever the President places United States military forces under the operational control of a foreign officer as part of the U.N. operation."

Last year, the House considered and passed very similar legislation several times. This issue was first addressed in H.R. 7, the National Security Revitalization Act. The fiscal year 1996 Defense Authorization Act also contained virtually identical language, and a modified version of the provision was contained in the conference report which was passed by both the House and the Senate. But despite the clear bipartisan vote of the Congress on this issue, President Clinton vetoed the defense bill, due in no small part on his objection to this issue.

Yet this is eminently reasonable and practical legislation. Critics will argue that this legislation infringes upon the President's constitutional prerogatives. Let me make clear, this legislation is not a prohibition. It simply imposes and additional step any President must take before committing young American men and women to serve under the flag of the United Nations.

It is an entirely appropriate policy restriction that simply requires any President to certify their subordinating U.S. forces to U.N. command is in the Nation's security interest prior to deploying our forces on such a command arrangement. This straightforward limitation is the unfortunate, but necessary result of the administration's willingness, seen from Somalia to Bosnia and from Macedonia to Haiti, to subordinate American interests to those of the United Nations.

Contrary to those who would assert that this legislation is no more than an exercise in U.N. bashing, I believe it necessary that it recognize the U.N.'s limits as articulated by Secretary General Boutros Boutros-Ghali himself. Last year the Secretary General acknowledged that the United Nations does not have "the capacity to deploy, direct, or command and control peace enforcement operations * * * and it would be folly to attempt to do so at the present time." Under these circumstances, the litmus test for any President wanting to subordinate U.S. military forces to U.N. command ought to be strict.

President Clinton's opposition to this bipartisan legislation, which was taken to the point of vetoing last year's defense bill, compels us to consider it again. I urge my colleagues to once again send an unequivocal and bipartisan signal to the President and the American people by supporting H.R. 3308.

Mr. Chairman, I ask unanimous consent that the gentleman from Maine [Mr. LONGLEY] manage the remainder of my time.

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

There was no objection.

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

Mr. Chairman, as I noted during the debate on the rule, I do not think that our very valuable committee process has succeeded fully in considering the weight and the merit of the issue before us. I would not reiterate that argument here.

Despite that fact, I think that much has been said to illuminate the pitfalls and the shortcomings of adopting H.R. 3308.

□ 1100

Mr. Chairman, these pitfalls and shortcomings are very real traps that ensnare us when we fail to set aside politics in favor of policy, public relations in favor of public education, and short-term advantage against the long-term interest of our Nation.

Let me say why I oppose this bill in as precise a manner as I can, Mr. Chairman.

Foremost, I believe that this legislation will work mischief that will place at increased risk the lives and safety of our men and women in uniform. It would do so for several reasons. First, it will restrict the President from quickly and with confidence in its ultimate effectiveness, from establishing command relations that best meet the military situation our troops may face.

Second, by virtue of the message we send to potential allies in these actions, and that is that we do not trust your officers, we make it more likely that we will go it alone than we will participate in coalition efforts which, as I perceive it as the world is evolving to the 21st century, more often than not, should and will be the order of the day. Going it alone obviously increases the risk to our men and women in uniform. It seems to me that that is not discussable or debatable. That is clearly a fact.

U.S. troops in numerous conflicts, Mr. Chairman, including the War of Independence up to the operation that we referred to as Operation Desert Storm, have been placed under foreign command. So what is all the hoopla here? From the very first war that was dedicated to forming this Nation to the last time we sent troops to wage war in the context of the Persian Gulf we have had American troops under foreign command. There is nothing, Mr. Chairman, in our military history that says this per se is problematic. Nothing. And I would challenge my colleagues, if they can find it historically, to raise the issue on the floor, and I will say, point well taken.

Former military leaders have eloquently set out in a letter to the Speaker of this House, Speaker GINGRICH, why this is both unnecessary and indeed dangerous. I quote from a letter signed by, among others, former Joint Chief Chairman General David Jones that was sent to our Speaker, the gentleman from Georgia, during the debate on H.R. 7 when this issue arose.

I quote: "We urge rejection of the restrictions on the President's command and control authority as unnecessary, unwise and militarily unsound," end of quote.

I am opposed to this bill because I believe it is a strategic oxymoron, Mr. Chairman. As we have entered into the post-cold-war era, both of our Presidents who have governed in this time have come to understand the desirability and the common sense in pursuing coalition actions and in doing so through the United Nations, when possible.

This is not a party issue, Mr. Chairman. It should not be a party issue. This is common sense. We have an unparalleled opportunity to craft new mechanisms for avoiding conflict, dampening it when it arises, controlling it when it flares up and in stopping aggression, if we must, that are only realizable if we promote, not denigrate, multilateralism and internationally sanctioned peace operations.

Finally, Mr. Chairman, I oppose this bill because I believe it tramples on the President's unique and exclusive authority as commander in chief. I say this as one of the most zealous guardians of congressional war power. As I said in the context of the discussion on the rule, I was one of the few people in this body that voted against the War Powers Act on the grounds that it diluted what is clearly stated as congressional war-making powers in the Constitution of the United States.

Further, Mr. Chairman, I have sued Presidents, taken them to Federal court, and would again, to defend this body's prerogative to declare war and authorize troop deployments to conflicts. I would have voted for legislation that compels such prior authorization and opposed the War Powers Resolution because I believed it gave the Presidents a blank check to go first and seek our approval second.

But I would hasten to point out, Mr. Chairman, that respect for constitutional prerogative is a two-way street, one which we must be prepared to walk on in both directions.

I will not repeat the constitutional arguments laid out in my additional views on the committee report. We worked long and hard and laboriously on those views. They have been widely read by many, extremely well received by most. I urge my colleagues to read those views. I do not have time to go into all of that now.

Suffice it to say that I believe that the Framers of our Constitution actively considered the question, should the Congress be involved in the command and control of our military forces, and they answered the question with a resounding no.

Read the Federalist Papers. They debated this question specifically. They did not want this body involved in command and control. They said no. Consider this statement from the Federalist Papers, and I quote:

The President of the United States is to be the commander in chief. The propriety of

this provision is so evident in itself that little need be said to explain or enforce it. They saw this as obvious.

Of all the cares and concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

Mr. Chairman, while the United Nations did not exist and peacekeeping was not a part of the lexicon of the Framers of the Constitution, nothing about these operations suggests that the principle that the legislature has no business in establishing command relations is any less true of them than of warfare.

Should we be concerned with command relationships, Mr. Chairman? The answer is yes. Should we seek information from the President on what they are? Yes. Should we seek to establish them or proscribe the choices any President might make in advance of considering the requirements of a military operation? I say no; the Framers of the Constitution said no. We should be informed people, but we are moving beyond simply being informed.

Finally, Mr. Chairman, for these reasons and others, I urge that the committee reject the bill and that we allow the deliberative process of congressional committees to work this issue in a more comprehensive manner that is sure to produce a better product.

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

Mr. LONGLEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in strong support of this legislation. It is a good bill, a sound bill, and a bill which we need for our national security interests and for the men and women who serve our country in uniform.

Let me first commend my good friend, the gentleman from Maine, JIM LONGLEY, for his outstanding work on this bill. As a Marine Corps reserve officer who served in Desert Storm and in Bosnia, JIM LONGLEY brings real-life experience and insight to this issue.

It is particularly frustrating if not downright dangerous to see the growing tendency of this administration to cede operational control of U.S. forces to the ill-equipped, ill-prepared bureaucratic United Nations. Yes, there are times when we must act in concert with our allies, perhaps often, and yes, there are occasions when the United Nations can help defuse a crisis. But when U.S. lives and interests are at stake, the American public expects and demands that Americans be at the helm.

No one questions the capability of the U.S. military. We have the best-trained, best-equipped men and women in the world. To project and command military forces over great distances is something that few nations can do, and no nation can do it better than the United States. Yet this capability does not come without a price. Every year thousands of troops are engaged in either real-life or training operations

which hone this capability, often at great human risk. And they should remain under U.S. control.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the distinguished gentleman from California [Mr. DORNAN] quoted the Constitution of the United States. I would like to read the relevant passage. I know he is a learned colleague and would not like to speak in error.

Section 2 of the Constitution states, "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States," and it goes on, he must require, et cetera, et cetera.

I am simply saying to the gentleman from California that he misinterpreted or misquoted the Constitution of the United States. The President is indeed the Commander in Chief of our Armed Forces.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, today Congress provides what the American people are asking for. Today America begins to tell Boutros Boutros-Ghali that he cannot send our sons and daughters to war, that only the Congress and the American President can do that.

The Constitution gives Congress the power to declare war and the President the authority of being Commander in Chief as the gentleman has just indicated. We must be cautious in protecting that.

As an original cosponsor of this bill, I believe it is imperative that we establish our authority and the authority of the President.

No American should be placed in harm's way by anyone other than the American Congress and the American President.

Our soldiers should risk their lives only when U.S. national security interests are at stake. I do not believe that the Secretary General of the United Nations even knows what our national security interests are.

During this debate, many of my colleagues will say that this is simply a political exercise, something to give Bob Dole to use against Bill Clinton. If we wanted that, that has already been done. He has already vetoed this concept once before. So that has been done. Of course we know that he changes his position a lot in an election year, so maybe he will again.

We can never again allow another Somalia. Because U.S. interests became intertwined with U.N. interests, 19 Americans lost their lives. This must never happen again.

Let us pass this legislation and send a message to the American soldiers that we will never again send them on an ill-defined, fuzzy U.N. mission. We never again, Mr. Chairman, should be in a position of having American young

people risk their lives under a U.N. flag with a U.N. patch and under U.N. command and control. If they are going to risk their lives, it ought to be under American command and control.

I urge my colleagues to vote for this bill.

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

Let me first state to my distinguished colleague from Colorado, he began his remarks by saying Boutros Boutros-Ghali should not be able to send American troops anywhere in the world. Mr. Chairman, who is arguing with that? That is not what this bill deals with. We have already said, and I have already said, I am prepared to go all the way to court.

I took President Bush to court in order to preserve the prerogative of Congress when many of my colleagues did not have the heart to do it. This is not what this debate is about. This is not Congress' war-making power. This is about command and control once a decision is made to deploy. So I would hope that in the context of the few meager moments we have to debate this bill that we stay relevant to what the substantive nature of the bill is.

I would go further and quote from this administration's policy on reforming multilateral, multinational peace operations dated May 1994:

The President retains and will never relinquish command authority over U.S. forces. On a case-by-case basis, the President will consider placing appropriate U.S. forces under the operational control of a competent U.N. commander for specific operations authorized by the Security Council. The greater the U.S. military role, the less likely it will be that the United States will agree to have a U.N. commander exercise overall operational control over U.S. forces.

□ 1115

That is what this President is saying. Let us remove the politics from this discussion. Let us remove the bumper strip of rhetoric from the discussion. Let us not insult each other's intelligence. Let us not denigrate the responsibility we have on the floor. Let us stay focused on the substantive nature of the issues before us, whether or not we should step on the President's prerogatives in command and control. If they are legitimate differences, then let us know that debate.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. HUNTER], the distinguished chairman of the Subcommittee on Procurement.

Mr. HUNTER. Mr. Chairman, I just wanted to go over the language of the provision itself and what it does because the operational and tactical control that is vested in the President and his subordinates in the American chain of command is a very precious thing not just to people that are in the military forces but to their parents, to their families, to the people who rely on somebody who is accountable for that young person who may be in a life or death combat situation.

I want to point out to my colleagues that we do not detract from the President's ability to, on a very limited basis, cede that operational and tactical control to, yes, a foreign commander if it is a unique situation; but we require a certification. It is a thorough certification.

First, with respect to David Jones, former chairman of the Joint Chiefs and his problems with this certification, if the President does not have time to give the certification well in advance, which is what we would like to have, because we want the White House to think about this, we want them to think it through, then he can give it after he has made the deployment.

Mr. Chairman, nonetheless, we go through some fairly important areas. We ask the President when he does this certification to set forth a description of the national security interest. We do not think that is unfair or unreasonable, that would be advanced by the placement of United States forces under the United Nations operational or tactical control. We ask him to tell us that. We ask him to tell us the expected size and composition of the U.S. forces involved. We think that is reasonable. We ask him to explain the precise command and control relationship between the U.S. forces involved and the U.N. command structure. We think that is reasonable.

We ask him to explain to us the extent to which the U.S. forces involved will rely on forces of other countries for security and defense. I think this element is a very important one. The degree to which we rely on forces, those Americans that might be under operational or tactical control of a U.N. commander that agree that we are going to rely on the forces of other countries for security and defense, that our forces will see their security depend on somebody else, we think that is a very important element for the President to lay out.

So we ask the President to lay out concisely these very important elements. We do not deprive him of his constitutional authority. We just require him to certify. We think that is reasonable.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. PETERSON], my distinguished colleague.

Mr. PETERSON of Florida. Mr. Chairman, I rise today in strong opposition to H.R. 3308. This bill is bad foreign policy. It is bad military policy.

Even the title of the bill is wrong. Instead of the title of the bill being Armed Forces Protection Act, it should be titled the Armed Forces Greater Exposure Act. By passage of this bill, we destroy our successful national policy and collective security. We are saying to our allies, we do not trust you and that you are not reliable. That is a bad message.

Further, without the burdensharing that comes with the development of

collective and coalition security with our allies, the United States must go it alone. That means that we must deploy more troops and carry a greater fiscal burden in any operation that we feel is in our national interest. I cannot understand my Republican colleagues who have for years said that we cannot be the world's policemen. How do they compare that against what is in this bill that essentially says, United States, you must go it alone?

Furthermore, as an aside, what an incredibly critical time to be talking about this. When we are trying to hold together a very, very important coalition in Iraq and we are at the same time telling those partners in this coalition: Hey, we really do not trust you guys; we are really not sure whether you are reliable enough to be with us in this thing. Very, very bad policy, very bad timing.

Mr. Chairman, from a military standpoint, this bill is an absolute disaster. Now, from an experiential circumstance, I know a little bit about this. It has been from 26 years as a fighter pilot in the Air Force, serving a significant amount of time in combat. I know something about command relationships. This bill ties the hands of the commander, the Commander in Chief, No. 1. But perhaps even more importantly, it restricts the field commanders' ability to deploy forces in the field, even perhaps at the potential of causing the loss of lives.

The military leaders of this country unanimously find the restrictions starting out unnecessary, they are redundant, they are also unprecedented. We are changing how we run our military, my colleagues. This is micro-management of the U.S. military. And they also find it especially burdensome to the point, I think, it would cause us harm.

They correctly point out that the U.S. joint service doctrine that governs our collective security arrangements with our allies are impeccably thought out, have been tested over and over, and they work. It just works. Why screw up a good deal?

Mr. Chairman, the bill also undermines the proven and effective protocols established by the document. Finally, Secretary Perry, Chairman Shalikashvili, all oppose this for the right reasons, because it causes harm to our command structure.

Last year one of my former commanders, Gen. David C. Jones, a former commander of the Joint Chiefs of Staff, wrote in a reply to a similar circumstance here. He said in his statement: In the post-cold war world, it will remain essential that the President retain the authority to establish command arrangements that are best suited to the needs of future operations. From time to time it will be necessary and appropriate, this is a commander speaking now, appropriate to temporarily subordinate elements of our forces to the operational control of competent commanders from allied or other foreign countries.

This man is telling it like it is.

Mr. Chairman, this is a poorly thought out bill. It is really just a political statement, in my view. It will cause great harm to the effective command and control of our Armed Forces. Let us stand here today, this is an opportunity, let us stand here today and send a bipartisan relationship message to all of the men and women who are bravely serving our country today and tell them, as we have told them in a bipartisan fashion in the past, that we do indeed care about them and that we do indeed care about their safety.

This bill does not improve the safety of our armed services men and women. It is a disgrace that we are taking this bill up today. This is an absolute vote "no."

Mr. LONGLEY. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from California [Mr. DORNAN], distinguished chairman of the Subcommittee on Personnel.

Mr. DORNAN. Mr. Chairman, I did not realize that I only get a minute or I would not have used the 3 minutes in the rule on the uniforms. The chain of command is far more important. What we are responding here, what the whole Congress is responding to is certainly not a disgrace. It is a response to the administration's repeated subordination of U.S. interests to the U.N. agenda.

Mr. Chairman, I want to put in the RECORD myth No. 1, that it is an infringement of presidential authority; No. 2, that PDD-25 already protects our troops; No. 3, there are precedents for placing U.S. troops under foreign control; and myth No. 4, that it will limit troop deployment in emergencies.

In the rule, when I was discussing the Constitution, I transposed my thoughts. Yes, it is 16 words, as I said. The President is the Commander in Chief, even in peacetime. And I was correct, it is 18 words referring to the militia, now meaning the National Guard. But in section 8 of article I, all the powers of raising and maintaining armies and navies and how to uniform and where to send them and to declare war, all of that is the House.

Mr. Chairman, this chart shows when you go in the field to see how this really breaks down, when Vice President AL GORE unfortunately said on April 14, 1994, I would like to extend my condolences to the families of those who died in service to the United Nations, and I know our former colleague would like to take that back, look at this chain of command, men died in Somalia because the chain of command was so complicated, we could not get one of the Indian 14 T-72 tanks or one of the dozen M-60 tanks from Italy to break through the blockades across those roads and rescue 4 Rangers who died, who bled to death out of the 19 killed.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time

to me. I am in one of the most uncomfortable positions that I have been in in this Congress because I find myself on the opposite side from a man I revere and respect, the gentleman from South Carolina, Chairman FLOYD SPENCE, and some very, very good friends of mine, like the gentlemen from California, DUNCAN HUNTER and DUKE CUNNINGHAM. But I rise to oppose H.R. 3308.

I know that the argument has been made that generals from the beginning of our history, foreign generals have assumed command, beginning with Lafayette. But, Mr. Chairman, the fact is that the U.N. is posing an entirely different situation now. What we need to do now is pull back from the position that we find ourselves in, begin to operate under the law. And then once, if war is declared and we are in the middle of war, of course, as we did in World War II in that great victory, we can combine our forces, as we did when we combined the forces to make the allied forces, and we were victorious.

Mr. Chairman, I want to very briefly review the history of command and control of the Armed Forces. The U.S. Constitution, article II, section 2 states that the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States; again, when called into service.

To clarify the point, Hamilton wrote, in Federalist Papers No. 74: The President of the United States is to be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States. The propriety of this provision is so evident in itself, Hamilton wrote, that little need be said to explain or enforce it. Again, Mr. Chairman, when called into service are the key words in the Constitution.

Then the War Powers Act, the United Nations Participation Act that we are extending even further with this bill, the War Powers Act allows the President to send troops to hot spots without congressional approval for up to 60 days.

□ 1130

But no, those troops are to remain within U.S. command and control. Nothing in the War Powers Act allows for U.N. foreign command and control over U.S. troops. The integrity of the U.S. chain of command is still intact even after the War Powers Act, and I do not like the War Powers Act.

But, Mr. Chairman, I urge my colleagues to read the clear, plain language of section 2 or section 3 of this bill. The other side of the coin, the United Nations Participation Act, specifically provides that when we contemplate a deployment in the United Nations chapter 6, peace observation, no prior congressional approval is required. That U.S. participation in U.N. chapter 6 missions is limited to 1,000

noncombatant troops who will not be in harm's way.

Finally today, though, we have H.R. 3308. The fact is, Mr. Chairman, H.R. 3308 allows the President of the United States to place America's sons and daughters under U.N. foreign control without congressional input and without the operation of law or without a congressional vote, only a certification from the President that these are the reasons why he called American troops up and placed them in harm's way. H.R. 3308, section 3, states that the U.N. foreign control over U.S. Armed Forces is allowed, again, if the President only certifies. The bottom line of H.R. 3308 would allow the President to put our sons and daughters in harm's way.

I will just wind up and say that as a student of history I think that this bill is extending the President's powers much further than what presidential candidate Dole stated and what our Republican platform says. Please consider that.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I would like to thank my friend from Idaho for her remarks because they were my concerns about this bill. I was the only member of the Committee on National Security to vote against this bill when it came to our committee, and the reasons I voted against it were those that were expressed by my colleague. I had a problem with the wording that said that the President should consult closely with Congress regarding any United Nations peace operation that could involve U.S. combat forces. More than consulting is required.

The U.N. Participation Act of 1945, as amended in 1949, says very clearly that in any U.N. Chapter 7 operation that the approval of the Congress is involved. Essentially every one of the U.N. operations has been Chapter 7. There has never been a Chapter 6.

I want to express my thanks to the gentleman from Maine, Mr. LONGLEY, and particularly to chairman SPENCE for helping to work out this problem. The concerns of my colleague from Idaho have been addressed in the manager's amendment which will come shortly, which addresses my problems with this part of the bill.

I had a second problem with the bill, and that is that all that was required for our young men and women to be required to wear the insignia of the United Nations was a certification by the President. I thought that this was a violation of article 1, section 9 of the Constitution, and I have an amendment which will subsequently come to the floor which will address this problem.

So both of the problems that I originally had with this bill, which were similar to those that my friend from Idaho had, are addressed in the manager's amendment which will come up

next and with my amendment which will follow that, so I now am in full support of the bill, and I hope that, having corrected these defects in the original bill, that my colleague from Idaho will also be in full support of these bills after these amendments have been passed.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, I support this bill because it protects our fighting men and women from incompetent leadership at the U.N., military leadership.

I am chairman of the Subcommittee on Commerce, Justice and State in the Committee on Appropriations that funds the U.N. contributions that we make, as well as the peacekeeping contributions that we give to the United Nations. We have been working to limit U.S. support for additional so-called peacekeeping operations and to reduce the U.S. burden, the share that we are required to pay for those missions. During the last 3 years we have seen this phrase, aggressive multilateralism, carried to an extreme, run amok, if my colleagues will, because we were involved at one time in around 18 U.N. peacekeeping missions around the world simultaneously, and I found out at one point in time—it has been improved somewhat—but at one point in time there were some 40 people at the United Nations attempting to manage 18 worldwide military operations in extreme circumstances in some instances. It just would not work. They were not working on weekends; they were working only regular hours. If one got in trouble in Somalia or somewhere else where we were involved in a peacekeeping operation after 5 o'clock New York time until 8 o'clock the next morning, "Sorry, we are out of business," the phones did not answer. On weekends, the same thing.

How can we run military operations in that fashion? I do not want American forces exposed to that kind of incompetent leadership as we saw in Somalia, the results of that and the deaths of several beloved United States soldiers, and so I support this bill. They have incompetent leadership; they have incompatible communications gear, among other things. I urge the adoption of the bill.

Mr. LONGLEY. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

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

Mr. Chairman, I am pleased to join the distinguished principal sponsor of this legislation, the gentleman from Maine [Mr. LONGLEY], and the distin-

guished chairman of our Committee on National Security, the gentleman from South Carolina [Mr. SPENCE], in urging the House to adopt H.R. 3308, the United States Armed Forces Protection Act of 1996.

This legislation is the culmination of almost 4 years of effort on this side of the aisle to curb the misguided impulse of this administration to subordinate the finest fighting men and women in the world, our U.S. Armed Forces, to the command of the United Nations.

We all remember the disaster that this administration's excessive reliance on the United Nations led us to in Somalia. This legislation is intended to reduce the risk of similar U.N. peacekeeping disasters in the future.

At the same time, the legislation is carefully designed to preserve flexibility for the President to respond as needed, and in coordination with the United Nations if necessary, to unexpected threats to our national security.

Though some are sure to complain that this legislation interferes with the President's constitutional prerogatives as Commander in Chief, nothing could be further from the truth. Contrary to what some have claimed, the President does not have inherent constitutional authority to put U.S. Armed Forces under the operational control of whom-ever he pleases.

The fact is that this legislation stops well short of some of the things that we clearly could do consistent with the Constitution, such as prohibit foreign operational control of U.S. forces altogether, or require Senate confirmation of foreign commanders whom the President wants to put in charge of our forces.

Title 10 of the United States Code already contains a legal requirement that senior U.S. military officers be confirmed by the Senate before they are put in command of U.S. forces. Opponents of this legislation should be glad that we have not sought to extend that requirement to foreign military officers, as we clearly could do.

In 1993 and again in 1994, Mr. SPENCE and I offered amendments to the defense authorization bill very similar to the legislation before us. Regrettably, both of those amendments were defeated on party line votes.

Legislation along these lines was included in the Contract With America, and was approved by the House in 1995 in the bill H.R. 7. Regrettably, when that provision reached President Clinton as part of the defense authorization bill for 1996, he cited that provision as one of his reasons for vetoing the bill. In order to get that bill enacted, Mr. SPENCE was forced by the President to agree to drop this vital provision from their bill.

It is time, Mr. Chairman, to right that wrong. It is time to enact this vital provision from the Contract With America, and to give the brave men and women of our Armed Forces the protection they deserve.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished

colleague, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank my colleague for yielding, and I rise in opposition to this bill because I am very troubled by what it really means long term.

As one of the people who talked about burden sharing and the fact that the United States should not be a 911 number for the world, and another fact out there is the President is trying very hard to hold an alliance together in the no-fly zone, to try and keep this alliance solidified, I think the timing of this bill is terribly dangerous. I think it goes against what so many of us have advocated in trying to get the rest of the world to pull a stronger oar. We all understand why we had to stand there and be Atlas-like in the post-World War II period, because the rest of the world was devastated, but today many of our allies have rebuilt, and yet they still want to cast all of that on our shoulders, and what we are doing with this bill is giving them one more reason why they say, "You clearly want to go it alone."

Now let me point out some things that I think are terribly important. No. 1, this bill does not even differentiate between humanitarian missions and combat missions. As my colleagues know, those are two very major distinctions. No. 2, everybody, and we have got testimony from different officers of the U.S. military, everyone agrees that U.S. troops are under command and control of the United States even in these missions, that only operational oversight is delegated to whoever that officer might be, and under that operational authority any U.S. soldier is not to do anything that is in violation of U.S. law or U.S. policy.

And so as a consequence we all know every country in the United Nations is hesitant about surrendering total control. But someone has to kind of outline the operational control so people do not fall over each other and really make tremendous mistakes. We have been doing that forever. So people are getting that mixed up, and here what we are doing is blurring that line and trying to get people very excited about that.

The gentleman from California [Mr. DELLUMS] has spoken about what the gentleman from North Carolina [Mr. JONES] has said. We have got testimony from many other military officers, including the U.S. officer who was in charge of the Haiti mission, who was both under the United Nations and under the United States, explaining how this is harmful. So I think there are many, many reasons that we really should slow down and look at this.

□ 1145

We also have testimony, and we have had people saying that if this bill had been in effect at the time President Bush tried to assemble the world against Saddam Hussein, he could not have done it.

Now, think about that. Think about that. Here we are, trying to reassemble that coalition, to stand up to Saddam Hussein, so here we come with this. What kind of message is that? So we go forward and as we advocate more and more that the rest of the world is to take its justifiable role, and it must play a role, we cannot do this for the whole world when we are only 3 percent of the world's population. If we are going to insist that everybody else does that, what are we saying when we pass this bill?

I understand the politics of it, but I just hope people read it and read what our very own military people say about it and our very own Defense Department says about it.

I thank the gentleman from California for his quiet leadership in this, in trying to bring some common sense to a heated debate.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I have heard a lot of different speakers talk. Let me say from personal experience, I served on 7th Fleet staff and was in charge of all defense of Southeast Asia countries. That included both the host countries as well as our allied countries. That was Team Spirit, Tangent Flash, Cobra Gold, and others in Southeast Asia.

Let me tell the Members why I support this bill. We need our troops under U.S. command. Let me give a classic example. In Somalia, the administration changed the mission from humanitarian to going after General Aideed. The administration then reduced the amount of forces, making us vulnerable, and at the request of armor from our own military commanders, the administration denied that request. It took 7 hours to get to our Rangers in Mogadishu. We lost 18 Rangers under U.N. control. They had tanks and armor available to get in to those troops. We had a person die because they bled to death, because we could not get to them.

All we are asking for is that our troops are guided and administered and operationally controlled by U.S. commanders and that they have the power to request assets at the same time.

Another case, in Bosnia. Remember when this country bombed Bosnia-Herzegovina? Not even the President of the United States or the Vice President of the United States or the Secretary of Defense of the United States knew that U.S. troops were committed to war in Bosnia-Herzegovina, because the United Nations, under Boutros Boutros-Ghali, ordered it. We are saying we want our troops to fall under U.S. control. We think that is very, very important, Mr. Chairman.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from New Mexico [Mr. RICHARDSON].

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

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

Mr. Chairman, what we have here is an unfortunate debate at a time when it is important to send a signal that the country is united behind the President, our Commander in Chief. At this very moment, we have dealt with military action against Iraq for purposes that are bipartisan in support, for international reasons. Yet, once again, if this bill passes, and I can hear a train moving, the message is going to be the United States again is going it alone, snubbing their nose at the United Nations. Right now with our allies we have had difficulty getting them to back some of our actions in Iraq. So we are sending an unfortunate message at a very unfortunate time.

Be that as it may. What I think is clear in this debate is this: No. 1, the reason we are having this debate is, I think appropriate, the fact that we have to be very careful when we have limited, temporary operational control of foreign commanders. This has been critically important to our constituents. They worry about this. But what we are doing in this bill, the requirement for Presidential certification before putting U.S. forces under U.N. operation and control, is unacceptable. It is also unconstitutional.

Why do we want to tie the hands of the President of the United States? The President is the Commander in Chief. He has to have the discretion to place U.S. military units under limited temporary U.N. operational control if that is the most effective way to ensure our security interests.

What this bill does, it infringes on the exclusive constitutional prerogatives of the President as Commander in Chief to determine command and control assignments. The discretion to place U.S. military units under limited operational control of foreign commanders has been part of our Nation's security policy since its founding. The reality is it has worked well, because our military leaders know it is important to not place any of our troops in any danger and they know the sensitivity to this issue of the American people. So why do we not let our military, our Commander in Chief, make these choices, instead of coming in here, passing a bill that basically says, United Nations, you cannot do anything. We are going to be the world's policeman. That is the message we are sending.

Under longstanding U.S. policy, and here it is, I am going to read it because it is critically important, this is the Clinton administration policy on reforming multilateral peace operations, May of 1994:

"The President retains and will never relinquish command authority over U.S. forces. On a case-by-case basis, the President will consider placing appropriate U.S. forces

under the operational control of a competent U.N. commander for specific operations authorized by the Security Council. The greater the U.S. military role, the less likely it will be that the United States will agree to have a U.N. commander exercise overall operational control over U.S. forces.

Mr. Chairman, we do not need this bill. This is not the right time to do it also, at a time when our country is undertaking military action. Let us support the Commander in Chief. Let us not make this bill a big issue.

Mr. Chairman, I include for the RECORD the following information regarding U.N. command and control:

UNITED NATIONS COMMAND AND CONTROL

The President retains and will never relinquish command authority over U.S. forces. On a case by case basis, the President will consider placing appropriate U.S. forces under the operational control of a competent UN commander for specific operations authorized by the Security Council. The greater the U.S. military role, the less likely it will be that the U.S. will agree to have a UN commander exercise overall operational control over U.S. forces.

The Clinton Administration's Policy on Reforming Multilateral Peace Operations—May 1994

Serious threats to the security of the U.S. still exist in the post-Cold War era. When our interests dictate, the U.S. must be willing and able to fight and win wars, unilaterally when necessary. Circumstances will arise, however, when multilateral action best serves U.S. interests in preserving or restoring peace. The U.S. cannot be the world's policeman; and properly constituted, UN peace operations can be an important instrument for collective action.

Since our nation's founding, the discretion to place US military units under limited, temporary operational control of foreign commanders has been part of our nation's security structure. From the siege at Yorktown during the Revolutionary War to battles in Europe and the Pacific during WWII to Operation Desert Storm, U.S. forces have an occasion been under the tactical control of foreign commanders.

The requirement in H.R. 3308 for a Presidential certification before putting U.S. forces under UN operation control is unacceptable. As the Commander-in-Chief, the President must have the discretion to make the decision to place U.S. military units under limited, temporary UN operational control if that is the most effective way to ensure US security interests. This bill infringes on the exclusive constitutional prerogative of the President as Commander-in-Chief to determine command and control arrangements.

The President retains and will never relinquish command authority over U.S. forces, even when they are temporarily under the operational control of competent UN command. Our uniformed military leadership agrees that this restriction is an unnecessary step which would damage US flexibility in protecting U.S. interests.

Q AND A ON U.N. COMMAND AND CONTROL

Background: H.R. 3308 would restrict the ability of the President to assign forces to mission he deems are in the national interest by putting restrictions on participation in UN operations. Specifically, the proposed legislation would require the President to present a series of certifications that are unreasonable and probably unconstitutional.

Q: Do you support HR 3308 on UN Command and Control?

A: First let me make one thing very clear: the chain of command in the US military is

and always will be inviolate. It runs from the President through the respective service chains of command to every soldier, sailor and airman in the military. That command relationship is never broken.

Having said that, United States military history is replete with examples of the US military serving under foreign command: from the revolutionary war, through both World Wars and in the Gulf War.

As Commander in Chief, I also need the flexibility, when it serves our national interest—and when conditions warrant, to reserve the option to allow US units to serve in allied coalitions, under foreign operational control.

I agree with the implied message of the bill that the assignment of our military personnel in these types missions must be very carefully considered—and I can assure you that with the best advice of my military advisors—that I do that in every case.

HR 3308 unduly restricts the flexibility of the Commander in Chief through a series of certifications and other restrictions, and I would veto it if it were to reach my desk in its current form.

COMMAND AND CONTROL OF U.S. FORCES (H.R. 3308)

Background: H.R. 3308, presently in the HCONCS Committee, limits the placement of U.S. forces under UN operational or tactical control by denying funding for U.S. forces placed under UN control. The exception is if you certify that it is in the national security interests of the United States to do so.

Points:

The requirement in H.R. 3308 for a Presidential certification before putting U.S. forces under UN operation control is unacceptable. Since our nation's founding, the discretion to place US military units under temporary operational control of foreign commanders has been part of our nation's security structure. From the siege at Yorktown during the Revolutionary War to Operation Desert Storm, U.S. forces have on occasion been under the operational control of foreign commanders.

As the Commander-in-Chief, I must continue to have the discretion to make the decision to place U.S. military units under temporary UN operational control if that is the most effective way to ensure US security interests. This bill infringes on my constitutional prerogative as Commander-in-Chief to determine what the correct command and control arrangements are to achieve U.S. interests.

Even when circumstances dictate that it is best to act multilaterally to serve U.S. interests, I will never relinquish command authority over U.S. forces, even when they are temporarily under the operational control of competent UN command.

Mr. LONGLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MCKEON].

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

Mr. Chairman, I rise in support of H.R. 3308, the Armed Forces Protection Act.

The need for this legislation is apparent. From 1948 to 1982, there were eight instances where the United States participated in a mission where members of our military were placed under a foreign commander. In the 5 years since Desert Storm, however, there have been three instances: The 1992 U.N. Protection Force in the former Yugoslavia, the 1993 U.N. Humanitarian Force in Somalia, and the NATO Implementation Force in Bosnia. Because

of the increasing number of these missions, this issue needs to be addressed.

We have had many debates in this Chamber about the unfocused nature of these recent missions. H.R. 3308 clarifies the use of our own forces in these situations and seeks to avoid the intervention of our troops in areas where we do not have a clear national security interest.

The President still maintains ample latitude in overseeing the deployment of U.S. troops under H.R. 3308. Finally, the Congressional Research Service has analyzed H.R. 3308 and determined that it is consistent with the powers of Congress in sections eight and nine under article one of the Constitution.

I urge a "yes" vote on the bill.

Mr. LONGLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

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

Mr. Chairman, I am not going to bring the A frame. Before I run out of time, what is wrong with the U.N.'s command, it brought about the death of 19 Americans. Two of them got the Medal of Honor for begging three times to go down and save the lives of Ward Officer Michael Durant's crew. They ended up saving Durant. The other three crew members and those two men, their bodies were so abused that it cannot be discussed in public out of sensitivity for the families. The word beheading comes to mind.

Here is General Hoar, Central Command, goes right down to the Army Rangers with General Harrison in between. When they got pinned down and were trapped all night long with four of the young Rangers bleeding to death, five of our Delta Force men murdered and five of the helicopter crews and two Tenth Mountain divisions.

Over here is the Turkish commander. I had lunch with him over there a week after this tragedy, a fortnight after, Lieutenant General Bier, nice man. He told me he wanted more control. I did not say anything to ruin his lunch. Now you come down to Montgomery; great guy, takes me up on a Blackhawk over the battlefield. When I asked about the Rangers, he said, they are not under my command.

General Montgomery says, they are not under my command. They are under General Harrison's command. I said, who is General Harrison? He is the commander of Operation Ranger, another two-star. He had a mortar land at his feet. It was a dud. We would have lost a two-star General in Clinton's first adventure out into the rough world, putting our troops under foreign command.

Then we come down to this mixed-up command down here, and the end result was what I rushed my words saying at the end of my first remarks: 14 T-72 India tanks, and when I had said to Generals Montgomery and Harrison, why did you not use one of those tanks to run through these hastily made

roadblocks instead of getting the United Arab Emirates and the Mountain Division guys killed, they said, we did; and they called Delhi and it was a Sunday. How about the Italians? They call Rome. Sorry, it is a Sunday, we cannot do this.

This is unbelievable, this compulsion under Halperin, before he left in a huff after getting those men killed and seeing our friend, Les Aspin, go down in flames. This bill is an absolute necessity. We should have a unanimous vote in favor of it.

Mr. LONGLEY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Ohio [Mr. TRAFICANT].

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes.

Mr. TRAFICANT. No. 1, Mr. Chairman, I do not oppose what the President has done in Iraq. I support his actions.

No. 2, I think there is a very good shot of the Democrats reclaiming the House, and my chairman for the Committee on Armed Services will be the gentleman from California, RON DELLUMS. I think he has done a great job.

I want to talk a little bit about a big sinkhole for American dollars, talking about another issue. We are talking about military and humanitarian aid here. Look, we send soldiers with guns, we do not send a welcome wagon. We do not send the United Way here.

Second of all, I want to talk about policy. I think we have gone too far. We have given the Presidents so much latitude they now deploy troops and engage in activities, and then, under the War Powers Act, they come back to us and give us the courtesy of a conference. Beam me up, here.

I think it is time to get back to the Constitution. There is nothing wrong with Congress setting the parameters under which we engage. The Commander in Chief keeps our troops ready, but when the people tell the Commander in Chief when those troops should be deployed, then that Commander in Chief takes over, not until then, Mr. Chairman.

No one person in America can set America into war. I think it is that policy. I am hoping, I am hoping leaders like the gentleman from California [Mr. DELLUMS] will get us back to that. I think the most important thing the Founders talked about and the biggest debate was the declaration of war powers; that in England that royalty could just go ahead and set the troops, but in America, no one person can. I think this is heart and soul. I think it goes back to the Constitution. Let us set the parameters.

By God, let us give the President authority to do it once we say it shall be done, because in America, no one person can unilaterally take those actions. That is why I support this bill. I support my amendment that our troops

are not under any foreign command, but more importantly, our amendment that they are not wearing any other patches from anywhere else. They could be there, but by God, they wear an American and United States uniform. Our troops do not pledge allegiance to the United Nations, they pledge allegiance to the United States of America.

I think the bill, although it has some concerns, can be worked out. I support it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will advise our guests in the gallery that manifestations of approval or disapproval are not permitted.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] is recognized for 2 minutes.

□ 1200

Mr. SKAGGS. I thank the gentleman for yielding me this time.

Mr. Chairman, it is sad that an issue of this importance and significance, both constitutionally and for national security policy, should be manipulated, really for election year purposes, here in the closing weeks of this session of Congress. This bill is ill advised for both constitutional law and practical reasons, and even more fundamentally, for constitutional policy and reciprocity reasons.

The first point: It undermines absolutely essential responsibilities and authorities that have to be retained in the person of the Commander in Chief, the President of the United States. The impracticality of trying to comply with the waiver provision, which I am sure is held up as some saving aspect of this, but is really a sham, is astounding. It requires a President to predict the unpredictable, to foresee the unforeseeable, to promise the unpromisable. It does not work.

Second, constitutional policy: I agree with my colleague from Ohio, Mr. TRAFICANT, this body ought to be standing up for its responsibilities under the war powers clause. But if we want future Presidents to respect our prerogatives and our power and our responsibilities, we need to respect the constitutional prerogatives and authorities and powers granted to the President in the Constitution.

To the extent that this bill basically gives the back of our hand, for the convenience of a nice political slogan, here a couple of months before the election, gives the back of our hand to the important constitutional prerogatives of the President of the United States, we are in no place down the road a year or two or five from now to stand up for the institutional responsibilities of the Congress under the war powers clause. We will be in a poorer position then to argue as we should and as we ought to have the courage to argue: Mr. Presi-

dent, that is our call whether we go to war, not yours.

But if we are arguing that it is our call, how he arranges the command structure of the Armed Forces, how in the world are we credible on that much more profound issue in the future?

Mr. Chairman, this bill's defects are so severe that it deserves to be defeated. These defects are ones not only of constitutional law, but also of constitutional policy.

The bill is unconstitutional in its attempt to place limits on the President's role as Commander in Chief. I also think that it should be rejected as a matter of policy. This attempted interference with the President's authority under the Commander in Chief clause will invite further Presidential disrespect for Congress' prerogatives under the war powers clause, and so will undermine an essential area of comity between the executive and legislative branches. If we want the President to respect Congress' constitutional prerogatives, we must respect his.

Some may say that the waiver provisions protect the President's proper authority. But the fact is that even if including workable waiver provisions could save the bill from constitutional attack, the waiver and certification requirements in this bill are not workable. As drawn, they would require the President to see the unforeseeable, or to be forced to choose between a dissembling assertion of knowing what cannot be known and an improper abdication of constitutional authority.

Mr. Chairman, time and again, this Congress has treated the Constitution with minimal regard. This reckless measure continues that unfortunate pattern. I bringing it to the House floor today, too many on the other side of the aisle clearly put a higher priority on bumper-sticker politics than on proper respect for the historic and constitutionally guaranteed authority of the President to command the Nation's Armed Forces.

Article II, section 2 of the Constitution, states that the "President shall be Commander in Chief" of the U.S. Armed Forces. This bill seeks to circumvent that part of the Constitution by placing severe limits on the President's ability to carry out his central national security duties. In my opinion, it should be defeated for this reason, if for no other.

The Department of Justice agrees. In a legal opinion, the Assistant Attorney General has recommended that the President veto the bill because it "unconstitutionally constrains the President's exercise of his constitutional authority as Commander in Chief." I'm including this Justice Department opinion at the end of this statement. This opinion cites clear and longstanding legal authority to support a fundamental proposition: "There can be no room to doubt that the Commander in Chief Clause commits to the President alone the power to select the particular personnel who are to exercise tactical and operational control over U.S. forces," The opinion explains further:

In the present context, the President may determine that the purposes of a particular U.N. operation in which U.S. Armed Forces participate would be best served if those forces were placed under the operational or tactical control of an agent of the U.N., as well as under a U.N. senior military commander who was a foreign national . . . Congress may not prevent the President from acting on such a military judgment concerning the choice of the commanders under whom the U.S. forces engaged in the mission are to serve.

Even if the bill were free of serious constitutional flaws, it would not be in our real national interest. Starting with the War of Independence, the United States has conducted joint military operation with allies. In the real world, such arrangements will be possible only with allies on a basis of reciprocity—that is, we must occasionally be willing to have our forces under the command of others if we expect allied forces to be placed under the operational control of Americans. We simply can't expect to work effectively with our allies unless we are prepared to share operational control in appropriate cases.

If we refuse to ever do this, ever to share command, in future crises we may be forced to go it alone or to do nothing. This may serve the political posturing of isolationists in Congress and elsewhere, but it will not serve American interests.

Many of the most significant military triumphs in our history were coalition efforts that included military command shared with our allies. In 1918, during World War I, some 2 million Americans served alongside French and British armies under the overall coordination of a French general. During World War II, United States and United Kingdom commands and staffs worked as a team to carry out combined Allied operations against the Axis powers. The North Atlantic Treaty Organization [NATO], created in 1951, has always used an integrated command structure. And in 1991, during Operation Desert Storm, General Swartzkopf placed a United States brigade under the operational control of the French, just as other allied forces were under the operational control of United States forces.

In fact, as Members should be aware, right now a U.S. Army division serves under the U.N. flag in Korea, under operational control of a South Korean general. This bill directly threatens the continuation of this arrangement and the essential international cooperation on security matters it represents.

This history demonstrates how from time to time our ability to place our forces under an ally's operational control—or to take such control of an ally's forces—has enhanced our ability to establish and maintain alliances and to fashion international coalition efforts when circumstances make that the best way for us to pursue U.S. national interests.

This bill politicizes national security and threatens to impair the Presidency's ability to make effective foreign policy and national security decisions. It should not have been brought to the floor, and it should not pass. If the United States is to remain a leader on the world stage, Congress must continue to recognize and respect that the President—every President—has the constitutionally prescribed authority as Commander in Chief to decide how to deploy American forces.

Mr. Chairman, we all know what's going on here. The bill's prohibition on U.S. troops under U.N. operational or tactical control plays to the frustration many citizens feel about U.S. participation in the peacekeeping and peace-making and humanitarian relief actions of the U.N. But the bill ignores the real world requirements of dealing with threats to international security. It should not pass.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL,
Washington, DC, May 8, 1996.

MEMORANDUM FOR ALAN J. KRECZKO, SPECIAL ASSISTANT TO THE PRESIDENT AND LEGAL ADVISER TO THE NATIONAL SECURITY COUNCIL

From Walter Dellinger, Assistant Attorney General.

Re H.R. 3308.

This memorandum responds to your request for our views as to the constitutionality of H.R. 3308, a bill that would limit the President's ability to place United States armed forces under the United Nations' ("U.N.") operational or tactical control. We believe that the bill is unconstitutional, and strongly recommend that the President veto it.

Section 3 of H.R. 3308 would add a new section 405 to chapter 20 of title 10, United States Code, to read as follows: "Except as provided in subsection (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations operational or tactical control, as defined in subsection (f)."

Proposed subsection 405(f) provides that elements of the armed forces shall be considered to be placed under U.N. operational or tactical control if they are under the operational or tactical control of an individual who is acting on behalf of the U.N. in a peacekeeping, peacemaking or similar activity, and if the senior military commander of the U.N. force or operation is either a foreign national or a U.S. citizen other than an active duty U.S. military officer.

Proposed section 405 thus bars the President from placing U.S. armed forces participating in U.N. peacekeeping operations under the U.N. operational or tactical control, as so defined.

Two subsections set out exceptions to the prohibition.¹ Subsection 405(c) provides that the limitation does not apply if Congress specifically authorizes a particular placement of U.S. forces under U.N. operational or tactical control, or if the U.S. forces involved in a placement are participating in operations conducted by the North Atlantic Treaty Organization.

Subsections 405(b) and (d) together provide that the President may waive the limitation if he certifies to Congress 15 days in advance of the placement that it is "in the national security interests of the United States to place any element of the armed forces under United Nations operational or tactical control," and provides a detailed report setting forth specific items of information within eleven district categories.² If the President certifies that an "emergency" precluded compliance with the 15 day limitation, he must make the required certification and report in a timely manner, but no later than 48 hours after a covered operational or tactical control is initiated.

The proposed amendment unconstitutionally constrains the President's exercise of his constitutional authority as Commander-in-Chief. Further, it undermines his constitutional role as the United States' representative in foreign relations. While "[t]he constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping," *United States v. O'Brien*, 391 U.S. 367, 377 (1968), Congress may not deploy that power so as to exercise functions constitutionally committed to the Executive alone

for that would "pose a 'danger of congressional usurpation of Executive Branch functions.'" *Morrison v. Olson*, 487 U.S. 654, 694 (1988) (quoting *Bowsher v. Synar*, 478 U.S. 714, 727 (1986)). Nor may Congress legislate in a manner that "'impermissibly undermin[e]s' the powers of the Executive Branch, *Commodity Futures Trading Comm'n v. Schor*, [478 U.S. 833 (1986)] at 856, or 'disrupts the proper balance between the coordinate branches [by] prevent[ing] the Executive Branch from accomplishing its constitutionally assigned functions,' *Nixon v. Administrator of General Services*, [433 U.S. 425 (1977)] AT 433." *Morrison*, 487 U.S. at 695. Even though there are areas in which both Congress and the President have a constitutional voice, and in which Congress, therefore, may rely on its own constitutional authority to seek to guide and constrain presidential choices, it may not impose constraints in the areas that the Constitution commits exclusively to the President. See, e.g., Letter for Richard Darman, Director, Office of Management and Budget, from Bruce Navarro, Deputy Assistant Attorney General, Office of Legislative Affairs (Feb. 2, 1990) (finding provision of Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, limiting President's ability to receive spies as ambassadors unconstitutional even though President could waive limitation if it was in the national security interests of the United States to do so).

Article II, §2, of the Constitution declares that the President "shall be Commander in Chief of the Army and Navy of the United States." Whatever the scope of this authority in other contexts, there can be no room to doubt that the Commander-in-Chief Clause commits to the President alone the power to select the particular personnel who are to exercise tactical and operational control over U.S. forces. See *Fleming v. Page*, 50 U.S. (9 How.) 603, 615 (1850) ("As commander-in-chief, [the President] is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual. . . .). Indeed, the major object of the Clause is to "vest in the President the supreme command over all the military forces,—such supreme and undivided command as would be necessary to the prosecution of a successful war." *United States v. Sweeney*, 157 U.S. 281, 284, 284, (1895). See also *Nordmann v. Woodring*, 28 F. Supp. 573, 578 (W.D. Okla., 1939) ("as Commander in Chief, the President has the power to employ the Army and the Navy in a manner which he may deem most effectual"); "The Federalist" No. 69, at 465 (Alexander Hamilton) (Jacob E. Cooke ed., 1961) ("[The Commander in Chief power] would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy. . . ."). William Howard Taft, "The Boundaries Between the Executive, the Legislative and the Judicial Branches of the Government," 25 Yale L. J. 599 610 (1916) (the Commander-in-Chief Clause precludes Congress from "order[ing] battles to be fought on a certain plan" or "direct[ing] parts of the army to be moved from one part of the country to another."); George Sutherland, "Constitutional Power and World Affairs" 76-77 (1919) ("in the actual conduct of military operations, in the field where the battles are being fought, in the movement, disposition and discipline of the land and naval forces, the Commander-in-Chief is supreme."); As Attorney General (later Justice) Robert Jackson explained, "the President's responsibility as Commander in Chief embraces the authority to command and direct the armed forces in their immediate movements and operations designed to protect the security and effectuate the defense of the United

¹Footnotes are at end of article.

States, . . . [T]his authority undoubtedly includes the power to dispose of troops and equipment in such manner and on such duties as best to promote the safety of the country. "Training of British Flying Students in the United States," 40 Op. Att'y Gen. 58, 61-62 (1941).

It is for the President alone, as Commander-in-Chief, to make the choice of the particular personnel who are to exercise operational and tactical command functions over the U.S. Armed Forces. True, Congress has the power to lay down general rules creating and regulating "the framework of the Military Establishment," *Chappell v. Wallace*, 462 U.S. 296, 301 (1983); but such framework rules may not unduly constrain or inhibit the President's authority to make and to implement the decisions that he deems necessary or advisable for the successful conduct of military missions in the field, including the choice of particular persons to perform specific command functions in those missions. Thus, for example, the President's constitutional power to appoint a particular officer to the temporary grade of Marine Corps brigadier general could not be undercut by the failure of a selection board, operating under a general statute prescribing procedures for promotion in the armed services, to recommend the officer for that promotion. "Promotion of Marine Officer," 41 Op. Att'y Gen. 291 (1956). As Attorney General Rankin advised President Eisenhower on that occasion, "[w]hile Congress may point out the general class of individuals from which an appointment may be made . . . and may impose other reasonable restrictions . . . it is my opinion that the instant statute goes beyond the type of restriction which may validly be imposed. . . . It is recognized that exceptional cases may arise in which it is essential to depart from the statutory procedures and to rely on constitutional authority to appoint key military personnel to positions of high responsibility." *Id.* at 293, 294 (citations omitted).³ In the present context, the President may determine that the purposes of a particular U.N. operation in which U.S. Armed Forces participate would be best served if those forces were placed under the operational or tactical control of an agent of the U.N., as well as under a U.N. senior military commander who was a foreign national (or a U.S. national who is not an active duty military officer). Congress may not prevent the President from acting on such a military judgment concerning the choice of the commanders under whom the U.S. forces engaged in the mission are to serve.

Moreover, in seeking to impair the President's ability to deploy U.S. Armed Forces under U.N. operational and tactical command in U.N. operations in which the United States may otherwise lawfully participate, Congress is impermissibly undermining the President's constitutional authority with respect to the conduct of diplomacy. See, e.g., *Department of Navy v. Egan*, 484 U.S. 518, 529 (1988) (the Supreme Court has "recognized 'the generally accepted view that foreign policy was the province and responsibility of the Executive'" (quoting *Haig v. Agee*, 453 U.S. 280, 293-94 (1981)); *Alfred Dunhill of London, Inc. v. Republic of Cuba*, 425 U.S. 682, 705-06 n. 18 (1976) ("[T]he conduct of [foreign policy] is committed primarily to the Executive Branch."); *United States v. Louisiana*, 363 U.S. 1, 35 (1960) (the President is "the constitutional representative of the United States in its dealings with foreign nations"); "Acquisition of Naval and Air Bases in Exchange for Over-Age Destroyers," 39 Op. Att'y Gen. 484, 486 (1940) (Jackson, Att'y Gen.) (the Constitution "vests in the President as a part of the Executive function" "control of foreign relations"). U.N. peacekeeping missions involve multilateral arrangements that re-

quire delicate and complex accommodation of a variety of interests and concerns, including those of the nations that provide troops or resources, and those of the nation or nations in which the operation takes place. The success of the mission may depend, to a considerable extent, on the nationality of the commanding officer, or on the degree to which the operation is perceived as a U.N. activity (rather than that of a single nation or bloc of nations). Given that the United States may lawfully participate in such U.N. operations, we believe that Congress would be acting unconstitutionally if it were to tie the President's hands in negotiating agreements with respect to command structures for those operations.⁴

It might be argued that section 405 does not impose a significant constraint on the President's constitutional authority because it grants the President the authority to waive the prohibition whenever he deems it in the "national security interest" of the United States to do so, provided he reports his decision to execute a waiver to Congress 15 days in advance. If he certifies that an emergency is present, he may avoid the 15 day limitation and make a report in a timely manner, but no later than 48 hours after troops are placed under U.N. command. Thus, functionally, section 405 effects only a conditional ban on the President's constitutional authority to control the tactical and operational deployment of U.S. forces.⁵ Congress cannot, however, burden or infringe the President's exercise of a core constitutional power by attaching conditions precedent to the exercise of that power. Attorney General Brownell put the matter well:

"It is recognized that the Congress may grant or withhold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted. It may also impose conditions with respect to the use of the appropriation, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution. If the practice of attaching invalid conditions to legislative enactments were permissible, it is evident that the constitutional system of the separability of the branches of Government would be placed in the gravest jeopardy." "Authority of Congressional Committees to Disapprove Action of Executive Branch," 41 Op. Att'y Gen. 230, 233 (1955).

Similarly, then-Assistant Attorney General Rehnquist opined: "Even in the area of domestic affairs, where the relationship between Congress and the President is balanced differently than it is in the field of external affairs, virtually every President since Woodrow Wilson had had occasion to object to certain conditions in authorization legislation as being violative of the separation of powers between the Executive and the legislative branch. The problem would be met in exacerbated form should Congress attempt by detailed instructions as to the use of American forces already in the field to supersede the President as Commander-in-Chief of the armed forces." William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, "The President and the War Power: South Vietnam and the Cambodian Sanctuaries," 21 (May 22, 1970).⁶

We are mindful that Congress has framed its restriction on placing troops under U.N. control as a prohibition on the obligation or expenditure of appropriated funds. That Congress has chosen to invade the President's authority indirectly, through a condition on an appropriation, rather than through a direct mandate, is immaterial. Broad as Congress' spending power undoubtedly is, it is clear that Congress may not deploy it to accomplish unconstitutional ends.⁷ In particular, as our Office has insisted over the course

of several Administrations, "Congress may not use its power over appropriation of public funds 'to attach conditions to Executive Branch appropriations requiring the President to relinquish his constitutional discretion in foreign affairs,'" 16 Op. O.L.C. 18, 30 (1992) (preliminary print) (quoting 14 Op. O.L.C. 38, 42 n.3 (1990) (preliminary print) (quoting 13 Op. O.L.C. 311, 315 (1989) (preliminary print)).⁸

Accordingly, we believe that H.R., 3308 is unconstitutional, and strongly recommend that the President veto it.

FOOTNOTES

¹There is also an exception made for ongoing operations in Macedonia and Croatia.

²As detailed in subsection 405(d), the report must include eleven distinct elements. It must set forth (1) a description of the national security interests that would be served by the troop placement; (2) the mission of the U.S. forces involved; (3) the expected size and composition of the U.S. forces involved; (4) the precise command and control relationship between the U.S. forces involved and the U.N. command structure; (5) the precise command and control relationship between the U.S. forces involved and the commander of the U.S. unified command for the region in which those U.S. forces are to operate; (6) the extent to which the U.S. forces involved will rely on other nations' forces for security and defense and an assessment of the capability of those foreign forces to provide adequate security to the U.S. forces involved; (7) the exit strategy for complete withdrawal of the U.S. forces involved; (8) the extent to which the commander of any unit proposed for the placement would at all times retain the rights to report independently to superior U.S. military authorities and to decline to comply with orders judged by that commander to be illegal or beyond the mission's mandate until such time as that commander has received direction from superior U.S. military authorities; (9) the extent to which the U.S. retains the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged; (10) the extent to which the U.S. forces involved will be required to wear as part of their uniform a device indicating U.N. affiliation; and (11) the anticipated monthly incremental cost to the U.S. of participation in the U.N. operation by U.S. forces proposed to be placed under U.N. operational or tactical control.

³The Acting Attorney General's opinion relied chiefly on Congress' inability to undermine the President's authority under the Appointments Clause, U.S. Const. art. II, §2, rather than on the promotion procedure's effect on the Commander-in-Chief power. The President's appointment power is not at issue here, because the foreign or other nationals performing command functions at the President's request would be discharging specific military functions, but would not be serving in federal offices. See Memorandum to Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, from Richard L. Shiffrin, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Defense Authorization Act at 2n.1 (Sept. 15, 1995). Nonetheless, we believe that the reasoning under the Commander-in-Chief Clause closely parallels that under the Appointments Clause.

⁴Past Presidents have committed U.S. forces to foreign command. For example, at a time of great military and diplomatic exigency during the First World War, President Woodrow Wilson agreed, after discussions with our allies, to place U.S. forces under General Foch, as French commander. General Pershing called on General Foch at his headquarters to say, "[i]nfantry, artillery, aviation, all that we have are yours; use them as you wish," 8 Ray Stannard Baker, "Woodrow Wilson; Life and Letters" 60 (1939). See also *id.* at 62 (President Wilson's telegram to General Foch, stating that "[s]uch unity of command is a most hopeful augury of ultimate success"); *id.* at 69-70 (resolution of Supreme War Council, stating that General Foch "is charged by the British, French and American Governments with the coordination of the action of the Allied Armies on the Western Front; to this end there is conferred on him all the power necessary for its effective realization").

⁵Arguably, section 405 effects a complete ban on the use of appropriated funds to support troops under U.N. control in circumstances when the President would find such a deployment advisable but not strictly in the national security interest of the United States. We doubt, however, that such a circumstance is more than hypothetically possible. If

the President found it advisable to place U.S. forces under U.N. control, then, *ipso facto*, it would be in the national security interest to place those troops under U.N. control. To the extent that a contrary circumstance could truly arise, then section 405 is unconstitutional.

⁶In a footnote to the text quoted above, Mr. Rehnquist added: "All of these Presidents have stated in one way or another that just because Congress concededly may refrain from appropriating money at all, it does not necessarily follow that it may attach whatever condition it desires to an appropriation which it does make."

⁷See *United States v. Klein*, 80 U.S. (13 Wall.) 128 (1872) (appropriations act unconstitutionally intruded on President's pardon power); *United States v. Lovett*, 328 U.S. 303, 316 (1946) (appropriations power misused to impose bill of attainder); cf. *Metro-politan Washington Airports Auth. v. Citizens for the Abatement of Aircraft Noise, Inc.*, 301 U.S. 252, 271 (1991) (Congress may not use its power over Federal property to achieve ends by indirect means that it is forbidden to achieve directly); *Frost & Frost Trucking Co. v. Railroad Comm'n*, 271 U.S. 583, 594 (1926) (State legislature cannot attach unconstitutional condition to privilege that it may deny). See also "Mutual Security Program—Cutoff of Funds from Office of Inspector General and Comptroller," 41 Op. Att'y Gen. 507, 530 (1960) (Att'y Gen. Rogers) ("the Constitution does not permit any indirect encroachment by Congress upon [the] authority of the President through resort to conditions attached to appropriations"); "Constitutionality of Proposed Legislation Affecting Tax Refunds," 37 Op. Att'y Gen. 56, 61 (1933) (Att'y Gen. Mitchell) ("This proviso can not be sustained on the theory that it is a proper condition attached to an appropriation. Congress holds the purse strings, and it may grant or withhold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted and impose conditions in respect to its use, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution."); "Memorial of Captain Meigs," 9 Op. Att'y Gen. 462, 469-70 (1860) (concluding that appropriations bill that contained condition that money be spent only under supervision of congressionally-designated individual was invalid); William P. Barr, contribution to symposium on "The Appropriation Power and the Necessary and Proper Clause," 68 Wash. U.L.Q. 623, 628 (1990) ("Congress cannot use the appropriations power to control a Presidential power that is beyond its direct control"); Harold H. Koh, "Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair," 97 Yale L.J. 1255, 1303 n.218 (1988) (citing support for view that Congress acts unconstitutionally if it refuses to appropriate funds for President to carry out his constitutional responsibilities); Kate Stith, "Congress' Power of the Purse," 97 Yale L.J. 1343, 1351 (1988); Louis Henkin, "Foreign Affairs and the Constitution" 115 (1972) ("Congress cannot impose conditions which invade Presidential prerogatives to which the spending is at most incidental").

⁸See also "The President's Compliance with the 'Timely Notification' Requirement of Section 501(b) of the National Security Act," 10 Op. O.L.C. 159, 169-70 (1986) ("[W]hile Congress unquestionably possesses the power to make decisions as to the appropriation of public funds, it may not attach conditions to Executive Branch appropriations that require the President to relinquish any of his constitutional discretion in foreign affairs").

This limitation on legislative power has also been acknowledged by Members of Congress. See Orrin Hatch, contribution to symposium, "What the Constitution Means by Executive Power," 43 U. Miami L. Rev. 197, 200-01 (1988) ("constitutional foreign policy functions may not be eliminated by a congressional refusal to appropriate funds. The Congress may not, for example, deny the President funding to receive ambassadors, negotiate treaties, or deliver foreign policy addresses. . . . Congress oversteps its role when it undertakes to dictate the specific terms of international relations."); Eli E. Nobleman, "Financial Aspects of Congressional Participation in Foreign Relations," 289 Annals Am. Acad. Pol. & Soc. Sci. 145, 150 (1983) (citing remarks of Representative Daniel Webster, objecting on constitutional grounds in 1826 to appropriations rider that purported to attach instructions to United States diplomats).

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

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

Mrs. FOWLER. Mr. Chairman, I rise today in strong support of H.R. 3308, which would establish important limitations on the President's ability to place U.S. troops under United Nations or other foreign command. It would clarify that the President must certify that placing U.S. troops under foreign control is in the national interest and that Congress must have a role in approving such actions.

Given the recent involvement of U.S. troops in peacekeeping missions in Somalia, Bosnia, Macedonia, and Haiti—sometimes under the operational control of foreign commanders—this measure is most timely.

The Constitution is itself silent on this matter, and the President is using a self-prescribed directive to guide his actions. I believe this is too important an issue for such treatment. The Constitution expressly gives the Congress the power and responsibility to declare war, "raise and support Armies," "provide and maintain a Navy," and "make all Laws which shall be necessary and proper for carrying into Execution" such powers. The Congress clearly has important prerogatives in this regard.

Mr. Chairman, I congratulate Representative LONGLEY for introducing this important measure, and urge its support.

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

Mr. Chairman, there has been a lot of discussion about what is in this bill and what is not in this bill. I would like to discuss what is in the bill and focus on that and conclude the debate on that basis.

First of all, we are talking about the fact that U.N. operations have become of late a much more common phenomenon.

Second, we have seen in the last several years commitments of United States forces to U.N. operational control in places like Haiti, Croatia, Macedonia, including over 22,000 American forces now deployed in Bosnia. We have seen the recent unfortunate experience of the commitment of American forces in a combined United States-U.N. operation in Somalia that led to the tragic death of 18 valiant Rangers.

What we are also recognizing in this piece of legislation is that despite the many deficiencies that we have seen in the conduct of U.N. operations, we recognize that there may be situations where it is in the national security interest of the United States to participate in them, and we have made appropriate provisions for that.

I would also point out that I stand here as a Member who has on at least 3 occasions broken with his own leadership to oppose his leadership's efforts to, in my view, interfere with the authority of the President of the United States, including most recently I spoke on the resolution that was on the floor that would have in my view interfered with the President's ability to successfully conclude the Dayton Peace Accords.

Again, I am proud to do that when I think it is in the best interests of this country to do so. Yet, I think it is clear that we need to recognize that the United Nations is not a military organization.

I heard earlier remarks referring to the fact that there are sometimes humanitarian missions and sometimes there are war-fighting missions. The bottom line, as the gentleman from Ohio [Mr. TRAFICANT] said, is that when you send an American soldier overseas with a rifle, by its very nature, it involves the risk of war or war-fighting, and we need to operate on that basis.

We have made provisions for four separate situations wherein the President can commit forces if he deems it in the best interests of the United States. We have provided a 15-day time line in the event that he sees the necessity for a commitment of American forces before he needs to file any kind of certification.

We have provided for an emergency commitment of American forces where he has the opportunity to provide justification within 48 hours. We have also provided exceptions for, yes, if Congress were to authorize that action, or if it is an operation commenced under the NATO forces, if our forces were to be committed in fulfillment of our commitment to NATO.

However, I think we also need to spend a minute to talk about what are we talking about in terms of certifying. We are talking about that we want an outline of what is the national security interest involved, what is the mission going to be? What kinds of forces? What are the command and control relationships? What are the command and control relationships between the American commander and the unified American command that is responsible for that region of the world? All entirely reasonable and this should be done anyway.

But what we are doing is saying: Mr. President, provide that to the Congress.

I want to end on a personal note, because when we look at the incident in October 1993 of those 18 Rangers that were killed in Mogadishu, 2 of them were from my State, M. Sgt. Gary Gordon was awarded the Medal of Honor, Sgt. Tommy Fields was killed in action.

When you look at that operation, you see that they did have armor as part of the force. The problem was that the armor was under the command of another country, and when the first bullets flew, the tanks and the armored personnel carriers abandoned our troops in the field. We need to prevent that from happening in the future.

Mr. PAYNE of New Jersey. Mr. Chairman, few institutions have enabled the expression of the noblest ideas of humankind as has the United Nations. Listen to the words that begin the Charter of the United Nations written 50 years at the end of World War II:

We the peoples of the United Nations determined to save succeeding generations

from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom, and

for these ends to practice tolerance and live together in peace with one another as good neighbors. . . .

Listening to those words and seated at the conference to establish the United Nations in San Francisco in April 1945 were Mary McLeod Bethune of the National Council of Negro Women, Mordecai W. Johnson of Howard University, W.E.B. DuBois and Walter White of the NAACP.

These are not just words. After speaking with the brave and noble men that serve under U.N. command, I can conclude that they are proud to be a part of a military that brings together all countries that have common interest. A U.N. representative from MINURSO stationed in Tundouf said, "It allows me to make my life count for something and it allows me to give back to the ones that are less fortunate than I." The United Nations is a sum of the whole of all nations.

The command and control of armed forces of the United Nations are men and women that make sure that our enemies are kept at bay, that regional security and peace are more than just words, and prevention of further aggression by any one state. The War Powers Act is not absolute. The United States cannot be the world's policemen. We need the United Nations.

Chapter VII, article 51 of the U.N. Charter states that if an armed attack occurs against a member of the United Nations, we must take the measures necessary to maintain international peace and security.

This is the wrong time to implement this bill. Iraq has violated international law, Security Council Resolution 688. Our vital national interests are at stake. Bosnia, Haiti, and other countries that require chapter VI type activities are vital to protect the weak from the strong.

This bill is wrong, it ties the President's hands. In peacetime, they protect us. I cannot with good conscience support this bill, the United States Armed Forces Act. I would like to just conclude that multilateralism does matter.

Mr. WELDON of Florida. Mr. Chairman, as a U.S. Army veteran myself, I rise in strong support of H.R. 3308, the United States Armed Forces Protection Act. This bill takes important steps to ensure the protection of our troops overseas. While it may not go as far as some of us would like, it makes considerable progress to ensure that we protect the interests of those who risk their lives by putting on the uniform of the U.S. military.

We remember what happened earlier in the Clinton administration, in Somalia, where our United States troops had to rely on U.N. forces for backup. It cost 19 of our men and women in uniform their lives. I will not allow their lives to be forgotten. I will continue aggressively to ensure that our men and women in uniform do not have to rely on the United Nations for backup that may or may not come.

H.R. 3308 extends proper protection to the men and women of the U.S. Armed Forces, who have been sent to serve in U.N. peace-keeping operations. In particular, the bill prohibits U.S. service members from performing duties under the administrative or tactical control of foreign officers, unless the President certifies to the Congress that such command relationships serve the national security interest of the United States.

The bill also directs the President to submit to the Congress first, the national security interest that will be advanced by their mission; second, the size, composition, and involvement of the U.S. forces; third, the command and control relationship of involved U.S. forces and the U.N. command structure, and fourth the exit strategy for U.S. forces. It also requires that members of the armed forces be informed of their unit's mission and their chain of command in any operation to which their unit has been assigned.

I also fully support provision which will ensure that our men and women in uniform are not required to wear the insignia of the United Nations or any other foreign entity. I have co-sponsored legislation that would protect our men and women from this, and am pleased to support it here today.

Finally, I would add that this is the fourth time this Congress has had this issue under consideration. Unfortunately, President Clinton has rejected this proposal before. Perhaps he will change his mind on it and sign the bill this time.

Mr. GOODLING. Mr. Chairman, I rise today in support of H.R. 3308, hopefully the final step in a journey which began long ago by Members who doubted the wisdom and constitutionality of placing U.S. troops under foreign command.

We began with a letter to President Clinton in opposition to Presidential Review Directive 13, which later became Presidential Decision Directive 25. We carried on that fight in committee, arguing with the State Department about the tragic deaths of American heroes in Somalia, including Randall Shughart from my district.

We included a prohibition on foreign command deployments in the Contract With America and worked to have it included in Defense authorization bills, all the while tightening loopholes.

We thought we were successful in attaching these provisions to last year's Defense authorization bill. That bill also included a number of provisions that would improve the quality of life for American service personnel. Unfortunately, that bill was vetoed by the President.

We stand here today with a clean bill, dealing solely with the issue of foreign command of American troops. In recent years, foreign command—and U.N. command in particular—has not served the United States well.

A great amount of confusion surrounded our deployment in Somalia, confusion that directly resulted in the deaths of American Rangers. Never again do I want to be placed in a position of explaining the needless deaths of American servicemen because of ineffective command and control arrangements.

This bill will prevent future Somalias. It states simply that Americans will not serve under foreign command, unless the President reports it is in our best interest. It allows for our continued involvement in NATO, and would not impact existing operations in Macedonia and Croatia.

In short, the bill will restore wisdom and stability to any future deployments. I thank Chairman SPENCE and Chairman GILMAN for their leadership on this issue, and I urge all Members to offer this bill their support.

The CHAIRMAN. All time for general debate has expired.

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

The text of H.R. 3308 is as follows:

H.R. 3308

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Armed Forces Protection Act of 1996".

SEC. 2. FINDINGS AND CONGRESSIONAL POLICY.

(a) FINDINGS.—Congress finds as follows:

(1) The President has made United Nations peace operations a major component of the foreign and security policies of the United States.

(2) The President has committed United States military personnel under United Nations operational control to missions in Haiti, Croatia, and Macedonia that could endanger those personnel.

(3) The President has deployed over 22,000 United States military personnel to the former Yugoslavia as peacekeepers under NATO operational control to implement the Dayton Peace Accord of December 1995.

(4) Although the President has insisted that he will retain command of United States forces at all times, in the past this has meant administrative control of United States forces only, while operational control has been ceded to United Nations commanders, some of whom were foreign nationals.

(5) The experience of United States forces participating in combined United States-United Nations operations in Somalia, and in combined United Nations-NATO operations in the former Yugoslavia, demonstrate that prerequisites for effective military operations such as unity of command and clarity of mission have not been met by United Nations command and control arrangements.

(6) Despite the many deficiencies in the conduct of United Nations peace operations, there may be unique occasions when it is in the national security interests of the United States to participate in such operations.

(b) POLICY.—It is the sense of Congress that—

(1) the President should consult closely with Congress regarding any United Nations peace operation that could involve United States combat forces and that such consultations should continue throughout the duration of such activities;

(2) the President should consult with Congress before a vote within the United Nations Security Council on any resolution which would authorize, extend, or revise the mandate for any such activity;

(3) in view of the complexity of United Nations peace operations and the difficulty of achieving unity of command and expeditious decisionmaking, the United States should participate in such operations only when it is clearly in the national security interest to do so;

(4) United States combat forces should be under the operational control of qualified commanders and should have clear and effective command and control arrangements and rules of engagement (which do not restrict their self-defense in any way) and clear and unambiguous mission statements; and

(5) none of the Armed Forces of the United States should be under the operational control of foreign nationals in United Nations

peace enforcement operations except in the most extraordinary circumstances.

(c) DEFINITIONS.—For purposes of subsections (a) and (b):

(1) The term "United Nations peace enforcement operations" means any international peace enforcement or similar activity that is authorized by the United Nations Security Council under chapter VII of the Charter of the United Nations.

(2) The term "United Nations peace operations" means any international peacekeeping, peacemaking, peace enforcement, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

SEC. 3. PLACEMENT OF UNITED STATES FORCES UNDER UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§405. Placement of United States forces under United Nations operational or tactical control: limitation

"(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations operational or tactical control, as defined in subsection (f).

"(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations operational or tactical control if the President, not less than 15 days before the date on which such United Nations operational or tactical control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the armed forces under United Nations operational or tactical control, the President may place such forces under such operational or tactical control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such operational or tactical control becomes effective.

"(c) ADDITIONAL EXCEPTIONS.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under United Nations operational or tactical control if Congress specifically authorizes by law that particular placement of United States forces under United Nations operational or tactical control.

"(2) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

"(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that it is in the national security interests of the United States to place any element of the armed forces under United Nations operational or tactical control.

"(2) A report setting forth the following:

"(A) A description of the national security interests that would be advanced by the placement of United States forces under United Nations operation or tactical control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(E) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(F) The extent to which the United States forces involved will rely on forces of other countries for security and defense and an assessment of the capability of those other forces to provide adequate security to the United States forces involved.

"(G) The exit strategy for complete withdrawal of the United States forces involved.

"(H) The extent to which the commander of any unit of the armed forces proposed for placement under United Nations operational or tactical control will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with.

"(I) The extent to which the United States will retain the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(J) The extent to which United States forces involved will be required to wear as part of their uniform any badge, symbol, helmet, headgear, or other visible indicia or insignia that indicates affiliation to or with the United Nations.

"(K) The anticipated monthly incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations operational or tactical control.

"(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

"(f) UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.—For purposes of this section, an element of the Armed Forces shall be considered to be placed under United Nations operational or tactical control if—

"(1) that element is under the operational or tactical control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

"(2) the senior military commander of the United Nations force or operation is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty.

"(g) INTERPRETATION.—Nothing in this section may be construed—

"(1) as authority for the President to use any element of the armed forces in any operation; and

"(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national."

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Placement of United States forces under United Nations operational or tactical control: limitation."

(b) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 4. REQUIREMENT TO ENSURE THAT ALL MEMBERS KNOW MISSION AND CHAIN OF COMMAND.

(a) IN GENERAL.—Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§656. Members required to be informed of mission and chain of command

"The commander of any unit of the armed forces assigned to an operation shall ensure that each member of such unit is fully informed of that unit's mission as part of such operation and of that member's chain of command."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"656. Members required to be informed of mission and chain of command."

The CHAIRMAN. No amendment shall be in order except those printed in House Report 104-774, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on an amendment, and reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 104-774.

AMENDMENT OFFERED BY MR. SPENCE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPENCE:

Page 3, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1) the President should fully comply with all applicable provisions of law governing

the deployment of the Armed Forces of the United States to United Nations peacekeeping operations;

Page 10, line 19, strike out "and".

Page 10, line 22, strike out the period, close quotation marks, and period at the end and insert in lieu thereof "; or".

Page 10, after line 22, insert the following:

"(3) as superseding, negating, or otherwise affecting the requirements of section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d)."

Page 11, beginning on line 4, strike out "as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR)".

Page 11, line 8, insert after "Macedonia" the following: "as part of the United Nations force designated as the United Nations Preventive Deployment Force (UNPREDEP)".

Page 11, line 10, insert after "1992," the following: "and Resolution 983, adopted March 31, 1995,".

Page 11, line 12, insert after "Croatia" the following: "as part of the United Nations force designated as the United Nations Transitional Administration for Eastern Slavonia, Baranja, and Western Sirmium (UNTAES)".

Page 11, beginning on line 13, strike out "Resolution 743, adopted February 21, 1992," and insert in lieu thereof "Resolution 1037, adopted January 15, 1996,".

The CHAIRMAN. Pursuant to House Resolution 517, the gentleman from South Carolina [Mr. SPENCE] and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

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

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

Mr. SPENCE. Mr. Chairman, this amendment is a technical and clarifying amendment that should be noncontroversial. The amendment does three things. First, it adds a new finding stating that the President should fully comply with all applicable laws when deploying United States forces to participate in United Nations peacekeeping operations. This is a useful clarification to ensure there is no ambiguity on the relationship between this legislation and other applicable statutes governing the participation of United States forces in United Nations operations.

The second component of the amendment would specifically clarify that this bill in no way supersedes, negates or otherwise affects the United Nations Participation Act.

Finally, the bill makes minor conforming changes and updated references to a number of United Nations Security Council resolutions that have changed since this bill was introduced.

Again, I believe all of these things are useful and necessary minor changes, and I urge my colleagues to support the amendment.

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

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

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

Mr. Chairman, we do not rise in opposition to the amendment and there is no organized opposition, so that 5 minutes is not useful. I would simply concur in the explanation of the amendment offered by my distinguished colleague from South Carolina, Mr. SPENCE.

The amendment provides that the President must act consistent with United Nations Participation Act, simply stating that the President must act consistent with appropriate laws. In this gentleman's humble opinion, that is noncontroversial, and I would echo the sentiments of my colleagues, that it is, A, noncontroversial and, B, that it is, in part, technical.

I would urge my colleagues to adopt the amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I just want to rise to thank the gentleman from South Carolina [Mr. SPENCE]. The problems have been corrected by this manager's amendment, which was the primary reason I was the lone vote against this bill in committee.

I am very appreciative of the assistance of Chairman SPENCE in making this bill a very much better bill.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I want to quickly clarify my position.

If the President puts our sons and daughters in harm's way and under the United Nations control, he must get congressional authorization. Chairman SPENCE's manager's amendment does clarify that and makes it a much better bill.

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

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104-774.

AMENDMENT OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, the gentleman from Ohio [Mr. TRAFICANT] and I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. BARTLETT of Maryland: At the end of the bill, add the following new section:

SEC. 5. PROHIBITION ON REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO WEAR UNIFORM ITEMS OF THE UNITED NATIONS.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 777. Insignia of United Nations: prohibition on requirement for wearing

"No member of the armed forces may be required to wear as part of the uniform any

badge, symbol, helmet, headgear, or other visible indicia or insignia which indicates (or tends to indicate) any allegiance or affiliation to or with the United Nations except in a case in which the wearing of such badge, symbol, helmet, headgear, indicia, or insignia is specifically authorized by law with respect to a particular United Nations operation."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"777. Insignia of United Nations: prohibition on requirement for wearing."

Page 9, strike out lines 11 through 16.

Page 9, line 17, strike out "(K)" and insert in lieu thereof "(J)".

The CHAIRMAN. Pursuant to House Resolution 517, the gentleman from Maryland [Mr. BARTLETT] and a Member opposed, each will control 20 minutes.

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

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. TRAFICANT], a coauthor of the amendment, be allowed to control half of my time.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] will control 10 minutes of the time in support of this amendment.

The gentleman from Maryland [Mr. BARTLETT] is recognized.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer today is very simple. It will prohibit any member of the Armed Forces from being forced to wear any badge, symbol, helmet, head gear, or other visible insignia which indicates allegiance or affiliation to the United Nations unless specifically authorized by Congress.

The centerpiece of my amendment is our soldiers' status. Many of our military personnel believe that when they don their battle dress uniforms with accoutrements from the United Nations, they become U.N. soldiers. Indeed, in some cases they are placed under the operational control of a U.N. commander who has not taken an oath to defend the Constitution, but has rather taken an exclusive oath of allegiance to the United Nations.

The concern of our men and women of the Armed Forces is corroborated by Vice President AL GORE who, during a funeral for the soldiers who died in a friendly fire accident over Iraq, in an attempt to console the families, said the following, and I quote: "I offer my condolences to the families of those who died in the service of the United Nations," end quote.

Clearly, in at least the Vice President's mind, our soldiers were fighting as U.N. soldiers. We must never allow this to happen again.

Second, one brave U.S. Army medic, Specialist Michael New, had the courage to challenge the President's policy of requiring our troops to wear the uniform of the United Nations. It is important to remember that Michael New was not anti-U.N. He served with distinction in other U.N. operations, specifically, in Kuwait. However, in that operation Specialist New was required to wear the uniform of the United States, not the U.N. insignia.

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When Michael New was ordered to go to Macedonia as part of Operation Able Sentry, he was told he would be required to wear the blue beret and soldier patch of the United Nations. Believing that he had no allegiance to the United Nations, he questioned the authority of this order. For his faithfulness to the United States, Michael New was court-martialed and given a bad conduct discharge which will follow him for the rest of his life.

Mr. Chairman, the amendment I offer today will not affect Michael New or his case. However, it will prevent this situation from ever happening again. Our servicemen and women must always fight as U.S. soldiers and must never be asked to choose allegiances between the United States and the United Nations.

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

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

Mr. Chairman, I want to join forces with the gentleman from Maryland [Mr. BARTLETT] on this amendment. I believe that this has come to light in the case of Michael New. I believe it does pose some significant military questions that must be answered and resolved, and I believe the case for such resolution rests in the Congress of the United States.

Some people say there is micro-management here. I do not quite believe that. I think everybody agrees that our military personnel must follow orders. There must be a chain of command and a disciplinary structure which ensures the operational integrity of their missions, and the structure of their management and command.

However, this has gone on maybe a little far with the case of Michael New, sent over to do peacekeeping work in Macedonia. Sometimes I question all this peacekeeping. I think we need a little peacekeeping at our borders and some of our cities, but that is not the point. Michael New went along with the program, but had a serious question of wearing insignia, patches, and berets, that signified the U.N. operation.

As you know, Michael New was court-martialed. All of the legal activi-

ties have been contrary to the wishes certainly of the Michael New legal dilemma. Michael New has lost almost every single legal skirmish he has had over the issue. But I want to say here on the House floor today that Michael New presents to the Congress a legitimate concern about how far we have gone beyond some practicality here.

What did Michael New say? He is not covered by this decision. He says, "I will go, I will serve my country, but I'm only going to wear that uniform of the United States of America."

I think Michael New in his defeat has offered Congress an opportunity to reflect upon themselves and put some sanity back into this whole operation of so-called peacekeeping. We do not send soldiers over with guns because of all these humanitarian concerns. They are there because they are in imminent danger.

I firmly believe that this amendment is very strict and straightforward. It would remove section (J) from this bill, and it would say that when our troops are dispatched on official business, in harm's way, they will wear an American, United States of America, uniform, and they will wear only that uniform because the Congress today said so. If there is a compelling reason for that to be waived, the Congress of the United States shall approve that decision.

I am one that believes the Congress has allowed too much authority to the White House. This is not a slap at President Clinton. This is taking a look at the operations of Congress and what the Constitution sets out for us. Congress declares war, Congress sets the parameters by which we operate, and Congress instructs. Within that charge, the Commander in Chief runs the operation, never deploys those troops without our approval, never engages in harm's way without our approval and, by God, I think we should repeal the War Powers Act where a President could take a unilateral action and give us the courtesy of some conference.

So I think the Michael New case burns at Congress, and it should. I think Michael New, twice-decorated veteran, was certainly not insubordinate to his country, and I think he underscores the fact that when our young men and women walk into that recruiting office and they take the oath, they take it to the United States of America, not to the United Nations.

I will say one last thing about the United Nations. Congress should be investigating that sinkhole of patronage. There is more patronage and corruption at the United Nations than there would be in most of the scarred political processes that we discussed in our legendary history.

Mr. Chairman, with that, I support the amendment. I am hoping the Congress would support the amendment. It is not an attempt to in fact micromanage. It is an attempt to right a wrong. It is an attempt to stand up for those

soldiers and troops that say "I'm putting my life on the line, but by God I will wear our uniform," and, finally, I think it is time to take a look at the Constitution. The Constitution is quite clear, if we want to take broad interpretation and analysis, "No person holding any office of profit or trust shall, without the consent of Congress, accept any present, emolument, office or title of any kind whatsoever, from any kind prince or foreign state."

We can provide and participate in all these U.N. activities but, by God, we could wear our uniform. The world knows it, they understand it, and they respect it a hell of a lot more than that beret.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would again advise our guests that manifestations of support or opposition are not permitted from the gallery.

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

Mr. Chairman, what this amendment is all about is that it prohibits U.S. forces from wearing U.N. insignia without congressional authorization. We can rap, get emotional, and hit bumper strip accords to gain applause from the gallery. Easy to do. I know how to do it. I have done it for 30 years. Easy to do. What is not easy is to confront the issue on substantive grounds and address the issue in significant terms, not for applause but for what is important, the reality of what we are dealing with.

Some have said, "We don't want to pledge allegiance to the United Nations."

This is not about pledging allegiance to anyone. That is a copout. That is a game. I challenge any Member who makes that statement to prove it. But uninformed, unlightened public opinion will applaud that comment, because it is rooted in ignorance. It is rooted in fallacious ideas. Where are we asking any American troop? I served in the U.S. Marine Corps. Nobody asked me to pledge allegiance to the United Nations.

What this is about is wearing insignia. When I was in the Marine Corps, if I violated a lawful order, I was court-martialed. Anyone in this room who served in the military knows that.

My distinguished colleague from Ohio, whom I love, talked about one person who said, "No, I'm not going to wear the U.N. insignia." Who told him to wear the U.N. insignia? Was it Boutros Boutros-Ghali, who you keep raising as this big bogeyman on the floor, again to gain uninformed, unlightened emotional applause.

No, it was an American military officer that said, "We will wear these uniforms." No foreign government. No U.N. American.

I say to my colleague and all Members in this Chamber, the day that you

open the door and say a military person has a right to violate a direct lawful order, forget about it. Forget about it.

What are you saying to yourselves? What are we saying to our people? What are we saying to our children when we make this comment? No, you can only abide by the laws that you agree with? Is that the society we are talking about? There are a whole lot of people out there that take that position. We call them criminals.

Military, that is a whole other kind of world out there when we start talking about violating a direct lawful order. Why do people wear insignias? One, is to make sure that we all know who is on the same team. When you are dealing with a variety of different countries with different uniforms, there needs to be something there that says, "Hey, we're all in this together, different colors, different languages."

Mr. Chairman, the Judge Advocate General of the Army has said, and I quote, "Soldiers have a duty to obey lawful orders. To allow soldiers the right to pick and choose which lawful orders they want to obey would, without question, utterly destroy good order and discipline in the ranks."

How many times have my colleagues here talked about good order and discipline?

Congress, Mr. Chairman, should not interfere with the U.S. military's ability to set rules and regulations which enhance military discipline and protect soldiers' lives.

This is not about a campaign slogan. This is not about applause. This is about saving people's lives.

For this reason, the Veterans of Foreign Wars, the people who went out there and put their lives on the line, whether we agreed or disagreed with why they were out there, they were out there because the country made that decision. While opposed to placing U.S. troops in operations exclusively under U.N. command, and they have taken that position, on this particular amendment, on this issue, has stated that it cannot condone Specialist New's action in refusing a direct and lawful order. My colleagues postulate an amendment based on a violation of a lawful order.

Col. Harry Summers, a highly decorated retired U.S. Army Colonel and a nationally syndicated columnist called Specialist New's conviction "necessary and proper," and he noted, "Conscience is a slippery slope indeed, for if soldiers obey the dictates of their conscience and refuse to obey the orders of their military and civilian superiors, democracy itself is imperiled."

I believe in conscience, and I support people who conscientiously stand up and say, "I choose not to wage war." I believe in that. Or people who say, "I conscientiously choose not to want kill another human being." I believe in that.

Once you are there and start playing this game, you are going down a very slippery slope.

Understand, Mr. Chairman, what is being said here beyond the applause. This endangers U.S. military safety. Why am I saying that? Wearing common identifying insignia is a proven—not hypothetical, not experimental—proven way for individual members of military units to enhance their own safety and prevent potentially deadly confusion in the field. It can also protect one from friendly fire. Everybody knows who is on the same team, Mr. Chairman.

This is an especially important when units from different nations wearing different basic uniforms are serving together in an operation. Restricting the use of such insignia and markings could contribute to increased casualties for American personnel serving in these operations.

If we want to debate whether they ought to be in the operations, we can agree or disagree on that. I believe that the body politic ought to allow for honest debate on issues. We can discuss whether they ought to be there or not. I have got my point of view. You have yours. But once they are there, this is about the safety of the very lives that you all stand up and talk about reversing so much.

□ 1230

Further, a recently adopted international convention provides important legal protections to U.N. peacekeepers and can bring enforcement actions against those who attack them. These protections are available only to personnel who have clearly identified themselves as U.N. peacekeepers by the use of standard insignia. U.S. personnel could be deprived of equal international legal status merely for want of a U.N. patch. Something very bizarre, Mr. Chairman, and extreme about that.

U.S. courts have consistently upheld the right of the military to establish rules and regulations which contribute to military discipline. Hopefully, at the end of the day the larger objective, the safety of our American military forces. I keep repeating, it is about life. It is not about somebody's election. It is not about some uninformed, unenlightened emotional applause. It is about looking at the substantive issue here.

We can throw in the little code words, but this is about the insignia. We ought to stay focused on what the debate is. If you want to debate war powers, I am with you. You want to challenge Presidents who talk about taking troops unilaterally, I am with you. This is about putting on an insignia that I believe is dangerous.

Goldman versus Weinberger, 1986, states that to accomplish its mission the military must foster instinctive obedience, unity, commitment and esprit de corps. The military need not encourage debate or tolerate protest to the extent such tolerance is required by the civilian state under the first amendment.

Brown versus Glines, 1980, states that military personnel must be ready to perform their duty whenever the occasion arises, to ensure that they are always capable of performing their mission promptly and reliably. The military services must insist upon "a respect for duty and a discipline without counterpart in civilian life."

The courts have ruled on this. So we offer an amendment because one person says, I do not want to wear this U.N. insignia in the military. This is violation of a lawful order of an American commander. Anybody that says that that is wrong, stand up, prove it to me now. You cannot. The man was given a lawful order by an American person, American military person. Now, if you can violate that, then what other laws can somebody slip by? I want to paint a swastika on some black guy's barracks. Hey, it is cool. You can do this. We offer an amendment to say it is fine to do that. We would not. There is no one here that would have the audacity. I respect everyone in this Chamber that no one would come to that level of absurdity. You are close to it here. You are close to it here.

So one guy says you can wear a patch but do not wear the head gear. Now we are getting to a level of nuance that is almost comical.

Mr. Chairman, I would conclude by saying I think this is a terrible amendment. It should never have come this far. I believe in my heart of hearts, I believe to a moral certainty that there are Members in this Chamber who know how bizarre this amendment is, who have served in the military, who understand what insignia is really all about and understand what safety is really all about. And in their guts they know whether they will stand up on the floor and talk about it is another matter, whether they will vote appropriately is another matter, but they know what command and control is. They know what good order and discipline is, and they know what violation of a lawful order is all about.

This is not about allegiance. This is about an insignia that keeps good order, good discipline, and safety among the troops. If we could come back to that, this amendment would disappear.

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

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this bill is not, this amendment is not about Michael New, and that is something of a distraction. But since he has been brought into it, I would simply say that he and all of our other military personnel have been told not to obey an unlawful order. Whether or not this is a lawful order is now being tested in the courts. The courts will decide whether or not it was a lawful order.

Second, none of our troops can be sent on a U.N. mission without the permission of the Congress, because the U.N. Participation Act says that chap-

ter 7, they have all been chapter 7, the Congress must give permission. If they get permission to deploy the troops, they can give permission to wear the insignia if that is necessary.

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

Mr. CUNNINGHAM. Mr. Chairman, if I could have the attention of my friend, the gentleman from California, Mr. RON DELLUMS, and he knows where I come from, I would like to explain to you why that for many of us this is very, very important.

First of all, I agree with the gentleman; I would not disobey a lawful order that was given to me, even though I disagreed with it. There is a chain of command in the military and a proper procedure that you should follow through.

I would also say that in my young years, I also made a lot of mistakes, and Michael New and others, I think, I do not think it was necessarily a mistake. I think that is what we are trying to alleviate here in this particular case, where we do not put our young men and young women in this situation. I talked about Somalia a minute ago, but I would be remiss unless I talked about Lebanon under a Republican administration. I am not talking either one here. Then also in Bosnia, where I think it is important that the President knows. There is another case in which helicopters were shot down in a free fly zone. The U.N. controlled it. The AWACS was not notified. The F-15's were not notified. We lost two helicopters. Under those circumstances, I think if this body let us, our people know that they are under U.N. control, then that is fine. All we are trying to do is alleviate that particular situation.

I do not need a U.N. patch to let me know, no more than my friend that served in the Marine Corps knows or I have no doubt that there is anyone that when we serve with a foreign country that the U.S. Marine Corps uniform, the U.S. Navy, Air Force, whatever it happens to be, who we represent. All we are saying is that to wear that patch, it should require this body, who also agrees to allow them to serve under the United Nations.

What causes one to pick up a flag on the battlefield or charge a hill, it is pride. We have a lot of pride in our U.S. military.

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

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I rise today to oppose this amendment in the strongest possible terms. I certainly want to associate myself with the comments of our ranking member. I thought he was elegant in performing really the task here of explaining why it is so important that we shut down this amendment.

We cannot be selective and arbitrary in enforcement of military orders. I re-

member in my first military assignment, I looked around and it was interesting, we all had the same uniform on. In that process, we all transformed ourselves into a team. It made us better. Not only that, but it identified us from all of the other individuals in other units throughout that area.

Each new assignment I took I put on a new insignia. I put on a new insignia and identified myself with a new team. That new team then took on a new relevance to my life and to all of those around, and all the other military organizations throughout the world knew who we were.

Mr. Chairman, to prohibit U.S. forces from wearing the U.S. identification marks on their person while serving in authorized U.N. operations is wrong-headed and dangerously unsafe.

Incidentally, why do we hate the United Nations so much? Why? With the United Nations and NATO, we have preserved peace on the planet for all practical purposes for the last 40 years. Where is the failure of the United Nations? It is not a failure.

Yes, there are problems in the United Nations. We do not have to endorse everything they do. But in the overall, they have been very successful.

Has everyone forgotten here, incidentally, the extreme difficulty we have had in identifying friend and foe in military operations? Anybody here in the military?

Have we forgotten, too, the multiple sets of friendly fire that we have had in our own military experiences on the battlefield because we could not identify our own people? Now we are going to say we are going to invite ourselves into a United Nations operation without identifying ourselves to the Pakistanis, to the French, to whomever else we are with. How is it that they are going to identify us? This is going to make us a target. Not only is it going to make us a target from the foe, it is going to make us a target of our friends. It makes no sense.

Finally, this amendment establishes the most outrageous congressional micromanagement of military activities I have ever witnessed. This is a precedent that we will come to regret deeply in the months and years ahead. It is not too late, it is not too late to avoid this mistake. Just vote no on this outrageous amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself 2 minutes and 30 seconds.

I think the statement by Mr. DELLUMS was not only eloquent but very intelligent. I do take some exception to it, though.

I think with WTO, GATT, United Nations, trilateral commissions, council of foreign relations, I think we are getting a little diluted on allegiance around here. I might be seen as a nationalist and some people call me an isolationist, but by God I am American. That is where my allegiance is.

I wanted to say this to the chairman, did Rosa Parks stand up against what was considered a lawful order in Mont-

gomery? Yes, it was a civilian for sure. But Rosa Parks felt it was wrong. She was willing to bear the burden. She was willing to endure wrath, maybe be shot and killed, but she believed in the Constitution. Rosa Parks was being treated unconstitutionally.

Michael New went to his commanders, yes, it is about New. But one American has changed the tide of history many times. Rosa Parks, Martin Luther King, maybe Michael New, because the only recourse is here in Congress. What did Michael New say? He went to his commander and said, I will do it, show me the constitutionality of it. Show me, because I do not want to do it, but show me.

For lack of an answer, it is recorded and I want it quoted on the House floor here today, the commander's answer was, take this as an answer, it looks fabulous. It looks fabulous.

Yes, Michael New violated an order. He suffered great pains for it. But that, in a microcosm, has brought the issue to the final resolver of issues, the people, the Congress of the United States. And I think, yes, this will tone down some of this madness of dilution of allegiance. I think it is there. I think the Congress should address it.

In the little bit of time I have left, let me say this, we can talk about all these substantive issues, but it was individual Americans who took issue. It was those individual Americans, the Rosa Parks who stood there and said, by God, I do not know what Constitution you are interpreting but I interpret it differently.

□ 1245

Mr. Chairman, that is what Michael New said, and we have come down to the Constitution on military activity. I do not think the Constitution even applies anymore. We have surrendered it.

So let us stay focused on it. There is no one here that is trying to make any political statements. I think it is a viable issue; let us stay on that issue.

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

Mr. BARTLETT of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, this is as good a debate as we have had on this House floor in a long, long time, but it is because of the quality of intellectual potency of the two gentlemen on this side of the aisle and some over here. But the gentleman from Ohio [Mr. TRAFICANT] beat me to the punch about a letter from a Birmingham jail. What civil disobedience is all about, whether it is Jesus or Gandhi or Reverend Martin Luther King, is a measured response to a law one thinks is illegal and taking the consequences.

I picked up the telephone, as the chairman of the Subcommittee on Military Personnel of the Committee on National Security, and called Michael New in Germany a year ago, before all of this started, and I advised him to obey an order, even if he

thought it was unlawful. I had just come back from Macedonia.

I have to correct something I said earlier. We were repainting all our Blackhawk helicopters pure white. The men called them white hawks. I flew on one. It made me a little uncomfortable. They could tell what they were, but up in Bosnia they were taking Dutch and Ukrainian U.N. forces, stripping them of their blue braids, taking their shoes off and taking their weapons away from them and chaining them to minor little tactical targets. That is how much respect some people in that God forsaken place had for U.N. personnel.

But I said to Michael New, "Obey this order. Macedonia is fascinating." I did not say he would look fabulous. I said, "I know what you mean. I know how important headgear is and certain regalia," and, as the gentleman from Florida [Mr. PETERSON] said, "Yes, insignias that identify you with a small or tactical team. Ask our Green Berets how they feel about their green beret."

He said, Congressman, in all due respect I cannot put on that foreign regalia. I took an oath to defend the U.S. Constitution and wear its uniform.

I said, "Are you married?"

He said, "No."

I said, "Are your parents behind you?"

He said, "Yes sir."

I said, "You're walking into a mine field. They're going to come down on you with a court marshal hammer."

He said, "Sir, I'm ready to take my medicine."

I said, "Well, we may readdress this sometime in the Congress, but I can't back you up through the court marshal, but I do think the order you've been given is illegal."

Now I think it is unlawful. I think he stood up against an unlawful order, and it is for us, and I will take an hour special order tonight to go into this in more detail to eventually correct what happened to him.

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

Let me go very quickly, first, to the constitutional question raised by the gentleman from Ohio.

If we interpret an insignia as an emolument or a title, then the gentleman's argument about the Constitution would be relevant and would make sense. I do not think an insignia is a bestowing of title or providing an emolument. It is simply what it is, marking an insignia.

Second, both of my colleagues have raised the issue of protest and raised Rosa Parks for various obvious reasons. I am an African American here, but I do not shirk from that. There are points at which protest in this gentleman's opinion not only make sense but that laws ought to be changed in order to address the issues being raised by the protest. But there are certainly some issues raised by some protest that should not require change in law. I believe this is one of them, and I stand resolute on that point.

Third, we are now talking about the final point and come to it, gentlemen from California, Ohio. In the military, my colleagues are talking about a unit of people. Now remember there are many of my colleagues in here who opposed gays in the military, as bizarre as that position is. Why did they do it? Because they think that it violates unit cohesion.

Now military force is unit cohesion, and when somebody says I am not going to obey, we have got the life and safety of everyone around them depending on that level of cohesion. Why can you not see that this is also a safety issue beyond politics?

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

Mr. BARTLETT of Maryland. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho [Mrs. CHENOWETH] who is an original cosponsor of this amendment.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Maryland for yielding this time to me.

Mr. Chairman, I just want to also clear up some things. This amendment again is not about Michael New, but he certainly initiated the discussion, he is a brave young man, and I just wanted it clear in the RECORD that in Michael New's trial the judge took judicial notice that this was a lawful order, and they were never able to debate the fact that this was not a lawful order.

Michael New took 3 months to make his final decision. He studied, he consulted with everyone from his commanders clear up to the Congress. He was very precise and his thinking pattern was very deliberate.

Congress determines what the regulations for the uniforms should be, and this was not a lawful order that was given to Michael New, and his oath says I will obey lawful orders. The uniform is very, very, very important to the military, as we heard from the gentleman from California [Mr. CUNNINGHAM]. If we doubt that, ask Admiral Boorda. Well, we cannot now, but the uniform was very, very important to that man, and we saw the outcome of that.

This amendment is a good amendment and makes good policy and good sense for the Congress. The men and women in the Armed Forces did not take an oath to Boutros Boutros-Ghali, nor to wear the U.N. baby blue. That was not their oath.

The CHAIRMAN. The Chair would advise the gentleman from Maryland [Mr. BARTLETT] that he has 1½ minutes remaining and the gentleman from California [Mr. DELLUMS] has the right to close.

Mr. TRAFICANT. Mr. Chairman, might I inquire how much time exists on all sides?

The CHAIRMAN. The gentleman from Maryland [Mr. BARTLETT] has 1½ minutes remaining, the gentleman from Ohio [Mr. TRAFICANT] has 2½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 3 minutes remaining.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that 1 of my minutes be given to the gentleman from Maryland for him to yield as he sees fit.

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

There was no objection.

Mr. BARTLETT of Maryland. I appreciate that very much and yield that 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of this amendment. Never in the history of the United Nations have so many troops been committed to so many costly and diverse missions. Nowadays the United Nations muscle, its blue-helmeted soldiers, seem to be everywhere. The United States alone has contributed over 48,000 personnel to U.N. missions around the globe, and as has been stated today, regrettably the United States has undertaken the practice of placing our U.S. military personnel under the operational control of the United Nations and its commanders.

But, Mr. Chairman, I just would like to remind everyone that our men and women in the Armed Forces have taken an oath to defend the Constitution of the United States, not the U.N., and if our men and women in the armed services are willing to risk their lives serving this country, they have the right to serve under U.S. command wearing a U.S. uniform.

We must also remember that our Armed Forces do serve the blue, but I will tell my colleagues it is the red, white and blue of our Nation's flag and not the blue of the United Nations.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 1½ minutes.

Mr. TRAFICANT. Safety is a two-edged sword. I do not think there is anything wrong with an insignia. But I think that should be an American insignia, that the world should know that if they shoot one of those soldiers, by God, they are not shooting somebody from the U.N. peacekeeping force, they are shooting an American, and there is nothing here that says we cannot put an insignia on peacekeeping activities.

But I think what is here deals with the individual plight of an American that felt he was wronged and it should be righted, and it has come to the place of final decision. Where should Michael New go? To Knesset? Should he go to the Diet? Should he go to some parliament? Michael New took the fall. He, like Rosa Parks and others in our history, took a stand. Now we have got to make a decision.

I know exactly how I feel. Damn it, create an American insignia that lets the world know:

"When you shoot this soldier, by God, you are shooting an American, and don't do it because the Congress of

the United States will come after you with a Commander in Chief."

I think it is time this whole delusion of allegiance be addressed. I think we are, often, too many damn allegiances around here.

What we are saying today is:

"You put that insignia on, make an American insignia. Someone shoots one of our people, they're just not shooting at some U.N. peacekeeping force, because I will tell you what. Peacekeepers don't wear guns."

I am hoping we pass this amendment.

Mr. BARTLETT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Maryland is recognized for 1½ minutes.

Mr. BARTLETT of Maryland. Mr. Chairman, relative to the issue of allegiance, I would just like to say it is my understanding that all of the commanders in Macedonia take an exclusive oath of allegiance to the United Nations.

I would like to say to my friends on the other side of the aisle that this is not an issue of safety or identification. Our troops have performed spectacularly in past U.N. operations in which they wore the standard U.S. uniform. I think everybody recognizes a U.S. soldier.

Second, a bright baby blue cap and shoulder pads do not make our troops any safer. I believe this is equivalent to when we removed the brass from our officers' battle dress uniforms. However, if the administration determines it is absolutely necessary for our troops to wear some kind of additional identification, Congress has the power to authorize such wear. Although the Clinton administration has chosen to ignore U.S. law, all U.N. peacekeeping operations that are mandated under chapter 7 of the U.N. charter must receive prior congressional approval before such a deployment. Therefore, there is ample opportunity for Congress to authorize the wear of such identification symbols if they are needed and requested.

Mr. Chairman, this amendment is about what our military is; it is about what our military stands for and what our soldiers' allegiances are. If my colleagues oppose this amendment and do not believe that things we attach to a uniform are significant enough to warrant this debate, I ask them to remember for a moment the tragic case of Adm. Jerry Boorda. Uniforms are symbols of what we are. They represent our values and our culture.

I urge my colleagues to support the Bartlett-Chenoweth-Traficant amendment.

Mr. DELLUMS. To close debate, Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, insignias are important. Uniforms are important. All of us who have served understand that. This amendment is important too. I believe, however, it is a

politically inspired and arbitrary amendment. It is, if one thinks about it, it is at the bottom a political end run around the jurisdiction and authority of our military commanders who say to those within their charge:

Wear this particular color helmet or headgear or insignia, not only for the purpose of showing friendship to your comrades from another nation who fight besides you to protect freedom around the world, but for your own safety as well.

This Congress would say those commanders are wrong, we politicians, in the safety of this House, know better.

□ 1300

Mr. Chairman, I have a feeling this is about more than just one soldier who does not know how to obey orders. I think it is about multinational military missions, or, as the gentleman from Ohio refers to them, too damned many allegiances.

In this century alone, the United States military has taken part in 15 multinational military missions, from the 2,000 soldiers and marines in the British-led 8-nation force in 1900 responding to the Boxer Rebellion in China through the 2 million U.S. soldiers in World War I under the armed allied command of French Marshall Ferdinand Foch to the most well-known, widespread, and successful military venture in history, the Allied operations of World War II in Europe. The United States and United Kingdom's commands were interlayered, and United States units were often subordinated to the British commanders numerous times, including in Italy, in Normandy, and the China-Burma-Indian theater. Those experiences made the U.S. military a strong proponent of coalition warfare and a world leader besides.

The point to keep in mind here is the purpose of multinational efforts is to create a military advantage for our people, to create the safety for our Armed Forces. Never has any U.S. President, including, of course, this one, who ordered a multinational arrangement, never for a second has one of those Presidents lost direct control.

It is for the Armed Forces of the United States to follow the commands of the Commander in Chief, to follow the commands of their military commander. Do not let one soldier who would not do that decide what the laws of this land shall be.

Mr. CRANE. Mr. Chairman, I rise today in strong support of the Bartlett amendment to the United States Armed Forces Protection Act, H.R. 3308. This amendment, which will prohibit U.S. military personnel from being forced to wear the uniform or any visible insignia of the United Nations unless authorized by Congress, was prompted by the Michael New case.

Specialist Michael New is a two-time decorated veteran. While serving in Macedonia, Specialist New refused an order to wear the uniform of the United Nations. Specialist New refused to wear the U.N. uniform and insignia

because he had taken an oath to protect and defend the U.S. Constitution from enemies foreign and domestic not the United Nations or its charter. As result of Specialist Michael New's actions he was court martialed, convicted, and dishonorably discharged.

I support his decision not to wear the United Nations' uniform. Unfortunately, this amendment comes too late for Specialist Michael New. However, it will insure that no American will be put in Michael New's situation. Never should an American soldier be forced to choose allegiances between the United States and the United Nations.

As to the broader issue regarding U.S. and U.N. troops serving together, for the past few years I have heard from many constituents concerned about U.S. troops serving under United Nations' control and command. Constituents back home in my district do not want the President to put U.S. troops under the command and control of the United Nations. Mr. Chairman, we need to pass this amendment and the underlying bill in order to ensure that the President does not place our troops in harms way in U.N. uniforms under U.N. control.

Mrs. SMITH of Washington. Mr. Chairman, I support both the Bartlett amendment and the Spence amendment to H.R. 3308.

The Bartlett amendment will prohibit U.S. military personnel from being forced to wear the uniform or any visible insignia of the United Nations unless specifically authorized by Congress. Article II, section 2 of the U.S. Constitution gives the President of the United States the sole responsibility as the Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called in to actual service of the United States. Therefore, I firmly believe that wearing any emblem from any foreign nation or international organization is unconstitutional. Currently, the bill only requires the President to certify to Congress the extent to which U.S. troops would be required to wear U.N. insignia. With the adoption of the Bartlett amendment, the President will be required to seek congressional approval before requiring U.S. troops to wear U.N. insignia.

In regard to the adoption of the Spence amendment to the bill, I believe this provision is an important change that will allow me to support the bill. This amendment recognizes the law and provisions within the Constitution of the United States as "superseding, negating, or otherwise affecting the requirements of section 6 of the United Nations Participation Act." Consequently, this provision clarifies that the U.S. commanding authority will always supersede any U.N. authority and command regarding the participation of U.S. troops.

With the inclusion of these amendments, I urge my colleagues to vote for this legislation to restore America's sovereignty from the United Nations.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Maryland [Mr. BARTLETT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 130, not voting 29, as follows:

[Roll No. 404]

AYES—276

Allard	Gilchrest	Neumann
Andrews	Gillmor	Ney
Archer	Gilman	Norwood
Army	Gonzalez	Nussle
Bachus	Goodlatte	Oberstar
Baesler	Goodling	Obey
Baker (CA)	Gordon	Ortiz
Baker (LA)	Goss	Orton
Baldacci	Graham	Oxley
Ballenger	Green (TX)	Packard
Barcia	Greenwood	Parker
Barr	Gunderson	Pastor
Barrett (NE)	Gutknecht	Paxon
Bartlett	Hall (TX)	Payne (VA)
Barton	Hamilton	Peterson (MN)
Bass	Hancock	Petri
Bentsen	Hastert	Pickett
Bilbray	Hastings (WA)	Pombo
Bilirakis	Hayworth	Portman
Bishop	Hefley	Poshard
Bliley	Hefner	Pryce
Blute	Heineman	Quillen
Boehner	Herger	Quinn
Bonilla	Hilleary	Radanovich
Bono	Hilliard	Rahall
Browder	Hobson	Ramstad
Brownback	Hoekstra	Regula
Bryant (TN)	Hoke	Richardson
Bunn	Holden	Riggs
Bunning	Horn	Rivers
Burr	Hostettler	Roberts
Burton	Hunter	Roemer
Buyer	Hutchinson	Rogers
Callahan	Hyde	Rohrabacher
Calvert	Inglis	Ros-Lehtinen
Camp	Istook	Roth
Canady	Jackson-Lee	Roukema
Chabot	(TX)	Royce
Chambliss	Jacobs	Salmon
Chenoweth	Johnson (CT)	Saxton
Christensen	Johnson (SD)	Scarborough
Clayton	Johnson, Sam	Schaefer
Clinger	Jones	Schiff
Clyburn	Kanjorski	Seastrand
Coble	Kasich	Sensenbrenner
Coburn	Kelly	Shadegg
Collins (GA)	Kildee	Shaw
Combust	Kim	Shays
Condit	King	Shuster
Cooley	Klink	Sisisky
Costello	Klug	Skeen
Cox	Knollenberg	Skelton
Cramer	LaHood	Smith (NJ)
Crane	Largent	Smith (TX)
Crapo	Latham	Smith (WA)
Cremeans	LaTourette	Solomon
Cubin	Laughlin	Souder
Cunningham	Lazio	Spence
Danner	Lewis (CA)	Spratt
Davis	Lewis (KY)	Stearns
Deal	Lightfoot	Stenholm
DeFazio	Linder	Stockman
DeLay	Lipinski	Stump
Diaz-Balart	Livingston	Talent
Dickey	LoBiondo	Tanner
Dingell	Lucas	Tate
Doolittle	Manton	Tauzin
Dornan	Manzullo	Taylor (MS)
Doyle	Martini	Taylor (NC)
Dreier	Mascara	Tejeda
Duncan	McCarthy	Thomas
Dunn	McCollum	Thompson
Ehlers	McCrery	Thornberry
Ehrlich	McDade	Thurman
English	McHugh	Tiahrt
Ensign	McInnis	Torkildsen
Everett	McIntosh	Torricelli
Ewing	McKeon	Traficant
Fawell	McNulty	Upton
Flanagan	Menendez	Visclosky
Foley	Metcalf	Vucanovich
Forbes	Meyers	Walker
Fowler	Mica	Walsh
Fox	Miller (FL)	Wamp
Franks (CT)	Mink	Ward
Franks (NJ)	Molinari	Watts (OK)
Frelinghuysen	Montgomery	Weldon (FL)
Frisa	Moorhead	Weldon (PA)
Funderburk	Myers	Weller
Galleghy	Myrick	
Gekas	Nethercutt	

Whitfield
Wicker

Wise
Wolf

Young (FL)
Zimmer

NOES—130

Abercrombie	Flake	Minge
Ackerman	Foglietta	Moakley
Barrett (WI)	Ford	Mollohan
Bateman	Frank (MA)	Moran
Becerra	Frost	Morella
Beilenson	Furse	Murtha
Bereuter	Gejdenson	Neal
Berman	Gephardt	Olver
Bevill	Gutierrez	Owens
Blumenauer	Hall (OH)	Pallone
Boehlert	Hastings (FL)	Payne (NJ)
Bonior	Hinchee	Pelosi
Borski	Houghton	Peterson (FL)
Boucher	Hoyer	Porter
Brewster	Jackson (IL)	Rangel
Brown (CA)	Jefferson	Reed
Brown (FL)	Johnson, E.B.	Roybal-Allard
Brown (OH)	Johnston	Rush
Bryant (TX)	Kaptur	Sabo
Campbell	Kennedy (MA)	Sanders
Cardin	Kennedy (RI)	Sawyer
Castle	Kennelly	Schroeder
Clay	Klecza	Schumer
Clement	Kolbe	Scott
Coleman	LaFalce	Serrano
Collins (MI)	Leach	Skaggs
Coyers	Levin	Slaughter
Coyne	Lewis (GA)	Stark
Cummings	Lincoln	Stokes
DeLauro	Lofgren	Stupak
Dellums	Longley	Thornton
Dicks	Lowe	Torres
Dixon	Luther	Towns
Doggett	Maloney	Velazquez
Dooley	Martinez	Vento
Durbin	Matsui	Volkmer
Edwards	McDermott	Waters
Eshoo	McHale	Watt (NC)
Evans	McKinney	Waxman
Farr	Meehan	Williams
Fattah	Meek	Woolsey
Fazio	Millender-	Wynn
Fields (LA)	McDonald	Yates
Filner	Miller (CA)	

NOT VOTING—27

Chapman	Gibbons	Pomeroy
Chrysler	Greene (UT)	Rose
Collins (IL)	Hansen	Sanford
de la Garza	Harman	Smith (MI)
Deutsch	Hayes	Studds
Engel	Kingston	White
Fields (TX)	Lantos	Wilson
Ganske	Markey	Young (AK)
Geren	Nadler	Zeliff

□ 1321

The Clerk announced the following pairs:

On this vote:

Mr. Sanford for, with Mr. Deutsch against.
Mr. Hansen for, with Mr. Nadler against.

Mr. FOX of Pennsylvania and Ms. JACKSON-LEE of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 404, if I had not been late arriving for the vote I would have voted "yes."

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104-774.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: On page 9, line 21, insert before the period the following: "and the percentage that such cost represents of the total anticipated monthly incremental costs of all nations expected to participate in such operation."

The CHAIRMAN. Pursuant to House Resolution 517, the gentlewoman from Colorado [Mrs. SCHROEDER], and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

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

This amendment is about burdensharing. It is a very key amendment, because it basically only asks that when the President engages in the rest of the reporting requirements, that they also report to the Congress what percentage of the estimated total cost of the mission will be picked up by the United States.

I do not think it is any great secret in this body that the United States always contributes way more than troops. Although troops are our most precious commodity, we contribute the intelligence, we are also contributing AWACS support, communications support, and any number of other things. If this amendment passes, it would say that we would have to also put in there what the cost of that is. I think we should get credit for that in our missions.

I must also say that having chaired the burden-sharing panel in the 100th Congress that so much of my colleagues served on, and served on with distinction, our committee has had a long attempt to try and figure out how we get these numbers under control, because as we look at our military allies, they are also our trading competitors. They love to kind of shift some of the costs to us. We think, whether we decide to do the cost shifting or not, it ought to be open, it ought to be out there, and the American public ought to know about this.

Mr. Chairman, in 1988, at the request of Chairman Aspin, I chaired the first and only panel in Congress to look at defense burdensharing. We looked at what our contributions to international defense compared to that of our allies, and examined the role that international trade plays in international security. The panel came up with several findings, many of which hold true today. The panel's report found that:

The United States bears a substantially higher defense burden than its allies.

Europe and Japan did not contribute to world security proportionate with their economic abilities. Global trading powers have more than a regional responsibility to defense.

The United States should not pay the lion's share of defense.

As long as the United States shows a willingness to bear a disproportionate share of the defense burden, then our allies will allow us to do so. If we indicate our reluctance to pay a disproportionate share, then our allies will assume their fair share.

Since then, Congress has taken up the issue of burdensharing and passed important tools. In 1994, the House implemented a formula to gain increased contributions for our troops stationed in Europe. Most recently, we passed an amendment authored by Mr. SHAYS

of Connecticut that would require additional contributions from countries where U.S. military forces are permanently stationed. The amendment was adopted by a vote of 353 to 62.

My amendment provides a one more tool to gauge whether the United States is paying too much for U.N. military deployments. It would require the President to report the percentage of the estimated total cost that the United States would bear. In this time of budget constraints, the taxpayers deserve to know how much of the world's security is being paid for by the United States. Support the Schroeder amendment.

In 1994 the United States accounted for 34 percent of the world's military expenditures and 61 percent of NATO's expenses. Since fiscal year 1992 we've reported spending of over \$8 billion on international peacekeeping.

Mr. Chairman, I understand from the distinguished chairman of the committee that he would be willing to accept this amendment, and I am happy to yield at this time to the gentleman from South Carolina [Mr. SPENCE].

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

Mr. Chairman, I am aware of the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER]. I know of no objection on our side of the aisle to it. I would like to commend her for the amendment. It gives us additional information on the cost and cost-sharing arrangement associated with United Nations operations. I am prepared to accept the amendment.

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman from South Carolina [Mr. SPENCE] very, very much for accepting the amendment, because I really do think it is in the history of the panel.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to say this is an appropriate amendment for the gentlewoman to have come forward with and get unanimously approved as she ends her very distinguished tenure here, because she really, more than anybody else, began to call people's attention to it, and we need to continue to work on this.

Mr. Chairman, we cannot read a study of the economic success of the tigers of East Asia without learning of the essential contribution of free American military protection to their economies as an element in their economic development. Our European allies continue to scale down. We are in a situation now where we are responding as we see fit for an emergency in the Middle East and many of our European allies who are the beneficiaries of our largesse are nowhere to be found in our support.

One of the most important mistakes we make today, to our own misfortune, is to continue to subsidize at the cost of tens and tens of billions of dollars a year the wealthy nations of Europe and the increasingly wealthy nations of Asia.

□ 1330

This is an important reaffirmation of that. It is appropriate that the gentlewoman from Colorado be the one once again to bring this to us. But we have a lot more work to do. This is a very good step. It will show what we know to be the case, the enormous disparity between what the American taxpayers put forward and what is put forward by nations in Europe and Asia that could very well afford to do more.

Mrs. SCHROEDER. I thank the gentleman from Massachusetts for his hard work in this area, too. It did not used to be so popular.

Mr. Chairman, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to simply applaud the gentlewoman from Colorado for being the lightning rod, if you will, on this issue years before I even entered Congress.

Let me offer to say to you that many of us as Americans will agree that the Marshall plan was right. It, in fact, offered to rebuild the infrastructure and the opportunities for our European neighbors and others. We thought that was right. Americans are charitable people. But if there is one issue that comes to me in my townhall meetings, it is the question of why we are spending so much money overseas on someone else's military problems.

This amendment is a commonsense approach. Obviously it will be our burden to carry on your legacy in years to come, to emphasize the importance of maintaining the cost of money spent by the United States at the United Nations as it relates to our own defense budget. This one that will require congressional intervention and also to get a report from the President is clearly the right way to go. I simply want to add my accolades and as well my commitment to continue to work on this effort with those who are already working in order to respond to some very good questions from my constituents and constituents around the Nation. Let us be fair but let us not carry the overburden of responding to the needs of those around the world. Let us keep peace, which is what the gentlewoman is trying to do, but let us do it in a fair and equitable manner. I thank the gentlewoman for yielding.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to. The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. KOLBE, 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. 3308) to amend title 10, United States Code, to limit the placement of

United States forces under United Nations operational or tactical control, and for other purposes, pursuant to House Resolution 517, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 109, not voting 25, as follows:

[Roll No. 405]

YEAS—299

Allard	Clyburn	Frost
Andrews	Coble	Funderburk
Archer	Coburn	Galleghy
Armey	Collins (GA)	Gekas
Bachus	Combest	Gilchrest
Baesler	Condit	Gillmor
Baker (CA)	Cooley	Gilman
Baker (LA)	Cox	Goodlatte
Ballenger	Cramer	Goodling
Barcia	Crane	Gordon
Barr	Crapo	Goss
Barrett (NE)	Cremeans	Graham
Barrett (WI)	Cubin	Green (TX)
Bartlett	Cunningham	Greene (UT)
Barton	Danner	Greenwood
Bass	Davis	Gunderson
Bateman	Deal	Gutknecht
Bentsen	DeFazio	Hall (TX)
Bereuter	DeLay	Hamilton
Bilbray	Diaz-Balart	Hancock
Bilirakis	Dickey	Hastert
Bishop	Dingell	Hastings (WA)
Bliley	Doolittle	Hayworth
Blute	Dornan	Hefley
Boehlert	Doyle	Hefner
Boehner	Dreier	Heineman
Bonilla	Duncan	Herger
Bono	Dunn	Hilleary
Boucher	Durbin	Hobson
Brewster	Edwards	Hoekstra
Browder	Ehlers	Hoke
Brownback	Ehrlich	Holden
Bryant (TN)	English	Horn
Bunn	Ensign	Hostettler
Bunning	Everett	Houghton
Burr	Ewing	Hunter
Burton	Farr	Hutchinson
Buyer	Fawell	Hyde
Callahan	Fazio	Inglis
Calvert	Flanagan	Istook
Camp	Foley	Jackson-Lee
Canady	Forbes	(TX)
Castle	Fowler	Jacobs
Chabot	Fox	Johnson (CT)
Chambliss	Franks (CT)	Johnson (SD)
Christensen	Franks (NJ)	Johnson, E. B.
Clement	Frelinghuysen	Johnson, Sam
Clinger	Frisa	Jones

Kanjorski	Montgomery	Shadegg
Kasich	Moorhead	Shaw
Kelly	Murtha	Shays
Kennedy (MA)	Myrick	Shuster
Kildee	Near	Neal
Kim	Nethercutt	Skeen
King	Neumann	Skelton
Klecza	Ney	Smith (MI)
Klink	Norwood	Smith (NJ)
Klug	Nussle	Smith (TX)
Knollenberg	Obey	Smith (WA)
Kolbe	Ortiz	Solomon
LaHood	Orton	Souder
Largent	Oxley	Spence
Latham	Packard	Spratt
LaTourette	Pallone	Stearns
Laughlin	Parker	Stenholm
Lazio	Pastor	Stockman
Levin	Paxon	Stump
Lewis (CA)	Payne (VA)	Talent
Lightfoot	Peterson (MN)	Tanner
Lincoln	Petri	Tate
Linder	Pickett	Tauzin
Lipinski	Pombo	Taylor (MS)
Livingston	Pomeroy	Taylor (NC)
LoBiondo	Porter	Tejeda
Lofgren	Portman	Thomas
Longley	Poshard	Thompson
Lucas	Pryce	Thornberry
Manton	Quillen	Thurman
Manzullo	Quinn	Tiahrt
Martini	Radanovich	Torkildsen
Mascara	Ramstad	Torricelli
McCarthy	Regula	Trafficant
McCollum	Riggs	Upton
McCrery	Rivers	Visclosky
McDade	Roberts	Volkmer
McHale	Roemer	Vucanovich
McHugh	Rogers	Walsh
McInnis	Rohrabacher	Wamp
McIntosh	Ros-Lehtinen	Ward
McKeon	Roth	Watts (OK)
McNulty	Roukema	Weldon (FL)
Meehan	Royce	Weldon (PA)
Menendez	Salmon	Weller
Metcalf	Saxton	White
Meyers	Scarborough	Whitfield
Mica	Schaefer	Wicker
Miller (FL)	Schiff	Wise
Moakley	Schumer	Wolf
Mollinari	Seastrand	Young (FL)
Mollohan	Sensenbrenner	Zimmer

NAYS—109

Abercrombie	Ford	Morella
Ackerman	Frank (MA)	Oberstar
Baldacci	Furse	Olver
Becerra	Gejdenson	Owens
Beilenson	Gephardt	Payne (NJ)
Berman	Gonzalez	Pelosi
Bevill	Gutierrez	Peterson (FL)
Blumenauer	Hall (OH)	Rahall
Bonior	Hastings (FL)	Rangel
Borski	Hilliard	Reed
Brown (CA)	Hinchee	Richardson
Brown (FL)	Hoyer	Roybal-Allard
Brown (OH)	Jackson (IL)	Rush
Bryant (TX)	Jefferson	Sabo
Campbell	Johnston	Sanders
Cardin	Kaptur	Sawyer
Chenoweth	Kennedy (RI)	Schroeder
Clay	Kennelly	Scott
Clayton	LaFalce	Serrano
Coleman	Leach	Skaggs
Collins (MI)	Lewis (GA)	Slaughter
Costello	Lewis (KY)	Stark
Coyne	Lowey	Stokes
Cummings	Luther	Stupak
DeLauro	Maloney	Thornton
Dellums	Markey	Torres
Dicks	Martinez	Towns
Dixon	Matsui	Velazquez
Doggett	McDermott	Vento
Dooley	McKinney	Waters
Eshoo	Meek	Watt (NC)
Evans	Millender	Waxman
Fattah	McDonald	Williams
Fields (LA)	Miller (CA)	Woolsey
Filner	Minge	Wynn
Flake	Mink	Yates
Foglietta	Moran	

NOT VOTING—25

Chapman	Engel	Harman
Chrysler	Fields (TX)	Hayes
Collins (IL)	Ganske	Kingston
Conyers	Geren	Lantos
de la Garza	Gibbons	Myers
Deutsch	Hansen	Nadler

Rose	Walker	Zeliff
Sanford	Wilson	
Studds	Young (AK)	

□ 1355

The Clerk announced the following pairs:

On this vote:

Mr. Sanford for, with Mr. Nadler against.
Mr. Deutsch for, with Mrs. Collins of Illinois against.

Mr. BRYANT of Texas and Mr. MINGE changed their vote from "yea" to "nay."

Mr. FAZIO of California and Mr. FARR of California changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3308.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection the request of the gentleman from South Carolina?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3517) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3845) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes."

PROVIDING FOR CONSIDERATION OF H.R. 3719, SMALL BUSINESS PROGRAMS IMPROVEMENT ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may,

pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3719) to amend the Small Business Act and Small Business Investment Act of 1958. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first three sections and each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1400

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

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

(Mr. LINDER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. LINDER. Mr. Speaker, House Resolution 516 is an open rule providing for consideration of H.R. 3719, the Small Business Programs Improvement Act of 1996. This rule provides for 1

hour of general debate divided equally between the chairman and ranking minority member of the Committee on Small Business. The rule waives points of order against the bill and its consideration for failure to comply with clause 2(l)(2)(B) of rule 11, which requires rollcall votes to be printed in committee reports. In addition, the rule waives points of order against the committee amendment in the nature of the substitute for failure to comply with clause 5(a) of rule 21, which prohibits appropriations in an authorization measure. Mr. Speaker, this rule continues two approaches that have been used during the 104th Congress. First, the rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require pre-printing, but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of pending amendments.

Second, House Resolution 516 provides that the Chairman of the Com-

mittee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the vote immediately follows another recorded vote and that the voting time on the first in a series of votes is not less than 15 minutes. This will provide a more definite voting schedule for all Members and hopefully will help guarantee the timely completion of this important legislation.

Finally, House Resolution 516 provides for one motion to recommit, with or without instructions, as is the right of the minority members of the House. Mr. Speaker, this is a standard open rule. The Rules Committee was informed that a limited number of Members wish to modify the bill through the amendment process, and the rule permits those members who have amendments every opportunity to offer them.

Because of our current fiscal restraints and the commitment of the 104th Congress to balance the budget, the Committee on Small Business and

its Chair, JAN MEYERS, diligently worked with the minority members of the committee to provide the House with some fiscally responsible improvements. I want to commend JAN MEYERS and ranking minority member JOHN LAFALCE for a work product that will preserve these small business lending programs, assist entrepreneurial Americans and encourage job creation.

This Congress has already passed legislation that would control the rising costs of Federal regulations and provide needed tax relief for small businesses. This bill adds another level of assistance to small businesses by assuring that these lending programs continue to operate efficiently and within the limits of the budget.

H.R. 3719 was favorably reported out of the Committee on Small Business, as was the open rule by the Rules Committee. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of the bill.

Mr. Speaker, I include for the RECORD the following material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,¹ 103D CONGRESS V. 104TH CONGRESS

[As of September 5, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open ²	46	44	82	59
Structured/Modified Closed ³	49	47	39	28
Closed ⁴	9	9	18	13
Total	104	100	139	100

¹ This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

² An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

³ A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

⁴ A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 5, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-199 A: 227-197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230-191 A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental Act	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234-191 A: 247-181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242-190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252-170 A: 255-168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225-191 A: 233-183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MillCon Appropriations FY 1996	PQ: 223-180 A: 245-155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232-196 A: 236-191 (6/20/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 5, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221-178 A: 217-175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258-170 A: 271-152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236-194 A: 234-192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235-193 D: 192-238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230-194 A: 229-195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242-185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232-192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217-202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230-189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409-1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255-156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323-104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414-0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388-2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241-173 A: 375-39-1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304-118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344-66-1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth.	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231-194 A: 227-192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235-184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228-191 A: 235-185 (10/26/95).
H. Res. 251 (10/31/95)	C	H.R. 2491	Seven-Year Balanced Budget	A: 237-190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 1833	Partial Birth Abortion Ban	A: 241-181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	D.C. Approps.	A: 216-210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220-200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220-185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249-176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239-181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223-183 A: 228-184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221-197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230-188 A: 229-189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228-182 A: 244-168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235-175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251-157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233-152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps.	PQ: 234-187 A: 237-183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244-166 (3/22/96).
H. Res. 391 (3/27/96)	O	H.R. 3136	Contract w/America Advancement	PQ: 232-180 A: 232-177 (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229-186 A: voice vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232-168 A: 234-162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219-203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422-0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218-208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth.	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235-149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227-196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221-181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219-211 (5/22/96).
H. Res. 442 (5/29/96)	O	H.R. 1227	Employee Commuting Flexibility	
H. Res. 445 (5/30/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 446 (6/5/96)	MC	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 448 (6/6/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363-59 (6/6/96).
H. Res. 451 (6/10/96)	O	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 453 (6/12/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 455 (6/18/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 456 (6/19/96)	O	H.R. 3662	Interior Approps. FY 1997	A: voice vote (6/19/96).
H. Res. 460 (6/25/96)	O	H.R. 3666	VA/HUD Approps.	A: 246-166 (6/25/96).
H. Res. 472 (7/9/96)	O	H.R. 3675	Transportation Approps.	A: voice vote (6/26/96).
H. Res. 473 (7/9/96)	MC	H.R. 3755	Labor/HHS Approps.	PQ: 218-202 A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3754	Leg. Branch Approps.	A: voice vote (7/10/96).
H. Res. 475 (7/11/96)	O	H.R. 3396	Defense of Marriage Act	A: 290-133 (7/11/96).
H. Res. 479 (7/16/96)	O	H.R. 3756	Treasury/Postal Approps.	A: voice vote (7/16/96).
H. Res. 481 (7/17/96)	MC	H.R. 3814	Commerce, State Approps.	A: voice vote (7/17/96).
H. Res. 482 (7/17/96)	MC	H.R. 3820	Campaign Finance Reform	PQ: 221-193 A: 270-140 (7/25/96).
H. Res. 483 (7/18/96)	O	H.R. 3734	Personal Responsibility Act	A: 358-54 (7/18/96).
H. Res. 488 (7/24/96)	MO	H.R. 3816	Energy/Water Approps.	A: voice vote (7/24/96).
H. Res. 489 (7/25/96)	MC	H.R. 2391	Working Families	A: 228-175 (7/26/96).
H. Res. 499 (7/31/96)	MC	H.R. 2823	Dolphin Conservation Program	A: voice vote (7/31/96).
H. Res. 516 (9/4/96)	S	H.R. 123	English Language Empowerment	A: 236-178 (8/1/96).
H. Res. 517 (9/4/96)	S	H.R. 3719	Small Business Programs	
		H.R. 3308	Armed Forces Protection	A: voice vote (9/5/96).

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Georgia [Mr. LINDER] for yielding to me the

customary 30 minutes of debate time, and I yield myself such time as I may consume.

Mr. Speaker, as my colleague on the Committee on Rules has just explained, this is an open rule. It sets no limit on the number of amendments that may be offered and it does not limit debate time. It is the kind of rule most of us would like to see more often and as such we support it.

We do not oppose the waivers that the rule provides, including the waiver of the point of order for failure to comply with the rule prohibiting appropriations in an authorization measure. The waiver appears to us to be purely technical in nature.

The legislation this rule makes in order, H.R. 3719, the Small Business Programs Improvement Act, has bipartisan support, although there are concerns about several of its provisions and about the goals of the bill. The ranking member of the Committee on Small Business, the gentleman from New York [Mr. LAFALCE], outlined many of those concerns in his additional views which we commend to our colleagues.

For instance, Mr. LAFALCE expressed concern about the amount of 7(a) loan guarantees that will be made available in fiscal year 1997. That is the primary financial assistance program operated by the SBA, and it is vitally important to the success of many small businesses. Changes that mean more small businesses will be denied access to this federally guaranteed loan program should be made with the greatest care.

Many of us are also concerned about the direction the legislation takes in delegating more authority to the private sector to carry out programs under the SBA. We think it is important to remember that the private sector does not always operate programs more efficiently at a lower cost or better than the Government does. We would simply caution against overreliance on the private sector or privatizing simply for the sake of privatizing.

As a Member whose district was seriously affected by a major disaster, the Northridge earthquake of 1994, I can attest to the importance of the SBA's Disaster Loan Program. In fact, the main frustrations, Mr. Speaker, that our constituents felt in dealing with the SBA were usually caused because the agency simply did not have enough people to help those individuals who were seeking assistance.

Because of our involvement with so many people applying for disaster assistance loans through the SBA, I was especially pleased to note that the Committee on Small Business recognizes the importance of aiding citizens in need and that in the committee's opinion, at least, disaster assistance is one of the few clear-cut areas in which the Government should, in fact, be involved in the lives of our citizens.

Mr. Speaker, we congratulate the chairwoman of the Committee on Small Business, the gentlewoman from Kansas [Mrs. MEYERS], and the ranking member of the committee, the gen-

tleman from New York [Mr. LAFALCE], for the cooperation they have shown in bringing this bipartisan bill to the floor.

I would also like to take this time to give a special word of thanks to the chairwoman, our good friend from Kansas, for her outstanding work as a member of the committee and as its chairwoman during this Congress. Her decision not to run for reelection is a huge loss to this institution. We are in great need of more people like Mrs. MEYERS who legislate in a civil and a fair manner. Her grace and her charm and her intelligence will be missed, but we wish her the best in her well-deserved retirement.

Mr. Speaker, to repeat, this is an open rule. Any concerns about the bill and its direction can be fully addressed under the provisions of that rule. We urge our colleagues to approve the rule so that we can proceed with the consideration of this legislation and the amendments to it.

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

Mr. LINDER. Mr. Speaker, in closing, let me urge Members to support this rule. Let me add to the kind comments of the gentleman from California about the gentlewoman from Kansas [Mrs. MEYERS] who is retiring. The elegant gentlewoman has led this committee well for the last 2 years and she will be sorely missed.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House and Senate of the following titles:

July 1, 1996:

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse."

July 2, 1996:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to the State and Federal law enforcement officials, and for other purposes.

July 3, 1996:

H.R. 3525. An act amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

July 9, 1996:

H.R. 1880. An act to designate the United States Post Office building at 102 South McLean, Lincoln, Illinois, as the "Edward Madigan Post Office Building";

H.R. 2437. An act to provide for the exchange of certain lands in Gilpin County, Colorado;

H.R. 2704. An act to provide that the United States Post Office building that is to be located at 7436 South Exchange Avenue, Chicago, Illinois, shall be known and designated as the "Charles A. Hayes Post Office Building"; and

H.R. 3364. An act to designate the Federal building and United States courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse".

July 18, 1996:

H.R. 2070. An act to provide for the distribution within the United States of the United States Information Agency film entitled "Fragile Ring of Life"; and

H.R. 2853. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.

July 19, 1996:

H.R. 1508. An act to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

July 21, 1996:

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

July 24, 1996:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.; and

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolla, Missouri.

July 29, 1996:

H.R. 248. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

July 30, 1996:

H.R. 2337. An act to amend the Internal Revenue Code Act of 1986 to provide for increased taxpayer protections.

August 3, 1996:

H.R. 497. An act to create the National Gambling Impact and Policy Commission;

H.R. 1627. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 3161. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

August 5, 1996:

H.R. 3107. An act to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

The President has approved the following:

July 2, 1996:

S. 1136. An act to control and prevent commercial counterfeiting, and for other purposes; and

S. 1903. An act to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Bridge", and for other purposes.

July 5, 1996:

S. 1579. An act to streamline and improve the effectiveness of chapter 75 of title 31,

United States Code (commonly referred to as the "Single Audit Act").

July 29, 1996:

S. 966, An act for the relief of Nathan C. Vance, and for other purposes; and
S. 1899, An act entitled the "Mollie Beattie Wilderness Area Act".

SMALL BUSINESS PROGRAMS IMPROVEMENT ACT OF 1996

The SPEAKER pro tempore. Pursuant to House Resolution 516 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3719.

□ 1408

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3719) to amend the Small Business Act and Small Business Investment Act of 1958, with Mr. COLLINS of Georgia in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentlewoman from Kansas [Mrs. MEYERS] and the gentleman from New York [Mr. LAFALCE] each will control 30 minutes.

The Chair recognizes the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3719, the Small Business Programs Improvement Act of 1996, and I urge my colleagues to support this bill which is pro-small business and pro-government efficiency.

The Committee on Small Business reported out H.R. 3719 on July 18, 1996, by a unanimous vote of the Committee after intensive bipartisan work. Mr. LAFALCE, and I spent many hours together working out the details of the provisions. I am pleased to say that we are able to move H.R. 3719 through the Committee in an atmosphere of bipartisan cooperation.

The overall theme of this legislation, is better management of the loan programs. SBA guaranteed loans provide approximately \$10 billion in life-giving capital to small businesses every year. The 7(a) Guaranteed Loan Program, the largest loan program at the SBA, will provide over \$7 billion in financing to small businesses this year. As volume in the loan programs has increased, SBA staffing has decreased. I believe these events can be compatible, but only if the SBA relies on its private sector partners to carry out the day-to-day operations of making, servicing, and liquidating loans.

SBA does not have the manpower or resources to be a retail operation. They cannot efficiently process every loan, or handle the liquidation of each loan that goes into default. This is clear from the new subsidy rates—rates that

have dramatically increased due to low recovery rates on liquidated loans. The time period for liquidating loans is substantially longer than the average in the private sector. It is time for the SBA to move the liquidation function to the private sector, where our bank and nonbank lending partners conduct these types of actions everyday, and harness those efficiencies. SBA must assume the role of monitoring our lending partners, not trying to recreate operations that are done faster and better in the private sector.

The Committee on Small Business realized the SBA's limitations and took decisive action in this bill, H.R. 3719, to turn more functions of SBA lending programs over to the private sector. In the 7(a), 504, and disaster loan programs, pilot projects have been created, giving lenders the freedom to liquidate defaulted loans and to service disaster loans. This should increase our returns, and improve service delivery in our loan programs. SBA simply cannot handle the load currently on its plate, as reflected in the increased subsidy rates.

Other critical provisions in H.R. 3719 are those dealing with the 504 or Certified Development Company Program. As you may know, when the President released his budget for fiscal year 1997, we were hit with dramatically higher estimates of the subsidy rates for the 504 and 7(a) guaranteed loan programs. Last year, the Committee on Small Business moved legislation which reduced the subsidy rate in the 504 program to zero, making it a self-financed program which requires no appropriated funds. While the committee was disappointed and frustrated by the SBA's and OMB's inability to notify us in a timely way about these new estimates, we are, nonetheless, committed to returning the 504 program to a zero subsidy.

A combination of new fees, to be shared by the lenders, the certified development companies, and the borrowers, and several program management improvements in H.R. 3719, including the liquidation pilot project, result in the maintenance of a zero subsidy rate for the 504 program. It is vital that this lending program, which provides long-term financing for expanding small businesses to purchase new physical space or equipment, continue to help small businesses and our economy grow. As my colleagues probably know, the 504 program is the only SBA lending program with a job creation requirement. While no one likes to place additional fees on small business borrowers, that is the only way to keep this important program going, as no funds were requested by the administration, or appropriated for the 504 program for fiscal year 1997.

H.R. 3719 also addresses some management issues in the 7(a) program, and requires an extensive, private sector study of the subsidy rate calculations done by SBA and the OMB. I hope this study will unlock the mysteries of

the OMB subsidy rate assumptions and prevent future year surprises in this calculation. As with the 504 program, the committee has moved more of the day-to-day responsibilities for the loan programs to our most trusted private sector partners, our preferred lenders or PLP's. Under H.R. 3719, the preferred lenders will be provided with the full authority and responsibility to liquidate their own loans. The SBA has delegated many responsibilities to the PLP's, but has retained most of the liquidation functions with the agency. In addition, certified lenders [CLP's] will be able to conduct their own liquidations, with the assistance and oversight of the SBA. The committee believes the private sector may be able to perform this function faster and more efficiently, maximizing returns to the Government.

In addition, the committee has required that the Low Documentation or Low Doc Program, which is an abbreviated form for the borrower seeking a guaranteed loan of \$100,000 or less, be conducted only by PLP's, CLP's, or lenders with significant small business lending experience. This program, which was a pilot initiated by the SBA, has proven to be very popular among borrowers and banks, alike. However, the committee has received a good deal of anecdotal evidence suggesting that many lenders who have little or no small business lending experience, and no experience with SBA loans, are doing large volumes of low doc loans. As the Low Doc Program now comprises about 25 percent of the 7(a) program volume, the committee felt it important to act to preserve the integrity of SBA's own regulations, which stipulate that low doc is for use by our most experienced lenders. The committee also places a limitation on any new pilot programs. The administration may experiment and try out new ideas and concepts to meet small business' needs. However, no pilot may comprise more than 10 percent of the 7(a) program volume. As the committee has seen, the program's subsidy rate is very sensitive to changes in the portfolio composition. Any pilot deemed successful can be statutorily created through the legislative process.

Other provisions in the bill continue to echo the theme of more reliance on the private sector to carry out the functions of SBA programs. We increase slightly the interest rate on disaster loans, from a formula based upon one-half of the Treasury rate for 30 year loans to three-fourths of Treasury. This increase will lower the subsidy rate from 16.5 percent to approximately 12.3 percent, according to CBO. This slight adjustment will continue to provide disaster victims a real low-cost, long-term loan for disaster recovery, while stretching the taxpayer dollars needed to fund this program a lot further. H.R. 3719 also requires the SBA to contract out to private entities the servicing of 10 percent of the loans in our disaster portfolio. This pilot should

show that the private sector can perform this function at less cost than the SBA and, hopefully, lead to a complete contracting out of this function.

Finally, H.R. 3719 reauthorizes the Small Business Competitiveness Demonstration Program. This program eliminates small business set-asides in four categories of industry, as long as small business participation in these industries are at least 40 percent. This innovative demonstration program has worked well, allowing all businesses to compete for Government contracts on an equal footing, without locking small business out of the process, or into a certain number or type of projects. Our bill does require extensive reporting on the progress of this program, to ensure that it is not operating to small businesses detriment.

Mr. Chairman, there are a lot of important program improvements in H.R. 3719, improvements that will result in better service from the Federal Government for small business. But more importantly, H.R. 3719 will preserve essential long-term lending programs for small business. The Committee on Small Business is pleased to be able to bring this legislation before the House this week, legislation which has been endorsed by such groups as the U.S. Chamber of Commerce, the National Association of Certified Development Companies, the National Association of Government Guaranteed Lenders, and the Independent Bankers Association of America. We will be doing a great service to the small businesses of our Nation, and to the taxpayer, by enacting H.R. 3719, and I urge my colleagues to strongly support this measure.

□ 1415

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

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

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

Mr. LAFALCE. Mr. Chairman, I generally support the provisions of this bill, the Small Business Programs Improvement Act of 1996.

As originally introduced, there were a number of problems with the bill. However, our gracious Chair, Mrs. MEYERS, delayed official committee action on the bill, thereby facilitating a number of private discussions. The result was the offering of joint amendments in committee which were agreed to on a bipartisan basis.

Since then, we have continued our negotiations which have now been finalized with a manager's amendment. As further amended with this amendment, this legislation has been greatly improved and deserves the support of the membership.

I appreciate the consideration of the committee, and its Chair, Mrs. MEYERS, in examining the matters raised by me and other members of the minority.

I also want to note at this point that I have enjoyed working with Chair

MEYERS during the past 2 years. I do want to note, parenthetically, that I enjoyed working with her more during the 103rd Congress when she was the ranking minority member, but she has been a true gentle lady during this Congress and has made my transition to that role as painless as possible.

On behalf of the minority Members of the Committee, I want to wish her and her husband the best of wishes in the future years. JAN, enjoy your well-earned retirement.

Mr. Chairman, this is a bill which is necessary. Without the fee increases in the Certified Development Company Program, there would be no program next year. Thus I reluctantly support the fee proposals because the alternative would be much worse.

The bill also extends several expiring programs this year, and more importantly authorizes the continuation of all SBA programs next year. Members are certainly aware how difficult it is to enact an authorization bill in the first few months of a Congress, and this bill eliminates that problem.

I also support a number of the pilot programs in the bill. I am not one who believes that the private sector can do everything better and at less cost, as some argue.

I am willing to have a realistic and meaningful comparison of the results when loan functions are handled by private sector contractors as compared to Government employees. I believe that Federal employees are very dedicated and will prevail in this type of comparison. But it is appropriate to perform the pilot tests.

I also want to point out that previously I expressed concern about the amount of 7(a) loan guarantees which will be made available next year.

It is my understanding that the proposed Federal funding, when added to funds expected to be unused this year, will result in a 7(a) program level next year of \$6.5 billion to \$7 billion.

Originally, most projections were that demand would exceed this amount probably by \$2 billion. It now appears, however, that usage of the program is below prior projections this year.

Also, the other body has proposed additional Federal funding which will augment the size of the program.

Thus I am now concluding that there may be no necessity to increase fees for this program. This is not certainty, however, and I caution my colleagues that there may be a shortage of loan money next year.

I know of no opposition to the bill, and I compliment Mrs. MEYERS for her work and that of her staff.

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

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank my colleague and friend for yielding this time to me very briefly to speak in favor of the Small Business Improvement Act, and I want to ap-

plaud her diligence and the ranking minority member's diligence in working out this bill. I will not repeat what has already been said because it has been fully articulated.

I did want to rise today though to pay special appreciation to my colleague and friend, the gentlewoman from Kansas [Mrs. MEYERS], for all the work she has done. She has been a tireless advocate of small business throughout the United States, and she understands that that is where the future of our economy is. We are going to miss her sincerely, but I think I wanted to speak for all the Members and wish her well in her future endeavors and say "Thank you for all the work you have done for small business in America. We will always be indebted to you."

Mr. LAFALCE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I want to thank the distinguished ranking member, and I too want to lend my voice to a classmate of mine that will be leaving us, the gentlewoman from Kansas [Mrs. MEYERS]. We came in here together, and she has been an absolute gentlewoman all the way through, and we are proud to serve with the gentlewoman, and, no, we are not going out together after this or anything, but I mean that. I do not think words can say enough.

I am rising today about an issue that deals with the 504 program and some perceptions and guesstimates by the OMB that I think are troublesome and could be problematic, and I will be offering an amendment in this regard, and I am glad to have the support of the ranking member, and I want to explain it briefly.

For example, the 504 program has been very cost effective. It spurred the economies of Ohio and the Nation, and over the past 10 years over \$5 billion in 504 program loans have helped create over half a million jobs, more than 47,000 in Ohio alone, Mr. Chairman. But the recent OMB evaluation will severely undermine the viability of this particular program. In my opinion, the evaluation underestimates the program's strength and overestimates its weaknesses.

Now Members of the Ohio delegation, both Democrat and Republican, have written in fact to Mr. Jacob Lew, Acting Director of OMB, and we cited these particular cases.

The Traficant amendment would basically say that it is the sense of Congress that the subsidy models prepared by OMB relative to loan programs sponsored by the Small Business Administration have a tendency to overestimate potential risks of loss and overemphasize historical losses that may be unique or not truly reflective of the success of the program as a whole.

So consequently what the amendment does, it mandates the independent study in section 103(h) of this bill

with hopes of placing it in the bill, of improving the ability of OMB to more accurately reflect the budgetary implications of some of these programs that have had a great effect on revitalization of our Nation.

So with that, I just wanted to let the Committee know that we have been working on this for some time and this is a vehicle which, in fact, can accommodate our concerns.

The Members from Ohio that signed on with me were: DAVE HOBSON, SHERRON BROWN, STEVEN LATOURETTE, THOMAS SAWYER, MARTIN HOKE, MARCY KAPTUR, and ROBERT NEY. So this has already been sent, it is a bipartisan move, we in Ohio are concerned. We think it is valid for the Nation and it does not in fact change anything in the bill. It supports that language which is in the bill and will clarify that concern we have.

So with that I want to thank the gentleman from New York [Mr. LAFALCE] for the time, and I hope for consideration.

□ 1430

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume, and would like to associate myself with the remarks of the gentleman who represents the second best Air Reserve base in the United States.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the distinguished chair of the Committee on Small Business for yielding to me.

Before I engage the gentleman from New York [Mr. LAFALCE] and the gentleman from Texas [Mr. BENTSEN] in a colloquy, I would just like to add my remarks to those of my colleagues, complimenting the distinguished chair for her excellent leadership. There is no stronger advocate for small business in the Congress, but what has really been extraordinary is the gentle firmness with which she has led the committee in the last year and a half. It has made it just a pleasure to serve on the committee with her. I want to wish her all the best in her future endeavors. I would thank her again for yielding for this colloquy.

Mr. Chairman, I would like to clarify our intent with respect to the language in this bill dealing with securitization. This provision was dealt with extensively during the committee markup of H.R. 3719. Between the gentleman from Texas [Mr. BENTSEN] and the gentleman from New York [Mr. LAFALCE] the distinguished ranking member of the committee, and myself.

It is my understanding this provision grants SBA the authority, if they deem necessary to exercise it, to protect the agency's interests by requiring lenders to retain exposure of up to 10 percent of the loans being securitized. This in no way mandates the holdback or exposure requirement in all cases.

I would like to ask the gentleman from New York if that indeed is his understanding.

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

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

Mr. LAFALCE. Yes, Mr. Chairman, the permissive nature of the amendment is reflected in the manager's amendment that will be offered shortly.

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

Mr. TALENT. I yield to the gentleman from Texas.

Mr. BENTSEN. The provision also states, Mr. Chairman, that any holdback or exposure requirement should be applied uniformly to both banks and nonbanks alike, thereby ending the prohibition on banks for selling the nonguaranteed portion of certain SBA loans, but also provides the SBA the discretion to accept alternative risk retention provisions.

It is my understanding that acceptable alternative risk retention provisions such as, but not limited to, the reserves required to achieve an investment grade rating would be applied on a lender-by-lender basis based on the structure of the securitization and the historical loan performance of the lender. Is that correct?

Mr. LAFALCE. That is very correct, Mr. Chairman. The manager's amendment explicitly permits alternative risk retention measures and the lender-by-lender application of this requirement is also reflected in the committee report that accompanies this bill.

I might want to add that it was precisely because of the arguments advanced by the gentleman from Missouri [Mr. TALENT] and the gentleman from Texas [Mr. BENTSEN] that the committee report language embodied basically the arguments that they advanced during the markup, and the manager's amendment makes those technical changes to ensure that their wishes and desires were fully accommodated, and the language of the report was fully accommodated.

We are especially grateful, I think, too, for the real-life experience that the gentleman from Texas [Mr. BENTSEN] brought to the committee deliberations on this issue, because of his experience with securitization on Wall Street. His experience was invaluable.

Mr. TALENT. Mr. Chairman, I reclaim my time to continue the colloquy, and also add my compliments to the gentleman from Texas [Mr. BENTSEN]. He does have real-life experience in this area.

It is my understanding these provisions are not intended to impair the future use of securitization structures already in the market, and approved by SBA as providing adequate protection to the agency, that have proven effective in expanding capital availability.

I would ask the gentleman from New York [Mr. LAFALCE] if that is indeed correct.

Mr. LAFALCE. If the gentleman will continue to yield, Mr. Chairman, yes, and this too was discussed in the markup and was also reflected in the committee report.

Mr. BENTSEN. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his assistance in this issue. We worked closely to correct it so it would not become burdensome and it would create and expand capital available to small businesses.

I thank the gentleman from Missouri [Mr. TALENT] for his work on this, as well, and for bringing it to the forefront. I look forward to working in a bipartisan fashion in the future towards establishing a level playing field between depository institutions and nonbank financial institutions in their efforts to supply needed capital to the small business community.

Mr. TALENT. Mr. Chairman, I thank the gentleman from New York [Mr. LAFALCE] for helping to clarify the securitization issue, an issue that is critically important to increasing the pool of capital available to small businesses. I also look forward to continuing efforts to foster an efficient securitization market for small business loans.

Mr. LAFALCE. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I also want to add my comments to the retiring gentlewoman who chairs the Committee on Small Business, and want to note that she has brought a degree of civility that the rest of us will emulate. Although we may be in disagreement, she certainly has a spirit of discourse and deliberation that all of us appreciate, and we will miss her caring and gentle hand.

Mr. Chairman, I rise today in full support of H.R. 3719, the Small Business Program Improvement Act. Although the bill is not perfect, I believe that, on the whole, it is a great first step toward bringing down the cost of the Small Business Administration's most popular programs while maintaining their availability and accessibility.

First, H.R. 3719 marginally increases the fees charged to participants in the 504 Certified Development Corporation Program. This program has been successful. Unfortunately, in the absence of additional appropriations, this is the only way by which to reduce the subsidy rate to zero and assure the continuation of this program in the next fiscal year.

Second, this legislation removes burdensome restrictions which prevents banks from selling the nonguaranteed portion of the SBA loans on secondary markets, making the 7(a) loan program more attractive to commercial bankers.

Finally, the bill continues the prohibition against locating Small Business Development Centers at institutions

other than places of higher education, thereby confirming the role of SBDC's as, first and foremost, places to gather impartial information and to receive guidance and counseling.

These provisions, combined with others, Mr. Chairman, make H.R. 3719 a good first step toward ensuring the continued viability of many of SBA's most popular programs and allows the SBA to reduce administrative costs associated with those operations. Therefore, Mr. Chairman, I encourage my colleagues to join with me in support of H.R. 3719.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, before entering into a colloquy with the gentlewoman from Kansas, I, too, want to add my praise, as a former small businessman of 30-plus years, for the work and the stewardship of the gentlewoman from Kansas [Mrs. MEYERS] as chair of this committee and as ranking member prior to that. She has been a tremendous asset to small business across America. I congratulate her, and I, too, wish her well.

Mr. Chairman, H.R. 3719 would eliminate the eligibility of lending institutions to make low documentary loans to preferred, certified, and lenders with "significant experience" I guess in quotes, in making small business loans. I understand that these provisions would have the Small Business Administration clarify, through regulations, the definition of "significant experience" in making low documentary small business loans.

I would ask the gentlewoman, could she clarify the intent of these provisions?

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Nebraska. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, the committee is concerned that some inexperienced lenders making low doc loans do not have the expertise necessary to administer these loans. However, the committee strongly believes that lenders that have had a long history of making small business loans and processing loan guarantees should not be ruled out of making these loans. It is the committee's intent that the SBA issue regulations that would preserve the ability of such institutions to continue making these low doc loans.

Mr. BARRETT of Nebraska. Mr. Chairman, would the gentlewoman then believe that a bank with 28 years of making small business loans, processing SBA loan guarantees, including low doc guaranteed loans, would qualify as an institution with significant experience?

Mrs. MEYERS of Kansas. Certainly, the SBA should take into account the fact that many small lending institu-

tions have been making small business loans for years. The intent of this provision is to provide the SBA with better policing authority to restrict access to lenders without the experience or guidance from the SBA necessary to efficiently and effectively administer low doc loans.

Mr. BARRETT of Nebraska. Mr. Chairman, I again thank the chairwoman for yielding to me, and I thank her for her clarification.

Mr. LAFALCE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 3719, the Small Business Programs Improvement Act, and commend both the chairwoman, the gentlewoman from Kansas [Mrs. MEYERS], and the ranking member, the gentleman from New York [Mr. LAFALCE] for their work in drafting a truly bipartisan bill that all the Members can support.

Although this bill may receive less notice than others, it is extremely important in providing capital formation for America's small businesses, and it is a tribute to our retiring chair that it is being brought up and hopefully will be signed into law.

Drafting this bill is not an easy task. Committee on Small Business members faced many difficult decisions and there were closed votes on many important issues during the markup. However, the bill before us today is a true collaboration between Republicans and Democrats on the committee, and marks the most significant bipartisan effort I have seen since serving on this committee.

This bill makes several changes to SBA programs do reduce the taxpayers' contribution. It privatizes certain SBA functions, removes restrictions on banks for selling the nonguaranteed portions of certain SBA loans on the secondary market, and reduces certain fees that SBA pays the lenders in cases of default.

Finally, the bill reauthorizes certain SBA programs for fiscal years 1997 and 1998, including the 7(a) loan, the 504 Development Company loan, disaster loan, and microloan programs. Included in the reauthorization of the 504 program is a new fee on borrowers and participants in the program to lower the taxpayer subsidy rate of the program and begin the road to self-sufficiency.

Finally, I want to thank the gentleman from Missouri [Mr. TALENT], the gentlewoman from Kansas [Mrs. MEYERS], and the gentleman from New York [Mr. LAFALCE], for their work in addressing the loan securitization issue.

During the committee markup, the gentleman from New York [Mr. LAFALCE], the gentleman from Missouri [Mr. TALENT], and I discussed the language of Mr. LAFALCE's securitization amendment and the possible negative effects it might have on existing participants. Mr. LAFALCE agreed to

change the amendment to reflect the ability of the administration to require a loss reserve of up to 10 percent when circumstances require it, rather than a flat 10 percent, as originally proposed.

We made further clarification by stating that the SBA would have the authority, if necessary, to require lenders to securitize the nonguaranteed portion of the SBA 7(a) loans to retain some level of exposure in the security, not to exceed 10 percent of the amount of the loan.

Last, the amendment was modified to state the reserve requirements be determined solely by an institution's status as a depository institution or a nonbank lender. Although this is reflected in the committee report, the legislative language contradicted the committee intent. I am pleased that all parties could agree to include the new language in addressing an inadvertent wording problem and that this issue could be worked out and corrected in the manager's amendment.

I urge my colleagues to support this bill and the Meyers manager's substitute amendment.

Mr. CONYERS. Mr. Chairman, I rise today in support of H.R. 3719, the Small Business Programs Improvement Act of 1996. H.R. 3719 will better the ability of the Small Business Administration [SBA] to restructure and cut costs in critical areas of the 7(a) Loan Guarantee Program and the 504 Certified Development Company Program. These programs are both at risk of understanding in the coming fiscal years and will benefit greatly from the reforms provided in this act. However, there are components of H.R. 3719 which must be addressed in order to protect minority and women small business owners who apply for SBA loans.

H.R. 3719 greatly limits the ability of lenders to use the Low Documentation [LowDoc] loan program of the 7(a) Program. The LowDoc Program began as a pilot project in 1994 and has since spread successfully across the country. The program provides a significantly shortened one-page application for a SBA guarantee for loans of \$100,000 or less. Minority and women-owned small businesses disproportionately apply for these smaller loans. Therefore, the LowDoc Program has had great success in recruiting more women and minority small business owners to the 7(a) Program. In addition, because of the reduced paperwork required of the lending institution in LowDoc loans, the program has increased the participation of smaller lenders who have been found to be more likely to lend to smaller businesses. The SBA has been criticized in recent years for overlending to larger small businesses at the detriment of smaller small businesses. The LowDoc Program is one of the devices the SBA has created to successfully address this complaint.

H.R. 3719 severely limits the LowDoc Program by restricting which lenders can make LowDoc loans. Under the act, only those lenders who are preferred, certified or have significant experience in making small business loans can make LowDoc loans. These categorizations will greatly limit the number of lenders who can make LowDoc loans. In particular, the number of small lending institutions able to provide LowDoc loans will be greatly

reduced. Thus, H.R. 3719 acts to limit accessibility to LowDoc loans.

According to Representative MEYERS, H.R. 3719 limits access to LowDoc loans on the basis of anecdotal evidence that LowDoc loans are high risk. However, the SBA has shown that there is no reason to believe that LowDoc loans are more risky than other loans, and, in fact, they may be even less risky. The SBA has found that both the currency rate, the rate of payments made on time, and the default rate on LowDoc loans are as good or better than those for other SBA loans.

There appears to be little reason to alter the LowDoc Loan Program given that the program has made the 7(a) loan program more accessible to minority and women-owned small businesses, to all smaller businesses, and to small lending-institutions. In addition, the program has proven to be a relatively safe loan program. The changes to the LowDoc program are simply an example of the micromanaging which exists throughout H.R. 3719 and which is not necessary to successfully reform the SBA. However, I am confident that these problems can be worked out through amendments and in conference committee. Therefore, I restate my support of H.R. 3719 and commend the bipartisan effort which led to its creation.

Mr. POSHARD. Mr. Chairman, I rise before you today in support of the Small Business Improvement Act, H.R. 3719.

Before speaking on the merits of the legislation, let me take this opportunity to thank the Chair of this committee, my colleague from Kansas, Congresswoman MEYERS, who has been not only a good chair of the committee but a good Member of the House and a good friend. On behalf of the people of the 19th district, I wish her well in her future endeavors.

This bill makes individuals who have suffered from all types of disasters eligible for loans from the Disaster Loan Program. While I certainly believe we should respond to people in need after a natural disaster, I believe we must make sure that the primary focus of these efforts are on sudden, natural disasters, such as tornadoes, and floods, and as we are all watching today, hurricanes and tropical storms. In my district we deal with sudden disasters on a yearly basis and we must be capable of responding to these situations at any given moment, and it is imperative that the resources are in place.

Having expressed those reservations, I do rise in support of the bill and urge my colleagues to support H.R. 3719 and thank the Chair and my ranking member, Congressman LAFALCE, for their efforts in bringing this bill before us today.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have always been a supporter of small business, both in my district and throughout the Nation. Small business is the motor of our economic engine, it supplies most of the jobs and at least half of the economic activity. It is my firm belief that the Government should do everything it can within reason to assist small businesses in succeeding. The Small Business Administration has been instrumental in the development, growth, and success of thousands of businesses and should be commended for its work and efforts. The SBA General Store in my district in Houston is a prime example of how this agency has played an important part in the expansion and growth of our economy.

While all of this is true, in these difficult times of tight budgets we must trim costs, where we can, but we must do so while still striving to achieve our basic goals. We must not be too short-sighted and slash and burn budgets and programs, doing more harm than good in the long run. Instead we must carefully prune away what we can, leaving the fruits intact. H.R. 3719 takes a reasonable approach at reforming some of the SBA's loan programs.

I support small business, the President supports small business, and I encourage all of my colleagues to do the same.

Mr. TORKILDSEN. Mr. Chairman, the Small Business Programs Improvement Act of 1996 reforms business loan programs administered by the Small Business Administration [SBA]. Specifically, the bill reduces subsidy rates for commercial development and disaster loans, directs the SBA to privatize certain aspects of the loan application and approval process to expedite service to potential borrowers, and ensures adequate Federal funding to carry out SBA programs.

H.R. 3719 includes an amendment I offered, which was adopted during the full committee markup of this legislation, regarding disaster assistance loans. My amendment accomplished two things: No. 1, it made an addition to the definition of a disaster under section (3)(k) of the Small Business Act by inserting language regarding ocean conditions; and No. 2, it set an effective date, for the amendment, with respect to any disaster occurring on or after March 1, 1994. I offered this amendment in an attempt to help remedy problems affecting the fishing industry in Gloucester and other areas in Massachusetts.

The Commonwealth requested disaster assistance from the U.S. Small Business Administration. The request was made on behalf of the fishermen of Essex, Bristol, and Barnstable Counties, all who have suffered severe economic losses because of the collapse of cod, yellow tail flounder, and haddock fisheries in their region, and the closing of certain areas to fishing by the Federal Government. Incredibly, this request was denied by the SBA.

Knowing that the vast majority of these fishermen and processors are small business owners, this small addition to the definition of disaster assistance is a logical way to help. It is clear that the Federal Government's actions precipitated this sudden closure after years of pronouncements that the situation was under control, and therefore, the request was justified.

Mr. Chairman, this is a good bill for small business and I urge my colleagues to support it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in strong support of the manager's amendment. H.R. 3719 attacks the small businesses in my Congressional district and for that matter across the Nation. I am especially incensed by the manner in which this bill treats innocent victims of natural disasters and am therefore pleased with the changes to the Disaster Loan Program included in the manager's amendment.

The Small Business Administration's Disaster Loan Program helps victims of natural disasters rebuild and get back on their feet. The Northridge earthquake had a devastating impact on southern California. From the point at which the earthquake struck, on January 17,

1994 until June 30, 1996 the Small Business Administration provided 124,180 loans, totaling \$4.5 billion to businesses and individuals that may not otherwise have been able to rebuild.

And I will remind my colleagues that it is not just California that benefits from the disaster loans. Even as we speak, millions of people along the East Coast are preparing for the potential devastation that may be caused by hurricane Fran.

While my thoughts and my prayers are with the potential victims of hurricane Fran, I am committed to do all I can to ensure that if they do suffer damage, that they are given all available assistance to rebuild their lives and their economy.

Low interest disaster loans are key to the economic recovery of an area after a disaster has hit. The manager's amendment I am pleased to report, would cap the interest rate at 7 percent. In the last 6 years California alone, which has certainly seen its share of disasters, has received 165,373 loans totaling over \$5.5 billion. Given the importance of small businesses to any economy, I believe that these loans have been instrumental to the economic recovery that the State has achieved.

The changes to the Disaster Assistance Program are but one reason I support this amendment. Overall I believe that it makes the bill more responsive to the needs of our Nation's small and emerging businesses and I therefore urge my colleagues to support the manager's amendment.

Mr. BALDACCI, Mr. Chairman, I am pleased we are prepared to approve this important bill authorizing certain programs in the Small Business Administration. The Small Business Committee, on which I serve, has worked diligently to reach accord on certain differences with regard to policy. As a result, we have been able to produce a responsible authorization bill that protects popular SBA programs while reducing the Federal Government's share of expenses. Given the growing popularity and need for such programs, these changes were necessary to instill a sense of commitment in all participants.

As a freshman Member of Congress, I am particularly pleased to have legislation I introduced earlier this year included in this authorization bill. This is my first legislative initiative to be approved by the full House, and I hope it will be enacted into law. My legislation will encourage banks to make capital available to small firms that want to export their goods. It does so by increasing the guarantee rate on export loans backed by the SBA. The change was necessary because the SBA guarantee rate for export working capital loans was reduced in legislation approved last year, creating a disparity between the rate offered to small businesses by the SBA, and the rate offered to larger businesses by the Export-Import Bank. Prior to the 1995 legislation, SBA and the Export-Import Bank harmonized their export loan programs to ensure that all borrowers—big businesses and small businesses—would have the same loan terms. Both provided a 90 percent guarantee rate on loans. My legislation returns the SBA guarantee rate to 90 percent, the same level as that offered by the Export-Import Bank.

It is widely believed that the reduction in SBA's guarantee rate for export loans had a chilling effect on small business lenders, who were required to incur greater risk. A recent

letter from the Trade Promotion Coordinating Committee indicated that over half of the lenders polled, small lenders in particular, would retreat from making trade finance loans to small businesses due to increased risk. The letter, signed by the Secretary of Commerce, the SBA administrator, the Ex-Im Bank chairman, and the director of the U.S. Trade and Development Agency, urged reharmonization of the rates.

In addition, a recent GAO study noted that the guarantee rate is critical for funding original loans, and that a higher rate is particularly important when the lender or borrower is new to export. This is precisely the audience SBA serves in an effort to increase small business exports.

I'm pleased that my legislation was added to the bill. It's important to me because it recognizes the critical role of trade and exports to the economy of Maine and the Nation. Figures from the Department of Commerce underline the incredible potential of foreign markets. According to them, every \$1 billion in increased trade creates approximately 20,000 manufacturing jobs and 40–60,000 service and support jobs. Moreover, wages associated with exported goods are some 20 percent higher than those related to nonexports.

Reharmonizing the guarantee rate could have very positive effects for our economy, as well as small business exporters, one of the fastest growing segments of the exporting community. As a member of the Small Business Committee, I am constantly seeking ways to help smaller companies expand and succeed. It is my strong belief that small businesses will benefit from increased trade. Promoting exports is one of the best means to this end. Encouraging new small business exports is an important, nonpartisan public policy objective.

I urge my colleagues to support this important legislation.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by title as an original bill for the purpose of amendment and pursuant to the rule, the first three sections and each title are considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on an amendment; and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) **SHORT TITLE.**—This Act may be cited as the “Small Business Programs Improvement Act of 1996”.

Mrs. MEYERS of Kansas. Mr. Chairman, I ask unanimous consent that the entire committee amendment in the nature of a substitute be considered as read printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Administrator defined.

Sec. 3. Effective date.

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT

Sec. 101. References.

Sec. 102. Risk management database.

Sec. 103. Section 7(a) loan program.

Sec. 104. Disaster loan program.

Sec. 105. Microloan demonstration program.

Sec. 106. Small business development center program.

Sec. 107. Miscellaneous authorities to provide loans and other financial assistance.

Sec. 108. Small business competitiveness demonstration program.

Sec. 109. Amendment to Small Business Guaranteed Credit Enhancement Act of 1993.

Sec. 110. 1998 authorizations.

Sec. 111. Level of participation for export working capital loans.

TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

Sec. 201. References.

Sec. 202. Modifications to development company debenture program.

Sec. 203. Required actions upon default.

Sec. 204. Loan liquidation pilot program.

Sec. 205. Registration of certificates.

Sec. 206. Preferred surety bond guarantee program.

SEC. 2. ADMINISTRATOR DEFINED.

In this Act, the term “Administrator” means the Administrator of the Small Business Administration.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on October 1, 1996.

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 102. RISK MANAGEMENT DATABASE.

Section 4(b) (15 U.S.C. 633) is amended by inserting after paragraph (2) the following:

“(3) **RISK MANAGEMENT DATABASE.**—

“(A) **ESTABLISHMENT.**—The Administration shall establish, within the management system for the loan programs authorized by subsections (a) and (b) of section 7 of this Act and title V of the Small Business Investment Act of 1958, a management information system that will generate a database capable of providing timely and accurate information in order to identify loan underwriting, collections, recovery, and liquidation problems.

“(B) **INFORMATION TO BE MAINTAINED.**—In addition to such other information as the Administration considers appropriate, the database established under subparagraph (A) shall, with

respect to each loan program described in subparagraph (A), include information relating to—

“(i) the identity of the institution making the guaranteed loan or issuing the debenture;

“(ii) the identity of the borrower;

“(iii) the total dollar amount of the loan or debenture;

“(iv) the total dollar amount of government exposure in each loan;

“(v) the district of the Administration in which the borrower has its principal office;

“(vi) the borrower’s principal line of business, as identified by Standard Industrial Classification Code (or any successor to that system);

“(vii) the delinquency rate for each program (including number of instances and days overdue);

“(viii) the number of defaults in each program (including losses and recoveries);

“(ix) the number of deferrals or forbearances in each program (including days and number of instances); and

“(x) comparisons on the basis of loan program, lender, Administration district and region, for all the data elements maintained.

“(C) **DEADLINE FOR OPERATIONAL CAPABILITY.**—The database established under subparagraph (A) shall be operational not later than March 31, 1997, and shall capture data beginning on the first day of the first quarter of fiscal year 1997 beginning after such date and thereafter.”.

SEC. 103. SECTION 7(a) LOAN PROGRAM.

(a) **SERVICING AND LIQUIDATION OF LOANS BY PREFERRED LENDERS.**—Section 7(a)(2)(C)(ii)(II) (15 U.S.C. 636(a)(2)(C)(ii)(II)) is amended to read as follows:

“(II) complete authority to service and liquidate such loans without obtaining the prior specific approval of the Administration for routine servicing and liquidation activities, but shall not take any actions creating an actual or apparent conflict of interest.”.

(b) **CERTIFIED LENDERS PROGRAM.**—Section 7(a)(19) (15 U.S.C. 636(a)(19)) is amended to read as follows:

“(19)(A) **CERTIFIED LENDERS PROGRAM.**—

“(i) **ESTABLISHMENT.**—In addition to the Preferred Lenders Program authorized by the proviso in section 5(b)(7), the Administration is authorized to establish a Certified Lenders Program for lenders who establish their knowledge of Administration laws and regulations concerning the guaranteed loan program and their proficiency in program requirements.

“(ii) **SUSPENSION AND REVOCATION.**—The designation of a lender as a certified lender shall be suspended or revoked at any time that the Administration determines that the lender is not adhering to its rules and regulations or that the loss experience of the lender is excessive as compared to other lenders, but such suspension or revocation shall not affect any outstanding guarantee.

“(B) **UNIFORM AND SIMPLIFIED LOAN FORMS.**—In order to encourage all lending institutions and other entities making loans authorized under this subsection to provide loans of \$50,000 or less in guarantees to eligible small business loan applicants, the Administration shall develop and allow participating lenders to solely utilize a uniform and simplified loan form for such loans.

“(C) **LOW DOCUMENTATION LOAN PROGRAM.**—The Administrator may carry out the low documentation loan program for loans of \$100,000 or less only through Preferred Lenders and Certified Lenders, or lenders with significant experience making small business loans. The Administration shall give special consideration to lenders who have made loans under the authority of this section. The Administrator shall promulgate regulations defining the experience necessary for lenders other than Preferred or Certified Lenders for participation as a lender in the low documentation loan program no later than 90 days after the date of enactment of this subsection.

“(D) AUTHORITY LIQUIDATE LOANS.—

“(i) IN GENERAL.—Lenders participating in the Certified Lenders Program shall have authority to liquidate loans made with a guarantee from the Administration.

“(ii) APPROVAL.—The Administrator has the authority to require a certified lender to request approval of a routine liquidation activity, and if the Administrator does not approve or deny a request made by a certified lender within a period of 3 business days, such request shall be deemed to be approved.

“(E) LOW DOCUMENTATION LOAN PROGRAM SUBSIDY RATE.—The Administrator shall with the assistance of the Director of the Office of Management and Budget establish and monitor, on an annual basis, the subsidy rate for the low documentation loan program, independently of other loans authorized by this section.”

(C) LIMITATION ON CONDUCTING PILOT PROJECTS.—Section 7(a) (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

“(25) LIMITATION ON CONDUCTING PILOT PROJECTS.—

“(A) IN GENERAL.—Not more than 10 percent of the total number of loans guaranteed in any fiscal year under this subsection may be awarded as part of a pilot program which is commenced by the Administrator on or after October 1, 1996.

“(B) PILOT PROGRAM DEFINED.—In this paragraph, the term ‘pilot program’ means any lending program initiative, project, innovation, or other activity not specifically authorized by law.”

(d) SECURITIZATION OF UNGUARANTEED PORTIONS OF SBA LOANS.—Section 5(f)(3) (15 U.S.C. 634(f)(3)) is amended by adding at the end the following: “The Administration may not prohibit a lender from securitizing the nonguaranteed portion of any loan made under section 7(a). In order to reduce the risk of loss to the government in the event of default, the Administration shall require all lenders securitizing, or requesting Administration approval for the securitization of the nonguaranteed portion of any loan after August 1, 1996, to retain exposure of up to 10 percent of the amount of the loan, which percentage shall be applicable uniformly to both depository institutions and other lenders.”

(e) CONDITIONS ON PURCHASE OF LOANS.—

(1) SERVICING FEE.—Section 5(g)(5) (15 U.S.C. 634(g)(5)) is amended by adding at the end the following:

“(C) In the event the Administration pays a claim under a guarantee issued under this Act, the servicing fees paid to the lender from the earliest date of default to the date of payment of the claim shall be no more than the agreed upon rate, minus one percent.”

(2) PAYMENT OF ACCRUED INTEREST.—Section 7(a)(17) is amended—

(A) by striking “(17) The Administration” and inserting “(17)(A) The Administration”; and

(B) by adding at the end the following:

“(B) Any bank or other lending institution making a claim for payment on the guaranteed portion of a loan made under this subsection shall be paid the accrued interest due on the loan from the earliest date of default to the date of payment of the claim at a rate not to exceed the rate of interest on the loan on the date of default, minus one percent.”

(f) PLAN FOR TRANSFER OF LOAN SERVICING FUNCTIONS TO CENTRALIZED CENTERS.—

(1) IMPLEMENTATION PLAN REQUIRED.—The Administrator of the Small Business Administration shall submit a detailed plan for consolidating, in one or more centralized centers, the performance of the various functions relating to the servicing of loans directly made or guaranteed by the Administration pursuant to the Small Business Act, addressing the matters described in paragraph (2) by the deadline specified in paragraph (3).

(2) CONTENTS OF PLAN.—In addition to such other matters as the Administrator may deem

appropriate, the plan required by paragraph (1) shall include—

(A) the proposed number and location of such centralized loan processing centers;

(B) the proposed workload (identified by type and numbers of loans and their geographic origin by the Small Business Administration district office) and staffing of each such center;

(C) a detailed, time-phased plan for the transfer of the identified loan servicing functions to each proposed center; and

(D) any identified impediments to the timely execution of the proposed plan (including adequacy of available financial resources, availability of needed personnel, facilities, and related equipment) and the Administrator’s recommendations for addressing such impediments.

(3) DEADLINE FOR SUBMISSION.—The plan required by paragraph (1) shall be submitted to the Committees on the Small Business of the House of Representatives and Senate not later than February 28, 1997.

(g) PREFERRED LENDER STANDARD REVIEW PROGRAM.—Not later than 60 days after the date of enactment of this Act, the Administrator shall issue a request for proposals regarding the standard review program for the Preferred Lender Program established by section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)). The Administrator shall require such standard review for each new entrant to the Preferred Lender Program.

(h) INDEPENDENT STUDY OF LOAN PROGRAMS.—

(1) STUDY REQUIRED.—The Administrator shall conduct a comprehensive assessment of the performance of the loan programs authorized by section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 661) addressing the matters described in paragraph (2) and resulting in a report to Congress pursuant to paragraph (5).

(2) MATTERS TO BE ASSESSED.—In addition to such other matters as the Administrator considers appropriate, the assessment required by paragraph (1) shall address, with respect to each loan program described in paragraph (1) for each of the fiscal years described in paragraph (3)—

(A) the number and frequency of deferrals and defaults;

(B) default rates;

(C) comparative loss rates, by—

(i) type of lender (separately addressing preferred lenders, certified lenders, and general participation lenders);

(ii) term of the loan; and

(iii) dollar value of the loan at disbursement; and

(D) the economic models used by the Office of Management and Budget to calculate the credit subsidy rate applicable to the loan programs.

(3) PERIOD OF ASSESSMENT.—The assessments undertaken pursuant to paragraph (2) shall address data for the period beginning with the first full fiscal year of the implementation of each loan program described in paragraph (1) through fiscal year 1995.

(4) PERFORMANCE BY THE PRIVATE SECTOR.—

(A) CONTRACTOR PERFORMANCE.—A private sector contractor shall be used by the Administrator to conduct the assessment required by paragraph (1) and to prepare the report to Congress required by paragraph (3).

(B) SOLICITATION AND AWARD.—The contract shall be awarded pursuant to a solicitation issued not later than 60 days after the date of the enactment of this Act, which shall provide for full and open competition. The Administrator shall make every reasonable effort to award the contract not later than 60 days after the date specified in the solicitation for receipt of proposals.

(C) ACCESS TO INFORMATION.—The Administrator shall provide to the contractor access to any information collected by or available to the Administration with regard to the loan pro-

grams being assessed. The contractor shall preserve the confidentiality of any information for which confidentiality is protected by law or properly asserted by the person submitting such information.

(D) CONTRACT FUNDING.—The Administrator shall fund the cost of the contract from the amounts appropriated for the salaries and expenses of the Administration for fiscal year 1997.

(5) REPORT TO CONGRESS.—

(A) CONTENTS.—The contractor shall submit a report of—

(i) its analyses of the matters to be assessed pursuant to paragraph (2); and

(ii) its independent recommendations, with respect to each loan program, regarding—

(I) improving the Administration’s timely collection and subsequent management of data to measure the performance of each loan program described in paragraph (1); and

(II) reducing loss rates for each such loan program.

(B) SUBMISSION BY CONTRACTOR.—The contractor shall submit the report required by subparagraph (A) not later than 6 months after the date of the contract award.

(C) SUBMISSION TO CONGRESS.—The Administrator shall submit the report received from the contractor pursuant to subparagraph (B) to the Committees on Small Business of the House of Representatives and the Senate within 30 days of receipt of the report. The Administrator shall append his comments, and those of the Office of Management and Budget, if any, to the report.

(i) GENERAL ACCOUNTING OFFICE STUDY.—

(1) IN GENERAL.—The General Accounting Office shall conduct a comparison of the cost of liquidation for—

(A) loans guaranteed under the Preferred Lenders Program that are authorized by section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and liquidated by the Preferred Lenders;

(B) loans made and liquidated by, Preferred Lenders, but not guaranteed under the authority in section 7(a); and

(C) loans guaranteed by the Small Business Administration under the authority in section 7(a) and liquidated by the Administration, taking into account all of the related costs incurred by the Federal Government.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act the General Accounting Office shall deliver the results of the study to the Committees on Small Business of the House and Senate.

SEC. 104. DISASTER LOAN PROGRAM.

(a) INTEREST RATE.—Section 7(c) (15 U.S.C. 636(c)) is amended by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively, and by inserting after paragraph (5) the following:

“(6) DISASTERS COMMENCING AFTER OCTOBER 1, 1996.—Notwithstanding any other provision of law, the interest rate on the Federal share of any loan made under subsection (b)(1) and (b)(2) on account of a disaster commencing on or after October 1, 1996, shall be in the case of a homeowner, or business, or other concern, including agricultural cooperatives, unable to obtain credit elsewhere, at the rate prescribed by the Administration but not more than $\frac{3}{4}$ of the rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 percent per annum as determined by the Administrator, and adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(7) LIABILITY.—Whoever wrongfully misapplies the proceeds of a loan under subsection (b) shall be liable to the Administrator in an amount equal to $1\frac{1}{2}$ times the original principal amount of the loan.”

(b) PRIVATE SECTOR LOAN SERVICING DEMONSTRATION PROGRAM.—

(1)(A) DEMONSTRATION PROGRAM REQUIRED.—The Administration shall conduct a demonstration program, within the parameters described in paragraph (2), to evaluate the comparative costs and benefits of having the Administration's portfolio of disaster loans serviced under contract rather than directly by employees of the Administration.

(B) INITIATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administration shall issue a request for proposals for the program parameters described in paragraph (2).

(2) DEMONSTRATION PROGRAM PARAMETERS.—

(A) LOAN SAMPLE.—The sample of loans for the demonstration program shall be randomly drawn from the Administration's portfolio of loans made pursuant to section 7(b) of the Small Business Act and include 20,000 loans for residential properties and 5,000 loans for commercial properties.

(B) CONTRACT AND OPTIONS.—The Administration shall solicit and competitively award one or more contracts to service the loans included in the sample of loans described in subparagraph (A) for a term of 2 years with 5 2-year options, each to be awarded subject to subparagraph (C).

(C) ASSESSMENTS OF PERFORMANCE.—Prior to award of any contract option, the Administration shall assess the costs and performance of each contractor and compare such costs and such performance to the costs and performance of servicing disaster loans by employees of the Administration. The Administrator shall not exercise a contract option if the cost of performance of the loan servicing by the contractor exceeds the cost of performance of the loan servicing by employees of the Administration. The Administrator may terminate the contract during its initial term (or any subsequent option period), based upon performance and cost criteria specified in the solicitation and included in the contract.

(D) DISPOSITION OF GOVERNMENT FURNISHED PROPERTY.—The contract shall require the contractor to—

(i) maintain the confidentiality of the loan files furnished by the Administration; and
(ii) return such loan files and other Government-furnished property within a specified period after expiration (or termination) of the contract.

(3) TERM OF DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—The demonstration program required by paragraph (1) shall commence on the first day of the first fiscal year quarter after the award of the contract and continue through the last day of the fiscal year quarter at the expiration of the 2-year contract period or any subsequent contract option.

(B) EARLY TERMINATION.—If the Administrator terminates each contract pursuant to paragraph (2)(C), the demonstration program shall end on the effective date of such termination.

(4) REPORTS.—

(A) INTERIM REPORTS.—The Administrator shall submit to the Committees on Small Business of the House of Representatives and Senate interim reports on the conduct of the demonstration program not later than 60 days prior to the expiration of the initial 2-year contract performance period, each subsequent option period, or termination of a contract. The contractor shall be afforded a reasonable opportunity to attach comments to each such report.

(B) FINAL REPORT.—The Administrator shall submit to the Committees on Small Business of the House of Representatives and Senate a final report within 120 days of the termination of the demonstration program.

(C) DEFINITION OF DISASTER.—(1) Section 3(k) (15 U.S.C. 632(k)) is amended by striking "ocean conditions" and inserting "ocean conditions, or government action (regulatory or otherwise)".

(2) For the purposes of this Act this amendment shall be considered effective with respect to any disaster occurring on or after March 1, 1994.

SEC. 105. MICROLOAN DEMONSTRATION PROGRAM.

(a) TECHNICAL ASSISTANCE GRANT REQUIREMENTS.—Section 7(m)(4) (15 U.S.C. 636(m)(4)) is amended—

(1) in subparagraph (A) by striking "25 percent" and inserting "20 percent"; and

(2) in subparagraph (B) by striking "25 percent" and inserting "35 percent".

(b) IMPLEMENTATION OF GUARANTEED MICROLOAN PILOT PROGRAM.—

(1) ACTION REQUIRED.—The Administrator shall implement or submit a detailed report explaining the impediments to the implementation of a Guaranteed Microloan Pilot Program pursuant to section 7(m)(12) (15 U.S.C. 636(m)(12)) addressing the matters described in paragraph (2) by the deadline specified in paragraph (3).

(2) CONTENTS OF IMPLEMENTATION REPORT.—In addition to such other matters as the Administrator may deem appropriate, the plan required by paragraph (1) shall include any identified impediments to implementation of a Guaranteed Microloan Pilot Program that, in the opinion of the Administrator, require amendments to the program's authorizing legislation, and if such impediments are identified, includes recommendations for such statutory changes.

(3) DEADLINE FOR SUBMISSION.—The plan required by paragraph (2) shall be submitted to the Committees on Small Business of the House of Representatives and Senate not later than December 1, 1996.

(c) LIMITATION ON FUNDING.—In the event that the Administrator shall fail to submit the report required by subsection (b)(1) by the deadline specified in subsection (b)(3), none of the amounts appropriated to carry out the Microloan Program authorized by section 7(m)(12) of the Small Business Act (15 U.S.C. 636(m)(12)) during fiscal year 1997 may be expended until such time as the pilot program is implemented or the report is submitted.

SEC. 106. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

(a) ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) DUTIES.—Section 21(h) (15 U.S.C. 648(h)) is amended to read as follows:

"(h) ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

"(1) APPOINTMENT AND COMPENSATION.—The Administrator shall appoint an Associate Administrator for Small Business Development Centers who shall report to an official who is not more than one level below the Office of the Administrator and who shall serve without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS-17 of the General Schedule.

"(2) DUTIES.—

"(A) IN GENERAL.—The sole responsibility of the Associate Administrator for Small Business Development Centers shall be to administer the small business development center program. Duties of the position shall include, but are not limited to, recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore, selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers and conducting audits of recipients of grants under this section.

"(B) CONSULTATION REQUIREMENTS.—In carrying out the duties described in this subsection, the Associate Administrator shall confer with and seek the advice of the Board established by subsection (i) and Administration officials in areas served by the small business development centers; however, the Associate Administrator shall be responsible for the management and ad-

ministration of the program and shall not be subject to the approval or concurrence of such Administration officials."

(2) REFERENCES TO ASSOCIATE ADMINISTRATOR.—Section 21 (15 U.S.C. 648) is amended—

(A) in subsection (c)(7) by striking "Deputy Associate Administrator of the Small Business Development Center program" and inserting "Associate Administrator for Small Business Development Centers"; and

(B) in subsection (i)(2) by striking "Deputy Associate Administrator for Management Assistance" and inserting "Associate Administrator for Small Business Development Centers".

(b) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—Section 21(k)(3) (15 U.S.C. 648(k)(3)) is amended to read as follows:

"(3) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and certification program conducted pursuant to paragraphs (1) and (2).

"(B) CERTIFICATION REQUIREMENT.—After September 30, 2000, the Administration may not renew or extend any cooperative agreement with a small business development center unless the center has been approved under the certification program conducted pursuant to this subsection; except that the Associate Administrator for Small Business Development Centers may waive such certification requirement, in the discretion of the Associate Administrator, upon a showing that the center is making a good faith effort to obtain certification."

(c) TECHNICAL CORRECTION.—Section 21(l) (15 U.S.C. 648(l)) is amended to read as follows:

"(l) CONTRACT AUTHORITY.—The authority to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under the provisions of chapter 5 of title 5, United States Code."

SEC. 107. MISCELLANEOUS AUTHORITIES TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE.

(a) FUNDING LIMITATION; SEMINARS.—Section 7(d) (15 U.S.C. 636(d)) is amended—

(1) by striking "(d)(1)" and inserting "(d)"; and

(2) by striking paragraph (2).

(b) TRADE ADJUSTMENT LOANS.—Section 7(e) (15 U.S.C. 636(e)) is amended to read as follows:

"(e) [RESERVED]."

(c) WAIVER OF CREDIT ELSEWHERE TEST FOR COLLEGES AND UNIVERSITIES.—Section 7(f) (15 U.S.C. 636(f)) is amended to read as follows:

"(f) [RESERVED]."

(d) LOANS TO SMALL BUSINESS CONCERNS FOR SOLAR ENERGY AND ENERGY CONSERVATION MEASURES.—Section 7(l) (15 U.S.C. 636(l)) is amended to read as follows:

"(l) [RESERVED]."

SEC. 108. SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) EXTENSION OF DEMONSTRATION PROGRAM.—Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3890) is amended by striking "September 30, 1996" and inserting "September 30, 2000".

(b) REPORTING OF SUBCONTRACT PARTICIPATION IN CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES.—Section 714(b)(5) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3892) is amended to read as follows:

“(5) DURATION.—The system described in subsection (a) shall be established not later than October 1, 1996 (or as soon as practicable thereafter on the first day of a subsequent quarter of fiscal year 1997), and shall terminate on September 30, 2000.”.

(c) REFERENCES TO ARCHITECTURAL AND ENGINEERING SERVICES.—

(1) IN GENERAL.—The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3889 et seq.) is amended in subsections (a)(3) and (d) by striking “surveying and mapping” and inserting “surveying, mapping, and landscape architecture”.

(2) DESIGNATED INDUSTRY GROUPS.—Section 717(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3894) is amended by inserting “standard industrial classification codes 0781 (if identified as pertaining to architecture services),” after “(if identified as pertaining to mapping services),”.

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Section 716 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3893) is amended—

(A) in subsection (a), by striking “fiscal year 1991 and 1995” and inserting “each of fiscal years 1991 through 1999”;

(B) in subsection (a), by striking “results” and inserting “cumulative results”; and

(C) in subsection (c), by striking “1996” and inserting “1999”.

(2) CUMULATIVE REPORT THROUGH FISCAL YEAR 1995.—A cumulative report of the results of the Small Business Competitiveness Demonstration Program for fiscal years 1991 through 1995 shall be submitted not later than 60 days after the date of the enactment of this Act pursuant to section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3893), as amended by paragraph (1) of this subsection.

SEC. 109. AMENDMENT TO SMALL BUSINESS GUARANTEED CREDIT ENHANCEMENT ACT OF 1993.

(a) Section 7 of the Small Business Guaranteed Credit Enhancement Act of 1993 (Public Law 103-81; 15 U.S.C. 634 note) is repealed effective September 29, 1996.

(b) CLERICAL AMENDMENT.—The table of contents for the Small Business Guaranteed Credit Enhancement Act of 1993 (Public Law 103-81; 15 U.S.C. 631 note) is amended by striking the item relating to section 7.

SEC. 110. 1998 AUTHORIZATIONS.

Section 20 (15 U.S.C. 631 note) is amended—

(1) in subsection (p), by striking “authorized for fiscal year 1997” and inserting “authorized for each of fiscal years 1997 and 1998”;

(2) by striking subsection (p)(3)(B) and by inserting the following:

“(B) \$268,000,000 in guarantees of debentures; and”;

(3) in subsection (q)(1) by striking “fiscal year 1997” and inserting “each of fiscal years 1997 and 1998”; and

(4) in subsection (q)(2) by striking “year 1997” and inserting “years 1997 and 1998”.

SEC. 111. LEVEL OF PARTICIPATION FOR EXPORT WORKING CAPITAL LOANS.

Section 7(a)(2) (15 U.S.C. 636(a)(2)) is amended by adding at the end the following:

“(D) PARTICIPATION UNDER EXPORT WORKING CAPITAL PROGRAM.—Notwithstanding subparagraph (A), in an agreement to participate in a loan on a deferred basis under the Export Working Capital Program established pursuant to paragraph (14)(A), such participation by the Administration shall be equal to the rate specified under this paragraph as in effect on the day before the date of the enactment of the Small Business Lending Enhancement Act of 1995.”.

TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

SEC. 201. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.).

SEC. 202. MODIFICATIONS TO DEVELOPMENT COMPANY DEBENTURE PROGRAM.

(a) DECREASED LOAN TO VALUE RATIOS.—Section 502(3) (15 U.S.C. 696(3)) is amended to read as follows:

“(3) CRITERIA FOR ASSISTANCE.—

“(A) IN GENERAL.—Any development company assisted under this section or section 503 of this title must meet the criteria established by the Administration, including the extent of participation to be required or amount of paid-in capital to be used in each instance as is determined to be reasonable by the Administration.

“(B) COMMUNITY INJECTION FUNDS.—

“(i) SOURCES OF FUNDS.—Community injection funds may be derived, in whole or in part, from—

“(I) State or local governments;

“(II) banks or other financial institutions;

“(III) foundations or other not-for-profit institutions; or

“(IV) the small business concern (or its owners, stockholders, or affiliates) receiving assistance through a body authorized by this title.

“(ii) FUNDING FROM INSTITUTIONS.—Not less than 50 percent of the total cost of any project financed pursuant to clauses (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i).

“(C) FUNDING FROM A SMALL BUSINESS CONCERN.—The small business concern (or its owners, stockholders, or affiliates) receiving assistance through a body authorized by this title shall provide—

“(i) at least 15 percent of the total cost of the project financed, if the small business concern has been in operation for a period of 2 years or less;

“(ii) at least 15 percent of the total cost of the project financed if the project involves the construction of a limited or single purpose building or structure;

“(iii) at least 20 percent of the total cost of the project financed if the project involves both of the conditions set forth in clauses (i) and (ii); or

“(iv) at least 10 percent of the total cost of the project financed, in all other circumstances, at the discretion of the development company.”.

(b) GUARANTEE FEE FOR DEVELOPMENT COMPANY DEBENTURES.—Section 503(b)(7)(A) (15 U.S.C. 697(b)(7)(A)) is amended by striking “.0125 percent” and inserting “.08125 percent”.

(c) FEES TO OFFSET SUBSIDY COST.—Section 503(d) (15 U.S.C. 697(d)) is amended to read as follows:

“(d) CHARGES FOR ADMINISTRATION EXPENSES.—

“(1) LEVEL OF CHARGES.—The Administration may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under subsection (a).

“(2) PARTICIPATION FEE.—The Administration shall also impose a one-time fee of 50 basis points on the total participation in any project of any institution described in subclause (I), (II), or (III) of section 502(3)(B)(i). Such fee shall be imposed only when the participation of the institution will occupy a senior credit position to that of the development company. Such fee shall be collected by the development company, forwarded to the Administration, and used to offset the cost (as such term is defined in section 502 of the Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).

“(3) DEVELOPMENT COMPANY FEE.—The Administration shall collect annually from each development company a fee of 0.125 percent of the outstanding principal balance of any guaranteed debenture authorized by the Administration after September 30, 1996. Such fee shall be derived from the servicing fees collected by the development company pursuant to regulation, and shall not be derived from any additional fees imposed on small business concerns. All proceeds of the fee shall be used to offset the cost (as such term is defined in section 502 of the Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).”.

(d) EFFECTIVE DATE.—Section 503 (15 U.S.C. 697) is amended by adding at the end the following:

“(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (c) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 1997.”.

SEC. 203. REQUIRED ACTIONS UPON DEFAULT.

Section 503 (15 U.S.C. 697) is amended by adding at the end the following:

“(g) REQUIRED ACTIONS UPON DEFAULT.—

“(1) DEADLINES.—

“(A) INITIAL ACTIONS.—Not later than the 45th day after the date on which a payment on a loan funded through a debenture guaranteed under this section is due and not received, the Administration shall—

“(i) take all necessary steps to bring such a loan current; or

“(ii) implement a formal written deferral agreement.

“(B) PURCHASE OR ACCELERATION OF DEBENTURE.—Not later than the 65th day after the date on which a payment on a loan described in subparagraph (A) is due and not received, and absent a formal written deferral agreement, the Administration shall take all necessary steps to purchase or accelerate the debenture.

“(2) PREPAYMENT PENALTIES.—The Administration shall, with respect to the portion of any project derived from funds set forth in section 502(3)—

“(A) negotiate the elimination of any prepayment penalties or late fees on defaulted loans made prior to September 30, 1996;

“(B) decline to pay any prepayment penalty or late fee on the default based purchase of loans issued after September 30, 1996; and

“(C) for any project financed after September 30, 1996, decline to pay any default interest rate higher than the interest rate on the note prior to the date of default.”.

SEC. 204. LOAN LIQUIDATION PILOT PROGRAM.

(a) IN GENERAL.—The Administrator shall carry out a loan liquidation pilot program (in this section referred to as the “pilot program”) in accordance with the requirements of this section.

(b) SELECTION OF DEVELOPMENT COMPANIES.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall allow not less than 15 development companies authorized to make loans and issue debentures under title V of the Small Business Investment Act of 1958 to participate in the pilot program. The development companies admitted shall agree not to take any action that would create a potential conflict of interest involving the development company, the third party lender, or an associate of the third party lender. In order to qualify to participate in the pilot, each development company shall—

(1) have a minimum of 6 years experience in the program established by such title V;

(2) have made, during the last 6 fiscal years, an average of 10 loans per year through the program established by such title V; and

(3) have a minimum of 2 years experience, either independently or through an agent, in liquidating loans under the authority of a Federal, State, or other lending program.

(c) **AUTHORITY OF DEVELOPMENT COMPANIES.**—The development companies selected under subsection (b) shall, for all loans in their portfolio of loans made through debentures guaranteed under title V of the Small Business Investment Act of 1958 that are in default after the date of enactment of this Act, be authorized to—

(1) perform all liquidation and foreclosure functions, including the acceleration or purchase of community injection funds; and

(2) liquidate such loans in a reasonable and sound manner and according to commercially accepted practices.

(d) **AUTHORITY OF THE ADMINISTRATOR.**—In carrying out the pilot program, the Administrator shall—

(1) have full authority to deny participation in the pilot program or rescind the authority granted any development company under this section upon a 10-day written notice stating the reasons for the denial or rescission; and

(2) implement the pilot program no later than 90 days after the admission of the development companies specified in subsection (b).

(e) **REPORT.**—

(1) **IN GENERAL.**—The Administrator shall issue a report on the results of the pilot program to the Committees on Small Business of the House of Representatives and the Senate. The report shall include information relating to—

(A) the total dollar amount of each loan and project liquidated;

(B) the total dollar amount guaranteed by the Administration;

(C) total dollar losses;

(D) total recoveries both as percentage of the amount guaranteed and the total cost of the project; and

(E) a comparison of the pilot program information with the same information for liquidation conducted outside the pilot program over the period of time.

(2) **REPORTING PERIOD.**—The report shall be based on data from, and issued not later than 90 days after the close of, the first eight 8 fiscal quarters of the pilot program's operation after the date of implementation.

SEC. 205. REGISTRATION OF CERTIFICATES.

(a) **CERTIFICATES SOLD PURSUANT TO SMALL BUSINESS ACT.**—Section 5(h) of the Small Business Act (15 U.S.C. 634(h)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by striking "(h)" and inserting "(h)(1)";

(3) by striking subparagraph (A), as redesignated by paragraph (1) of this subsection, and inserting the following:

"(A) provide for a central registration of all loans and trust certificates sold pursuant to subsections (f) and (g) of this section;" and

(4) by adding at the end the following:

"(2) Nothing in this subsection shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates. The Administration may, with the consent of the Secretary of the Treasury, use the book-entry system of the Federal Reserve System."

(b) **CERTIFICATES SOLD PURSUANT TO SMALL BUSINESS INVESTMENT COMPANY PROGRAM.**—Section 321(f) (15 U.S.C. 6871(f)) is amended—

(1) in paragraph (1) by striking "Such central registration shall include" and all that follows through the period at the end of the paragraph; and

(2) by adding at the end the following:

"(5) Nothing in this subsection shall prohibit the use of a book-entry or other electronic form of registration for trust certificates."

(c) **CERTIFICATES SOLD PURSUANT TO DEVELOPMENT COMPANY PROGRAM.**—Section 505(f) (15 U.S.C. 697b(f)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by striking "(f)" and inserting "(f)(1)";

(3) by striking subparagraph (A), as redesignated by paragraph (1) of this subsection, and inserting the following:

"(A) provide for a central registration of all trust certificates sold pursuant to this section;" and

(4) by adding at the end the following:

"(2) Nothing in this subsection shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates."

SEC. 206. PREFERRED SURETY BOND GUARANTEE PROGRAM.

(a) **ADMISSIONS OF ADDITIONAL PROGRAM PARTICIPANTS.**—Section 411(a) (15 U.S.C. 694(a)) is amended by adding a new paragraph (5), as follows:

"(5)(A) The Administration shall promptly act upon an application from a surety to participate in the Preferred Surety Bond Guarantee Program, authorized by paragraph (3), in accordance with criteria and procedures established in regulations pursuant to subsection (d).

"(B) The Administration is authorized to reduce the allotment of bond guarantee authority or terminate the participation of a surety in the Preferred Surety Bond Guarantee Program based on the rate of participation of such surety during the 4 most recent fiscal year quarters compared to the median rate of participation by the other sureties in the program."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to applications received (or pending substantive evaluation) on or after October 1, 1995.

The CHAIRMAN. Are there any amendments?

AMENDMENTS OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Mr. Chairman, I offer an en bloc amendment.

The Clerk read as follows:

Amendments offered by Mrs. MEYERS of Kansas:

Page 7, line 24, strike "3" and insert "5".

Page 9, line 5, strike "shall" and insert "may".

Page 9, line 8, strike "after August 1, 1996".

Page 9, line 11, after "lenders" insert "unless the Administrator determines that the lender, on a case by case basis, has undertaken other agreements which retain an acceptable exposure to loss by the lender in the event of default of a loan being securitized".

Page 17, line 9, after "percent" insert "but not to exceed 7 per centum per annum".

Page 33, line 18, strike ".08125" and insert ".09375".

Page 38, line 5, after "funds" insert ", subject to such company obtaining prior written approval from the Administrator before committing the agency to purchase any other indebtedness secured by the property: *Provided*, That the Administrator shall approve or deny a request for such purchase within a period of 5 business days".

Page 38, line 8, after "practices" insert "pursuant to a liquidation plan approved by the Administrator in advance of its implementation. If the Administrator does not approve or deny a request made by a certified development company within a period of 5 business days, such request shall be deemed to be approved".

Mrs. MEYERS of Kansas (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, the manager's amendment at the desk is a compromise designed to remedy a few possible flaws in the underlying

ing bill. I want to thank the gentleman from New York [Mr. LAFALCE], the SBA, and the gentleman from Missouri [Mr. TALENT], and the gentleman from Texas [Mr. BENTSEN], and others who have contributed their time and assistance with this amendment, and I ask my colleagues to support it.

Mr. Chairman, the amendment is very simple and I will briefly explain its provisions.

In title I, it amends section 103 to extend the amount of time the Small Business Administration has to respond to liquidation plans and requests from certified lenders participating in the 7(a) loan program from 3 days to 5. This change is added because the need was recognized to give the SBA a little more time to respond to such requests.

The amendment also changes the securitization provision in section 103 to clarify the intent of the committee. Currently, non-bank lenders in the 7(a) program may sell the nonguaranteed portion of their 7(a) loans on the secondary market, thereby freeing up funds for further much needed small business lending. Unfortunately, banks are not accorded the same privileges. H.R. 3719 changes that and also requires the SBA to determine whether a lender, bank or non-bank, needs to keep a reserve. Mr. TALENT and Mr. BENTSEN felt that the language needed further clarifications and we gladly accommodated that request in this amendment.

In section 104 of H.R. 3719 the committee proposes an amendment to place a limit of 7 percent on the interest rate charged for disaster loans to homeowners and businesses without credit available elsewhere. This cap is lower than the maximum interest rate of 8 percent charged to those with credit available to them, but still reflects the committee's desire to balance the need to control costs and our desire to aid those afflicted by disasters.

The manager's amendment also amends section 203 to adjust the increase in the fee imposed on borrowers in the section 504 loan program. This adjustment is necessary to bring the subsidy rate for this program down the last bit to achieve a zero subsidy rate. The committee is not pleased with having to take these steps but our alternative is to abandon a vital job creating program.

Finally, the amendment makes some further adjustments in the pilot liquidation program for the certified development companies participating in the 504 program. The amendments will require the development companies to obtain SBA approval prior to obligating the agency to purchasing any indebtedness needed to speed the liquidation process. In addition, the amendment requires that development companies file liquidation plans with the SBA to help the agency track the progress and activities of the pilot program participants.

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Mr. LAFALCE. Mr. Chairman, I strongly support the manager's amendment. I think it adds significantly to the merit of the bill. Most importantly, I want to thank the gentlewoman from Kansas [Mrs. MEYERS] for being so gracious and so conciliatory in the discussions not only of the bill but, most recently yesterday and today, the manager's amendment. She was extremely conciliatory, and that made it so much easier to come to the floor. I want to thank the gentlewoman again.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Kansas [Mrs. MEYERS].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of title II insert the following new section:

It is the sense of the Congress that the subsidy models prepared by the Office of Management and Budget relative to loan programs sponsored by the United States Small Business Administration have a tendency to:

1. Overestimate potential risks of loss and;
2. Overemphasize historical losses that may be anomalous and do not truly reflect the success of the programs as a whole.

Consequently, Congress mandates the independent study in Section 103(h) with hopes of improving the ability of the Office of Management and Budget to more accurately reflect the budgetary implications of such programs.

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

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, as I had stated in the general debate and with the sound advice and counsel of the gentleman from New York [Mr. LAFALCE], our ranking Democrat, and the gentlewoman from Kansas [Mrs. MEYERS], our great chairwoman, I am concerned about some of the pessimistic and at times incorrect assumptions that have been made by the OMB. Let there be no mistake. I think especially with the 504 program it has caused problems.

I am a strong supporter of this bill, but my amendment really reemphasizes the fact that in that independent study, section 103-H, there are several new areas to be presented that the Congress is looking at relative to OMB evaluations, and that is overestimation of potential risks of loss, and at times an overemphasis on historical losses that may not be necessarily accurate and truly reflect the success of the programs as a whole.

Mr. Chairman, the 504 program is very important, as I said earlier, a half-a-million jobs, 47,784 for Ohio. I think by some of their estimates it has caused that program, the subsidy concern, to be really, really problematic.

So Members on both sides of the aisle in Ohio joined forces with me. I brought it to our committees. All it does is reemphasize what we have done, but it again emphasizes those specific points that I think speak to this issue. And if it does not resolve, we will basically handcuff communities from the 504 program.

So with that, I thank the gentlewoman for the time. I appreciate her being so considerate. We have been working on this for some time, and I am glad that this vehicle today is here and we can play a part in it like this. I ask for my colleagues' support on this amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to state that I have no objection to the Traficant amendment. Indeed, it echoes the directive in H.R. 3719 to have an independent study of OMB's assumptions in subsidy rate calculations. It certainly expresses the frustration that I think was felt by me and the gentleman from New York [Mr. LAFALCE] and the entire committee over this year's subsidy rates. I do not think anybody was at fault. But being told in October that the subsidy rate is one thing and in March that it has changed dramatically made it difficult for all of us. Therefore, I would be happy to accept the gentleman's amendment.

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

Mr. Chairman, I support primarily the thrust of the amendment. I do want to point out that I might have worded it a bit differently had I drafted it, but I do not want to quibble on words. The thrust of it is something I concur with.

This is not a case of shooting the messenger because of the message. No, this is a case of really stating our puzzlement at this sudden about-face and our wondering whether or not the underlying assumptions of the reconsidered subsidy rate are truly valid. It is our way of underscoring our desire to have the OMB not only come out and tell us that something is dramatically different but showing us precisely what their economic assumptions were to validate their new conclusions.

Mr. Chairman, I think it would have been helpful if they could have done that. I think that this amendment will help ensure that they do that in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

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

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT

of Nebraska) having assumed the chair, Mr. COLLINS of Georgia, 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. 3719), to amend the Small Business Act and Small Business Investment Act of 1958, pursuant to House Resolution 516, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 406]

YEAS—408

Abercrombie	Boucher	Costello
Ackerman	Brewster	Cox
Allard	Browder	Coyne
Andrews	Brown (CA)	Cramer
Archer	Brown (FL)	Crane
Armey	Brown (OH)	Crapo
Bachus	Brownback	Cremeans
Baesler	Bryant (TN)	Cubin
Baker (CA)	Bryant (TX)	Cummings
Baker (LA)	Bunn	Cunningham
Baldacci	Bunning	Danner
Ballenger	Burr	Davis
Barcia	Burton	Deal
Barr	Buyer	DeFazio
Barrett (NE)	Callahan	DeLauro
Barrett (WI)	Calvert	DeLay
Bartlett	Camp	Dellums
Barton	Campbell	Diaz-Balart
Bass	Cardin	Dickey
Bateman	Castle	Dicks
Becerra	Chabot	Dingell
Beilenson	Chambliss	Dixon
Bentsen	Chapman	Doggett
Bereuter	Chenoweth	Doolittle
Berman	Christensen	Dornan
Bevill	Clay	Doyle
Bilbray	Clayton	Dreier
Bilirakis	Clement	Duncan
Bishop	Clinger	Dunn
Bliley	Clyburn	Edwards
Blumenauer	Coble	Ehlers
Blute	Coburn	Ehrlich
Boehlert	Coleman	English
Boehner	Collins (GA)	Ensign
Bonilla	Collins (MI)	Eshoo
Bonior	Combest	Evans
Bono	Condit	Everett
Borski	Cooley	Ewing

Farr LaTourette
 Fattah Laughlin
 Fawell Lazio
 Fazio Leach
 Fields (LA) Levin
 Filner Lewis (CA)
 Flake Lewis (GA)
 Flanagan Lewis (KY)
 Foglietta Lightfoot
 Foley Lincoln
 Forbes Linder
 Ford Lipinski
 Fowler Livingston
 Fox LoBiondo
 Frank (MA) Lofgren
 Franks (CT) Longley
 Franks (NJ) Lowey
 Frelinghuysen Lucas
 Frisa Luther
 Frost Maloney
 Funderburk Manton
 Furse Manzullo
 Gallegly Markey
 Gejdenson Martinez
 Gekas Martini
 Gephardt Mascara
 Gilchrest Matsui
 Gillmor McCarthy
 Gilman McCollum
 Gonzalez McCrery
 Goodlatte McDade
 Goodling McDermott
 Gordon McHale
 Goss McHugh
 Graham McInnis
 Green (TX) McIntosh
 Greene (UT) McKeon
 Greenwood McKinney
 Gunderson McNulty
 Gutierrez Meehan
 Gutknecht Meek
 Hall (OH) Menendez
 Hall (TX) Metcalf
 Hamilton Meyers
 Hancock Mica
 Hastert Millender-
 Hastings (FL) McDonald
 Hastings (WA) Miller (CA)
 Hayworth Miller (FL)
 Hefley Minge
 Hefner Mink
 Heineman Moakley
 Herger Molinari
 Hilleary Mollohan
 Hilliard Montgomery
 Hinchey Moorhead
 Hobson Moran
 Hoekstra Morella
 Hoke Murtha
 Holden Myers
 Horn Myrick
 Hostettler Neal
 Houghton Nethercutt
 Hoyer Neumann
 Hunter Ney
 Hutchinson Norwood
 Hyde Nussle
 Inglis Oberstar
 Istook Obey
 Jackson (IL) Olver
 Jackson-Lee Ortiz
 (TX) Orton
 Jacobs Owens
 Jefferson Oxley
 Johnson (CT) Packard
 Johnson (SD) Pallone
 Johnson, E. B. Parker
 Johnson, Sam Pastor
 Johnston Paxon
 Jones Payne (NJ)
 Kanjorski Payne (VA)
 Kaptur Pelosi
 Kasich Peterson (FL)
 Kelly Peterson (MN)
 Kennedy (MA) Petri
 Kennedy (RI) Pickett
 Kennelly Pombo
 Kildee Pomeroy
 Kim Porter
 King Portman
 Kleczka Poshard
 Klink Pryce
 Klug Quinn
 Knollenberg Radanovich
 Kolbe Rahall
 LaFalce Ramstad
 LaHood Rangel
 Largent Reed
 Latham Regula

Richardson
 Riggs
 Rivers
 Roberts
 Roemer
 Rogers
 Rohrabacher
 Ros-Lehtinen
 Roth
 Roukema
 Roybal-Allard
 Royce
 Rush
 Sabo
 Salmon
 Sanders
 Sawyer
 Saxton
 Scarborough
 Schaefer
 Schiff
 Schroeder
 Schumer
 Scott
 Seastrand
 Sensenbrenner
 Serrano
 Shadegg
 Shaw
 Shays
 Shuster
 Sisisky
 Skaggs
 Skeen
 Skelton
 Slaughter
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Solomon
 Souder
 Spence
 Spratt
 Stark
 Stearns
 Stenholm
 Stockman
 Stokes
 Studds
 Stump
 Stupak
 Talent
 Tanner
 Tate
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Tejada
 Thomas
 Thompson
 Thornberry
 Thornton
 Thurman
 Tiahrt
 Torkildsen
 Torres
 Torricelli
 Towns
 Traficant
 Upton
 Velazquez
 Vento
 Visclosky
 Volkmer
 Vucanovich
 Walker
 Walsh
 Wamp
 Ward
 Waters
 Watt (NC)
 Watts (OK)
 Waxman
 Weldon (FL)
 Weldon (PA)
 Weller
 White
 Whitfield
 Wicker
 Wilson
 Wise
 Wolf
 Woolsey
 Wynn
 Yates
 Young (FL)
 Zimmer

NOT VOTING—25

Canady Fields (TX)
 Chrysler Ganske
 Collins (IL) Geren
 Conyers Gibbons
 de la Garza Hansen
 Deutsch Harman
 Dooley Hayes
 Kingston
 Engel Lantos

□ 1514

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MEYERS of Kansas. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3719.

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

There was no objection.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Speaker, I was unavoidably absent from rollcall votes Nos. 402, 403, 404, 405, and 406 because of a mandatory evacuation in my hometown of Savannah, GA, due to Hurricane Fran's approach to the Georgia coastline. If I had been present I would have voted "yes" on all five of these votes.

BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 2, line 8, after "striking" insert: "the title heading and".

Page 2, strike out line 15 and insert: "Samaritan";

(C) in subsection (b)(7), to read as follows:

"(7) GROSS NEGLIGENCE.—The term 'gross negligence' means voluntary and conscious conduct (including a failure to act) by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.";

Page 2, strike out all after line 15, over to and including line 11 on page 3 and insert:

(D) by striking subsection (c) and inserting the following:

"(c) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.—

"(1) LIABILITY OF PERSON OR GLEANER.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

"(2) LIABILITY OF NONPROFIT ORGANIZATION.—A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals.

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the person, gleaner, or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct."; and

Page 3, after line 11 insert:

(E) in subsection (f), by adding at the end the following: "Nothing in this section shall be construed to supersede State or local health regulations.".

Page 4, after line 1 insert:

(c) CONFORMING AMENDMENT.—The table of contents for the National and Community Service Act of 1990 is amended by striking the items relating to title IV.

Mr. GOODLING (during the reading).

Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. CLAY. Mr. Speaker, reserving the right to object, although I do not intend to object, I ask the gentleman from Pennsylvania [Mr. GOODLING] to offer an explanation of his request.

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

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, on July 12 the House passed H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act, which would have the effect of increasing the donation of food products to needy individuals and their families. This legislation also paid tribute to one of the finest Members of this body with whom I have had the privilege to serve, Bill Emerson.

The Senate has now acted on this legislation and returned it to this body for final action. The only major change to the bill is the inclusion of language that makes it explicit that nothing in the act supersedes State or local health regulations. It also makes minor clarifying changes with respect to the definition of gross negligence.

Mr. Speaker, the threat of liability often inhibits the donation of food to feed the needy. Individuals and corporations who are interested in donating food often do not because they are afraid of what will happen should such food cause harm to recipients. This legislation eliminates the threat of liability, except in instances of intentional harm and gross negligence, and it deserves our support.

Mr. Speaker, the legislation meant a great deal to Bill Emerson and its enactment into law will be a fitting tribute to a man who was committed to

improving our Federal nutrition programs and to ensuring that needy families do not go to bed hungry.

Bill Emerson was a great Member of Congress. He was a man of the highest character who devoted himself to the cause of reducing hunger and to making this country and this House a better place. My thanks also to the gentlewoman from Missouri [Ms. DANNER], a cosponsor of this important legislation, and a driving force in its enactment.

Mr. Speaker, for Bill Emerson and all the needy families who depend on food donations, I would ask the House give final approval to H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

Mr. CLAY. Mr. Speaker, reclaiming my time, I thank the gentleman for his explanation.

Mr. Speaker, I rise to support the Bill Emerson good samaritan food donation bill, and I commend my colleague, the gentlewoman from Missouri [Ms. DANNER], for her leadership on this issue. Nothing in this bill supersedes State or local health regulations. However, by establishing national liability standards, this bill will encourage and enable restaurants, grocers and other donors to help feed the hungry.

In addition, Mr. Speaker, to bridging the gap between willing donors and needy families, passage of this bill is a fitting tribute to Bill Emerson's efforts to combat hunger throughout his career in this Congress, and I urge my colleagues to adopt the measure.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California, [Mr. MCKEON].

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

Mr. Speaker, a short time ago we lost one of the most valued Members of this body, Bill Emerson. Today the House has an opportunity to pay tribute to our friend and colleague.

One of Bill Emerson's highest priorities during his tenure in this body was to ensure that our Nation's neediest citizens did not go hungry. One of his final efforts in this regard was to work with the gentlewoman from Missouri [Ms. DANNER] to pass H.R. 2428, a bill which would give the Model Good Samaritan Food Donation Act the full force of Federal law. It was Congressman Emerson's strong belief that enactment of this legislation would increase donations of food to the needy.

On July 12, 1996, this legislation, renamed the Bill Emerson Good Samaritan Food Donation Act in his honor, passed the House of Representatives. The Senate completed action on H.R. 2428 prior to the August recess and has returned the bill to this body for final consideration. The gentleman from Pennsylvania, Chairman GOODLING, has outlined the minor changes made to this legislation by the Senate.

Mr. Speaker, we now have opportunity to approve this legislation and send it to the President. At the same time, we will be paying one final tribute to Bill Emerson.

On behalf of Bill Emerson and the needy individuals who will benefit from enactment of this legislation, I urge my colleagues to give final approval to H.R. 2428.

Mr. CLAY. Mr. Speaker, continuing my reservation of objection, I yield to the gentlewoman from Missouri [Ms. DANNER], one of the chief sponsors of the bill.

Ms. DANNER. Mr. Speaker, today, as the House votes on the Bill Emerson Good Samaritan Food Donation Act, it brings to an end a long, but very satisfying, legislative journey, one in which I was privileged to be joined by my friend, the late Congressman Bill Emerson.

This legislation, which will encourage more businesses to donate food to the hungry, is a fitting tribute to a man who consistently demonstrated an enormous capacity for compassion for the hungry and the less fortunate. Every time another business is willing to donate food and every time another hungry person receives some of that food, it adds to the legacy of Bill Emerson's service to our Nation, as well as his commitment to fighting hunger.

Bill knew, as I do, that we have a responsibility to make certain that those of us who are blessed with ample supplies of food assist those who are not.

As the St. Louis Post Dispatch recently editorialized in support of this bill, "In a Nation that throws away over 13 billion pounds of food annually, it is shocking that even one case of malnutrition exists."

The issue of wasted food was troubling for Bill Emerson, it was troubling for me, and I know that other Members of this body agree that we must act to address this issue.

This is a national issue, but I think it is important to remember that this legislation stems from a local concern. I want to thank Harold Martin, an active community volunteer in the Sixth District of Missouri, who contacted me after a major corporation in St. Joseph stopped donating food, citing the patchwork of different State laws that they had to comply with in order to donate food. That did not make sense to Harold, it did not make sense to Bill Emerson, and it did not make sense to me. That is why I am pleased that the House of Representatives and the Senate also understand what many less fortunate Americans already know, a hungry person is not going to refuse day old bread or perfectly edible leftover food.

Thank you, Harold, and thank you, Bill, for each of you have given in your respective ways a voice to the hungry voices that will now be heard.

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

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2428.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring from the distinguished majority leader the schedule for today, the rest of the week, and next week.

Mr. Speaker, I yield to the gentleman from Texas, Mr. ARMEY.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. I am pleased to announce the House has concluded its legislative business for the week. We will meet next Monday at noon, 12 o'clock, September 9, for a pro forma session. Of course, there will be no legislative business and no votes will be taken that day.

On Tuesday, September 12, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We hope to consider H.R. 3056, the County Health Organization Act on the Corrections Day Calendar.

We will also take up a number of bills under suspension of the rules, a list of which will be distributed to Members' offices as soon as it becomes available. Members should note, however, that we will postpone any recorded votes until 12 o'clock noon on Wednesday.

Mr. Speaker, on Wednesday, September 11, the House will meet at 9 a.m. We will then recess immediately for a joint meeting to receive the Prime Minister of Ireland. After the joint meeting on Wednesday and for the duration of the week, we hope to consider a number of appropriations conference reports, among these energy and water, transportation, and the Department of Defense.

Next week we also hope to appoint conferees on H.R. 2202, the Immigration and National Interest Act of 1996.

We will have legislative business concluded by 2 p.m. on Friday, September 13, and hopefully even before that. I thank the gentleman for yielding me the time.

Mr. BONIOR. Can I ask my friend from Texas about next Friday. There has been some discussion about whether or not we are going to have votes next Friday. As my friend from Texas knows, Rosh Hashanah begins on Friday and it will not be possible for Members to get home in time for the holiday if we do have votes. I was wondering if my colleague is factoring that into his decisions for the end of next week.

Mr. ARMEY. If the gentleman will yield, let me thank the gentleman. The gentleman is absolutely correct. We are acutely aware of the fact people must be home, and the fact is some Members need to travel some distance. So we have Friday under scrutiny with respect to that very important consideration, and I hope to be able to make an announcement at the early part of the week as things develop.

Mr. BONIOR. I thank my colleague. I wish him a good weekend, wherever he may be this weekend.

Mr. ARMEY. I thank the gentleman, and I wish the same for the gentleman.

ADJOURNMENT TO MONDAY,
SEPTEMBER 9, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY,
SEPTEMBER 10, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 9, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, September 10, for morning hour debates.

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

There was no objection.

HOUR OF MEETING ON
WEDNESDAY, SEPTEMBER 11, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 10, 1996, it adjourn to meet at 9 a.m. on Wednesday, September 11.

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

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AUTHORIZING SPEAKER TO
DECLARE A RECESS ON WEDNESDAY,
SEPTEMBER 11, 1996, TO RECEIVE
IN JOINT MEETING THE
PRIME MINISTER OF IRELAND

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it may be in

order at any time on Wednesday, September 11, 1996, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency John Bruton, Prime Minister of Ireland.

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

There was no objection.

REPORT CONCERNING EMIGRATION
LAWS AND POLICIES OF MONGOLIA—
MESSAGE FROM THE
PRESIDENT OF THE UNITED
STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Mongolia as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended ("the Act"). I have determined that Mongolia is in full compliance with the criteria in subsections 402(a) and 409(b) of the act. As required by title IV, I will provide the Congress with periodic reports regarding Mongolia's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

□ 1530

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Georgia [Mr. LEWIS] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

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

SECURITY OF KURDISH MINORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, the Kurdish people are an ancient people. There are 30 million of them. They live in Turkey, in Iraq, in Iran, in Syria, and they are an oppressed people within each of those societies.

None of those countries wants the Kurdish people to be united. They see it as in their interest to keep them divided and fighting. Whenever possible they supply arms to various sides and take advantage of them through propaganda and other means to manipulate them.

Today the media may be focused on what has been done with cruise missiles, but innocent Kurdish people are being killed and the situation in northern Iraq is extremely grave. Mr. Speaker. That situation was precipitated, I believe, by our State Department's failure to take seriously the need to bring the Kurdish sides, the Kurdish factions, together and to stop their exploitation by all sides and to respect their rights as human beings.

Mr. Speaker, when I sat down with representatives of the State Department in July, they had no information that Iran might attempt to cross the border in northern Iraq to attack the KDPI bases there, and when Iran in fact did so, less than a week later, no protest was heard from our Government, no action was taken. Yet at that time when Iran crossed the border, it was inevitable, Mr. Speaker, that the Iraqis would see that incursion into their territory as violating their sovereignty and would move north.

They have done so obviously in great force, but the fact that they had not done so during the previous 5 years, since the beginning of Operation Provide Comfort, is clear evidence that the reason that they did so at that time was the incursion of Iran into northern Iraq.

We did nothing about it, to head it off. We did nothing to take the division of the Kurds seriously between the PUK and the KDP, and I believe that was the beginning of the problems that we are now experiencing in that area.

Today the Iraqi Republican Guards, many of them dressed in Kurdish garb, are in Kuysangaq, they are in Sulaimaniya, they are going door-to-door looting Kurdish homes, and innocent people are being killed and dying and we are doing nothing about it.

On the northern border, the Turkish border, Turkey has taken advantage of the situation to declare a 3- to 6-mile wide zone, not in Turkey but in Iraq, that they are presently clearing, with 35,000 Turkish troops and armored personnel carriers in that region, moving out people who are living in villages, killing those that resist and creating a no-man's-land along their border.

Mr. Speaker, this situation is a grave and serious one for which the United States has great responsibility, and it is not enough just to send cruise missiles to the southern part of Iraq and say that we are stopping aggression. The aggression is continuing to this moment. It is continuing almost on all sides. And the people that are caught in the middle are innocent people who have been taken advantage of for centuries by the places where they are found within societies where in each case they are in the minority and are being severely oppressed. It is time that the President of the United States and that this country stand up for the rights of these people who need our help as perhaps never before.

ETHICS COMMITTEE REPORT

The SPEAKER pro tempore (Mr. COOLEY). Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, these words were spoken by a Member of this House several years ago: The 435 Members of the House should look at all the facts, should have available to them all the reports and all the background documents, and the American people should have the same.

Who was the Member of this body who spoke those remarks back in March of 1989? None other than the Speaker, the present Speaker of the House, NEWT GINGRICH. What was he talking about at that time? Well, our illustrious, imperial Speaker was talking about a report that had been filed by the special counsel, Richard Phalen, in the investigation by the Ethics Committee of the charges that GINGRICH had brought against then Speaker Jim Wright.

Let us bring it down to today. Where are we today? Well, we have a special counsel for the Ethics Committee. The special counsel has been looking into the question of whether or not the non-profit foundations, 2 of which are in Georgia, were improperly using their

funds for political purposes or purposes other than not-for-profit purposes. Who was the person in charge of these foundation funds? None other than our Speaker.

Well, the report has been filed, was filed almost a month ago with the Ethics Committee. But it has disappeared. You do not hear anything about it. I say to my Speaker today, I will repeat the same words that he spoke back in March of 1989. I will repeat it again: The 435 Members of the House should look at all the facts, should have available to them all the reports.

Where is the report, Mr. Speaker? Why can other Members of this House not see the report that has been filed by special counsel?

We are no different than you were in 1989. We are entitled to that report. Yet he and his cohorts keep it submerged. Why? Well, I would guess that maybe why is that it is not such a favorable report to the Speaker. Because if it was favorable, guess what, folks? We would have seen it. The whole public, everybody would have seen it by now, media, everybody, big press conference, but we are not seeing that. So my guess is that it is maybe not real bad but it is bad enough that they want to submerge it.

They want to get out of here by the 27th of September. We are not going to be very many days before that happens. And then it all disappears. Nobody will see hide nor hair of that report probably until after the election, if you see it then.

Folks, I believe, as the Speaker said back in March of 1989, that every Member of this body is entitled, and all the taxpayers—by the way, the taxpayers paid for this, one-half million bucks, that is special counsel has done in investigating this by the Ethics Committee, authorized by the Ethics Committee, one-half million dollars of taxpayer money. Now you cannot even find out what was in the report.

I say it is time that this House insisted on seeing a copy of the report. The media should have a copy of it. Anybody in the general public should have a copy of it. Why not? Why not? Because it is come election time and I do not think the Speaker wants anybody to know what was in that report because of the impact it would have on the election process.

Well, if there is something wrong in that report and if something was done by the Speaker or the foundations which he controlled, his people controlled, was done wrong, it should all come out. The Speaker should be not above the general public. I nor anybody else in this House should put ourselves above the law, but that is what I read into this.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, is the gentleman saying the gentleman has been unable to get this report? Is that what you are saying?

Mr. VOLKMER. I have not asked for it but I know that it has not been made public. I am now publicly asking for a copy of the report. Yes, I have asked for it.

Mrs. SCHROEDER. You are now asking for that report.

Mr. VOLKMER. I am demanding it. I think I will demand it not just for myself but for all 435 Members of this House.

Mrs. SCHROEDER. I thank the gentleman.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

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

SPECIAL COUNSEL'S REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I came to the floor and I was going to talk about Shannon Lucid. I want to tell you, I really admire this woman astronaut. We put her up in space and we seem to forget to bring her back. This poor soul has been trapped up in space for a very long time. Now it appears that the hurricane is delaying picking her up again.

I think that she has probably got the best sense of humor in the world. She said it is like being trapped in a very, very small camper with all your children on rainy days and you can never get out. So I hope we bring her back very soon, and when we bring her back we give her some kind of an award for incredible patience. She is showing us what revolutionary patience can really be all about.

I must say, I want to switch and talk about what the gentleman from Missouri was talking about, because I thought he brought up some very interesting points. The reason that this body would spend that kind of money for a special counsel is because of the trusteeship that we all hold. We are all here because taxpayers have sent us here and we are supposed to follow the law. This is a government of laws and not of men. That is what makes it so unique.

In other countries, if you are an elected official, very often you are considered above the law. But not here. So when the Ethics Committee looked at some of these charges, they thought they were serious enough to hire a special counsel.

What I heard the gentleman from Missouri saying is that now his report has been filed. It is over 100 pages. No one has seen it. We have not heard anything about it. I did read in the paper this morning a very troubling article that maybe the committee will not deal with this until after the election.

□ 1545

So I do not know what they are going to do with it, put it on ice, shred it, hope the hurricane hits it and blows it away. I mean what is the point? Why can Members not see what this report is? Why cannot taxpayers, why cannot the public or why does not the committee deal with it? And I think that is what he was trying to ask.

I know I was very surprised because I cannot figure out what is going on here. I thought we were going to have votes today until 7 or 8 o'clock. All gone. There are supposed to be votes tomorrow; tomorrow is gone. Monday is gone. Tuesday is gone. I do not know if we are ever going to vote again.

Now, hey. I am packing and getting ready to go. These are gifts to me. That is terrific. But what are we doing and what are we ducking and what are we running from and how come they keep saying we are going to have votes, and then they change it, and then we find out there is all this unfinished business that no one else can see, even though we all got to help pay for it, and that is the very serious business about does this body have the gravatus to deal with our own and to deal with reports that this body paid for to be done? I think that the average American will be very upset if we say:

"Oh, no, we are not going to deal with that until after the election."

Why would we not deal with that until after the election? I cannot understand why we would even consider not dealing with that until after the election. This is very important. When you are on a 2-year term you should really finish the business of that term in that 2 years, because people are going to get to decide whether or not they want to renew our contract come November 5 for people who are running again.

So if it is true that the committee is really thinking about not doing anything about this until after the election, I think this body should all be aware of that, and we ought to put people on record as to whether or not they agree with that decision because I do not think the American people would agree with that decision, and I think it is a real violation of our trusteeship.

I have always said government is not a fungus, it can thrive in sunshine, and I think they expect us all to be able to explain ourselves. If people do not want to disclose, they do not have to run for office. But we do expect people who run for office to play by these rules and put them out there.

So I thought the gentleman from Missouri had some very serious questions, and while I had a very funny 5

minutes done about sending Shannon into space and I hope we come get her, she has been up there before Easter, I am now beginning to think maybe the next thing is we are going to send this report into space, or it may as well be in space because we do not seem to be able to get ahold of it and see what is happening, and we do not seem to have any business to do, so there is no reason to come here.

So as I leave this body, I hope every Member thinks about that and says the public will be very angry if we do not finish this serious ethnics charge that has come in front of the Speaker.

The SPEAKER pro tempore (Mr. COOLEY). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

WHEN WILL WE STOP THE IMPERIAL PRESIDENCY?

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, we adjourned regular legislative business, or ended regular legislative business, so early that it is in the middle of the day. It is only 10 minutes to 1 out in California and still the morning in Hawaii, so I am going to take advantage of this opportunity and try to keep my good friend from Texas, Mr. GONZALEZ, interested by covering three different topics. The first thing I would like to cover is Iraq.

I want to associate myself with the remarks of Mr. PORTER of Illinois. There is great suffering going on in northern Iraq. I thought that the Kurdish people would maybe reach a period of tranquility here. They are one of these sad ethnic groups that spread over three, actually four, nations, with the geographic lines changing over the past several centuries multiple times. The only Nation that I can think of that has been cut up into four different nations like this is the once great nation of Armenia, now down to less than a fourth of its original size; the first nation as a nation to embrace Christianity in the 300's, the fourth century, and now we learn about these Kurdish people dividing among themselves, starting to kill one another. We had an opportunity here diplomatically to move in after Operation Provide Comfort was sent to that area of northern Iraq by President George Bush. Secretary of State Jim Baker visited. I recall telling President Bush when he called me for the only hospital visit I remember having in my life, and I was in the hospital for 3 or 4 days for some surgery, and President Bush called me

on my birthday, April 3, 1991, and he said:

"Bob, we need you, get out of there."

And I said, "Can we talk business?"

And he said, "What?" He said, "In the hospital you want to talk business?"

I said, "Mr. President, draw a line in the hills. The way you drew a line in the sand, draw a line in the mountains."

And he said, "Bob, there are forces in Washington that would like to see Iraq spin into at least three different nations."

And I said, "Well, if you'll look at the television, which I have been looking at a lot in the last 2 days, you will see that they are beating your brains out. Kurdish women are coming into our camps along the Turkish-Iraqi northern border with children on their shoulders that have already frozen to death."

Fortunately with each day it was getting a fourth of a degree warmer, and he said, "Well, we're looking at it."

The media then began to just savagely attack President Bush. This is within days of the 4-day land war in Iraq ending on the 27th of December. Here it was less than 5 weeks later and they are beating his brains out. Within a few days he did draw that line in the hills of northern Iraq and organized Operation Provide Comfort.

Well it is hard to believe that 6 years ago this coming March, 5½ years ago now, and the Kurds are still suffering. Iraqi troops in the north, as Mr. PORTER said, are beating in doors, shooting people. They opened up with savage artillery fire a few days ago into Irbil, the so-called capital of the Kurdish people in the northern area.

Why Mr. Clinton neglected this area of the world for almost his entire first term is beyond me. We do have strategic interests in the area because a dictator like Saddam Hussein can just destroy oil prices around the world. He was driving faster than anybody believed toward nuclear, biological and chemical warfare capability. It remains a fact that we were never able to discover a single Iraqi scud missile.

This last week I have been in Great Britain visiting some of the best intelligence sites outside of the United States proper in the world. There is a new news center at the RAF base at Moesworth, which was our second GLCM base in Great Britain. Fortunately with the dissolution of the evil empire out of the Kremlin, we were able to shut down those GLCM bases in Sicily and the two in Great Britain and stop the one in Germany before it had even gone operational, and we had all of these new facilities built for the GLCM, the GLCM missiles in Great Britain, and we put in there something that is called the JAC, the Joint Analysis Center. I went in there last Thursday, watched in the clearest way possible, beyond anything I have ever seen of intelligence capability so far,

watched the buildup of the Iraqi troops. Unless the President has taken the course of Jimmy Carter and disregarded his daily intel briefings, which Carter did in a few instances, then he could claim ignorance. But I have to believe his National Security Council was keeping him briefed on this buildup of power, and I managed to evaluate for the third time the F-16—excuse me the F-15 E, the strike eagle fighter at Lakenheath, which is not only the world's greatest operational fighter but the best we have in all of Europe, Asia, and Africa, and flew a simulated bombing mission up to Scotland, fought our way through British tornadoes electronically defending the area.

That is just absolutely astounding how you can accomplish a real mission all electronically, bomb a target, shoot down aircraft or get shot down yourself. We did the shooting now this time, fought our way back from aggressor F-15 E's, and as amazing as this system is, the strike eagle, constantly updating the software packages in it from the time that I first flew it in March 1990, just a few months before Saddam Hussein came across the Kuwaiti border, the southern border of Iraq, on August 2. In spite of its capabilities, not a single F-15 E was able to find in the field a scud missile during the whole course of the air war and the 4 days of the ground war in 1991.

And at Farmborough, the air exposition there, the Russian Su-37 did not debut during Monday's open in the Farmborough exposition, but that night, as I was walking and looking at some of the Russian equipment on the flight line, the Su-17 taxis out. It is a beautiful looking aircraft. It still astounds me how a nation so poverty stricken, so incapable of making a class radio, a television, a refrigerator, an automobile; this is Russia I am speaking of; how they can make a fighter this beautiful and capable is beyond me.

The Su-37 taxis out, it is dusk, its landing lights and all of its lighting equipment is on. It makes a match performance takeoff, racks it over the orange cones that they set up to have as the line beyond which you cannot fly near the crowd. I realized then that they were probably putting on a performance for the authorities, the British authorities, at Farmborough to show their max demonstration, a flight which are not allowed to do in our military because it is so beyond the envelope, as pilots say, so on the danger edge.

If you lose one engine in that two-engine aircraft, it is a definite crash, and this Su-37 that is now available for export to countries like India, through an arrangement with China, where after the first few they would start building an aircraft totally capable of equaling the performance of our F-15 E strike eagle. The pilot goes through some opening maneuvers, then comes across the field in powered slow flight, pulls

up or powers up, rather, into perfectly vertical flight and expecting to see him do what is called the cobra, which he pushes the tail up beyond the vertical and then slowly powers back and recovers. Instead he goes through the cobra maneuver, flops on its back and does what I can only call a snap loop.

I mean only a biplane, a little tiny highly stressed sports biplane can do what this massive, maybe 20-ton aircraft could do, and that is pull through and turn on its axis, on the horizontal axis wings in the tightest loop—it is not even a loop, a snap loop—and recover and power out of it and accelerate.

The point is the Russians are in the field before we are, even though we have done this at our test center at Edwards Air Force Base with vectored thrust, where you take the engine nozzles at the rear of the aircraft and vary them so that you get this vectored thrust change, thereby augmenting in an amazing way the control services, your air runs, your elevator and the rudder on the vertical stabilizer.

□ 1600

The Russians making this airplane available for export means that on this floor in the 105th Congress next year we must again protect against the shortsighted FR-22 Lockheed-Boeing-General Dynamics Lightning 2, is what I think they will finally nickname the F-22.

It is amazing how people in this country, with all of the history that has taken place just in this century, from the Wright Brothers flying at Kittyhawk on December 17, 1903, to this December 17, in 93 years from a little aircraft that could only be powered 120 feet. That is almost the wingspan of one of our new unmanned aerial vehicles, the Global Hawk, which I spent the better part of a morning examining in its hangar. The first one is due to fly soon down at Teledyne Ryan in San Diego. I stole some time away from the convention. This Global Hawk can loiter for almost 2 days without a man, bringing this dazzling type of data downlinked to our intelligence facilities so we can observe the brutal antics of a dictator like Saddam Hussein.

So here we are in a fast-moving world, all in this the bloodiest century in history. We see a dictator bragging that he has outlasted George Bush, Brian Mulroney, Margaret Thatcher, Francois Mitterrand, Prime Minister Ohara in Japan. He has outlasted them all, in some cases double turnovers like Mulroney to Kim Campbell to now the new, let us call it labor liberal government in Ottawa. He is so cocky. He is there on television yesterday saying that we will not face him man to man, as though we had not cleaned his clock in Desert Storm. He is talking about we are hitting him with technology.

Then, of course, in Tehran, on Tehran radio and television they are talking about us, the Great Satan, child pornography, 1.5 million abortions a year,

runaway divorce, runaway pornography. And now we are killing humble Iraqi soldiers, who they killed millions of in their war back in the 1980's; that we are doing it with technology that comes in out of the night that no one can see. It is just astounding how the Clinton administration has rallied the Arab world against us.

Jordan, who is getting some of our advanced military equipment, will not support us in this. Great Britain always stands beside us, but in all the French papers today are saying that this is nothing more than a cynical election final quarter stunt by Clinton.

Mr. Speaker, it is with some trepidation that I criticize the moves that Mr. Clinton has made, but I am going to just ask 10 questions today that I want the 1 million-plus audience that follows C-Span, particularly on a day when we are through with legislative business so quickly, I want to ask these questions. If somebody wants to take them down, Mr. Speaker, be my guest. I would recommend you call them in to the successful talk shows around this country and ask these questions, as some of the more important ones come toward the end. Some of them people have already thought about.

Here is the first of the 10: Why was Congress not notified? Constitutionally he should get our permission for aggressive activities like this. This is not defending the United States. This is not what Thomas Jefferson talked about when people yelled at him to use our young embryonic Navy to punish the Barbary pirates along the Tripoli coast of North Africa.

Jefferson said very clearly, I can only use our small military and our Navy, and there was not much Army at all, in a defensive way if the United States, the colonies, the 13 colonies, are attacked. Only then. By then it was 14 colonies, the 15th about to become a State. Only with these young 15 American States can I use our military, small military power defensively. Offensively, like sailing across the Atlantic to the Mediterranean and punishing the Barbary pirates, for that I need congressional authority.

And he got it 10 times, through John Adams, his predecessor, through Jefferson, through his successor, Madison, up through John Quincy Adams. Ten times this Congress, in that Chamber just a few yards away, authorized, the Chamber that we were in from 1807 through 1857, and the small rooms on the Senate side before that, through the British burning it August 24, 1814, 10 times this Congress said, you will, by order, as the President, go after the Barbary pirates.

Now all of a sudden where is that congressional authority? We have a scholar at the Library of Congress, professor Lewis Fisher, who has written a brilliant book. and I hope next year we have a 2-year, 3-year debate, multiple special orders like this with dialog back and forth on why we have allowed

an imperial Presidency to grow through Republicans and Democrats. Now we have a President burning up 50 million dollars' worth of cruise missiles, sea-launched Tomahawks and air-launched Alcum, 50 million dollars' worth with no loss of life on our side.

But I had a very long commentary with Regis Philbin and Kathie Lee, holding up these New York headlines this morning saying "Victory for Clinton, War is Over," and Regis flippantly, I am sure he thought better of it later, said "I like wars where nobody dies." There is no such thing as nobody dying. Peasants, personnel in Iraq who man these surface to air sites we destroyed, they are dead. It is their misfortune that they live in a country with an evil dictator.

Mr. Speaker, our official reporters of debate are excellent in titling these 5-minute or 1-minute or 60-minute special order speeches. If we choose, they will use our title. I would say that the title of this first section of my special order would be "When do we stop the imperial Presidency?"

That is question No. 1. Why was Congress not brought into the decision process; subquestion: why were we not even notified, those of us on the intelligence committees: Senator STROM THURMOND, chairman of Armed Services, the gentleman from South Carolina, FLOYD SPENCE, both ex-Army and Navy officers, chairman of National Security, why was not Mr. SPENCE notified? Why were not the two chairmen, Medal of Honor winner BOB KERREY, Senator from Nebraska, the gentleman from Texas, LARRY COMBEST, chairman on our side; why were we not notified of this operation?

No. 2. Why has there been no attack against the actual Iraqi army in the North that violated the United Nations amendments and has done the killing? The forces in the North are untouched. We attacked targets in the South. Is that because they are softer targets? Maybe, because we have more air power out of the South? Is it because Turkey will not support us in this?

We have now a fundamentalist government in Turkey. The brilliant lady President in Turkey was defeated, so I guess it is that Turkey will not let us use Incirlik, the equivalent of Operation Proven Force. I was there the day the land war started in Incirlik on February 24.

Because of a courageous Air Force officer who will not be named, I was able to go on a combat mission with a KC-135 out of Dias Tek, right over the Iraqi-Turkey border, refueling our F-111's, our 15's, our 16's. They were going down the very flight we refueled went down to Sulaimniya and blew up a nuclear missile facility just on the outskirts of Baghdad.

Incirlik was important. More Iraqi fighters were shot down by our fighter pilots who came down from Spangdahlen and Bitburg and Shusterburg than were shot down by the fantastic 33rd fighter wing out of

Eglin Air Force Base, FL. In the North they were the ones that captured or shot down the Iraqi fighters fleeing to Iran, where they were confiscated anyway, in that peculiar relationship between this Persian nation and this Arabic nation, Iran and Iraq, but no punishment for the Iraqi army that has done the killing, and is killing today. Or it will be morning soon over there, and it will be another day of killing, and Clinton is claiming victory here in the United States.

He did it in the most unseemly way: in the Oval Office, with Vice President GORE at his side, not a briefing that has done the killing, and is killing today. Or it will be morning soon over there, and it will be another day of killing, and Clinton is claiming victory here in the United States.

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No. 3. Was there some geopolitical reasoning behind this? I rather doubt it, but it is a fair question.

No. 4. If the U.S. actions were a response to the Iraqi attack on one of the two major Kurdish factions, why was the no-fly zone not extended in the North? Why was the no-fly zone extended in the South? The Kurdish cities of Sulaimaniya and Kirkuk, they are both outside of the no-fly zone in the North. Now are they going to be the likely targets for next week if Saddam Hussein decides that is his course of action? Which leads me to other questions later on.

No. 5. Iraq, as I said from my own intelligence fact-finding in the field in Great Britain just these last few days. If Iraq has been moving troops to that region for at least half a month, 3 weeks, did the Clinton administration warn Iraq that the U.S. was going to respond militarily if any attack occurred against the Kurds?

We could see the artillery pieces lining up. There was almost a feeling in Europe that, well, maybe they were not going to do it, it was just a show of force. You could see the way the troops were deployed they were going to attack Irbil. So where was the warning here? Where is the discourse between nations to say to Saddam Hussein, if you do that, here is the result? Or is there a suspicion that it was politically advantageous to let Saddam Hussein move, and then you have a quick little action, and a certain person running for the highest elected office in the world suddenly looks decisive? It is more than cynicism to analyze that in a fair way.

No. 6. Why did the administration not respond when Iran recently attacked one of the two Kurdish factions,

the one backed by Baghdad, which led to Iraq's decision to retaliate against the Iranian-backed Kurdish faction? Why did we not respond then when the initial fighting started a while ago? It was not ever in the press. They were busy at the Democratic convention.

No. 7. Why is our military response only minimal and nonthreatening to the Iraqi forces in the North?

No. 8. Will the United States escalate its response if Iraq attacks the aforementioned Sulaimaniya or Kurkuk? Or what if its forces just remain in the region? They are still occupying Irbil. There are some reports they are pulling out, but not all of their forces.

They are still occupying what is considered the capital of the Kurdish part of Iraq. Irbil is where the two helicopters that were shot down April of 1994 in that horrible friendly fire mess where two F-15 pilots destroyed their careers, they are through flying, got either out of the Air Force or leaving it. One is gone and one is about to leave. We shot down two U.N.-controlled H-60 Blackhawks with 13 people on each one, and the majority of those people were Americans: a tragedy. Where were they heading? Toward Irbil, which is above the no-fly zone. So now Saddam Hussein has total control, if he chooses over Sulaimaniya and Kirkuk.

No. 9. What attempts are made to gather allied and other Middle Eastern support for further action? This is where former President George Bush shined. He brought together not a dozen nations, not 15, not two dozen, 28 nations in the allied coalition. He even brought the declining Gorbachev on board. It was an amazing feat of diplomacy for George Bush and Jim Baker, the Secretary of State, to build this coalition. Who is with us? As I mentioned, not the French, not Turkey. Just our standby mother country, Great Britain.

□ 1615

No. 10, and this is the most important question of all: What is the next step for our United States? What is our response? What is the follow-through? This is what all the thoughtful retired military analysts are saying on CNN and the three networks. It is amazing. This is the reason, the imperial presidency, that our debate was so important today about the Armed Forces Protection Act.

Now, I have the votes here, and if anybody is just getting home, Mr. Speaker, following these two votes today, let me tell our military across the world that both the Bartlett amendment, of which I was an original cosponsor and helped him get through and get to the floor to join the United States Armed Forces Protection Act, the vote on the Bartlett amendment was 276 to 130. We only lost 11 Republicans; we picked up 65 Democrats, a lot of absentees today because last night and today are comeback days from a long district work period, 28 people were not voting today, 276 to

130, but the final passage on BARTLETT's amendment was to not have American forces wearing the uniforms of other countries, the blue beret, sewing on patches.

I said during the debate that there is nothing wrong with an arm band, military policemen put on an arm band, Shore Patrol wear it, take it off during off duty; nothing wrong with a temporary arm band.

When the French went into Rwanda, they did not put on any uniforms. They told the warring factions there that if anybody killed a Frenchman, they would meet, and the translation is almost perfect, with more violence than they had ever conceived of in their lives; and in French uniforms, they protected the French force, clearing the way for our C-5's, our big Galaxies, to come into Goma and free the people from the genocidal slaughter in Rwanda that is now taking place in the country next to it in Burundi.

When we go in with those big C-5's, or C-1's, 41's, we do not paint powder blue on the U.S. flag. They know that is the American flag coming in there.

As I said in the debate today, what good did it do in Bosnia on the Serbian-Muslim confrontation line to have U.N. forces there trying to protect Srebrenica and Zepa, two U.N.-protected sanctuary enclaves and that is where some of the worst genocidal slaughters took place. After they had taken the weapons away from the U.N. forces with their blue helmets and blue berets, the Ukrainians, the Dutch, one of the Scandinavia units, took their shoes off of them, took their weapons away, took their U.N. blue berets and ground them in the dirt and then handcuffed them or tied them to small tactical targets in the area. So much for respect for the U.N. regalia that they put over their uniforms. Unbelievable.

So it was important that that pass 276 to 130.

But final passage, the United States Armed Forces Protection Act itself, if we did not have 26 not-voting absentees today, we would have passed 300, which is always a huge victory around here. As it is, the vote is 299 to 109. We only lost five Republicans this time, and we picked up 81 Democrats to say that the United States forces will not be put under U.N. command or foreign command, and that means unless there is a treaty like NATO, which is approaching its 50th anniversary, where we train military maneuvers together several times a year, where the officer corps has the same training standards, where the NCO corps meets and trains together year in and year out and the treaty with NATO was ratified constitutionally in the U.S. Senate, and debated in this, the appropriations House, for the funding to satisfy it.

Clinton's veto last year of the defense authorization bill made this legislation that was passed today necessary, and it will be taken up soon in the Senate, and I predict it will pass there. Our Congress has repeatedly

passed measures extending protection to our U.S. troops in the field that have been under command in U.N. peacekeeping operations. I discussed the Somalia operation.

Mr. Speaker, I am the last Congressman out of Somalia. I came out of there just a few days after the slaughter of our Rangers, the world's greatest and I mean, bar none, helicopter regiment in the world, the 160th Aviation Special Operations regiment up at Fort Campbell, and of course our great Delta force where five men were killed, two of them won the Medal of Honor, for demanding three times to go down on the ground and try to rescue Michael Durrant's crew. At least they rescued Warrant Officer Durrant.

Now, were it not for Clinton's veto of last year's authorization bill, we could not even get it in the authorization bill; hence, this freestanding legislation. These protections would already be the law of the land if he had not demanded that we take out the big three. No U.S. under foreign command, no misadventures like Somalia, Haiti and Bosnia without congressional constitutional debate and approval or rejection, and the third one was no missile defense of America's homeland. Those three big geese he took out.

But when he signed the bill on February 10th in the Rose Garden, what did he attack? BOB DORNAN's legislation that he had to sign into law, honorably discharging people who had contracted in one or two cases innocently, not through their own conduct, a philandering husband bringing it back to a sergeant wife, but in the other 1,000 cases, by breaking the U.S. military code, the uniform code of military justice, by the smallest category, putting a dirty needle in their arm, using drugs, that is a prima facie case and a zero tolerance military case of somebody who should not be on active duty, a tiny little percentage of that, a smaller percentage of those who disobeyed their commanders' orders not to go to houses of prostitution where the prostitutes were 100 percent infected with a fatal venereal disease, and the biggest category of all, which is a prima facie violation of the UCMJ laws against sodomy.

One thousand people would have been discharged August the 10th if the Democrats and a handful of Republicans, who fortunately are retiring from the U.S. Senate, demanded that the Dornan language be taken out when we passed that continuing appropriations bill back in April, and out the law came.

What I am going to discuss, the point here, is something else that I got signed into law, the Bob Dole-Ben Gilman law, the first rewrite since 1942 of how we handle American men and women missing in combat situations; and now with the recently passed authorization bill, seven provisions were gutted out of that law that Clinton signed on February 10th of this year, 1996, and we will have hearings next

week, markup of a bill, a freestanding bill just like this, on which I already have a record number of cosponsors, including you, Mr. Speaker, because I have every Republican in the House, 235 of us, Mr SANDERS, our only Independent, the gentleman from Vermont, and 30 Democrats bringing on more and more every day.

Then we have to find the vehicle to stop these protections for POW's being stripped out of the law before we adjourn here on Friday, the 27th of this very month.

So those were important debates today, and it impacts upon what is happening in Iraq at this very moment, if Clinton just arbitrarily decides to back up the high technology of the missiles with actual airmen or Army forces, Special Ops forces on the ground.

Mr. Speaker, it is important that I point out on the Bartlett amendment, that 276 vote was it, the 276 winning vote that Admiral Boorda tragically, in a depressed state of mind, made an important judgment call and destroyed himself. Yes, threw himself back into God's arms. There is never cause for that unless someone is in a deeply depressed state, and it appears he was and God will be merciful, but he killed himself over \$1, or \$1.50, a little V, a little Roman number V that you put on a Navy commendation medal that says valor was involved and that he won it off the coast of Vietnam.

Whatever slight question there was there, he had taken the V off of his ribbons, two commendation ribbons, the year before. Why he would have let Newsweek, on a hounding mission, drive him to this desperation where he goes to the oldest Navy post in the world, the Navy Yard down on the Anacostia River, and shoots himself in the heart, why he would do that, I do not know. But it shows him how important medals, ribbons, regalia, berets, as I said on the floor, an Army Green Beret, how they feel about their green beret.

Ask British paratroopers how they feel about their red beret, or our paratroopers. Ask the Navy Seals, who wear black berets, how they feel about their particular main designating uniform, and you will see that there is a big difference between an arm band and asking someone to sew on a patch over their patch or to wear a belt or a helmet or a beret that is the color of the United Nations.

And get this, I was not able to get the time to put this in the RECORD. You are an ex-Army officer, Mr. Speaker, from Oregon, our Speaker pro tem today. Are you aware, and this is in an article from the Washington Times, June 26th, by a U.N. official, American official at the United Nations, Joe Sills, S-I-L-L-S. He is director of the U.N. Information Center right here in the District. He conceded June 27th, in an article that he wrote, that U.N. commanders, not U.S., U.N. commanders, but all the other U.N. commanders, I do not know about the Brits, that

shockingly, they take an oath of exclusive allegiance to the United Nations. An oath of exclusive allegiance to the United Nations, and they sign an employment contract with the U.N. that transforms them into U.N. military; in other words, U.N. mercenaries.

That was the situation with the Finnish officer in command, used to be a Communist country, when I was visiting there this very week last year, and that is the situation that I think the Scandinavian officer that is in charge now. There was some controversy between Mr. DELLUMS and myself over my putting two thoughts together on the Constitution. Well, I usually carry a Constitution in my pocket, and I wanted to put in the RECORD at this point, Mr. Speaker, exactly the words in this just amazing document that when you read it, it is so short.

I faxed this out of a standard almanac and when you take it, it is only four pages, two pieces of paper, just seven articles before you get to the 10 original articles in the Bill of Rights, the added amendments, just 7 amendments in the original articles. And in article I is where it delineates the powers of Congress. It is 130 words, only.

But in article II, the subservient article, it is only 16 words about the President being the commander in chief, and here are those very 16 words: The President shall be commander in chief of the Army and Navy of the United States. And then there is a comma, followed by 18 more words, because we did not have a standing Army, and a very small standing Navy, and of the militia of the several States, when called into the actual service of the United States.

And except for emergencies, who calls them into active service? What we now would call the Reserves and the National Guard, not militia, we do, the Congress.

So there are the President's 34 words, 16 and 18, involving the militia. Here are the key 130 words in the first article of our Constitution, section 8, the powers of Congress.

□ 1630

There are many things about borrowing money, regulating commerce, the rule of naturalization, how to coin money, punishment of counterfeiting, post offices, all these domestic issues come before the following. Here begins the 130 words.

We start with the 5 words at the beginning, so it is actually 135 words:

"The Congress shall have power," colon, and those other things I mention, and it comes, "Shall have power to declare war, grant letters of Marque and Reprisal." A little 18th century language in there. "To make rules concerning captures on land and water."

That means the capture of our people. That means the Congress decides when someone is a prisoner of war, not Lyndon Baines Johnson saying they are detained by a hostile power. Anyone captured in Southeast Asia, therefore, in Laos, in Cambodia and in the

north of Vietnam and the south, they called our captured people air pirates or war criminals, never the dignity of the term prisoner of war, basically not right until the very end. But of course once Nixon had come into office under Melvin Laird, they were called POW's. Actually once we got rid of McNamara with his ignominious and disgraceful resignation on Leap Year Day in 1968, the bloodiest month of the war, he walks off the battlefield drenched in blood, symbolically, with hundreds of POW's up in Hanoi being tortured, at least 12 tortured to death, 100 executed in the villages. Once he walked off we started calling them properly, our missing, prisoners.

So to make rules concerning capture on land and water. Here come the powerful words that are on a plaque right outside the main door of the Armed Services, now the Committee on National Security: "To raise and support armies." And then a side though at still to this day for over two centuries dictates our budget process. We would all like to have some kind of continuity of 2, 3, 5 years on the defense budget but we are restrained by this amazing document. "But no appropriation of money to that use"—supporting armies—"shall be for a longer term than 2 years."

"To provide and maintain a Navy." The reason Navy is singular and armies are plural is because we did have different armies fighting in the Revolutionary War, George Washington, the South and support for his troops but under different command in the Carolinas and Georgia. So Navy meant they were only looking at the Atlantic. They could not foresee yet a full-time presence, the 6th Fleet in the Med or the 7th Fleet in the Pacific. So Navy is singular.

But to raise and support armies, to provide and maintain a Navy, that is this Congress. That means uniforms, equipment, what type of aircraft, what pay, what type of recruiting and how many people will be in uniform. That is why when Presidents in both parties stand on their high horse about their Defense budget, they propose. We decide what the defense structure of our America will be and we will fund it properly.

Now, it continues, these 135 words: "To make rules for the Government and regulation of the land and naval forces." Whether or not there will be homosexuals on active duty is not Clinton's call, it is the call of this Congress.

They would not even have a vote on this House floor. The few voices for recruiting homosexuals, male and female, no vote in this House. They tried to do all that in star chamber, behind the scenes, roll us in the conference committees.

"To provide for calling forth the militia." There it is. Except in emergency, a hurricane or something with Governors having their proper—I am coming to that—control of the militia,

that is, the National Guard, but to provide for calling forth the militia, the Reserves and the National Guard.

"To execute the laws of the Union, suppress insurrections and repel invasions." That is a repeating of the declaration of war power of this Congress over the President, the 16 words, that he is the commander when the fighting starts that we declare because you cannot have 535 commanders.

Next. "To provide for organizing, arming, and disciplining of the militia." When you call up the Guard, we decide what discipline they will be under.

"And for governing such part of them"—the Reserves—"as may be employed in the service of the United States, reserving to the States respectively"—we are a Federal system—"the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress," this U.S. Congress. I wanted it on the record. The imperial Presidency, out of control once again, must be debated finally, this delineation of power, in the 105th Congress. We do not have time to do it over the next 3 weeks. We have to pass 12 spending bills, and as we just heard announced by the gentleman from Texas [Mr. ARMEY], our majority leader, we are going to roll votes on Tuesday. So when we come back in Wednesday at noon for voting, there goes another week, and then we are down to a few productive days until we adjourn on September 27 and the majority leader told me he intends to stick to that prediction on the 27th. Now, end of the military constitutional part of my remarks.

Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. COOLEY). The gentleman from California has approximately 14 minutes.

Mr. DORNAN. That is enough to discuss this tragedy.

Mr. Speaker, I am looking at the new Time magazine. Donald Rumsfeld, who served 10 years in this Congress, served well, was appointed as one of the youngest Secretaries of Defense, I think the youngest in the history of our Nation, by Jerry Ford, although he only got to serve a year in that distinguished post. I understand that on Meet the Press this weekend—I was, as I said, in Great Britain at an air base—my wife tells me that Rumsfeld was asked about the Richard Morris mess and that he said, "It doesn't matter." That is what it says on the cover of Time: The Morris Mess. He said, "It doesn't matter." He dismissed it. Well, I think it does matter. Here is the architect of Clinton's comeback based on family values and small issues.

Clinton stood right below the Speaker, at that second lectern, in his State of the Union and said clearly, the era of big Government is over. So he had to deal with little things. And he mentioned about three dozen in his acceptance speech at the Democratic Convention in Chicago. But we see him dealing

with little things, mostly involving our future children, his 1 daughter, my 3 daughters, 2 sons, and 11 grandchildren, God willing, this December. I have got a higher stake in this than the Clintons.

And he talks about school uniforms, which my kids wore, 5 times 8, yes, 40 years my children wore school uniforms, not in high school but 5 children times 8 years of grade school, they wore school uniforms. And police uniforms. How many speeches have I made dedicated to our men and women wearing blue and Khaki, who put their lives on the line for us domestically around this country, to the increasing violence level and crime.

And military. And obviously when I am having breakfast with enlisted people and sergeants and lunches and dinners, which is what a lot of us do who are on the Armed Services or Committee on National Security traveling, when I meet with them, sometimes it is outspoken, sometimes it is in just half sentences or half thoughts buried beneath the discourse. The morale in our military is better than the morale in our Secret Service or our FBI because they are further away, the ones I see in the field, from some of the disgraces and scandals that take place in this country.

I will bring a chart to this floor next week showing how many of Clinton's associates through all of his political career are dead, in jail, disgraced, out of the public eye. It is astounding. I had a Democrat who I will not mention tell me in this aisle, just before we adjourned in August, that it is dangerous to be a friend of the Clintons. You end up either dead or in prison or indicted. That is from a Texan, a good man.

Here is this cover and, I think it creates a problem for our teachers across this country. Here are, I cannot call them the Morrisises, because like Hillary in the first gubernatorial term from 1979 through January 1981, Hillary did not use the name Clinton, she used her maiden name, and I guess Morris's wife does not use it because it is not in the whole article for eight pages. It is Eileen McGann. Dick Morris and wife Eileen McGann back home in Connecticut last Friday.

This is what adultery gets you, the cover of Time magazine. He was on last week's Time magazine, a rather handsome picture of Clinton with him in a little cutout sitting on his shoulder, like that old Disney cartoon of the devil and the angel, and he is sitting there and it says "The man who has the President's ear," and he is back on the cover of Time.

I asked the Library of Congress, they gave me a guesstimate, going to have the figures for me when I get back to my office, I guess, of how many Time magazine covers in a 52-week calendar period are devoted to human beings, because we have some covers on vitamins, on crime, or housing, sometimes a racehorse like Secretariat taking the Triple Crown will hit, it will be on

Time, Newsweek, and U.S. News. But how many people are honored or dishonored with a Time magazine cover? Very few 2 weeks in a row. You have to be a President or a Prime Minister with a war starting to get back-to-back covers. I think Nixon did it for unhappy reasons, but here is Dick Morris on the cover of Time magazine 2 weeks in a row.

And this cover is not because of an affair with some person that he fancied he was in love with at work, away from his lawyer wife Eileen McGann in Connecticut, not a one night stand like some weak businessman juicing up in a topless bar and betraying his wife. This is a \$200-an-hour call girl, hooker for 10 months on a \$500-a-night Democratic campaign donation, people who fund the Democratic party.

My mailing list would collapse, my donations, which is I think the best balance of PAC money—2 or 3 percent—to small donations, to itemized people, that is \$200 or up, I think I have got the best balance of anybody in either party in the House—but mine would collapse, those small little unitemized donors, if they thought that I was living at \$500 a night, and that is on the candidate.

This guy is a consultant and he is eating up Democrat money, big chateaubriand meals at night. The basic rate is \$440 a night at the Jefferson Hotel up on 15th street. That is where he is meeting with this call girl, call woman, Reynolds, whatever this prostitute calls herself. She was on Hard Copy last night, kids across America watching this.

What does a school teacher do, Mr. Speaker, when they have to explain to kids that for high-powered 10-month adultery, your wife will pose with you on the cover of Time. And listen to her article here. Of course she writes, "Let he who is without sin throw the first stone."

And then it is a 6-page article. "Even if this destroys me," he says. Destroys him? He signed a book contract with Random House today, Mr. Speaker. How many millions will that involve, publicly giving this scandal to the Nation? She ends with these words, McGann: "I didn't want to question him on the details. I thought it would bring further hurt."

I do not think I believe that. I see you smiling ear to ear. No questioning on the details.

"It was too soon," she said. Oh, the crockery flies later, after the book deal is signed. She says, "Let he who is without sin cast the first stone. My advice, that we just had to get past it. I accepted Dick's apology. Dick and I talked about the story again that night. He was very, very upset."

How was she feeling? Was her heart seized with pain, or is this the Hillary school, if you can reflect and bask in the glory of the power, that you will take these hammer blows and insults.

"But he was forlorn. I thought it would be destructive to ask about the details and to try and find out what was true."

□ 1645

I am sure. As the young people would say, yeah, sure.

"On Friday, we had lunch on our little terrace overlooking our garden."

Oh, how prosaic. How utterly Victorian hypocrisy this all is.

"There were these press creatures lurking in the wildlife preserve behind our house trying to take pictures."

Why would they do that, when you can get a picture of them in their dining room, a picture of them in their garde, if you have the Time Magazine contract to follow up on last week, and the picture posed, these are the dining room curtains, you can see if from the little dinner scene. I guess there are no children. How would they be devastated in the Morris-McGann household if there were children?

But she said, "Our golden retriever named after Disraeli has been following Dick around offering him comfort."

Oh, the golden retriever is giving his comfort, and she is accepting his apologies.

"Tomorrow a friend is going to bring us another puppy, which I am going to name Bismarck, and we will call him Bizzy."

I don't understand the Bismarck connection there. He went down in flames.

"Maybe that will help. We are going to try to heal. The Random House book contract will help."

This is pathetic. I will ask you something you already know, Mr. Speaker: We had an Air Force three star general leave the command, the Southern Command, for one brief adulterous situation, and leave his beloved U.S. Air Force in disgrace.

If this was a CEO of any corporation in America, I think the pressure from the stockholders would say it is all over. It happened to DeLorean when he was CEO of Pontiac. He lost becoming chairman of General Motors over something far less than this. Any military officer I know in America, it would be the end of their career.

But what does he get? A call the next day from the leader of the free world, from Hillary Clinton, and from Vice President AL GORE. I wonder if they were trying to fend off a Vincent Foster nightmare, to make sure he was doing okay, is why they called.

What is happening to our country, Mr. Speaker? What is going on in the United States of America, that we are unable to absorb a scandal for the importance that it has, and dismiss all this stuff, as though it does not count and it does not reflect upon the highest office in the land.

We are in for a tough 4 years if the Dole-Kemp team cannot catch and close the lead and dismiss the self-serving adventure of my friend Ross Perot, who I had always considered a patriot for what he had done for our POW's and our missing men in particular.

I do not know what the next 60 or so days are going to bring us, but if this country is going to tolerate and glorify this kind of scandal at the top, then

our decline as a civilization is proceeding at a faster collapsing rate than I had ever assumed.

When I would think Richard Morris, who claims to be a Republican, would ponder, is what was read in the homily and in the Gospel at Lincoln Heath Air Force Base where I went to mass Sunday.

First it says in the epistle, Peter's letter to the Romans, do not conform yourself to this age. Romans 12, verses 1, 2. And then the gospel, this last Sunday, Matthew 16, 21 to 27, whoever would save his life in this world, will lose it. But whoever loses his life for My sake will find it.

This is Jesus speaking.

What profit would a man show if he were to gain the whole world and ruin himself in the process? Even getting a book contract. What can a man offer in exchange for this very self?

I like the old translation, what does it profit a man to gain the whole world and lose his soul?

The Son of Man will come with His father's glory accompanied by His angels, and when He does, he will repay each man according to his conduct.

My advice for the Morrisises would be to disappear into a retreat, a decent obscurity; forget the lousy book contract, and try and rebuild your life again with some dignity.

For our voters across this country, I would tell them this, and I am going to say it over and over in the next 3 weeks with as many special orders as I can get: Mr. Speaker, November the 5th is not just an IQ test for every voter in this Nation who bothers to go to the polls. It is a morality test. If you do not vote for Dole and Kemp, you flunk a morality test in this United States of America in the year of our Lord 1996, and you flunk the IQ test too.

ISSUES CONFRONTING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I would like to address a series of issues this afternoon. Last month we watched the Republican Convention, and Bob Dole called it a success. I think that convention was probably more remarkable for what was not said than what was said. In 4 days' time, there was no mention of the Contract on America; there was no mention of the Gingrich revolution; there was no mention of the freshman class.

Mr. Speaker, from what I could tell, the Speaker himself spent the convention in the witness protection program. He was not available, he was not seen.

Four years ago the Republicans said "Read our lips." Two years ago they said "Read our contract." This year they said, "Please don't read our program."

The Republican platform was written by the folks who put together what we

have been arguing about rather vociferously over the past, oh, I would say a year and a half, the same folks that put together the Medicare cutting and the education slashing and the Medicaid dicing and the environmental chopping program that we have been trying to repel here in the Congress.

Now, my colleagues may not want to talk about it, but we remember and the American people remember, they remember Medicare, they remember the Speaker saying he wants Medicare to wither on the vine. They remember my friend DICK ARMEY saying Medicare was a program he would have no part of in a free world. They remember Bob Dole bragging about his vote against Medicare back in 1965.

The Gingrich think tank newsletter, which was issued, the first one I believe, volume 1 of that newsletter, had this banner headline: "For freedom's sake, eliminate Social Security." I will repeat that again. Mr. GINGRICH's own think tank in their first, I believe it was their first, newsletter that they published had this headline in their newsletter: "For freedom's sake, eliminate Social Security."

So you not only have an attack on Medicare, we have an attack on Social Security.

Now, what is so devastating about this is that we are talking about programs that affect a portion of our population, a rather huge portion of our population, that is on a fixed income. I quite frankly did not realize how fixed that income was until a study was released by the Department of Labor that showed that 60 percent of the seniors in this country have incomes of \$10,000 a year or less. That includes their Social Security and any annuity that they may have.

That is quite remarkable, when you think that that large a segment of the American population with that relatively meager income would be the target on two of the programs that provide the foundation for their income, Social Security and Medicare, of our new Republican majority.

Senior citizens will remember, Mr. Speaker, the fact that they were arrested when they came here to protest cuts in Medicare. They were arrested in this Capitol. Two hundred seventy billion dollar cut in Medicare, they will remember that, in order to take that, put it in the pot, and use it for tax breaks that primarily went to the wealthiest individuals and corporations in our society.

They will remember the double premiums, the raiding on nursing homes and those regulations that were established to get rid of the abuses in nursing homes in our society, and doing away with that entirely in the budget bill that my colleagues on this side of the aisle presented to us.

I will say also that the American people will remember the cuts in education, the biggest cuts in the history of this country in education. Tens of thousands of kids, they tried to kick

off student loans. One million kids kicked off math and reading programs; 48,000 kicked off Head Start; 23 million kids eliminated from the DARE Program and the Safe and Drug-Free Schools Program. That is the program that teaches our kids to say no to drugs, to say no to gang violence. It teaches them the values that are necessary for them to lead a healthy and productive life as children and as adolescents.

All of these things were attacked, and we stood up, we said no. The President said no and vetoed these bills. We had the support of enough Members to make sure that those vetoes were not overridden. So I think the American people are going to well remember the rather sorry and, if I may take it a step further, pathetic record of this Congress with respect to education. The seniors will certainly remember this Congress, this Republican-led Congress' efforts with regard to Medicare and Medicaid.

And if you are interested in the environment, which is the future, it is what we have, what we really have borrowed, we have no right to despoil, that we pass on to our children and grandchildren, hopefully in the form of clean air and clean water and unspoiled lands, the American people are going to remember this Congress going after the environment. Twenty-five percent cut to the environmental protection in this Congress in their budget bill; efforts to stop EPA enforcement and Superfund cleanup; efforts to stop going ahead with safe drinking water programs.

We have drinking water problems all over the country now. In this city it is not recommended that you drink out of the tap. There are places all over the country where that is the case because the water is not safe. The reason it is not safe is because parasites are getting into the system, parasites like cryptosporidium that got into the drinking water system in Milwaukee. One hundred four people were killed because of that; 400 became seriously ill.

These problems are about us around the country, and we need to do something to upgrade these systems. They do not last forever. Once you build them, there are no assurances that that road or bridge or sewer system or water system is going to be there. You have to maintain it. You have to refurbish it. You have to replace it.

But what happened in this Republican-led Congress? They voted to slash the funding to do those things, to stop raw sewage dumped into our drinking water, which is a big problem in my own area. We have been working to make sure that Lake St. Clair, which is the lifeblood of the Metropolitan Detroit Area with respect to water and fishing and recreation and many other things, is severely ill. We are trying to upgrade the sewage systems in the Metropolitan Detroit Area to make sure that that lake survives and is used in the productive way that it has historically been used.

But they voted to cut the sewer grant money. I have a community in Marysville up in my district, St. Clair County, a huge multimillion dollar grant, would have been slashed, done away with, had their proposal gone into effect. So local sewage projects have been frozen.

Of course, we are going to remember families because of the raid that they allowed, the Republican Congress, on pensions, allowed corporations to go in and raid pension funds of employees. That is not their money. That is the money of the employees. They worked for that money, they earned that money, and they have every right to expect when they retire that those pension dollars are going to be there for them, not siphoned off by some corporate heads to pay for expansion overseas, where their jobs are going to eventually go, or pay for increased salaries of their executives. Executive salaries already in this country have reached levels proportionate to the average worker salaries that are reaching really obscene levels.

Back in the 1960's, the average CEO's salary was about 12 times more than the average worker. It steadily climbed until today it is 187 times more than the average worker. If you go to the top 30 corporations in America, it is 225 times more.

And what do they want to do? They want to get in there and take the pension money of people who have worked and struggled to put together a life for themselves once they retire. It is one of the worst, inhumane, cruel things you can do to a person and a family.

□ 1700

There are people who work every day who take a good part of that day while they are working daydreaming about the day that they can retire, enjoy themselves, take a little trip with their family, work in the yard. I do not know about my colleagues, but I have too often faced case work in my district where an individual will wake up and the company is gone and their pension is gone with them, just vanished. Or this example: They find a little note in their mailbox that says, well, because your health insurance premiums have increased so much, we are going to deduct that from your pension.

So they end up with virtually no pension in order to cover the cost of their health premiums. It goes on every day in this country. It affects literally thousands and thousands and thousands and hundreds of thousands of people. And this Congress wanted to allow corporations to come in and continue the raid on workers' pensions.

I think it is important to remember this Congress shut down the Government twice, shut it down. I remember colleagues coming down on this side of the aisle into this well before these microphones saying, let us shut it down, let us shut it down; not understanding that there are some functions that the Government has to do: road

service, police protection, military service, things that are important to the functioning of the country. Yet, they came down here and closed the Government twice.

Of course, they tried mightily to block the minimum wage. We brought the minimum wage to the floor five times to get a vote to take it up, and we were rejected each and every time. But do you know what? On each vote we got a little closer to a majority. They finally realized over there that this is going to pass. They figured out that the gentleman from Michigan [Mr. BONIOR] and his motions were eventually going to get enough votes, and they were going to be left in the short.

So, after blocking and delaying and ducking for over a year, they finally brought the bill to the floor. We passed actually a pretty good bill. I might add that my colleagues on this side of the aisle added some very good provisions with respect to small business that I think added to that bill and made it more acceptable and workable for the small business community. I applaud them for that action. But it took almost 1½ years to get that done because they just do not understand or sense or feel the agony of having to work for \$4.25 an hour. You cannot raise a family on \$4.25 an hour. That is less than \$8,500 a year. What happens when people make \$4.25 an hour? They end up working two jobs, three jobs, a lot of overtime.

When they do that, they are not home when their kids get home from school. They are not there to teach them right from wrong. Father is not there for little league or soccer practice. He is not there for dinner conversations. Then the whole fabric of civil society starts to unravel and the social pathologies, delinquencies, gang violence, drugs, all these things get manifested and blown up to the point where they become serious social problems in our society.

So the minimum wage, while it may seem simple and it may not affect a lot of people, it affected 10 million people, most of them adults, about 66 percent of those adults and most of those women with children. It was important because it was a symbol that this Congress wanted to say that, when you work, you ought to be rewarded for your work and that work was better than welfare.

As we move people off welfare, we have got to be able to pay them decent wages so they can maintain themselves and their families. But our colleagues on this side of the aisle spent a good part of the year deciding that was not going to happen.

Of course, the Republican leadership on this side of the aisle eventually voted against the minimum wage altogether at the end anyway. The gentleman from Texas [Mr. ARMEY] voted against it, the majority leader. He said he would fight it with every fiber of his being and he did. He lost, but he voted against it at the end.

I suspect we should commend him for it, because he lived up to his word; but it was not with his help that we were able to provide an \$1,800 increase in salary a year for these 10 million American workers who need it in order to raise their families and live a decent life. It is still too low, but we made some efforts to increase it for the first time in 40 years. I think those folks who supported that ought to feel good about that. The gentleman from Ohio [Mr. BOEHNER], the caucus leader, the conference leader in the Republican Party, he voted against it. The gentleman from Texas [Mr. DELAY], their No. 3 person, the whip voted against it.

So as we get ready to wrap up this Congress, and we are coming very close to that, Mr. Speaker, we probably have a couple, 3 weeks left here. I must say it has been quite a disappointment. But we have been able to withstand a lot of the onslaught by the Republican majority on the Medicare front, the Medicaid front, education, the environment, and some of these worker issues. But the people will speak, as they do every 2 years. They will have the opportunity to make a judgment on whether they approve of the work of this Congress or whether they do not approve of the work of this Congress.

I am anxious to take this case to the American people and to my district. I think what we have seen in this Congress is a squandering of a lot of valuable time to deal with the issues that people really care about, the issues that folks talk about around the kitchen table.

What do they talk about? Do they talk about, as the gentleman from Connecticut [Mr. SHAYS] said last night on the House floor, proxy voting? Is that important for the American people? He got up here and made a little speech last night about how proud he was of getting rid of proxy voting. I agreed with him, I supported that. But that is not what people talk about.

What they talk about is pensions. They talk about how they are going to afford to get an education for their kids to go to college. They talk about whether their drinking water is safe. They talk about what kind of job and what protections they have on their job. They talk about things that affect them on a daily basis.

What they want is an opportunity to be successful, and what we need to do is provide them the opportunity so they can be successful themselves, not have to worry about that pension going kerplooey on them after 20 or 30 years of work. We ought to make pensions portable, that is what we ought to be doing instead of letting corporations come in and raid pensions.

Mr. Speaker, we ought to make it portable so that if you move from this job one year to another job, you carry your pension with you and it builds up. It is an easy thing to do. It is not that complicated. But that is what we ought to be focusing on. We ought to be focusing on the opportunities for their

children to go to college. It is expensive to go to college, anywhere between \$10,000 and \$15,000 a year if you are going away. Some places it is as high as \$20,000 and \$25,000. Those families cannot afford that.

What are we doing about it? What we ought to be doing, as the President has suggested and we have suggested, is providing about a \$10,000 tax deduction for these families to send their kids to school. That would help. That is something that they could get excited about.

And leave those student loans alone. They are there for a reason. They work. Education is the best investment we can make in this country. It has historically been so. In my lifetime it started after the Second World War with the GI bill. They made a huge difference in the human resource potential and capability of this country.

The National Defense Act that occurred a decade or so later made a big difference. So we put student loans into effect so students could afford to go to school without having to pay exorbitant interest rates once they left school. Now in this Congress an attempt to roll back student loans. I guess what irritates me about that is a lot of the newer Members on the Republican side of the aisle got through college on student loans. PHIL GRAMM got through school on students loans. NEWT GINGRICH got through college on student loans. In fact if it was not for student loans they would not be where they are today, which is the only good reason from my perspective to be against student loans. A little joke, but nonetheless, they want to pull the ladder up now and not let anyone else climb it.

That is not the way I think the country ought to operate. We work best when we pull together as a community, each helping one another, making opportunities for each other, not alone, not as rugged individualists, but working as a community. It is what really is great about America, the sense of community, going into neighborhoods across this country and watching all the activities that occur.

George Bush was absolutely right. Maybe he did not use the best phrase, but remember when he said he was excited about this thing called 1,000 points of light. I thought it was a pretty good phrase, but a lot of people made fun of it. What he was talking about was community. He was talking about folks coming together at the PTA, the little league, the ethnic clubs, the sports groups, the folks that work the Habitat for Humanity crowd, all these different organizations out there doing things, giving to the community, giving to others, being creative, the Rotary, the Lions, the religious organizations. It is really what this is all about. It is pulling together, people pulling together, not individuals doing it on their own.

It takes a community today to raise a child. It starts in the home. It starts

with the parents. Of course, they are the core, but it takes more than that. It takes safe streets, it takes good schools. It takes great teachers. It takes a lot of things to make this work. We have got to get back to that. We have got to get back to that.

In conclusion, let me just say, Mr. Speaker, I hope that this next Congress, whomever is in charge, and I hope it is us, but we will find out in about 2 months, will adopt this sense of community and this spirit that has brought us forward over these past 200 years in this country, because it really is what is at the heart of America.

If we do that again, I think we will hopefully become a more collegial body and work together to talk about the issues that are so important to the American people, the things they talk about at the kitchen table, at the picnic table, the things that are really important to them, and get away from this whole notion that the world revolves around line item vetoes or proxy voting or unfunded mandates.

I mean, some of these things may procedurally be important to do, but really, it is not really where folks want us to laser in on their problems. They want us to focus in on the things that they care about: their education, their pensions, their health care, their wages. Those are the things that matter. And their families, their families, making sure that the family works together, stays together, operates as a unit.

With that, Mr. Speaker, I wish you a good evening.

FIGHTING CRIME TO PROTECT THE AMERICA DREAM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 20 minutes.

Mr. CHRISTENSEN. Mr. Speaker, during the month of August, I had the opportunity to spend some quality time with my fellow Nebraskans. During that month I knocked on over 3,500 doors and discovered that, willing or not, people are beginning to focus on the elections just 61 days away now.

The November elections are going to be very historic for, as a nation, we are poised to get ready for the 21st century, where we will set the course for flagship America and where that course will go into many uncharted waters.

This November, we are going to be selecting a helmsman to lead our Nation into the next century to steer that Nation, to steer our Nation on a safe and steady course. This November, we will decide whether to elect the reform Congress, one that I believe has accomplished more in over a generation than any other Congress, or return to the status quo of higher taxes, bigger Government, bloated bureaucracy, unprecedented arrogance that came with 40 years of one-party Democratic rule.

I heard the former speaker talk about the fact that it takes a village to raise a child. It does not take a village to raise a child. It takes a parent. It takes two parents. It takes people that care about a child to raise that child up right.

I think that is what this November election is going to be about: restoring the American dream for that child. To each of us it means a little bit different. To some it means going to college. To others it might mean owning a home. To others it might mean being an entrepreneur and starting your own business. It means getting married to some and starting a family.

□ 1715

As a Member of Congress I believe that the American dream has got to be centered around a few very core issues. One is balancing this country's budget to begin to pay off the \$5 trillion worth of debt that hangs around our children's necks, to give them an opportunity to live in a debt-free society full of opportunity, opportunity awaiting them in the 21st century. Restoring the American dream means freeing Flagship America of the anchor of taxes and regulation and letting working families keep more of their hard-earned money and providing better opportunity for them all. Restoring the American dream means streets where seniors can stroll safely into the night and schools where children can learn without fear for their life and fear walking to school in the morning without their parent beside them.

And that is what I would like to talk with you about this evening, the violent crime and illegal drugs that are casting a long cold shadow over the American dream, for without safe streets, secure schoolyards and a drug-free future, no other element of the American dream is possible. We must have safe streets, secure schools, and a freedom from the fear for us to accomplish that American dream. I believe this is possible, and I believe we can achieve it.

You know, in Nebraska we are very fortunate. Generally we have been spared the worst of crime. The crime and horror stories that are played out on the TV screens which you see in Chicago and Los Angeles and Houston and New York does not normally happen in Omaha, but sadly that is no longer true. You know, I grew up in the rural part of Nebraska. I can remember when we left our door unlocked and the keys in the pickup. But no longer can you do that. In Omaha last year alone we had 41 killings, 8 more than in 1994. Omaha's police arrested 20 percent more juveniles in 1995 than they did in 1994. And that shadow, the shadow of crime, even took one of our brave men in blue.

You know, two studies have been released most recently that show that we are losing the war on drugs. The Health and Human Services study showed that drug abuse is climbing

among our teens, putting them on a crash course with history. The study showed that drug use by our children doubled in the last 3 years. Monthly use of LSD and other hallucinogens leapt 183 percent from 1992 to 1995, and 54 percent in last year alone. Cocaine shot up 166 percent; marijuana grew at 141 percent. In 1992, 1 in 20 kids dabbled in these poisons at least once a month. But last year 1 in 10 used these drugs regularly, twice as many. District 66 schools, the west side schools in my district, released a study just a couple days ago that showed that marijuana use is increasing at every grade level.

If we are to rebuild the American dream, it is here where we must begin, in our schools, in our communities, stone by stone and brick by brick. We must rebuild the foundation of this great Nation to insure freedom from fear, freedom from drugs, to achieve the opportunity for the American dream for everyone, and this new Congress has laid down the cornerstone in this historic fight.

This past year the Congress took on significant steps to make our streets safer in the quest of that American dream. We unanimously approved the Victim Restitution Act. The bill instructs courts in Federal criminal proceedings to require convicted offenders to pay restitution to their victims. The fact that we passed this Victim Restitution Act without a single dissenting vote tells me that Congress has changed and that we can work in a bipartisan fashion. Nowadays we all agree that criminals should have to pay for their misdeeds literally.

We also approved the Exclusionary Rule Reform Act which would allow prosecutors in Federal court to use evidence gathered by law enforcement officials acting in good faith. Today criminals are frequently acquitted on technicalities only because the officers investigating unknowingly stepped over some arbitrary line. We should never allow a typographical error on a warrant to be used by some slick criminal defense attorney to put a vicious criminal back on the street. I am hopeful that this bill can be approved by the other body and sent to the President soon for his signature.

We also passed the effective Death Penalty Act to limit the number of appeals of convicted felons on death row. Currently those on death row can file almost unlimited appeals, tying up the courts and using the process to escape their sentence. We have seen that again and again in Nebraska where vicious killers like "Whack 'Em" Willie Otey and John Joubert were able to cheat justice for decades. Finally the people won out, and they are put to death this year.

Now that this legislation has been signed into law, I am hopeful that justice will soon become more swift and much more certain. We passed the Violent Criminal Incarceration Act which provides resources to States for prison construction and also contained truth-

in-sentencing provisions intended to make convicted criminals serve more of their prison terms that they are given.

We passed the Criminal Alien Deportation Improvements Act which strengthens our ability to deal with aliens who are convicted of serious crimes while they are in the United States. It is a shocking fact that our Federal prisons now hold more than 25 percent non-U.S. citizens. Since 1980 the number of alien inmates has skyrocketed 600 percent. Why on earth should our States pay hundreds of millions of dollars a year to incarcerate foreign drug dealers?

In the House we also passed legislation that would double the penalties for most crimes against children and against senior citizens. This legislation sends a simple and clear message to criminals that if you are so cowardly and so craven that you must prey upon the most vulnerable Americans, then plan on becoming a permanent resident of cell block B.

We also passed Megan's Law. This important legislation requires law enforcement officials to notify communities and families when a convicted sex offender is released and moves into their neighborhood. No longer will our families live in fear from the unknown. It is bad enough that some convicted sex offenders are ever released. At the very least we should let people know when they move into their neighborhood.

Working closely with my good friend Representative LIGHTFOOT, chairman of the Appropriations Subcommittee, we passed legislation that will place the Integrated Ballistic Imaging System, better known as IBIS, into the Omaha law enforcement communities. This will allow our law enforcement officials to "fingerprint" bullets used in the commission of a crime and match them up with the gun they came from.

This will make crime solving a whole lot easier for those charged with the duty of protecting us and be able to really lock the key on those convicted of a crime using a gun.

Finally, after a lot of hard work, we were able to get "high drug-trafficking" States like Nebraska earmarked with a \$5 million to help us put a plug on the evils of drugs flowing down Interstate 80. It is still waiting approval over in the Senate, and we are working with Senator LOTT to try to get that through.

But I believe that each of these measures are an important factor in fighting the increased drug usage in our country, because I believe each bill, brick by brick, gets us closer to restoring that American dream.

Besides the bills that we passed here in the House, I introduced two bills that I believe will bring us closer to restoring the American dream and bringing safety to our streets and secure schools. One was my prison reform bill. On this issue I have to admit I have got some critics. Some people have said

that prisoners are overcrowded. Some people have said that prisons are uncomfortable. Some people have even told me that prisoners are denied access to recreation.

To my critics I say:

So what? For too long, liberal judges, and slick criminal defense attorneys and misguided policies have turned our prisons into playhouses. To fix that, I sponsored legislation that makes it clear once and for all that our prisons are not country clubs.

First, my legislation would require prisoners to work 48 hours each week. If both parents in middle-class families are forced to work just to make ends meet, at the very least we should demand that those who have broken our laws and terrorized our families should put in an honest day's work as well.

Second, the Christensen bill requires Federal prisoners to study at least 12 hours per week.

Part of the role of the prison is to prepare convicted criminals to reenter society. It is not their choice whether to spend that time playing cards or getting their GED. It is our choice.

Third, my bill prohibits the use of weight lifting equipment in Federal prisons by Federal prisoners. Why should taxpayers be forced to pay for criminals to become stronger and more deadly so that they can prey upon our families once they reenter society? Our prisons are not for recreation, they are for incarceration.

Fourth, the Christensen bill would ban the use of televisions in Federal prisons, with a narrow exception for educational purposes. So long as just one Nebraska family cannot afford the luxury of cable television, then not one Federal prisoner should have it either.

It is time we quit treating our Federal prisons like Holiday Inns. Finally, the Christensen bill seeks to end frivolous prison litigation. Inmates right here in Nebraska, in my district, have claimed violations and have used taxpayer dollars to fight their claims in court for not having meals of their choice, complaining about soggy toast and cold hamburgers, cruel and unusual punishment because Nebraska taxpayers would not pay for a nose job. Even a right to child pornography in prison, despite the fact that the inmate was serving a sentence for first degree sexual assault on a child and manufacturing child pornography. Try finding those rights in the Constitution! But some slick criminal defense attorney probably would make that claim. The bottom line is that these lawsuits are nuts, and they must stop, and they will.

The second piece of legislation that I sponsored makes it clear that the problem with guns in our society is not the guns but the felons who use them for a criminal purpose. I call my bill the Hard Time for Gun Crimes Act. This bill would dramatically increase the penalties for possessing, brandishing, and discharging a firearm during the commission of a Federal felony.

For instance under my bill if you fire a gun during the commission of a Federal crime, if it is the first offense you will get 30 extra years in jail. If it is the second offense, you will get a minimum of 50, 50 extra years in jail.

The key message is that we have had it with gun related violence. Americans have zero tolerance for gun crime so our justice system should as well too. I think we should keep those who would misuse guns in jail and not let them walk the streets as they have done in the past. No more slick criminal defense attorneys pushing criminals to freedom through legal loopholes, no more soft sentences before the judge, no more legal gymnastics setting criminals free after a fraction of their allotted time in jail. My bill sends a very clear message:

If you want to use a gun to commit a felony, plan on spending the next few decades behind bars, no exceptions.

□ 1730

I believe that the new Congress has brought about true change. We have worked hard to balance the budget for the first time in a generation, just as we said we would. We worked hard to reduce the burden of big government on hardworking Americans and job-creating businesses, just as we said we would.

As I have laid out here today, we have worked very, very hard to make our streets safe and our schools more secure, just as we said we would. We are doing it so we can restore the American dream for every child, for every family, for a brighter and safer 21st century, because I believe together, in a bipartisan fashion, that this Congress has had a number of successes, and that together, and in future Congress, we can continue to build a future for that child, and that child than can be raised by his own parents, not the village, but by his family, for a bright and safe 21st century.

REPORT FROM INDIANA

The SPEAKER pro tempore (Mr. COOLEY). Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes

Mr. MCINTOSH. Mr. Speaker, I rise today to give my report from Indiana. Each weekend my wife Ruthie and I travel across the State of Indiana, and often we meet good people who are taking responsibility for making our communities a better place to live. In my book, these people are Hoosier heroes, Hoosier heroes because they work and sacrifice to make a difference.

Today I would like to recognize many of those individuals involved with the Lincoln Central Neighborhood Family Center in Columbus, IN, as Hoosier heroes. There are 5,000 people who live in this neighborhood, one of the older parts of Columbus. The families who live in the Lincoln Central neighborhood may be considered poor in finan-

cial terms. There are 40 percent of them who are under the poverty line. Eighty percent of the children from that neighborhood are on free or reduced lunches. But I want to submit, Mr. Speaker, that they are rich in spiritual materials, because citizens from around the city came together to form a community group to help rebuild, to clean, and to make Lincoln Central a better place to live.

They are people like Hutch Schumaker, a local businessman and community leader, who donated his time to make sure that the planning was in place and the community was behind the effort to improve Lincoln Central neighborhood; people like Randy Allman, who is the coordinator of the Lincoln Central neighborhood group, who is responsible for conversion of the armory into single apartments for senior citizens; and Kate Garvey, who is a local resident. She has been very active in the planning committee, making sure people from the community are involved in this effort.

Then there is Diane Doup, who is the activities coordinator. She is responsible for allowing folks to come in and tour. She took me and then later Ruthie on a tour of the neighborhood so we could witness firsthand the remarkable efforts of the citizens of this neighborhood, taking charge of their own lives to build a better future.

Citizens in the Lincoln Central neighborhood come from one of the poorest areas in the inner city of Columbus, but by joining together to improve, strengthen, and secure a better way of life, their mission is very simple. I want to quote to you today, Mr. Speaker, from their mission statement:

To create a safe and caring neighborhood where individuals are treated with respect and live in harmony in their community.

It first started in 1994, when hundreds of volunteers from around Bartholomew County, including local churches, businesses, and other groups, joined with the 5,000 neighborhood members in Lincoln Central neighborhood to work together. Along with some of the local service agencies, they took charge in a resolve to meet the needs of their community.

When I was there I toured around the neighborhood in August and I happened to see some of their projects. I was greeted by proud residents who were eager to show me how they were improving their neighborhood. They began by buying up some of the old houses, getting them purchased so they could resell them to families who needed them. Now those houses have been fixed up and painted up and are some of the best-looking houses on the block. These families have been allowed to move in and they have a better hope for the future.

The neighbors have come together and they bought up one house next to an old play lot and have torn it down, and are converting the entire area into a new playground for the kids of Lin-

coln Central neighborhood. I saw many dilapidated old homes that they have targeted for refurbishment and renewal, so those who are less fortunate will have a better place to live.

What is so remarkable is one of the comments I heard from Jerry Combest, a resident. He told me, as an organization, we are looking for a hand up, not a handout. We want to help make our lives better for ourselves. That comes through in the spirit from the members of the Lincoln Central neighborhood. They are not sitting back and asking somebody else to take charge of their lives and their neighborhood. They want to take responsibility and fix up their own neighborhood. These good people are leading the way as examples in Columbus, IN. I am proud of their good work.

I want to say that everybody involved with the Lincoln Central neighborhood has earned the title of Hoosier hero.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today through Tuesday, September 10, on account of official business.

Mr. GEREN of Texas (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. SANFORD (at the request of Mr. ARMEY), for today, on account of assessing the effects of Hurricane Fran on his district.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.

Mr. PORTER, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Mr. CLAY.
Mr. LANTOS.
Mrs. KENNELLY.
Mr. SANDERS.
Mr. VENTO.
Mr. KENNEDY of Rhode Island.
Mr. BONIOR.
Mr. COYNE.
Ms. DELAURO.
Ms. WOOLSEY.
Mr. MURTHA.

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. FIELDS of Texas.
Mr. BARRETT of Nebraska.
Mr. TORKILDSEN.
Mr. MYERS of Indiana.
Mr. FLANAGAN.
Mr. MARTINI.

(The following Members (at the request of Mr. MCINTOSH) and to include extraneous matter:)

Mr. DINGELL.
Mr. GILLMOR.
Mr. SAXTON.
Mr. CRANE.
Mr. PASTOR.
Mr. GOODLING.
Mrs. LINCOLN.
Mr. MINGE.
Mr. MYERS of Indiana.
Mr. DIXON.
Mr. REED.
Mr. PAYNE of New Jersey.
Mr. VISCLOSKY.
Mr. FRANKS of New Jersey.
Mr. EVERETT.
Mr. THOMPSON.
Mr. CONYERS.
Mr. TOWNS.
Mr. KING.
Mr. POSHARD.
Mr. MCINTOSH.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 740. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe;

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes;

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes;

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes; and

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said Dis-

trict for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mr. MCINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, September 9, 1996, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4809. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining the Public Housing Development Regulations (FR-3569) received August 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4810. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (FR-2880) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4811. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Congregate Housing Services Program Streamlining (FR-4033) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4812. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining of the Nehemiah Housing Opportunity Grants Program (FR 4090) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4813. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Amendment to the Section 8 Certificate and Voucher Conforming Rule (FR 4119) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4814. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Loans in Areas Having Special Flood Hazards [No. 96-82] (RIN: 1550-AA82) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4815. A letter from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting the joint annual report of the Thrift Depositor Protection Oversight Board and the Resolution Trust Corporation for the calendar year 1995, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

4816. A letter from the Assistant Secretary, Department of Education, transmitting Final Regulations—Indian Fellowship and Professional Development Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

4817. A letter from the Assistant Secretary for Occupational Safety and Health, Depart-

ment of Labor, transmitting the Department's final rule—Scaffolds Used in the Construction Industry (RIN: 1218-AA40) received August 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Permit Requirements, Definitions and Administrative Requirements [TN-146-2-9608a; FRL-5554-6] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Final Regulations for Revisions to the Federal Test Procedure for Emissions from Motor Vehicles [FRL-5558-3] (RIN: 2060-AE27) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4820. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [FRL-5556-8] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4821. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Washington and Oregon [FRL-5601-6] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4822. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of New York [FRL-5556-2] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Maryland 1990 Base Year Emission Inventory [FRL-5603-1] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4824. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Interim Approval of Operating Permits Program; South Coast Air Quality Management District, California [FRL-5559-1] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4825. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Secondary Treatment Requirements for Discharges into Marine Waters [FRL-5601-2] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4826. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Promulgation of Reid Vapor Pressure Standard; Michigan [FRL-5542-1] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4827. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Wyoming; Corrections [FRL-5560-4] received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4828. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—1990 Base Year Emission Inventory [FRL-5603-3] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4829. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—1990 Base Year Emission Inventory [FRL-5603-5] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4830. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities [FRL-5389-9] received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4831. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Regulations Requiring On-Board Diagnostic (OBD) Systems—Acceptance of Revised California OBD II Requirements [FRL-5602-3] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4832. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution District [FRL-5557-2] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4833. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allocations. FM Broadcast Stations (Hawesville, Kentucky and Tell City, Indiana) [MM Docket No. 94-156] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4834. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents [Docket No. 95N-0253] (RIN: 0910-AA48) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4835. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Order Execution Obligations [Release No. 34-37619] (RIN: 3235-AG66) received August 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4836. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a cooperative Synthetic Theater of War [STOW] Project Arrangement [PA] with the United Kingdom (Transmittal No. 18-96), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4837. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96-61), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4838. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96-67), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4839. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office [TECRO] in the United States for defense articles and services (Transmittal No. 96-68), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4840. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 96-62), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4841. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96-60), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4842. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96-69), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4843. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96-66), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4844. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 104-259); to the Committee on International Relations and ordered to be printed.

4845. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's major final rule—Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AD69) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4846. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Certification and Funding of State and Local Fair Housing Enforcement Agencies (FR 3322) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4847. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Revision of HUD's Fair Housing Complaint Processing (FR 4031) received August

27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4848. A letter from the Assistant Secretary of the Army for Civil Works, Department of the Army, transmitting the Department's final rule—Pamlico Sound and Adjacent Waters, North Carolina, Danger Zones, Alligator Bayou off St. Andrew Bay, Florida, and Suisan Bay, West of Carquinez Straits at the Naval Weapons Station, Concord, California, Restricted Areas (13 CFR Part 334) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4849. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Protective Breathing Equipment (Federal Aviation Administration) [Docket No. 27219; Amendment No. 121-261] (RIN: 2120-AD74) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4850. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, Excluding Model A300-600 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-263-AD; Amendment No. 39-9724; AD 96-17-14] (RIN: 2120-AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4851. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model BAE 125 Series 1000A and Model Hawker 1000 Airplanes (Federal Aviation Administration) [Docket No. 95-NM-166-AD; Amendment No. 39-9723; AD 96-17-13] (RIN: 2120-AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4852. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, and 382G Series Airplanes [Docket No. 95-NM-10-AD] (RIN: 2120-AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4853. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes (Federal Aviation Administration) [Docket No. 95-CE-94-AD; Amendment No. 39-9722; AD 96-17-12] (RIN: 2120-AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-181-AD] (RIN: 2120-AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-124-AD] (RIN: 2120-AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local

Regulation: Provincetown Harbor Swim for Life, Provincetown, MA (U.S. Coast Guard) [CGD01-95-169] (RIN: 2115-AE46) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—New York Super Boat Race, New York (U.S. Coast Guard) [CGD01-96-072] (RIN: 2121-AA97) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—MTV Music Awards Fireworks Display, East River, New York (U.S. Coast Guard) [CDG01-96-100] (RIN: 2115-AA97) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Mississippi Blawhawks Water Ski Show Upper Mississippi River Mile 633.0-634.0 McGregor, IA (U.S. Coast Guard) [CGD08-96-039] (RIN: 2115-AE46) received August 26, 1996, pursuant to 5 U.S.C. 301(a)(1)(A); to the Committee on Transportation and Infrastructure.

4860. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Traffic Service New York Area (U.S. Coast Guard) [CGD 92-052] (RIN: 2115-AE36) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4861. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) [Docket No. 95-87; Notice 2] (RIN: 2127-AF78) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4862. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Penalties: Streamlined Enforcement Procedures for Certain Security Violations (Federal Aviation Administration) [Docket No. 27873; Amdt. No. 13-26] (RIN: 2120-AF36) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4863. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 96-ANE-19; Amendment 39-XXXX; AD 96-15-06] (RIN: 2120-AA64) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4864. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Model TIO-540-SIAD Reciprocating Engines (Federal Aviation Administration) [Docket No. 91-ANE-29; Amendment 39-9470; AD 91-21-01 R1] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4865. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc.—Manufactured Model AH-1, HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P Helicopters (Federal

Aviation Administration) [Docket No. 96-SW-11-AD; Amendment 39-9741; AD 96-12-26] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4866. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B Helicopters (Federal Aviation Administration) [Docket No. 96-SW-07-AD; Amendment 39-9739; AD96-12-25] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4867. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada Ltd. Model 222, 222B, 222U, and 230 Helicopters (Federal Aviation Administration) [Docket No. 96-SW-08-AD; Amendment 39-9740; AD 96-18-15] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4868. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. (formerly Britten-Norman) BN-2A and BN2A MK. 111 Series Airplanes (Federal Aviation Administration) [Docket No. 96-CE-16-AD; Amendment 39-9748; AD 96-18-21] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4869. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Smithfield, NC (Federal Aviation Administration) [Airspace Docket No. 96-ASO-11] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4870. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Tampa, FL (Federal Aviation Administration) [Airspace Docket No. 96-ASO-12] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4871. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rochester, MN (Federal Aviation Administration) [Airspace Docket No. 96-AGL-1] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4872. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 60 Airplanes (Federal Aviation Administration) [Docket No. 95-NM-240-AD; Amendment 39-9725; AD 96-18-01] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4873. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corporation Models 8KCAB, 8GCBC, 7GCBC, 7ECA, 7GCAA, and 7KCAB Airplanes (Federal Aviation Administration) [Docket No. 96-CE-36-AD; Amendment 39-9726; AD 96-18-02] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4874. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada Ltd. Model 206L, 206L-1, and 206L-3 Helicopters (Federal Aviation Administration) [Docket No. 95-SW-13-AD; Amendment 39-9729; AD 96-18-05] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4875. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-138-AD; Amendment 39-9728; AD 96-18-04] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4876. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-243-AD; Amendment 39-9727; AD 96-18-03] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4877. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320-111, -211, and -231 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-249-AD; Amendment 39-9730; AD 96-18-06] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4878. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10 and -15 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-204-AD; Amendment 39-9735; AD 96-18-11] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4879. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28666; Amdt. No. 1749] (RIN: 2120-AA65) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4880. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28667; Amdt. No. 1750] (RIN: 2120-AA65) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28665; Amdt. No. 1748] (RIN: 2120-AA65) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bellanca, Incorporated Models 17-30, 17-30A, 17-31, 17-31A, 17-31TC, and 17-31ATC Airplanes (Federal Aviation Administration) [Docket No. 95-CE-54-AD; Amendment 39-9731; AD 96-18-07] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model BAe 125-800A and -1000A, and Model Hawker 800 and 1000 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-165-AD; Amendment 39-9733; AD 96-18-09] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300-600 and A310 Series Airplanes Equipped With General Electric Model CF6-80 Engines (Federal Aviation Administration) [Docket No. 95-NM-175-AD; Amendment 39-9734; AD 96-18-10] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-237-AD; Amendment 39-9736; AD 96-18-12] (RIN: 2120-AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Elimination of Regulations Concerning the Public Lands Highways Discretionary Funds Program (Federal Highway Administration) [FHWA Docket No. 95-28] (RIN: 2125-AD69) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Content Labeling (National Highway Traffic Safety Administration) [Docket No. 92-64; Notice 9] (RIN: 2127-AG46) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4888. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Revenue Procedure RP-242645-96) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4889. A communication from the President of the United States, transmitting a report concerning his actions in response to the ITC safeguards investigation of broom corn brooms, pursuant to section 203(b)(1) of the Trade Act of 1974; to the Committee on Ways and Means.

4890. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1997 Rates (RIN: 0938-AH34) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4891. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on proliferation of missiles and essential components of nuclear, biological, and chemical weapons, pursuant to 22 U.S.C. 2751 note; jointly, to the Committees on National Security and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3863. A bill to amend the Higher Education Act of 1965 to permit lenders under the unsubsidized Federal Family Education Loan program to pay origination fees on behalf of borrowers; with amendments (Rept. 104-775). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Economic and Educational Opportunities. House Resolution 470. Resolution expressing the sense of the Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the provisions of the Higher Education Act of 1965 related to campus crime (Rept. 104-776). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3640. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; with an amendment (Rept. 104-777). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BASS:
H.R. 4026. A bill to assist the State of New Hampshire in examining the historical significance of the Berlin, NH, area; to the Committee on Resources.

By Mr. FRANKS of New Jersey:
H.R. 4027. A bill to amend the Food Stamp Act of 1977 to forbid recipients of food stamp benefits to resell, or to barter, food acquired with such benefits; to the Committee on Agriculture.

By Mr. LATOURETTE (for himself and Mr. DINGELL):

H.R. 4028. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the U.S. Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Resources.

By Mr. NADLER:
H.R. 4029. A bill to improve aviation security by requiring air carriers to install certain explosive detection equipment at airports and to use explosive resistant cargo containers on aircraft, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself and Mr. TORRICELLI):

H.R. 4030. A bill to terminate ocean dumping at the Mud Dump Site and other sites within the New York Bight Apex off of the coast of New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. RIGGS:
H.R. 4031. A bill to provide that the provision of the Fair Labor Standards Act of 1938 on the accounting of tips in determining the wage of tipped employees shall preempt any State or local provision precluding a tip credit or requiring a tip credit less than the tip credit provided under such act; to the Committee on Economic and Educational Opportunities.

By Mr. RIGGS:
H.R. 4032. A bill to promote balance between natural resources, economic develop-

ment, and job retention in northwest California, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:
H.R. 4033. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to ensure that Federal agencies give priority to reducing paperwork burdens on small businesses having 50 or fewer employees; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. GILCHREST, Mr. LOBIONDO, and Mr. SMITH of New Jersey):

H.R. 4034. A bill to terminate ocean dumping at the Mud Dump Site off the coast of New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. OBEY, Mr. NEUMANN, Mr. KLUG, Mr. PETRI, Mr. ROTH, Mr. BARRETT of Wisconsin, Mr. MILLER of Florida, Mrs. MEYERS of Kansas, Mr. RAMSTAD, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. SABO, and Mr. MINGE):

H.R. 4035. A bill to rescind the consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. GILMAN):

H.R. 4036. A bill to strengthen the protection of internationally recognized human rights; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN, Mr. KENNEDY of Massachusetts, Ms. ROS-LEHTINEN, Mr. MILLER of California, and Mr. FALEOMAVAEGA):

H.R. 4037. A bill to impose certain sanctions on countries that do not prohibit child labor; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR:
H.J. Res. 190. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen on account of birth in the United States unless both parents are either U.S. citizens or aliens lawfully admitted for permanent residence at the time of the birth; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. HAYWORTH.
H.R. 103: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. CUMMINGS.

- H.R. 777: Mr. BAKER of Louisiana.
H.R. 778: Mr. BAKER of Louisiana.
H.R. 809: Mr. LUCAS.
H.R. 858: Mr. MEEHAN, Mr. BRYANT of Tennessee, Mr. METCALF, Mr. BISHOP, and Mr. GORDON.
H.R. 942: Ms. NORTON, Mr. OLVER, and Mr. TORKILDSEN.
H.R. 1073: Mr. BENTSEN.
H.R. 1074: Mr. BENTSEN.
H.R. 1229: Mr. SANDERS.
H.R. 1402: Mr. RAHALL.
H.R. 1416: Mr. FALEOMAVAEGA.
H.R. 1863: Mr. CUMMINGS.
H.R. 2006: Mr. UNDERWOOD.
H.R. 2190: Mr. EDWARDS.
H.R. 2270: Mrs. MYRICK.
H.R. 2416: Mr. TORRICELLI, Mr. PAYNE of New Jersey, and Mr. ANDREWS.
H.R. 2470: Mrs. CUBIN.
H.R. 2489: Mr. BAKER of Louisiana, Mr. DELAY, Mr. DEUTSCH, Mr. ENSIGN, Mr. FROST, Mr. JOHNSTON of Florida, Mr. LONGLEY, Mr. MCHUGH, Mr. RANGEL, and Mr. WATTS of Oklahoma.
H.R. 2508: Mr. LAFALCE, Mr. COLLINS of Georgia, Ms. RIVERS, and Mr. FOLEY.
H.R. 2548: Mr. JOHNSON of South Dakota.
H.R. 2582: Ms. NORTON.
H.R. 2651: Mr. LUCAS and Mrs. VUCANOVICH.
H.R. 2727: Mr. WELDON of Florida.
H.R. 2749: Mr. SKEEN.
H.R. 2807: Mr. EHLERS, Mr. ROMERO-BARCELÓ, and Mr. GREENWOOD.
H.R. 2834: Mr. McNULTY.
H.R. 2892: Mr. DURBIN and Mr. MOAKLEY.
H.R. 2951: Mrs. MORELLA.
H.R. 2976: Mr. CRAMER, Mrs. MALONEY, and Ms. SLAUGHTER.
H.R. 2994: Mr. BOEHLERT.
H.R. 3000: Mr. LUCAS.
H.R. 3151: Mr. REED.
H.R. 3153: Mr. PETERSON of Florida.
H.R. 2182: Mr. HORN.
H.R. 3226: Mr. BALDACCİ and Mr. HOBSON.
H.R. 3307: Mr. PICKETT.
H.R. 3337: Ms. HARMAN.
H.R. 3477: Ms. FURSE, Mr. ROMERO-BARCELÓ, and Mr. THOMPSON.
H.R. 3482: Ms. NORTON and Mr. SANDERS.
H.R. 3504: Mr. ACKERMAN, Mr. BAKER of Louisiana, Ms. BROWN of Florida, Mr. FLANAGAN, Mr. JACOBS, Mr. MANZULLO, Mrs. MYRICK, Mr. STEARNS, and Mr. WATTS of Oklahoma.
H.R. 3636: Mr. HUTCHINSON.
H.R. 3645: Mr. MANTON, Mr. SHAYS, Mr. OBEY, and Mr. WELDON of Pennsylvania.
H.R. 3648: Mr. BONIOR.
H.R. 3688: Mr. GEJDENSON.
H.R. 3733: Mr. DELLUMS.
H.R. 3752: Mr. POMBO, Mr. WELDON of Florida, Mr. HASTINGS of Washington, and Mr. DUNCAN.
H.R. 3775: Mr. KLUG.
H.R. 3799: Mr. EWING, Mr. DURBIN, Mr. SKELTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. LEWIS of Kentucky, Mr. WELDON of Florida, Mr. BEREUTER, and Mr. LEACH.
H.R. 3803: Mr. ROMERO-BARCELÓ, Mr. DAVIS, Ms. NORTON, and Mr. OXLEY.
H.R. 3836: Mr. FOX.
H.R. 3837: Mr. ACKERMAN, Mr. FROST, Mrs. THURMAN, Mrs. MEEK of Florida, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. LAFALCE, Mr. GUTIERREZ, Mr. TORRES, Mr. FLAKE, Ms. MILLENDER-McDONALD, and Ms. SLAUGHTER.
H.R. 3849: Mr. CLEMENT, Mr. MCKEON, and Mr. DORNAN.
H.R. 3853: Mr. GORDON and Mr. CRAMER.
H.R. 3863: Mr. GUNDERSON, Mr. MASCARA, Mr. ACKERMAN, Mr. DELLUMS, and Mr. UPTON.
H.R. 3889: Mr. BONO, Mr. CALVERT, Mrs. SEASTRAND, Mr. BAKER of California, Mr. MOORHEAD, Mr. HOUGHTON, Mr. PACKARD, and Mr. POMBO.
H.R. 3905: Mr. BLUTE, Mr. CHRISTENSEN, and Ms. SLAUGHTER.
H.R. 3923: Mr. RAHALL, Ms. MOLINARI, Mr. CLEMENT, Mr. WELLER, Mr. HOLDEN, Mr. FRISA, and Mr. CRAMER.
H.R. 3927: Mr. GONZALEZ, Ms. LOFGREN, Mr. WATTS of Oklahoma, Mr. BROWN of California, Mr. BRYANT of Texas, Mr. BALDACCİ, Mr. FRAZER, Ms. NORTON, Mr. GILMAN, Ms. VELAZQUEZ, and Mrs. SCHROEDER.
H.R. 3939: Mr. BEREUTER.
H.R. 3952: Mrs. MINK of Hawaii.
H.R. 3966: Mr. NEY, Mr. MANZULLO, Mr. HILLEARY, Mr. DINGELL, and Mr. FALEOMAVAEGA.
H.R. 4006: Mr. MCINTOSH, Mr. PETRI, and Mr. LUCAS.
H.J. Res. 97: Ms. KAPTUR.
H.J. Res. 127: Mr. ROGERS.
H. Con. Res. 10: Mr. CALVERT.
H. Con. Res. 50: Mr. VISCLOSKEY.
H. Con. Res. 51: Mr. TRAFICANT and Mr. STUMP.
H. Con. Res. 145: Mr. FOX.
H. Con. Res. 195: Ms. FURSE, Mrs. THURMAN, Mr. LANTOS, Mr. MARTINEZ, Mr. SABO, Mr. DEFAZIO, and Mr. MANTON.
H. Con. Res. 200: Mr. RAHALL, Mr. ACKERMAN, and Ms. SLAUGHTER.
H. Res. 449: Mr. ENSIGN, Mr. JOHNSTON of Florida, Mrs. MYRICK, and Mr. WATTS of Oklahoma.
H. Con. Res. 470: Mr. ACKERMAN and Mr. BAKER of Louisiana.