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House of Representatives

The House met at 10 a.m.

PRAYER

Rabbi Yisrael Meir Lau, Chief Rabbi of Israel, offered the following prayer:

Our Father in Heaven, bless and grace the House of Representatives of the United States of America, and lead them in the right way to bring peace in the United States of America and in the entire universe, for the benefit of all mankind.

I am very happy to be here and to thank you for the declaration and proclamation offering the Congressional Golden Medal and tribute in honor of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, spiritual leader not only for the Jewish people but for all mankind, leading us as a scholar, as a guide, in the period, in the age of the end of the Second World War, out of the Holocaust, from the darkness of the Holocaust, which I was personally very lucky to be one of its survivors, to show us there is a light in the edge of the tunnel. He showed us the way of spirit, of hope, of faith, of education, to all the good and the best it can be.

His colleagues, his students, his followers, the Chabad Movement of Lubavitch, in its over 2,000 educational and social institutions, bring to a world which will be improved in peace, in health, in happiness.

So I appreciate on behalf of the State of Israel, of the people of Israel, of the people, the Jewish people all over the world, your brilliant idea, the House of Representatives of the leaders of the free world, United States of America, for this contribution to peace all over the world.

Let us say, all of us, He, the Almighty who makes peace in His heights, will make peace upon us, upon the entire universe.

And let us say: 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. The Pledge of Allegiance will be led by the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS 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.

OPENING PRAYER BY ISRAELI CHIEF RABBI YISRAEL MEIR LAU

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

Mr. GILMAN. Mr. Speaker, I join our colleagues in welcoming to the House this morning the Chief Rabbi of Israel, Yisrael Meir Lau, who today led our opening prayer in Congress.

We are very honored to have Israel's Chief Rabbi, Rabbi Lau, present with us as we commemorate the awarding of a Congressional Gold Medal to the late leader of the Lubavitch Chassidim, Rabbi Menachem Mendel Schneerson, of blessed memory.

Rabbi Lau has come to the United States because of his admiration for the late Rabbi Schneerson, and because of his commitment to the Jewish people as a child survivor of the Holocaust.

Prior to his becoming Chief Rabbi of Israel, Rabbi Lau served as the Chief Rabbi for the cities of Netanya and Tel Aviv.

I know my colleagues join in extending our heartiest good wishes upon his visit to the United States, and look forward to being with him at today's historic events.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). The Chair will announce that there will be 10 1-minutes per side starting at this time by previous order of the Speaker and with agreement of the minority leader.

HONORING THE LUBAVITCHER REBBE

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

Mr. LAZIO of New York. Mr. Speaker, today the President will fulfill a congressional mandate to honor a lifetime of good words and good deeds by the late Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, by presenting a Congressional Gold Medal in his memory.

I am honored this morning to speak about a very extraordinary American.

Born in Russia in 1902, educated at Sorbonne University in Paris, Rabbi Schneerson emigrated to America and built a worldwide organization dedicated to goodness out of the ashes of the Holocaust.

The Rebbe exemplified the meaning of Chabad—an acronym that stands for wisdom, understanding, and knowledge. The Chabad movement he led became the world's largest Jewish education and outreach organization, active in 42 countries and almost every State in our Union.

We honor his memory today because the Rebbe's work on behalf of morality, education, and charity and his essential goodness made him a respected and

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beloved religious leader around the world. The Rebbe's good work reached far beyond the Chassidic community he led so well from a small brownstone building in the Crown Heights section of Brooklyn.

Awarding a Congressional Gold Medal in the Rebbe's memory is a fitting tribute to a great humanitarian whose work on behalf of all people will never be forgotten.

TRIBUTE TO RABBI MENACHEM MENDEL SCHNEERSON

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

Mr. DEUTSCH. Mr. Speaker, I also join my colleagues in a very special opportunity to remind the world and this country and this Congress about the work of the Rebbe Menachem Mendel Schneerson, someone who in his lifetime probably influenced as many people as anyone else maybe in the history of the world in terms of good works and good deeds.

I also thank the Chief Rabbi of Israel for being with us today and being part of a ceremony. Most Members, I think, are aware that today the gold medal that this Congress voted for the late Rebbe will be given at a ceremony at the White House, and there are activities throughout the day in terms of speeches in memory of the Rebbe.

I can speak, in a sense from a personal perspective, from the community that I represent in south Florida. Before I move to that community, there was no presence of the Chabad movement. In the near 15 years, there are six centers of learning, a school that has several hundred students. It is not just a community that, in a sense, the Rebbe taught to, but the entire community of the world in terms of education and really faith that we have the opportunity today in a special way to thank and to bless his memory.

OCALA: ALL-AMERICAN CITY

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

Mr. STEARNS. Mr. Speaker, I rise today to commend the city of Ocala, FL. This past weekend it won the prestigious title of All-American City from the National Civic League.

Competing against 30 other communities from across the Nation. Ocala-Marion County was one of 10 towns to earn recognition for its ability to creatively overcome problems and bring its citizens together. In a time when civic pride and strong community spirit are on the wane, it is refreshing to see a city like my hometown travel a different course, one where the residents still embrace the duties and reap the rewards of citizenship.

This city is worthy of this honor. Ocala-Marion County is a town experiencing rapid growth while at the same time preserving those values—thrift, industry, faith, and patriotism—that keep America strong. This Nation could do far worse, and could hardly do better, than to make Ocala a model for communities everywhere.

Mr. Speaker, I want to wish Ocala-Marion County continued good fortune, and I encourage the citizens and all its elected officials to wear their new title of All-American City with pride. Truly, they have earned it.

HONORING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES ADVOCACY DAY

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

Mr. CLAY. Mr. Speaker, today is denoted as Historically Black Colleges and Universities Advocacy Day.

HBCU presidents have taken on the challenge to confront the wrong-headed assault on knowledge being waged by this Congress.

Slashing education funding in general and funding for the Nation's historically black colleges and universities in particular is not only shortsighted, it is counterproductive. HBCU's have been in the forefront of providing leadership for black communities and for America.

If you look at the ranks of virtually any profession, you see the indelible mark made by historically black colleges and universities. No group of institutions has done so much with so little for so long.

I want to commend those presidents and chancellors who are here today to participate in this significant undertaking. I want to encourage them to inform Members of Congress of the critical role these schools play in educating a segment of the population that only they are capable, experienced, and proficient in educating.

I also want to pledge my support to help preserve and strengthen the unique and critical role played by historically black colleges and universities.

REPUBLICANS ARE KEEPING THEIR PROMISES

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

Mr. CHABOT. Mr. Speaker, the budget plan the House will debate and vote on this week is one of the most important pieces of legislation this Congress will vote on for the next 2 years. It is important because this Federal Government cannot continue on the path it has been on for generations now.

We can no longer afford massive social spending programs that have little impact on the problems they were created to solve. We can no longer afford to bury future generations under a mountain of debt.

Mr. Speaker, the time has come to put to rest the idea the Government has all the answers and if we throw more money at the problems we can solve those problems.

It is time to let American families keep more of what they earn. Republicans are keeping our promises. We are finally balancing the budget, not by raising taxes but by cutting spending.

VIOLATION OF THE RULES OF THE HOUSE

(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, Members of the House, this little book here many Members undoubtedly have not read, but it is the rules of the House that were adopted January 4, and the majority of Republican Members said they were going to reform the House, and you could only serve on four subcommittee.

Well, how come 30 Members of the majority now serve on 5 or 6 subcommittees? Are the rules made just to be broken?

I would like to ask the couple of gentleman from North Carolina, the gentlewoman from New York, the gentleman from Indiana, the gentleman from Maryland, all freshmen, do you tell your children that rules are made to be broken, because that is what you are doing? Or do you teach them that you do not have to follow the rules, because you are in the majority, and as long as you are running the place you can do whatever you want to do, no matter what the rules say? Because that is what you are doing right now.

That is the Republican majority. They are violating the rules, because they have more than four subcommittees, and the rules say you can only have four subcommittees.

ALLOWING FAMILIES TO KEEP MORE OF THEIR OWN MONEY

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

Mr. KNOLLENBERG. Mr. Speaker, Republicans in Congress are keeping our promises to the American people. Our budget resolution eliminates the deficit, saves Medicare from bankruptcy, and lowers taxes on working families.

Contrary to the rhetoric emanating from the other side of the isle, our tax relief package will not bust the budget. Our tax cuts represent only 2 percent of the $12.1 trillion in Federal spending over the next 7 years, and are fully paid for.

Furthermore, we prove our commitment to balancing the budget, by delaying the implementation of our tax cuts until CBO certifies we have produced a plan that eliminates the deficit by 2002.

Our fiscal house is in chaos because the Government spends to much money—not because it taxes too little. Lowering taxes will help families get ahead, stimulate the economy, and create new jobs and businesses.

Mr. Speaker, as we work to eliminate the deficit and reduce the size and scope of the Federal Government, we should also allow families and businesses to keep more of what they earn.

JAPAN: OPEN YOUR MARKETS

(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, American trade experts are saying that the White House and the Congress should not go forward with trade sanctions against Japan because they have clear, convincing evidence that Japan is going to open their markets, and they are saying that this new evidence can be found in the fact that Miller beer can now be sold in Japan and this new chug-a-lug attitude in Japan is going to lead to bigger and better things.

Mr. Speaker, bigger and better things? Pizza? Potato chips? A few Slim Jims?

Beam me up. There is only one way to get the attention of the land of the rising sun: Midnight tonight put the sanctions on Japan. You have been screwing us for years. Open your markets or pay the price.

The pocketbook is the only thing Japan will understand. Think about it, Congress.

SALUTE TO THE ISRAELI CENTER FOR INTERNATIONAL COOPERATION

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to salute the Israeli Center for International Cooperation, and the 47-year-long United States-Israeli partnership.

The center is known by its Hebrew initials as Mashav, and has developed a remarkable record in nation building all over the world.

Thanks to Mashav, Israel has developed an international reputation for its leadership in agriculture, medicine, and education.

I would like to especially note the impact that Mashav has had throughout Africa.

In Kenya, Malawi, and Zambia, eye-surgery clinics set up by Mashav have restored sight to thousands of people.

Israeli irrigation technology helps to provide food and sustenance for millions.

Mr. Speaker, I recall an old saying ''give a man a fish, and he eats for a day. Teach him to fish and he eats for a lifetime.''

This perfectly describes the influence that Israel, a small but dynamic friend of the United States, is having throughout the developing world.

There is a reception at 5:30 today at 2168 Rayburn. Please join us to hear more about Mashav.

FLY THE FLAG, DO NOT AMEND THE BILL OF RIGHTS

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

Ms. KAPTUR. Mr. Speaker, deception is at work in this House today as Congress considers an amendment to our Bill of Rights in the name of respecting our flag, when just last week the Speaker of this House and his emissaries voted to terminate the American flag service here in our Nation's Capital.

This flag office has served millions of Americans, and over the last decade over 1 million flags were purchased for special occasions by our citizens at cost; I underline ''at cost.''

Nobody should profit excessively from flying our flag. All Americans, even if they are not rich enough to travel here to Washington, should be able to get a flag flown over this Capitol.

Now that Speaker GINGRICH will close down this patriotic service, are we to stick a red, white, and blue feather in our caps for passing a constitutional amendment when we cannot get flags anymore?

□ 1020

Mr. Speaker, the best way to show respect for our flag is to fly it. Shame on those who have put a price on flying our flag, and shame on those who would trample on our Constitution.

BALANCED BUDGET PLAN AND A TAX CUT ARE LONG OVERDUE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I say to the gentlewoman, ''I agree with you, MARCY.''

Mr. Speaker, as my colleagues know, for the past 40 years the Federal Government has supported its wasteful spending habits by increasing taxes on our businesses, our seniors, our families, our children. This week that destructive pattern will finally come to an end. Republicans will pass the first balanced budget plan in 26 years, and provide needed tax cuts to spur the economy and give money back to the people who earned it.

Despite the whining from critics, I know tax cuts and deficit reduction go hand-in-hand. The only way to reduce the amount of money the Government takes is to reduce taxes. I say to my colleagues, ''The Government takes in taxes from you, the people, and I feel compelled to remind everyone in this body it is not our money. It belongs to the American taxpayers.''

Let us help America. Let us give them back what they deserve, a big old whopping mother of a tax cut and a balanced budget. Both are long overdue.

IS THIS ANY WAY TO TREAT THE CONSTITUTION?

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

Mr. DEFAZIO. Mr. Speaker, today the House will vote on an amendment to the Constitution, and for the first time ever probably vote a change in the Bill of Rights.

Now, changing the Bill of Rights is of such importance that surely this will take place with due deliberation. Well, actually not. It will be a closed rule, no amendments, no substitutes, and precious little debate. One hour for the first change ever to the Bill of Rights in over 200 years.

Is this any way to treat the Constitution and the Bill of Rights? This is not the first instance of disrespect for the Constitution and the Bill of Rights under the Republican majority. We had the infamous H.R. 666, a direct attack on the fourth amendment by authorizing warrantless searches.

Mr. Speaker, now, at the end of all this the flag might fly on high, but the Constitution and the Bill of Rights will lie torn and tattered at our feet.

REPUBLICANS ARE TOUGH ON CRIME

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

Mr. CHRISTENSEN. Mr. Speaker, President Clinton has launched a $1.8 million media barrage to showcase his record on crime to the American people. Well, what is the President's record on crime?

For starters, the ill-conceived 1994 crime bill, which cost the taxpayers $30 billion was filled with empty rhetoric and meaningless social welfare programs.

Remember President Clinton's pledge to put 100,000 new police officers on the American streets? But his program only funded 20,000 cops.

Well, while President Clinton and his advisers talk about being tough on crime, the Republicans have passed legislation in the Contract With America which will keep thousands of criminals off of our streets and in the prisons.

Mr. Speaker, President Clinton's solution to fighting crime is to throw billions of dollars into failed social experiments and then to spend millions more trying to convince the American people that he is tough on crime.

The Republicans have proven to the American people that they are tough on crime.

Americans will plainly see the results of our crime bill as they feel safe again on their streets not locked fearfully in their homes forced to watch deceptive campaign commercials.

COMPACT-IMPACT AID

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

Mr. UNDERWOOD. Mr. Speaker, what do you get when you combine an unfunded mandate with unrestricted immigration? You get one messed up Federal policy.

Under the terms of the compacts between the United States and the former islands of the trust territory, the citizens of these newly independent countries can immigrate to the United States with absolutely no restrictions. To offset the expected costs of this immigration, the Federal Government also promised to reimburse the local governments for this impact.

Guam has incurred costs of $70 million for this immigration, and Guam has received a whopping $2.5 million in reimbursement. The Interior appropriations bill for fiscal year 1996 contains nothing for compact reimbursement.

I urge my colleagues to support my amendment to restore the compact-impact reimbursement of $4.58 million requested for Guam. It is time for the Federal Government to pay up, and to end this ridiculous immigration policy.

THINK ABOUT THE BAD SITUATION OF THE JAPANESE ECONOMY BEFORE DRIVING THEM OVER THE CLIFF

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

Mr. KOLBE. Mr. Speaker, it is come to this. We are down to the last few hours of what is a dangerous game of chicken with Japan. Tonight we will know whether we are going over the cliff or if one or both sides are going to blink in this dispute.

Well, everyone knows that Japan-bashing is popular. After all, the proposed sanctions are only going to hurt a few rich people who drive a car like Lexus, or did they ever think about Sam, who I met this last Friday at the Lexus dealership, who takes great pride in servicing those Lexuses and is very much a middle-class American?

It seems to me there is no game plan here; there is no end game. If we go all the way through with this, the economic and political ramifications for our relationship with Japan are going to be enormous. What happens if the other side retaliates? What will happen to Boeing and General Electric who are doing business in Japan today? Did the administration consider how little room the Japanese have to negotiate, given the bad situation of their economy today?

Mr. Speaker, all we can do by driving them over the cliff is to harden their resolve and allow them to blame the United States for the problem. Mr. Speaker, the time has come for some responsible action in this area, to get Japan to do fundamental deregulation, not to get voluntary import quotas accepted by Japan. We need a different strategy.

HOW DO REPUBLICANS BALANCE THE BUDGET?

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

Mr. STUPAK. Mr. Speaker, tomorrow we begin another debate on the budget. The issue is how will we balance the budget? Who will be helped and who will be hurt?

The answer is now clear. The Republican majority wants to help only the richest 1 percent in this country, the millionaires, the billionaires. The Republican majority wants to help the military-industrial complex by buying more toys like the B–2 bomber that the Pentagon told us we did not even need.

Mr. Speaker, how do Republicans balance the budget? By giving the wealthiest a tax break and buying more toys for the Pentagon.

How do Republicans pay for this? By cutting the programs that will help out our seniors, our veterans, our students; by cutting Medicare, by cutting Medicaid, by cutting the veterans' programs, by cutting $10 billion out of financial student assistance programs and by cutting social security.

The issue is, who will we help and who will we hurt? Will it be the millionaires and billionaires that will be helped? Will it be the seniors and the veterans and the students that will be hurt? I and the Democrats will stand with the seniors, the veterans and the students.

THE JEWISH HOSPITAL OF ST. LOUIS

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

Mr. TALENT. Mr. Speaker, I rise in recognition of the outstanding work of the Jewish Hospital of St. Louis. In conjunction with BJC Health System and Washington University School of Medicine, the hospital will be honored in a White House Ceremony today. It is being awarded a multiyear humanitarian grant to work with health care facilities in Riga, Latvia.

The St. Louis health professionals will be working with three hospitals including Riga's State Hospital for Children, as well as the maternity and local jewish hospitals. Working to improve the quality and delivery of health care, the St. Louis mission will lend its expertise to a community that needs guidance modernizing medical techniques and privatizing its healthcare system.

The staff of the Jewish Hospital of St. Louis is reaching across geographical, linguistic and ideological barriers to help those who need it most, the children and the infirm.

It is my pleasure to be able to express our gratitude for the work of the Jewish Hospital of St. Louis which has healed so many lives at home and will now heal many lives around the world.

REPUBLICANS BALANCING THE BUDGET ON THE BACKS OF OUR NATION'S SENIORS

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

Mr. NADLER. Mr. Speaker, I rise today to express my outrage with the Republican proposal to balance the budget on the backs of our Nation's senior citizens. The Republican budget proposal would force our seniors to pay more than $1,000 out of pocket each year while giving the very wealthiest 1 percent of Americans a windfall of $20,000 a year in tax cuts.

It is outrageous that, at a time when our Nation's seniors are struggling more than ever to make ends meet, the Republicans have chosen to make it harder than ever for them to access quality health care. While it is important to work toward a balanced budget, we cannot force seniors to pick up the tab, while to add insult to injury, giving a tax break to the very wealthiest Americans. The Republicans claim that they must cut Medicare, because they project that the entire system will be out of money in 7 years.

Mr. Speaker, I say to my colleagues, ''But even if you accept the Republican figures, and I don't, their Medicare cuts are 2½ times greater than called for to make their figures balance. The real purpose of this drastic cut in Medicare is to pay for a windfall for the very wealthy, not to save the future of Medicare for seniors.''

Again I say, Mr. Speaker, ''For shame.''

WHO SAID WHAT ABOUT MEDICARE?

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

Mr. HOKE. Mr. Speaker, as my colleagues know, the beauty of the well is that one can say anything that they want at any time, regardless of what the facts may be. Let us look at Medicare and who said what about Medicare.

The President's trustees, the President's trustees, three members of the President's Cabinet, have said that the Medicare Trust Fund will be broke, bankrupt, out of money—without anything—in 6 to 7 years. That is under

the median case scenario. It could be even shorter if things are worse.

What are the Republicans doing? What we are doing is we are spending right now in 1995 about $400 per month per beneficiary on Medicare. That will go up in the year 2000 to about $550 per month, per beneficiary. That is for one person over the age of 65 who is getting the benefits of Medicare.

I say to my colleagues, ''Now you have really got to believe that that cup is completely half empty all of the time and that we must have Federal Government bureaucrats who are going to solve all these problems for us, if you don't believe that the private sector with $550 month can deal with Medicare.''

WOMEN MUST HAVE SAME HEALTH CARE RIGHTS AS MEN DO

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

Mrs. SCHROEDER. Mr. Speaker, today, many of us are introducing a bill to protect women's health and the constitutional right to choose. It saddens me that this bill is necessary.

Mr. Speaker, I am one of the few Members who was here when Roe versus Wade came down and we started finally getting politics out of doctors' offices and medical schools, and we said to politicians, ''Really women need some advances in their health care, and they don't need political opinions. We would like medical opinions, the same kind men get.''

Well, we made those terrific gains, and now we see the extremism coming back in this whole new primary era, and what is the battleground? The battleground once is women's health and trying to roll us back.

Mr. Speaker, this bill is saying we will not go back. It codifies the gains that we have, and we hope every Member who believes women should be full and equal citizens and have the same health care rights that men should have will join us in saying to the extreme right: ''No, no, you don't play in women's health care. Keep your politics somewhere else.''

We hope many of you will join us in this bill.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS AND COMMITTEE ON SCIENCE 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 under the 5-minute rule: The Committee on International Relations and the Committee on Science.

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

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

Mr. WISE. Reserving the right to object, Mr. Speaker, the gentleman is correct. The Democrat leadership has been consulted, has not objections to these requests.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 79, CONSTITUTIONAL AMENDMENT TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 173 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 173

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 79) proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee. If including instructions, the motion to recommit shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. 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 California [Mr. BEILENSON], 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. SOLOMON asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. SOLOMON. Mr. Speaker, this rule provides a fair and reasonable way to consider the proposed constitutional amendment to allow Congress and the States to prohibit the physical desecration of the flag of the United States of America.

Let me go through the steps we will follow and Members in their offices should pay attention.

First there is the 1 hour of general debate on this rule that we are taking up right now, which is equally divided between the majority side and the minority side, half and half. After voting on the rule, there will then be an hour of general debate on the proposed constitutional amendment.

That time also is equally divided between the chairman and ranking minority member of the Committee on the Judiciary, who happen to be on different sides of the issue: again equal time, half and half. Then the rule allows for a motion to recommit which may include instructions if offered by the minority leader or his designee.

If the motion to recommit includes instructions, it may be debated for a full hour under the terms of this rule, not 10 minutes, a full hour. That hour would be controlled by a proponent and an opponent. That hour would be controlled by a proponent and an opponent. This would be the opportunity for the minority to offer an amendment or a substitute and have it voted on in the House.

For the record, I should note that in the full Committee on the Judiciary markup only one amendment was offered, only one, and we should remember that the proposed constitutional amendment before us is only one sentence. It is a simple concept.

The proposed amendment says, and I quote, ''The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States of America.''

That is all the amendment does; it speaks to principle, not to detail.

Now, while short and simple, this proposed amendment to the Constitution carries great significance for me, and for many veterans, and for large numbers of patriotic citizens across this Nation. It is terribly, terribly important.

I want to express my special thanks to the chairman of the Committee on the Judiciary, the distinguished gentleman from Illinois [Mr. HYDE], and the subcommittee chairman, the gentleman from Florida [Mr. CANADY], who have really carried this in the Committee on the Judiciary. I thank the other Committee on the Judiciary members for all their work in moving this amendment to restore the Constitution to what it was, and that is exactly what we are doing, restoring it to what it was before the Supreme Court made what I consider to have been a very, very bad decision back in 1989.

As we begin this historic debate, I would like to provide some background on how we got to where we are now.

Prior to the Supreme Court decision in Texas versus Johnson back in 1989, 48 States, and one has to remember this, 48 States and the Federal Government had laws on the books prohibiting the desecration of that flag behind you, Mr. Speaker. In the Johnson case the Supreme Court held that the burning of an American flag as part of a political demonstration was expressive conduct protected by the first amendment to the Constitution.

In response to the Johnson decision, Congress passed the Flag Protection

Act of 1989 under suspension of the rules by a record vote of 380 to 38, 380 to 38. That means a vast majority of this Congress, representing the vast majority of the American people, voted for that bill.

□ 1040

Then in 1990, in the case of the United States versus Eichman, the Supreme Court, in another 5-to-4 decision, struck down that statute, ruling that it infringed on expressive conduct protected by the first amendment.

Within days, the House responded by scheduling consideration of a constitutional amendment identical to the one we have on the floor here today. That amendment received support from a substantial majority of the House, but fell short of the necessary two-thirds vote for a constitutional amendment. The vote was 254 to 177. We needed 290, and we did not get it.

Since that time, 49 States have passed resolutions calling on the Congress of the United States to pass an amendment to protect the flag of the United States from physical desecration and send it back to the states for ratification. I invite all of you to come over here and look. Your State, every State but the State of Vermont, has memorialized this Congress to pass the identical constitutional amendment.

Ladies and gentleman, that is what we are here today for. None of us undertake this lightly. I certainly do not. The Constitution is a document that has stood the test of time for over 200 years, and our Founding Fathers wisely made it very difficult to amend. It is almost impossible to amend the Constitution. It has only been done a very few times over 200 years.

Our goal is not really to change the Constitution, and for some of the Members that worry about freedom of speech, I think you ought to pay attention. Our goal is to restore the Constitution to the way it was understood for the first 200 years of our Nation's history, until 1989. Had the Supreme Court not suddenly read into the Constitution by a very close 5-to-4 vote, something that was never there before, we would not even be here today. We would not be debating this issue. But the Supreme Court did take away the right of the people, acting through their elected representatives, to protect that flag, and today we propose to restore the right of the people to protect our American flag.

Mr. Speaker, this is not an idea that just a few people dreamed up. We are responding to the will of the overwhelming majority of the American people by restoring to the States and the Congress the power to protect the flag of this Nation.

Some of the opponents of this proposal have tried to make it sound as if there is some kind of a threat to freedom of speech. But I will note that the power to protect the flag was used judiciously for over 200 years. For 200 years no one thought it denied them anything. They thought it protected the flag. Well, 200 years later, 80 percent of the American people still want that flag protected. In a recent poll by Gallup, 80 percent of the American people said they want this amendment. That is why we are here today, to do just that, to protect Old Glory.

Mr. Speaker, I could go on, but we have other speakers who want to speak on this important issue. I ask a yes vote on this fair rule, and a yes vote on the constitutional amendment that will follow later on this afternoon.

Mr. Speaker, for the RECORD, I include the following report showing the number of open rules in the 103d Congress and 104th Congress.

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

[As of June 27, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	31	72
Modified Closed [3]	49	47	11	26
Closed [4]	9	9	1	2
Totals:	104	100	43	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 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 June 27, 1995]

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: 229–100; A: 227–127 (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. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
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)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of June 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
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	
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	

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

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

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

Mr. Speaker, I thank the gentleman from New York, the distinguished chairman of the Committee on Rules, for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we strongly oppose this closed rule for considering House Joint Resolution 79, which proposes, as you all know, an amendment to the Constitution that seeks to protect the flag of the United States from desecration. This is a controversial and important resolution, and it deserves a more open and fair procedure for its consideration that that which has been granted by our Republican colleagues on the Committee on Rules.

The rule provides for 1 hour of debate on the amendment as proposed by the Committee on the Judiciary, and provides as well, as the rules of the House actually require, for a motion to recommit with or without instructions, which in this instance is debatable for 1 hour, instead of the usual 10 minutes. As I noted, and is always the case with a proposed amendment to the Constitution of the United States, this is an important and serious question, and it is thus deserving of more than passing consideration.

We sought in the Committee on Rules to modify this closed rule by proposing that a number of amendments be made in order, so that Members would have the opportunity to vote for protecting the flag, both through an alternative amendment to the Constitution, and also through legislation that would seek to achieve the same ends without the necessity of a constitutional amendment. All were defeated on straight party line votes.

We sought first to make in order the substitute constitutional amendment offered by the gentleman from Texas [Mr. BRYANT] that would provide Congress and the States the authority to prohibit the burning, trampling, or rending of the flag, and also provide that Congress determine what constitutes the flag of the United States. Without this amendment, the terms of House Joint Resolution 79 are so open-ended that they give no guidance as to its intended constitutional scope or parameters. The resolution would, in fact, give enormous authority to State legislatures and the Congress in determining the crucial terms desecration and flag. It would also grant open-ended authority to State and Federal governments to prosecute dissenters who use the flag in a manner deemed inappropriate. Mr. BRYANT's substitute is an effort to cure many of the defects in the writing of House Joint Resolution 79. It would also have allowed Congress to adopt a single uniform definition ever of the term ''U.S. flag'' rather than leaving the definition to 50 different State legislatures.

Unfortunately, Mr. Speaker, even though the chairman of the Committee on the Judiciary requested in writing and again orally yesterday at the Committee on Rules that at least one substitute amendment be made in order, and despite the promise of the Committee on Rules chairman that such a substitute would be in order, we were denied that request. Instead, Mr. Speaker, we were told that the majority is giving the minority the right to offer the substitute in the motion to recommit.

I would remind my colleagues that the motion to recommit is not a gift from the majority. It has since 1909 been a protection for the minority. In fact, the majority would have been prevented under the standing rules of the House from even bringing up the rule for consideration if they denied the minority the motion to recommit. We should have been allowed the promised substitute, as well as the motion to recommit, which we should have been able to construct on our own. This is a serious denial of our rights. It is especially significant because we are being denied this right during a serious change in our Constitution.

The majority on the committee also denied the gentleman from Colorado [Mr. SKAGGS] the opportunity to offer his amendment, which consisted of the text of House Concurrent Resolution 76 and expresses respect and affection for the flag of the United States, and states our abiding trust in the freedom and liberty which the flag symbolizes. We felt the House should have been able to consider this thoughtful proposal as an alternative to amending the Constitution.

Mr. Speaker, the committee also refused to make in order the amendment by the gentleman from Arkansas [Mr. THORNTON] consisting of the text of H.R. 1926, which provides for the protection of the flag by statute, rather than through a constitutional amendment.

Lastly, the majority also turned down our request for an open rule for House Joint Resolution 79, another example of broken promises by the Republican majority that we seem to be seeing more and more often these days.

Mr. Speaker, as Members certainly are aware, this is a troubling and a difficult question, and it is not completely clear how Congress can or should go about the perfectly proper business of successfully and constitutionally prohibiting the highly offensive act at which this proposed amendment is directed.

Those of us who served in previous Congresses have, the great majority of us, voted for legislation to outlaw desecration of the flag. We deeply regret the Supreme Court has struck down those statutes, holding that such Federal and State laws infringed upon an individual's right to free speech and expression as protected under the First Amendment to the Constitution. Many of us feel that this act of desecration is not in fact an expression of an idea or thought, and that protecting the flag should not, therfore, be held unconstitutional. It seems to most of us no one would have lost any freedom under those laws except that of burning the flag. Americans would have been just as free as they had been before to express themselves in speech or in writing or demonstrating on behalf of or against any idea or issue.

However, this proposed amendment to our Constitution would, for the first time in our Nation's history, modify the Bill of Rights to limit the freedom of expression, and is thus wrong, we believe, as a matter of principle. This is unpopular expression, but it deserves protection, no matter how much we may deplore it. That is the test of our commitment to freedom of expression, that it protects not just freedom for the thought and expression we agree with, but, as has often been said, freedom for the thought we hate.

Second, and of great relevance, we believe there is no compelling case to be made that there is a need for this amendment. We thankfully see no great need for it. Infuriating as these instances of contempt for a symbol we all love are, they do not happen often. As the gentleman from Colorado [Mr. SKAGGS] testified at the Committee on Rules, only three such incidents occurred in 1993 and 1994. Indeed, studies indicate that from 1777 through 1989, there are only 45 reported incidents of flag burning. There have been very few and isolated instances of flag burning in the past several years, and, frankly, there is every reason to leave well enough alone. Let these misfits who

desecrate our flag remain in obscurity, where they deserve to be.

Finally, Mr. Speaker, such an amendment, even though it seeks to remedy an act truly abhorrent to all of us in this Chamber, trivializes the Constitution. We do not amend the Constitution very often, and for good reason. When we do, the reasons should be compelling and necessary to resolve a truly important question.

In general, we reserve our Constitution, this great, basic document upon which all of our laws are based, to be the repository of the fundamental principles underlying the Governance of this great Nation. This matter of flag burning, important as it is, does not rise to such a level of constitutional consideration. It does not resolve any great matter that cries out for resolution.

In addition, its passage would open a Pandora's box of litigation. The terms of the resolution concerning what is desecration and what is the flag are too vague and give no guidance to the states. It could well lead to 50 separate State laws, defining both the flag and the act of desecration in different ways, so that an act that is entirely lawful in one State may result in imprisonment were it to be performed in another.

Mr. Speaker, this is a difficult matter for Members to resolve in a proper manner, and it is for that reason exactly that we are so seriously concerned that the majority party is not allowing this House the opportunity to consider other possible alternative means to the end desired by all of us. So we urge your opposition to this unnecessarily restrictive rule.

I end with two quotes which Members may find helpful, as I have. The first is from Charles Fried, who served with distinction as Solicitor General under President Reagan, and who said when he testified against a similar proposed amendment in 1990:

> The flag, as all in this debate agree, symbolizes our Nation, its history, its values. We love the flag because it symbolizes the United States, but we must love the Constitution even more, because the Constitution is not a symbol. It is the thing itself.

And this, finally, Mr. Speaker, from a letter to the editor of my local newspaper a couple weeks ago from a woman named Carla O'Brian.

> America cannot be harmed by the destruction of its symbols, but it can be damaged by abridging the freedom for which so many have died, even if this very freedom allows a sensation seeker to burn the flag. Those who seek to dishonor this country by trampling on symbols are only difficulties honoring themselves. Like a child throwing a tantrum, their goal is to draw media attention and their actions should be fittingly dealt with. Let's not make constitutional martyrs out of these people in the name of patriotism. Instead, give them the treatment they really deserve. Ignore them.

Mr. Speaker, I urge a ''no'' vote on the previous question, and I reserve the balance of my time.

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

Mr. Speaker, I would have to just disagree with the gentleman. You know, the flag of the United States is the most important symbol we have. It is what makes us all Americans, regardless of where we came from, what country the immigrants who came to this country came from.

Mr. Speaker, having said that, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART], a truly great American, serving on the Committee on Rules with me.

Mr. DIAZ-BALART. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I recognize the seriousness of this subject. Any time that we are proposing to amend the Constitution of the United States, it is a serious subject that merits and requires treatment with the utmost consideration and seriousness. Precisely I think because we are such a diverse nation, multiethnic nation, in fact, we are a multilingual nation, the symbol, the environment of our sovereignty, the symbol of our Nation, the symbol of our national unity, I think deserves protection.

There should certainly be no bar to protection of that symbol of our Nation and our national unity and that environment of our sovereignty itself. There should be no bar to protection by Congress or the States to that most important symbol of our national unity.

What we are proposing with this constitutional amendment is precisely to eliminate the prohibition against the protection of that enshrinement of our sovereignty. That is what we are seeking to do. So that is why it is so important.

I commend the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for having brought forth this amendment. I think it is appropriate and important, and I would say that it is compelling and I would say that it is necessary, precisely because of our diversity and because of the great not only ethnic, but linguistic diversity and reality of our Nation.

So, with respect to the arguments of the gentleman from California [Mr. BEILENSON], I would disagree with him. I would say that it is precisely compelling that we go forth and propose this amendment and let the States decide, because this is a symbol that deserves our protection and should not be prohibited. That protection should not be prohibited. That is what we are doing today.

Mr. BEILENSON. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am very disturbed about the free speech aspects, but not of the constitutional amendment, but of the rule. I do not think that this pattern of shutting us up and stopping substantive debate ought to go forward without comment

A pattern has very clearly developed, no matter what the intentions of the chairman of the Committee on Rules. And I do not question his intentions, but unfortunately I am not governed by his intentions, but by the actions he is required to take within the context of the whole House.

We have had a pattern of more restrictive rules for debate recently than in any previous time. We just debated the military authorization bill under the most restrictive terms in my 15 years in Congress. We were told we did not have time to debate fundamental issues in that bill, and then we adjourned on Thursday afternoon, I believe, with hours to go when we were still in session on a Friday. We have had these rules where you get a fixed time, and quorum calls take away the chance of Members to offer important amendments.

Today it is almost a mockery when we are discussing free speech, and this is a difficult issue, and I have great admiration for the patriotism that drives many with whom I disagree, but to debate this under so restrictive a situation. No amendment was allowed. The Committee on Rules used its discretion to say no to any alternative.

It then had the inconvenient fact that the minority is entitled, entitled, to the motion to recommit. And what do they do? They even played with that, because the motion to recommit is usually available to any member on the minority side in descending order, the ranking member of the committee on down. They said only if it is the minority leader or his designee. Apparently some ploy to try to engage the minority leader.

Why was it not the usual recommit? That does not say the minority leader or his designee. We in the past have said OK, look, here is our major amendment, and you use the recommit, frankly, for strategic or tactical purposes. You engage in debate. You have always had the right on the recommittal motion to come up with something and suggest it and come forward with it. And that has been taken away.

It is unseemly in the defense of the great American flag, symbolic of the freest nation in the world, to come forward in the legislative body with debate under such restrictive terms. I think this is a very grave error.

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

Mr. FRANK of Massachusetts. I am glad to yield to the gentleman from Michigan, the ranking minority member, who has always been victimized by this undemocratic rule.

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

Mr. CONYERS. Mr. Speaker, I thank my colleague from Massachusetts for yielding.

Mr. Speaker, the gentleman from Massachusetts has made the case ably. I would like to just reiterate that the rule on a constitutional amendment

before us permits no amendments to be offered, despite the fact that numerous alternatives, both statutory and constitutional, were granted. Instead, the Committee on Rules is making merely in order a motion to recommit, which is more a procedural tactic as it has been used in the House.

So the promise on opening day, that the Committee on Rules chairman promised, that 70 percent of the bills would be brought up under open rules, has not occurred. As a matter of fact, almost the opposite has occurred; 62 percent of all the legislation has been brought to the floor under closed or restrictive rules.

The irony is this is on a constitutional amendment designed to restrict free rights of the first amendment of the United States.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I hate to take the time of the body when we really should be debating the issue of the constitutional amendment, but I would say to my good friend who mentioned it before, rule XI(4)(b) applies if offered by the minority leader or a designee. The gentleman perhaps ought to read that.

And let me just say to the other gentleman that the last time the ERA was brought before the House, it was brought on a suspension of the rules. That means no motion to recommit, no amendments, no anything. And I would just say the press does not agree with his assessment of the Rules Committee. They say we have had 72 percent open rules since January.

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Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, FL [Mr. GOSS], a very distinguished Member of this body, and a member of the Committee on Rules who has been a leader on this effort.

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

Mr. GOSS. Mr. Speaker, I certainly thank the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], who is also the author of this very, very important amendment.

I am pleased to rise in support of what I think is a very fair and responsible rule, especially relative to how we have dealt with this in the past and also in support of the underlying legislation. This rule works within the time constraints that we have been given, and I think it ensures the careful, structured, scrutiny of what we are about here.

Equally important, this rule does provide the minority with a chance to offer a substitute. I do not understand the problem on that. We have a motion to recommit there, and we will have debate, and we are going to debate the alternative for the same amount of time—the full hour—that we are going to give to the Solomon proposal. So I think that is a pretty good deal. Each side gets the same amount of time. I commend the chairman for this very fair approach, and I frankly think all Members should support it.

With respect to the amendment itself, I am generally very hesitant to support changes to the Constitution. Our Founding Fathers exhibited, I think very uncanny long-sightedness in establishing the framework for the greatest democracy on Earth. But their tremendous forethought also allowed them to recognize that there might be times when the American people would want to join together and seek to make measured changes to the living document that the Constitution is. It has actually happened 27 times, a very small number to be sure, but most of those 27 amendments established and reinforced bedrock principles of our free society.

I venture to guess that even those who strongly oppose today's proposed amendment would agree that the American people have thus far used the awesome power of amending the Constitution in a very wise and judicious way. There is no reason to doubt that this time will be any different.

There is much misinformation about what this legislation does and does not do. In my view, simply put, it takes back from the nine individuals of the Supreme Court, who are not accountable, and it gives to the people, all the people in their States, in their home communities, wherever, it gives them the decision on how best to treat the flag. In sum, I trust the people of our country more than the Supreme Court on this matter, which is close to the heart of every American.

Mr. BEILENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Speaker, originally as a cosponsor of the legislation, my name was placed on that as a matter of fact, and it was a mistake for it to have been done so. I know it is too late to withdraw the name because the bill has been reported, but I would simply say that in speaking, in planning to vote against the present proposal, I tried to honor and defend what the flag stands for, and that is freedom.

I thank the gentleman for permitting me to make this statement prior to the time that we have any recorded votes on either the rule or the constitutional amendment.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, as one of the chief sponsors of this bill, along with my good friend, the gentleman from New York [Mr. SOLOMON], I rise in strong support of the legislation and support the rule.

Mr. Speaker, I have made the point several times over the past few weeks that this is a bipartisan effort. This is not Democrat or Republican. It is a matter of protecting the single most recognized symbol of freedom and democracy in the world.

We tried in 1990 to simply pass a law to protect the flag. Most of us voted for it. But the Supreme Court ruled it unconstitutional. That means the only way that we can achieve this goal is by a constitutional amendment.

This amendment will not infringe on anyone's first amendment rights. We are the most tolerant country on Earth when it comes to dissent and criticism of our Government. But I really draw the line on the physical desecration of this great flag. I think the American people agree. In fact, the gentleman from New York [Mr. SOLOMON], has a folder that shows 49 of our States have passed resolutions in support of our efforts.

Each session of the House of Representatives, when we are opening session, we start off, as you know, Mr. Speaker, with a prayer and the Pledge of Allegiance. Every time we have a group of students that are in the gallery from elementary school on up, they proudly join in, and you will see it this week. They will join in. You will hear their young voices ring out: I pledge allegiance to the flag of the United States of America. They know the pledge, and they know what the flag means to our country.

They do not understand why anyone should be allowed to desecrate the flag. Mr. Speaker, neither do I.

The flag has rallied our troops in battle, and it has brought us together in times of national tragedy because it holds such an emotional place in our lives. And I am emotional, too. It is worthy of the protection we seek in this legislation .

Now, our Founding Fathers never dreamed someone would desecrate the flag. If they had, the protection would have been written into the Constitution 219 years ago.

Mr. Speaker, over a million Americans have died in defense of this flag. We owe it to them to adopt this amendment. God bless our great country.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Seneca, SC [Mr. GRAHAM], a 6-year veteran of the Armed Forces, with 4 years overseas, a great American.

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

Mr. GRAHAM. Mr. Speaker, I would like to echo what my good friend from Mississippi has just said. I would like to encourage Members to support this rule.

I know that many of the colleagues in this body are concerned about adopting this rule and approving the amendment, that it will harm the Bill of Rights and the right to free speech. I

do not question their patriotism. One cannot be in this body without being an American patriot. We all disagree at times on many issues. So I understand the right to disagree. I certainly respect that.

But let me say that the Bill of Rights and free speech issues and desecrating the flag in my opinion are not related. I would like to encourage every one in this Nation, conservative, liberal, and moderate, to speak out loudly if they feel the Government is wronging them or that we are off track. Speak loudly, speak boldly. Do it in constructive form, write, call, protest, take to the streets, tell everybody how you feel and in a manner that will encourage them to listen.

Burning the flag, in my opinion, does not legitimize one's position or allow anybody to listen to you. If you feel the need to burn something, burn your Congressman in effigy, burn me, do not burn the flag. If you cannot yell fire in the movie for public safety concerns, you should not be able to burn the flag because of national concerns.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, this is a debate about desecration. And goodness knows, we have had a significant amount of desecration in this country. Not desecration of the flag. In fact, you can go all the way across the 50 States these days and you will see few, if any, Americans now or at any other time in our recent past, even since this decision, who think so little of this country that they would dare desecrate this flag.

There are, of course, a handful of the super rich in this country who have regularly desecrated their citizenship by repudiating that citizenship so they could burn any sense of patriotism and burn the American treasury at the same time. And, of course, this amendment does nothing about that desecration, just as our Republican colleagues have sat around on their hands throughout this session of Congress and have rejected the notion of effectively doing something about those who desecrate their American citizenship.

But I must say in this rules debate, what really troubles me is the desecration that goes on in this body every day and is going on today with this very rule. And that is the desecration of the rules of the House of Representatives. You would think that someone who proposes to give the House of Representatives the job, along with this Congress, of protecting Old Glory would be concerned about protecting the dignity of its own rules.

We sat here on the first day of this Congress and heard about reform, about revolution, about opening the House of Representatives to do truly the people's business. And what have we got? Certainly not reform.

The chairman of the Committee on Rules stood on this floor and told us, we will have at least 70 percent open rules. Do we have an open rule today to consider something as important as how we protect Old Glory? No, sir, we do not.

Why is it that there is such fear, if we are so proud of Old Glory, why is there such fear of having true openness? And the same thing is true with regard to the way the rules of this House are being desecrated today and every day of this session by those who refuse to abide by the rule that they serve on a limited number of subcommittees and committees. Thirty Republican Members of this House today desecrate that rule, as they have desecrated this rule for an open House.

Mr. SOLOMON. Mr. Speaker, there is an old saying going on around here, ''GERRY SOLOMON has the longest memory in the House of anybody.'' I will not comment any further.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. KIM], one who came to this country, a great American and a very respected Member.

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

Mr. KIM. Mr. Speaker, I cannot quite understand the argument, talking about the flag burning issue. I rise today in support of this rule and flag burning constitutional amendment. Many, many people have come to this great country in search of American dream, myself included. To these people to become an American citizen is the ultimate dream. To these people, the American flag is the essence of what being an American is all about. How would you like to see somebody burning the symbol of hope, symbol of dream?

I have been hearing this argument that this amendment is a direct attack on freedom of speech under the Constitution. I do not buy this argument. I understand it is illegal for anybody to run around naked in a public place trying to express their freedom of speech. I place burning the American flag in the same category. I do not buy this argument that burning the flag occurs only less than six times a year. I do not care if it is once in a century, that should not be allowed.

I have also heard this argument about some alternatives should be allowed. What kind of alternatives are we talking about? It is going to either allow or not allow, simple as that, up or down vote. I do not see any other argument about we should allow more alternatives.

I personally am more insulted by watching someone burn our flag than watching someone running around naked trying to express their freedom of speech. Therefore, I call on my colleagues to support this rule. It is OK. Pass this much-needed constitutional amendment.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I support the Constitution. I support the first amendment. My comments are not to demean the intentions of anybody in the House. I support this rule, and I support this bill. I want to talk about a few facts.

In America today, it is illegal in many cities to kiss or hug in public. It is illegal to burn leaves. It is illegal to rip that little tag off the back of those newly bought pillows. You cannot rip those tags off. It is actually a Federal law, my colleagues, to desecrate or violate a mailbox. First amendment rights do not apply to a mailbox. But in America, my colleagues, it is absolutely legal to burn the flag.

Desecrate the flag. You can defecate and urinate on Old Glory to make a political statement, but you cannot touch a mailbox. My colleagues, when did we start pledging allegiance to the mailboxes of our country?

I do not mean to make light of this. But a Congress of the United States that will allow the same flag that was carried into battle after battle on the shoulders of fighting personnel, military personnel, knowing full well they would be slain and also knowing someone else would grab that flag, take that flag on into battle, try and mount that flag to preserve our great freedoms, knowing full well that their successor may be slain, a Congress that will allow that same flag to be burned by a dissident is out of touch. We have gotten so fancy there is no common sense left.

□ 1115

Mr. Speaker, I support the first amendment. Damn it, if we could set a mailbox aside, we can set the flag apart. Let the flag alone. If Members want to burn something dissident, they should burn their bra, burn their underwear, burn their money, and see how many will make that statement. However, the Congress of the United States has to say ''You cannot violate Old Glory.''

This is not about the flag, this debate today; it is about respect, it is about pride, it is about values, and there is only one reason why flags are violated in America, only one; the Congress of the United States, the Congress of the United States allows the flag to be violated. Statutes are not going to work. Members know it. Let us not politically posture. Laws are not going to address it. It will take a constitutional amendment. I support that constitutional amendment, and I applaud the leaders for bringing it forward. Burn your bra, burn your pantyhose, burn your BVD's, see how many burn their money, but let the flag alone.

Mr. SOLOMON. Mr. Speaker, let me just say amen to the previous speaker. He is a great American.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Miami, FL, Ms.

ILEANA ROS-LEHTINEN, another extremely important Member of this body. I know she speaks from her heart on this issue.

Ms. ROS-LEHTINEN. Mr. Speaker, the American flag is a sacred symbol of freedom and justice, not just in the United States, but throughout the world.

I know this in a very special way. I was born under a different flag. After a brutal dictatorship took control of Cuba, the land of my birth, I journeyed to freedom and came to the United States as a refugee.

I remember well that day when I raised my right hand and swore allegiance to this great country.

All of us who came to this country as refugees from a brutal tyranny know how much the American flag means for lovers of liberty and democracy.

And we know jut how great and important are the American values that have led so many American soldiers, sailors, marines and airmen over the centuries, to pick up our flag and march into battle against those who threaten our freedom.

This year we have celebrated the 50th anniversary of the final year of World War II.

One of the memorable occasions of that war, was when the marines climbed to the top of Mount Surabachi, to raise the American flag.

Six thousand, eight hundred and fifty-five men gave their lives to place that flag on that mountain, and their sacrifice can never be forgotten.

We have heard a lot from those who oppose protecting our flag from desecration and dishonor.

We have heard words, and legalisms, and theories, and all the sort of things you find in books. I respect those words taken from books.

Consult the book of America's heroes—patriotic young men who gave their lives for us. Put down your law books, and drive over to Arlington Cemetery, and gaze at the long rows of headstones of our fallen heroes.

Then drive over to the Iwo Jima memorial, and stand there in silent tribute to America's heroes. Feel the wonder of what they have done for us.

See beyond the cold bronze and the polished granite, and see those young men who were out there, thousands of miles from their loved ones, surrounded by the temporary graves of thousands of their fellow marines, and surrounded by field hospitals, where thousands more other marines lay wounded.

See those young men, and then feel what they were feeling that day, knowing that any at a moment their lives could be taken.

And then think about what it was that they felt that day about the American flag.

Then you will understand this issue.

Men have died under that flag.

Those who served with them, those who loved them, and those who honor their memory today must stop those who dishonor them by burning or desecrating the American flag.

And we can put a stop to this, by supporting an amendment to protect this sacred symbol from abuse.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], a former Marine and Vietnam veteran.

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

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

Mr. Speaker, I would say to the gentleman from New York [Mr. SOLOMON], the chairman, he and I were proud to serve our country in uniform. We were proud to serve under our Nation's flag. One of the reasons for the pride that the gentleman and I share was that we believed in a country that was strong enough to tolerate diversity and dissent, and to rise above it, because our freedoms and our values are stronger than the occasional jerk that wants to treat the American flag in a disrespectful way.

Today, we are debating an amendment to the Constitution that, for the first time in the history of this country, will diminish our freedom of expression. I think it is ironic, maybe poetic, that the rule proposed for this debate itself shuts down freedom of expression in this House. There is no justification for this, absolutely none. Not even a substitute allowed in the regular order. This rule is a shame. It is shameful. It should not be allowed.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute the gentleman from Wisconsin [Mr. SENSENBRENNER], a gentleman who came with me to this body 17 years ago. He is a member of the Committee on the Judiciary, and would like to rebut what was just said.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this rule. Back in 1983, I would bring to the attention of my Democratic colleagues, the equal rights amendment was brought up on the floor with the support of most of them, under suspension of the rules.

There were no amendments allowed, there was no motion to recommit, and because I was the manager on the Republican side, in fairness, I yielded half of my time to Republican supporters of the ERA, but the Democrats did not yield any of their time to Democratic opponents of the ERA, so the split in the 40 minutes that we had to debate that important constitutional amendment was split 3 to 1 for the supporters, because of the unfairness of the folks on the other side of the aisle.

Mr. Speaker, this rule is fair. It will allow for an extensive debate. I think that, given what the other side did with another important constitutional amendment, maybe they ought to take up a collection to build a statue to the gentleman from New York [Mr. SOLOMON], because of the fair rules that he puts together.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, today I am wearing an American flag tie that my son picked out for me, and American flag earrings that my 13-year-old daughter picked out for me for the Fourth of July. I love the flag, and when I see the flag flying here over the Capitol, I choke up.

However, we are talking not just about the symbol of our country today, we are talking about the Constitution that governs our country. The first amendment says ''Congress shall make no law abridging the freedom of speech.'' The Bill of Rights has served our country for 204 years. An hour of debate to discuss amending the Bill of Rights is not good enough.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to my good friend from Puyallup, WA [Mr. TATE], another freshman Member of this body which is really changing the face of this country.

Mr. TATE. Mr. Speaker, I rise in strong support of H.R. 79, the Flag Protection Act. The purpose of this amendment is simple: To empower States and Congress to provide constitutional protection for the symbol of our Nation and all for which she stands.

When you think of our national flag, Mr. Speaker, you think of our national heritage, our history, our culture; you think of the principles it embodies.

America ultimately stands on the principle of freedom. Her soldiers have died on battlefields, her leaders have resisted foreign threats, and she herself has endured the risk of internal destruction rather than give up the ideal. All America is and all that she hopes to be can be found in this principle.

The American flag is the symbol of that freedom. Its colors represent peace, liberty, and the blood her people have spilled. Its stars represent her parts, the 50 States of which 49 have urged us to pass this amendment. Taken as a whole, the flag represents America and the best of her traditions and hopes.

Yet that freedom does not come without responsibility. Those who would dream her dreams must also share in her burdens. The right to free speech carries with it a corresponding responsibility to respect others and exercise that right in an appropriate manner.

H.R. 79, Mr. Speaker, seeks to protect the symbol of the American Dream. If that hope of freedom can be freely desecrated, the freedom of our future will not long stand. I urge my colleagues to support the rule and pass the Flag Protection Act.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, as a Democrat, a former Marine, like our chairman, the gentleman from New York [Mr. SOLOMON], and our good colleague, the gentleman

from Colorado [Mr. SKAGGS], and as an original cosponsor of House Joint Resolution 79, I rise in strong support of this rule to provide for the consideration of this proposed amendment to the U.S. Constitution which would permit Congress and the States to prohibit the physical desecration of the American flag.

Mr. Speaker, I fully appreciate the comments many of my colleagues in opposition to this proposed amendment have made regarding the first amendment.

I, too, hold dearly the protections and privileges guaranteed to all Americans under the Bill of Rights, and in particular the first amendment right to free speech. The Bill of Rights is the foundation upon which this great Nation was built.

But it is that greatness and resiliency of the Constitution and this Nation that are symbolized by the American flag. The desecration of the American flag is not just a simple expression of free speech. It is a profound and brutal attack on the very soul and history of our country.

Old Glory has carried Americans to war and shrouded those who gave the ultimate sacrifice in the defense of freedom and liberty. The American flag that is carefully folded and passed on to the family of a fallen hero is more than just a symbol. It embodies who we are as a nation.

On June 14, 1915, President Woodrow Wilson paid high tribute to the American flag when he said:

> The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under that flag.

The American flag is a unique and important part of America. Let us pay tribute to the flag, to this Nation and to our Constitution by passing this rule and this amendment today.

Mr. SOLOMON. Mr. Speaker, I will say to the gentleman who just spoke that he may be a Democrat but he is a good marine and a good American.

Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Maryland, Mr. ROSCOE BARTLETT.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I carry always with me a copy of the Constitution, and one of the previous speakers mentioned the first amendment, which has, of course, several very important protections in it: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble.''

Obviously, these are very important rights that are guaranteed to us, but we have recognized as a country that there are some limits to these. For instance, the right of free speech will not permit you to get up in a crowded motion picture theater and yell ''fire, fire'' when there is not a fire. I think that this proposed amendment, which protects our flag against desecration, is at least the equivalent of denying the person the right to yell ''fire, fire'' in a crowded theater.

This flag is a symbol of this great Republic. It stands for the whole history of our country. I think there is just no reasonable rebuttal to this very important amendment which four out of five Americans support.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, there is always an abundance in this House Chamber, and I guess in every body in America, of people who are willing to come down here and do the easy parts.

□ 1130

The easy part is to stand up here and make a patriotic speech that articulates our shared sentiments about the flag. We have heard 8 or 10 of them already. Everybody agrees with them. But the hard part that a real patriot, I say to the gentleman from New York [Mr. SOLOMON], would believe to be his obligation is to write law that will protect our public and last for the long term.

What you have brought to us today with a rule that says we cannot amend it except with a motion to recommit is not a workable proposal. I fear that many of the Members who in a well-meaning fashion have come up here and spoken about it do not realize what it does.

What does it do? It says that all 50 States can define what a flag is and all 50 States can define what desecration is as well as the Federal Government and the District of Columbia. That means, of course, that a citizen has no way of knowing from one State to the next what desecration of the flag is or even what a flag is.

You probably have not bothered to check, but the current statute that defines what a flag is defines it as a 48-star flag; the other 2 stars were added by Executive order.

I asked the gentleman from Florida [Mr. CANADY], the chairman of the subcommittee, during debate in the full committee would it be a desecration of a flag if you desecrated a 49-star flag and his answer was, ''That will depend upon the enactment passed by the Congress and the States.''

We have tried to bring an amendment to the floor here today. We asked permission to bring an amendment to the floor today here and it will have to be offered as part of the motion to recommit now that says the Congress can pass a law defining what a flag is and making it against the law to burn, to trample, to soil or rend a flag. It makes it clear exactly what the flag is and what desecration is. Instead, we have been brought one out here that no one can interpret.

Is it desecration of the flag to wear a flag on the back of your coat? Is it desecration of the flag to wear it on the seat of your pants? On a tie? Is it desecration of the flag for the Olympic team to wear a uniform that has a flag emblazoned across the shoulders? What about a Hell's Angel or a protester who wears the same thing? Nobody knows.

We tried to bring an amendment to the floor to your proposal that says very clearly what it is, the flag is what the Congress says it is and desecration is burning, trampling, soiling, or rending. But you would not let us offer that amendment. It will, however, be offered as part of the motion to recommit.

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

Mr. BRYANT of Texas. I will yield to you on your time as much as you want to, but I have very little time so I do not want to use it up yielding.

Mr. SOLOMON. The gentleman's amendment is in order.

Mr. BRYANT of Texas. I ask for regular order, Mr. Speaker, I will be happy to yield to the gentleman on his own time.

The easy part is to come down here and make great speeches, extolling the flag and talking about patriotism. Everybody agrees with those. But the hard part is writing legislation that will last for the ages and it will not subject our public to accidentally breaking laws they do not intend to break. Why would you not let us offer that amendment on the floor?

Well, we will offer it as part of the motion to recommit. I commend it to the Members to vote for the motion to recommit, vote for one that will work.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. QUILLEN], the chairman emeritus of the Committee on Rules and one of the longest serving Members of this body.

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

Mr. QUILLEN. Mr. Speaker, in 1967, I was an original cosponsor of a bill to make desecration of the American flag a Federal offense, punishable by up to 1 year in prison and up to a $1,000 fine. That bill passed both Houses almost unanimously and was signed into law by the President.

By 1989, 48 States and the Federal Government had laws on the books prohibiting the desecration of our beloved American flag. And as we all know, in 1989 the Supreme Court struck down a Texas statute which prevented flag burning, and declared such an outrageous act an expression of speech protected by the first amendment.

In response to that decision, another Federal law was enacted banning flag desecration, which the Supreme Court ruled unconstitutional.

Since then, 49 of our 50 States have passed resolutions calling on the Congress to pass an amendment to the Constitution to protect the flag of the United States from physical desecration and to send it back to the States for swift ratification. It is clear that the States want us to act on this issue.

I support this rule for House Joint Resolution 79, proposing a constitutional amendment authorizing Congress and the States to prohibit the physical desecration of the flag. It would be a shame and a disgrace if we sit idly by and let our beloved American flag—the greatest symbol of liberty and freedom—continue to be disrespected and desecrated. Our flag is a part of the soul of America, not merely a piece of cloth.

I would challenge the Members of this body to remember that our freedom is not without cost—it comes with the high price of the sacrifice of human life. From the shores of Iwo Jima to the sands of Desert Storm, American men and women have given their lives for what the flag represents. If our flag is worth dying for, it is worth protecting. I urge all of the Members of this body to support this rule and this measure.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to a Member from my home State, the gentleman from Hamburg, NY [Mr. QUINN].

Mr. QUINN. Mr. Speaker, as an original cosponsor of House Joint Resolution 79, it is with great pride that I rise to urge my colleagues to support the rule for its consideration.

This amendment gives Congress and the States the power to enact legislation prohibiting the physical desecration of the flag of the United States.

Forty-nine States have passed resolutions calling on Congress to propose this constitutional amendment. A recent Gallup survey found that 79 percent of those asked would vote for a constitutional amendment and that 81 percent belived they should have the right to vote on the issue.

Mr. Speaker, let us give the American people what they want and what our flag deserves.

The American flag represents this great Nation and is something to be revered—not destroyed or mutilated or treated with disrespect. This amendment helps to preserve a symbol of our country—a united nation where values transcend political party, ethnic group or socio-economic class and reflects pride in the principles of democracy and freedom upon which this country was founded.

Mr. Speaker, I want to thank the chairman of the Rules Committee for bringing this rule and his leadership on this important issue and once again I would urge my colleagues to support the rule and ask that they vote ''yes'' on final passage.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Buies Creek, NC [Mr. FUNDERBURK], one of the outstanding new Members of this body who is changing the outcome of votes this year since he arrived in January.

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

Mr. FUNDERBURK. Mr. Speaker, I am proud to support the Solomon anti-flag desecration amendment, House Joint Resolution 79.

Many years ago the distinguished jurist, Felix Frankfurter, was asked, ''What is America?'' Mr. Justice Frankfurter noted:

> We are nothing more than the symbols we cherish. We live by our symbols because a civilization that does not nurture and cherish its symbols is in danger of withering away. The ultimate foundation of a free society is the binding tie of cohesive sentiment.

That is why we honor the flag. It is the tie which binds us together. We remember that tie every time we see it draped on the coffin of a soldier or sailor who gave his life fighting to preserve our freedoms.

For 6 years I lived in a communist country where I saw people cry and salute when they saw the U.S. flag. They venerated our flag as a symbol of freedom from tyranny and they considered it an inexplicable sign of weakness for us to tolerate desecration of our most cherished symbol.

A few years ago, the Supreme Court sent America a very clear message; desecrating the flag, they said, is somehow an act of free speech protected by all of the force of the U.S. Constitution. Now it is up to us to send a response to the Supreme Court. It is time to send, as one U.S. Senator put it, ''A We the People response'', that there should be no tolerance for those who deliberately dishonor the flag and all of the precious things that it stands for.

Opponents of this amendment argue that the Constitution permits absolute freedom of speech. They declare that if freedom of expression is not protected absolutely, it is by definition diminished. But history can lead us to the opposite conclusion. When every conceivable outrage is permitted in the name of free speech, law and order soon breaks down and the rights of every citizen are threatened. 2,500 years ago Socrates warned that, ''Excessive freedom leads to anarchy and anarchy leads to tyranny''.

As we enter this fight, we must remember that the Constitution of the United States belongs not to the U.S. Congress, not to the Supreme Court, not to the media; it belongs to all of the American people. Let the people in the States decide. Let the people decide because, after all is said and done, it is their flag.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. Speaker, I rise to oppose this rule. Is it not ironic that this closed rule that we are dealing with today comes on a constitutional amendment that is designed to restrict the free speech rights of the first amendment of the U.S. Constitution? Is it not even more ironic that tomorrow we are going to be dealing with the Republican budget resolution, the final budget resolution which will be on the floor and that budget resolution makes cuts in veterans' medical care and benefits, a resolution that cuts $32 billion out of veterans' programs over the next 7 years.

Under that resolution by the year 2002, more than half of the veterans who presently are served by the VA health care system, more than half of them will not be served. Thousands of beds will be closed, rationing of their health care will be imposed, and the prescription drug payments will be increased dramatically.

Is it not ironic that those people who have served the flag, served this Nation the most, will see those kinds of cuts, and it is going to be covered up by this particular debate.

Mr. Speaker, our flag generates the most intense national pride and reverence. Our flag is in no danger whatsoever of losing that position of pride and reverence. As such, anyone who burns or tramples the flag contemptuously as a part of dissent defeats their very cause. The proposed amendment that we have before us would be the first amendment adopted to the Bill of Rights to restrict free speech. It is not necessary, the flag is not in danger, but the adoption of this amendment endangers every American citizen's free speech rights.

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time to close if I may.

Mr. Speaker, I include the following data on floor procedure for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPLIED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPLIED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D
H.R. 655	Hydrogen Future Act	H. Res 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives c1 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives c1 7 of rule XVI, c1 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery of the State of Iowa	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.0
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D;1R
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	.....
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waivers sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. XXX	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation, 62% restrictive; 38% open. ****Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. BEILENSON. Finally, Mr. Speaker, as I said at the very outset, this is a controversial, important and difficult question to resolve. It deserves a more open and fair procedure for its consideration than that which was granted by our Republican colleagues on the Committee on Rules.

Mr. Speaker, I urge my colleagues to defeat the previous question. If the previous question is defeated, I shall offer a substitute amendment to the rule. The alternative rule will allow 2 hours of general debate and make in order the Bryant substitute, the Skaggs substitute, and the Thornton substitute, with each substitute debatable for 1 hour. At this point, I include the rule I intend to offer in the RECORD; as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 173

Strike all after the resolving clause and insert in lieu thereof the following:

That upon 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 the consideration of the joint resolution (H.J. Res. 79) proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed two hours equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five

minute rule and shall be considered as read. No amendment shall be in order except the following amendments in the nature of a substitute printed in section 2 of this resolution: (1) an amendment in the nature of a substitute offered by Representative Bryant of Texas or his designee; (2) an amendment in the nature of a substitute offered by Representative Skaggs of Colorado or his designee; and (3) an amendment in the nature of a substitute offered by Representative Thornton of Arkansas or his designee. The amendments in the nature of a substitute shall be considered as read, are each debatable for one hour equally divided and controlled by the proponent and an opponent thereto and are not subject to amendment. All points of order are waived against the amendments in the nature of a substitute printed in this resolution. At the conclusion of the consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2.

(1) Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. The Congress and the States shall have power to prohibit the burning, trampling, soiling, or rending of the flag of the United States.

''SECTION 2. For the purpose of this article of amendment, the Congress shall determine by law what constitutes the flag of the United States, and shall prescribe procedures for the proper disposal of a flag.''.

(2) Strike the resolving clause and all that follows and insert the following:

''Whereas freedom and liberty protected by the Constitution are fundamental and precious rights of each American;

Whereas the flag of the United States is an historic and revered symbol of that freedom and liberty;

Whereas generations of Americans have fought with valor under the flag to protect the sacred values it represents;

Whereas all the people of the United States, and their representatives in Congress, should show respect and affection for the flag;

Whereas the flag has been a source of inspiration for freedom-seeking people around the world;

Whereas deeply held respect and affection for the flag have caused many to propose an amendment to the Constitution to protect the flag from desecration; and

Whereas an amendment to the Constitution, expanding the powers of government to prohibit offensive behavior, would entail a limitation on freedoms previously protected under the First Amendment: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States expresses deep respect and affection for the flag of the United States, and states its abiding trust in the freedom and liberty which the flag symbolizes.''

(3) Strike the resolving clause and all that follows and insert the following:

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 ''Flag Protection Act of 1995''.

SEC. 2. FLAG PROTECTION.

Each copy of the flag of the United States that is intended to be displayed as a flag and is made after the date of the enactment of this Act shall belong to the people of the United States and be held in trust for them by the Government of the United States. The United States therefore has a property interest in each such copy, and such copies are subject to rules and regulations made under section 3 of article IV of the Constitution of the United States. On this basis, the Secretary of the Treasury is authorized to make rules for the use and disposition of such copies. Such rules shall allow for the sale and transfer of the rights to possess and use such copies. Any damage to or destruction of such a copy that is in violation of such rules is a depredation against the property of the United States for the purposes of section 1361 of title 18, United States Code.

Mr. BEILENSON. Mr. Speaker, I urge Members to vote against the previous question and against the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time to close debate on this rule.

Mr. Speaker, we have heard a lot of criticism of this rule. I would welcome Members to come over and look at the CONGRESSIONAL RECORD of 1983 when the equal rights amendment was brought before this body under suspension of the rules, 40 minutes of debate, no motion to recommit, no amendments allowed, no substitutes allowed. We have not done that.

Let me tell what we have done. We are debating a rule now that has 1 hour of debate, and it is equally divided. Those in opposition have half an hour, we have half an hour. Then we go into the general debate on the constitutional amendment. That is equally divided. Both sides have equal time. Then we go into what is allowed in the motion to recommit, and that is any germane amendment, any germane substitute that the opponents would care to offer.

I have just heard my good friend, the gentleman from California [Mr. BEILENSON], say that his motion to defeat the previous question would make in order 3 kinds of substitutes. One is a constitutional amendment that was offered by the gentleman from Texas [Mr. BRYANT], who never bothered to come to the Committee on Rules in defense of his amendment, never bothered to even come up there.

□ 1145

Among the other two, one is a sense-of-Congress resolution by the gentleman from Colorado [Mr. SKAGGS] that is not germane to a constitutional amendment. It is simply a sense of Congress. The other is a statute. But you cannot allow substitutes in the form of statutes to a constitutional amendment.

So, Mr. Speaker, what we are allowing is what is allowed under the rules of the House: the Bryant amendment in whatever form he cares to offer it, as an amendment, as a substitute, as a motion to recommit. That is in order and that will be immediately brought to the floor, if he cares to ask for it, after the one hour of general debate.

Ladies and gentlemen, what we have before us today is a simple one-sentence amendment that has been asked for by 49 States; every State but Vermont. It simply says the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States of America.

Pay attention to that, because that is not a constitutional amendment that bans physical desecration of the flag. It does not do that at all. What it does is empower the 50 States, one at a time, to pass a law which would provide for criminal penalties for those that would physically desecrate the American flag. Or the Congress could pass such a law.

That is what we are doing. If we pass this today, we will then send it out to the States to be ratified by those States. Three-quarters of the States have to ratify it. That is all we are asking, that 80 percent of the American people be allowed to have their vote.

This is it. Look at it. And here are over a million signatures gathered by the veterans organizations that are sitting in this gallery and that are all out in the halls and around this complex today.

All they want is the right to ratify. Give them that chance. That is what this country is all about. I urge a yes vote on the previous question and a yes vote on the rule.

And then, ladies and gentlemen, we are going to pass that constitutional amendment. Two-thirds of this Congress is going to speak on behalf of those 80 percent of the American people who demand this right to vote on the constitutional amendment.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on ordering the previous question.

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

Mr. BEILENSON. 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.

Pursuant to clause 5(b)(1) of rule XV, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adopting the resolution.

The vote was taken by electronic device and there were—yeas 258, nays 170, not voting 6, as follows:

[Roll No. 428]

YEAS—258

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—170

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Gibbons
Hoyer
Kasich
Moakley
Reynolds
Torres

□ 1209

Mr. MASCARA changed his vote from ''yea'' to ''nay.''

Mr. GORDON changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the resolution.

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

RECORDED VOTE

Mr. BEILENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. By a previous order of the Chair, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 271, noes 152, not voting 11, as follows:

[Roll No. 429]

AYES—271

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NOES—152

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt

Geren
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
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Miller (CA)
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Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Poshard
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Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
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Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thornton
Thurman
Torricelli
Tucker
Velazquez
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Yates

NOT VOTING—11

Burton
Gibbons
Hoyer
Hyde
Livingston
Meyers
Moakley
Pomeroy
Reynolds
Vento
Young (FL)

☐ 1218

Ms. VELÁZQUEZ and Mr. BERMAN changed their vote from ''aye'' to ''no.''

Mrs. CLAYTON changed her vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I missed the last rollcall vote, No. 429. I ask that the RECORD reflect had I been present I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, I inadvertently missed rollcall vote 429. I was just off the House floor meeting with North Dakotans on legislative matters. Had I been present, I would have voted ''nay.''

CONSTITUTIONAL AMENDMENT TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 173, I call up the joint resolution (H.J. Res. 79), proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration in the House.

The clerk read the title of the joint resolution.

The text of House Joint Resolution 79 is as follows:

H.J. RES. 79

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore. Pursuant to House Resolution 173, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no greater symbol of our unity, our freedom, and our liberty than our flag. In the words of Justice John Paul Stevens:

> It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other peoples who share our aspirations.

Our flag represents We the People—the most successful exercise in self-government in the history of the world.

In 1989 in Texas versus Johnson, the Supreme Court of the United States in a narrow 5 to 4 decision, invalidated the laws of 48 States and an act of Congress depriving the people of their right to protect the most profound and revered symbol of our national identity. In 1990, Johnson was followed by the decision in United States versus Eichman, which held unconstitutional a Federal statute passed by Congress in the wake of the Johnson decision.

House Joint Resolution 79 proposes to amend the Constitution to restore the authority of the Congress and the States—which was taken away by the Supreme Court—to pass legislation protecting the flag from physical desecration.

I believe, as do many of my colleagues, and eminent jurists such as former Chief Justice Earl Warren and Justice Hugo Black—ardent defenders of the first amendment—that the Constitution, properly interpreted, allows Congress and the States to prohibit the physical desecration of the U.S. flag.

Justice Black bluntly stated:

> It passes my belief than anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

The Solomon-Montgomery amendment will overturn the opinions of the Supreme Court in Johnson and Eichman by restoring the authority to Congress and the States to prohibit the physical desecration of the flag.

This amendment poses no threat to free speech. As legal commentator and columnist Bruce Fein testified before the Subcommittee on the Constitution:

> I don't think [the flag desecration amendment] really outlaws or punishes a person's ability to say anything or convey any idea. Indeed, every idea that is conveyed by burning a flag can clearly be conveyed without burning the flag using your vocal cords, for example, and therefore it doesn't, in my judgment threaten to dry up rich political debate.

As Chief Justice Rehnquist stated in his dissent in the Johnson case, the physical desecration of the flag:

> . . . is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others.

In protecting the flag from physical desecration we will do nothing to impede the full and free expression of ideas by Americans.

The people of the United States—through their elected representatives—have the power and the right to amend the Constitution under article V. After the amendment is ratified by the States, legislation will need to be crafted to prohibit the physical desecration of the flag.

In an unprecedented demonstration of public support, the legislatures of 49 States have called on this Congress to exercise its power under article V and to submit a flag protection amendment to the States for ratification. We should not ignore the 49 legislatures which have called for action. We should listen to them and pursuant to article V.

Our flag was raised at Iwo Jima, planted on the moon and drapes the coffin of every soldier who has sacrificed his or her life for our great country. It is a national asset, a national asset which deserves our respect and protection. Indeed our flag is a national asset which deserves to be protected from physical desecration as much as the Capitol Building itself, or the Supreme Court, or the White House.

I say to my colleagues, ''If you want to protect the flag, this unique national asset, from physical desecration, you must support the Solomon-Montgomery constitutional amendment. There is no other way.''

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

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the majority be granted an additional 10 minutes of time for general debate to be controlled by the gentleman from Mississippi [Mr. MONTGOMERY] and that the minority be granted an additional 10 minutes of general debate to be controlled by the gentleman from Arizona [Mr. KOLBE] which would give each side 40 minutes of general debate.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, my colleagues, I rise as a patriotic American and a veteran today to debate under a very restricted rule the consideration of a constitutional amendment to outlaw the physical desecration of the flag of the United States. If adopted, this amendment would represent the first time in our Nation's history that we will have altered the Bill of Rights to limit freedom of expression.

Along with other constitutional amendments being considered, this Congress, relating to the budget, to term limits, to school prayer, the flag desecration proposal can be viewed, in my view, as a broad-ranging effort by the Republican majority to alter our fundamental national charter and to unintentionally undermine our commitment to individual liberty.

I deplore flag burning, but I am concerned by amending the Constitution we will be elevating a symbol of liberty over the liberty that it protects and provides itself. What I mean is that the true test of any nation's commitment to freedom, to freedom of expression, lies in its ability to protect unpopular expression such as flag desecration. As Justice Oliver Wendell Holmes wrote as far back as 1929, the Constitution protests not only freedom for the thought and expression we agree with, but freedom from that thought that we hate. By limiting the scope of the first amendment's free speech protections, the supporters of the flag desecration amendment will be setting a most dangerous precedent. If we open the door to criminalizing constitutionally protected expression related to the flag, it will be difficult to limit further efforts to censor speech; certainly it would be hard to justify a constitution which bans flag burning but does not prohibit burning a cross or the Bible.

Mr. Speaker, once we decide to limit freedom of speech, limitation of freedom of speech and religion will not be far behind. I quote former solicitor general Charles Free, who testified:

> Principles are not things that you can make an exception to just once. The man who says that you can make an exception to a principle may not know what a principle is, just as a man who says that only once let's make two plus two equal five does not know what it is to count.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

□ 1230

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I cannot tell you how excited I am that finally we are going to have the chance to pass this amendment that will restore the flag to its rightful position of honor. It has been a long time coming since that tragic day back in 1989 when five Supreme Court Justices decided it was OK to burn the flag and thereby hurt so many feelings around this country. Just ask all of the supporters you see here in this gallery and all over this Capitol here today in their uniforms, who put thousands of hours into the grassroots effort to pass this amendment. That is why I am so proud to be on the floor today sponsoring this amendment on behalf of the American people.

Mr. Speaker, today we are going to hear the same arguments against this amendment that we have heard for years now. I respect the opinions of those opponents. That is their first amendment right. But, Mr. Speaker, supporters of this amendment come to the floor today with the overwhelming support of nearly 80 percent of the American people. All around this Capitol today you see all of the major veterans organizations who, along with 100 organizations making up the Citizens Flag Alliance, have asked for this amendment to be put forth to the American people. They are the people who have spearheaded this grassroots effort. In fact, you can see for yourself the stack of over 1 million names of all our constitutions that are right here on the table. One million. I invite all Members to come over here and take a look at them.

Mr. Speaker, perhaps most impressive is the resounding support from the States around this country. Forty-nine out of the 50 States, and that is what is in this book, 49 of 50 States, have asked Congress to pass this flag protection amendment and send it to them for ratification. This amendment, not one watered-down or changed by amendment. Mr. Speaker, when have 49 out of 50 States agreed on anything?

Mr. Speaker, some opponents of this amendment claim it is an infringement of their First Amendment rights of freedom of speech, and they claim if the American people knew it, they would be against this amendment. Well, there is a recent Gallup poll taken of people outside the beltway, that is real people, you know, real down-to-earth people. Seventy-six percent of the people in that poll say no, a constitutional amendment to protect our flag would not jeopardize their right of free speech. In other words, they do not view flag burning as a protected right, and they still want this constitutional amendment passed, no matter what.

Mr. Speaker, we should never stifle speech, and that is not what we are seeking to do here today. People can state their disapproval for this amendment. They can state their disapproval for this country, if they want to. That is their protected right. However, it is also the right of the people to have a redress of grievances and amend the Constitution as they see fit. They are asking for this amendment.

Therefore, I am asking you to send this amendment to the States and let the American people decide. That is really what this is all about, speaking of Old Glory, Mr. Speaker, and America. It is what makes us Americans and not something else. Over the past two centuries, especially in recent years, immigrants from all over this world have flocked to this great country. They know little about our culture, they know nothing about our heritage, but they know a lot about our flag. They respect it, they salute it, they pledge allegiance to it.

Mr. Speaker, it is the flag which has brought that diverse group together. It is what makes them Americans. No matter what our ethnic differences are, no matter where we come from, whether it is up in the Adirondack Mountains of New York where I come from, whether it is Los Angeles, CA, it does not matter what our ideology is, be it liberal or conservative, we are all bound together by those uniquely American qualities represented by that flag behind you, Mr. Speaker.

It is only appropriate that the Constitution, our most sacred document, include within its boundaries a protection of Old Glory, which is our most sacred and beloved national symbol. All that lies before us now, all that is required, is for each of us to get the patriotic fire burning in our belly and come over here and vote for this. We need 290 votes. Get over here and let the American people decide. Put this out to them.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. BRYANT of Texas. If we are going to do what the gentleman is advocating, why don't we describe what the flag is here in the Congress and pass a constitutional amendment permitting the Congress to prohibit flag burning? Otherwise all 50 States write a different definition of desecration and all 50 States write a different definition of what the flag is.

Mr. SOLOMON. Mr. Chairman, is it not funny, for 200 years nobody infringed on this? We are just going to put the Constitution back to where it was before five out of nine judges tore down this Constitution and said this protection of the flag was invalid.

Mr. BRYANT of Texas. Three of the five judges were Republicans, Mr. SOLOMON.

Mr. SOLOMON. So what?

Mr. BRYANT of Texas. So why not pass laws here today that will stand the test of time, rather than having 50 different laws? We have a substitute that just says it is going to be one law. Does that not make more sense?

Mr. SOLOMON. The gentleman's substitute is in order. Offer it.

Mr. BRYANT of Texas. I will. I hope you vote for it.

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

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in strong opposition to House Joint Resolution 79.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 79. This legislation typifies the GOP leadership's mad rush throughout the 104th Congress to stifle individual rights and freedoms in our great country merely to appease certain constituencies. Last week we saw over 1 million Americans denied representation when voting was cut off in this Chamber so that Republicans could get to a fund-raising dinner.

Every time I turn around the Republicans are trying to amend the Constitution which has served this country well for all these years. They want to amend the Constitution against a woman's right to choose. They want to amend the Constitution to mandate the balancing of the budget. They want to amend the Constitution to mandate school prayer. They want to amend the Constitution to mandate term limits. Now they want to amend the Constitution so they can cut off the very free speech and open expression that defines our democracy simply because they feel benefits will flow to them politically by its passage. I say: let us end this charade once and for all.

I agree with my colleagues and the vast majority of Americans who find the act of desecrating the flag absolutely distasteful. However, it is a form of expression and, therefore, must be protected under the first amendment.

When it comes to amending the Constitution, we must always ask the questions Is it the right thing to do? and What would James Madison and the other framers of the Constitution do?

It is my belief that, with respect to flag desecration, they would not favor any change in the Constitution which they wrote and none in the Bill of Rights, the rock upon which our democracy has stood for over 200 years.

When I ask myself "What makes America great?" at the top of the list is the first amendment. Worldwide, millions have struggled, fought, and died to experience the freedom of expression which is such an integral part of our society that it is often taken for granted. On the hierarchy of national treasures, it reigns supreme.

Madison knew this. The first amendment was not drafted with exceptions. A few have since been created by the Supreme Court for public safety and the like, but never for what some, or even most of us, might deem to be offensive forms of political speech or protest. Political demonstrations were the foundation of our Nation and remain a vital part of the democratic process. That heritage is not ours to change. When we took the oath of office, "to support and defend the Constitution of the United States," no one suggested an exception for popular campaign issues.

The good fortune which all of us in America share is the right to live in and enjoy the benefits of the greatest country in the world. I love the United States and bristle at anyone who chooses to defile any national symbol, including the flag.

However, for me, the bottom line is simply the question of which is more important: the flag or the Constitution. One is a treasured symbol of our pride and patriotism, made of cloth that some people will tear, burn, or trample. The other is a set of basic principles which embody the best of what is American.

Mr. Speaker, does it make sense to canonize the symbol by utterly destroying what it represents? I do not believe so and, therefore, do not support House Joint Resolution 79. It is misguided and it is wrong-headed.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to House Joint Resolution 79.

Mr. Speaker, the first amendment is the touchstone of our constitutional democracy. It enriches our national discourse by permitting all views—however obnoxious—to enter public debate. It guarantees the political equality of all citizens by protecting the right of the least popular among us to express our opinion.

The first amendment represents a national promise to tolerate dissent. The Supreme court repeated that promise not too long ago when it ruled that any meaningful protection of speech must protect political speech even when we do not like it, even when it involves dishonoring the flag.

The flag is a beautiful symbol of the United States, of our history, of our constitutional principles—and of our struggles to be a more perfect democracy. It is precisely because of its power as a political symbol of the liberties we have fought to defend and extend that we need to uphold the right of individuals to free expression. To amend the Constitution to censor the content of political expression would erode the very liberties for which the flag is a symbol.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I must say one of the reasons our flag has become so important and such an important symbol is because there was such substance behind it. I find it very sad that we are rushing today to change this Constitution with very little debate, after over 200 years of not doing it, when at really the same time we are going to have a budget coming shortly that is going to take $32 billion worth of cuts out of veterans programs and another $7 billion worth of cuts out of veterans health care over the next 7 years. It seems to me we are going to be gutting the substance that this very symbol stands for.

We also, in this great rush to do this today, are dealing with the time where we just have the majority decide they are going to close the flag office. No more flag flying over the Capitol for American citizens who buy those flags and want that symbol.

What does that mean?

I think we are really trying to distract people almost from what is really going on in this body by this action today, and I find it very sad. When you read this amendment, this amendment does not say flag burning. This amendment says flag desecration. What does that mean? A 32-cent stamp with a flag on it could be cancelled and someone could consider that desecration, because we the Congress will not just be the only ones defining that. All the States will be able to define what that means, too. It could very clearly be different in different places.

So you hear flag burning, but you better read, because when you read, it is something entirely different, and the standard is going to be very different. I wonder why this rush, why this hustle, why we cannot really debate this openly and why this now.

When you look at what the facts are, they tell us that there were just a few flag burnings. In fact, there were three in 1994, and there were none that they had on record, according to Congressional Research, the year before. Yes, zero, none.

So why the rush to this symbol? I think it is to fog what we are doing to the subtance of being an American.

Mr. Speaker, I submit for the RECORD an editorial from the June 21 Rocky Mountain News that I think puts the flag desecration issue in perspective.

I'm personally affronted by flag desecration, but, like the editorial writer, I am more affronted by big government efforts to stifle the free speech the flag represents.

That's why I have joined my colleagues, Representative DAVID SKAGGS of Colorado and Representative JIM KOLBE of Arizona, in sponsoring the alternative resolution to the proposed constitutional amendments to ban flag desecration that the editorial talks about. The resolution simply reaffirms the place of honor that the American flag holds and states that respect for the flag cannot be mandated, especially at the expense of the first amendment guarantee of free speech.

[From the Rocky Mountain News, June 21, 1995]

SYMBOLISM TO THE FORE

According to the Congressional Research Service, there were three flag-burning incidents in 1994—yes, all of three. There were none the year before. Zero. Doesn't flag-burning sound like a practice that is virtually irrelevant to the vast majority of this nation's 260 million citizens?

Yes, but even so, flag-burning remains an irresistible topic for many politicians. This has been the case since 1989, when the Supreme Court ruled that flag-burning was a form of expression protected by the First Amendment. That decision was seized by President George Bush and others, and the political impetus for a constitutional amendment has never died.

Indeed, no fewer than 279 members of the U.S. House of Representatives are now cosponsoring a resolution that would amend the Constitution to permit Congress and the states to prohibit physical desecration of the flag. A vote could occur this month.

Needless to say, we hold no brief for the odd flag burner, but simply see little point in passing a constitutional amendment to outlaw the practice. At the very least, such amendments should deal with issues of great moment, for which there is an upsurge of popular demand. Congressional term limits would be a good contemporary example. Many issues of an older vintage come to mind, too, such as voting rights and the prohibition, and then legalization, of alcoholic beverages.

But there has been no great popular movement for a constitutional amendment on flag-burning. If asked by a pollster, most citizens indicate they favor the idea, but it has been driven forward since its inception by politicians.

As Democratic Rep. David Skaggs points out, not the least of the problems with flag-burning amendments is how far to extend the protection. What about flags with 48 stars? Or small American flags attached to clothing? How about those mini-flags that are planted atop tables and cakes? And what constitutes desecration?

To be sure, the authors of the Bill of Rights probably meant only to protect speech involving actual verbal or written utterances. Yet even if the Supreme Court's flag-burning decision is dubious, there is no doubt that the protest act itself is meant as a political statement. Why such eagerness to suppress dissident, if obnoxious, views?

Skaggs and Rep. Jim Kolbe, R-Ariz., are offering an alternative resolution to the House that honors the flag but leaves the Constitution untouched. Don't expect it to succeed, though. Not when there is a chance to corral a practice that has occurred an average of 1½ times annually during the past two years.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of House Joint Resolution 79.

Mr. Speaker, what is proposed here today is not unprecedented. We are proposing to overturn a Supreme Court decision which is wrong, just as wrong as the Dredd Scott decision which provoked the 13th, 14h and 15th amendments to be proposed by Congress, just as wrong as the Supreme Court's decision invalidating the income tax which resulted in a constitutional amendment, and just as wrong as the Supreme Court's decision in the first decade under our Constitution on court jurisdiction that provoked the 11th amendment to be ratified by the States after being proposed by the Congress.

So the question before us here today is whether or not you agree with the 5-to-4 majority of the Supreme Court that flag burning is protected free speech. If you think it is protected free speech, go ahead and vote no on this constitutional amendment. If you object to the Supreme Court's decision, vote aye, and you are not setting a new precedent, because that has been done at least five times in the history of this country, when Congress and the States have flat out said those judges over there are wrong. They are wrong this time, and we ought to pass this amendment and send it to the States for ratification.

The SPEAKER pro tempore. Under the unanimous-consent agreement, the gentleman from Arizona [Mr. KOLBE] is recognized for 10 minutes.

Mr. KOLBE. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I rise today in opposition to House Joint Resolution 79, a proposed constitutional amendment to ban flag burning.

I am a Vietnam veteran, a combat veteran. I am not sure I know why I have to state that credential, as though somehow my credentials would not be valid to speak in opposition to this amendment were I not a combat veteran. Let me lay that issue to rest. You can be for this amendment or against it whether you ever served in uniform or in combat. We are all Americans and our patriotism should not be questioned wherever we stand on this issue.

Mr. Speaker, this House is bringing fundamental change to the Federal Government. We are altering the very relationship Washington has with the States and the American people. And that should continue to be our focus.

This year we have voted on two constitutional amendments—one to require Congress to balance the budget, the other to limit terms of Members of Congress. I supported both amendments. They either proposed to alter the institutions of our National Government or to fundamentally change the way Congress conducts its business.

Mr. Speaker, there is not a crisis of disrespect for the American flag as a symbol of this great country. There is not a rash of flag burning. In fact, the Congressional Research Service reports that there were all of three incidents of flag-burning in 1994. We can count on our fingers the flag burning incidents since the Supreme Court ruled that such behavior—despicable though it may be—is constitutionally protected. I disagreed with that Court decision. I do not believe our Founding Fathers contemplated that a physical act of desecration of the flag would be construed as speech. Nonetheless, that is the ruling, and it is one that we can live with.

Mr. Speaker, I will not dwell on the many questions this proposed amendment raises—does it include flag patches or a uniform? Are partial reproductions of flags covered by the intent of the amendment? Suffice it to say that this amendment very simply is not necessary.

We honor our flag with our behavior every day. We show our respect in large ways and in small ways. But this body could do nothing more fundamental to honor our country—and its symbols—than by restoring fiscal responsibility to this Government.

So let us get on with the business we were sent here to do. Let us balance the budget, let us return responsibilities to the States, let us empower the American people. We do not need to pass a constitutional amendment on the flag to show that we love and respect this great symbol of America. We cannot legislate patriotism and we cannot pass laws to make people love their flag.

I urge a ''no'' vote on this resolution.

The SPEAKER pro tempore. The gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we need to set the record straight. They are saying that flags had not been burned around the country, and they are going back to 1994. Only two blocks from here, Mr. Speaker, they burned two flags on June 14. A fellow had a nice cake down there and was passing out the cake, and two nuts came up and started burning the American flag. The Interior Department tried to stop them.

So we need this bill. They are burning the flags only two blocks from here.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

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

Mrs. KENNELLY. Mr. Speaker, some years ago, this House voted on a constitutional amendment to prohibit desecration of the flag. I voted against that amendment because I felt—and still do—that the Constitution should be amended only as a last recourse. I had hoped a statute prohibiting desecration of the flag would reach the same end. The statute passed but was overturned by the Supreme Court.

Once again, Congress is considering a flag desecration amendment. This time, I plan to vote for it.

It is not that my views about the flag have changed; I have always felt that desecration should be against the law. And it is not that my views about the Constitution have altered; changes to this document must be kept to a strict minimum. But given the fact that a law will not stand, I believe a constitutional amendment is warranted. I do not believe we endanger our freedoms by protecting our flag.

Like every Member of Congress, I am constantly aware of our flag. I salute it on the House floor in the morning; I often bring a flag to a school or a firehouse when I am home. When I review a parade—on Memorial Day, Veterans Day, or the Fourth of July—I never see the flag pass without my heart expanding with love.

And I am constantly aware of how Americans revere their flag.

The various anniversary celebrations of World War II demonstrated so strongly the significance our flag has for veterans. Men and women who had never heard of Okinawa or Iwo Jima followed the flag to those distant battlefields so democracy could survive.

To Americans, our flag is unique. This amendment recognize this uniqueness in our Constitution in a special way.

I have only once before supported a Constitutional amendment, believing that the Constitution was a near-perfect document. I now believe that the Constitution will be brought even closer to perfection by adding to it a special place for our flag. For this reason, I will support this amendment today.

□ 1245

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SERRANO], an outstanding member of the Committee on the Judiciary.

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

Mr. Speaker, to my right here is the reason why this amendment makes very little sense. Let me first preface by saying that I, too, like the gentleman from New York, served our country's armed services. I was doing it to protect not only the flag but what the flag stands for. I, too, like the gentleman, if I am walking on the street and I see someone hurting our flag, will grab him and slap him around, not because he does not have the right to do it but because he is being stupid.

The problem with this amendment is that it really cannot be enforced fairly. Here are symbols of the flag. The question to be asked is, does this amendment cover these symbols? Will every State uniformly speak to this issue? So if you wear a soccer shirt with the American symbol on it and you sweat it up or you are a terrible soccer player, will that offend somebody and therefore be covered by this amendment?

How about those tacky ties to the far right? One is orangy red; the other one gets even worse because it tries to imitate the flag in a miserable way. That tie really does not look good on anyone, but will it look better on someone and, therefore, be OK? That is a question.

On July 4, this weekend, people throughout this country will be eating cake made out to look like the American flag. Some will be light. Some will be full of cholesterol. Is that offensive to someone? That is a question to be asked.

Get ready for this. You see this flag here? This could be covered by this amendment. This flag was made in Taiwan. If you really want to talk about offending the flag, should not all flags be made in this country by American workers? Buy America, only American flags.

Right here we have a young woman who looks very good in a flag. She has got a flag skirt on. How about someone who does not look good in that flag?

Up here is the symbol of my hometown, Mayaguez, PR, where I was born. It has the Puerto Rican flag and the American flag as symbols of the Commonwealth. Some statehooders use that symbol to express their desire to be the 51st State. Some people who believe in independence or Commonwealth find that offensive to put both flags together. Some might decide that that is improper for their flag or for their Commonwealth, and how would they be protected under this amendment?

The point is a simple point. Do any of these symbols of the American flag get covered under this amendment? If so, why will you not let us discuss the issue of what constitutes the flag and what constitutes desecration of the flag?

I realize that we have an amendment, but we wanted to amend piece by piece to be able to discuss this. The gentleman from New York should know that.

I would think, my colleagues, that the best way to protect our flag is not to worry about what constitutes the flag and what constitutes desecration. If that flag could speak to us, it probably would tell us to stop this silly debate and to do what it stands for. It would tell us to feed the children that are hungry. It would tell us to take care of the senior citizens who need Medicare. It would tell us to stop disliking each other along racial lines. It would tell us to respect each other. If you do that, you honor the flag. If you put this as a question, you make a mockery of the flag.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, let there be no doubt about it, this is the American flag. I do not think there is any, and I certainly hope there is no, school child in America from the seventh district of Georgia to the first district of New York to the third district of California that does not know that this is the American flag. It is defined in statute. And even if it were not, there is a very commonsense and very broad understanding in America, obviously not to some Members of this Chamber on the other side, as to what is the American flag.

Let us be very clear, Mr. Speaker, about what we are not doing here today, just as we are clear about what we are doing here today. We are not amending the Bill of Rights. We are not limiting free speech, which is what the Bill of Rights talks about. We are limiting offensive conduct. Congress does that every year when we look at our criminal code. There is nothing wrong with that. There are precedents for it every single year of our Union. That is all that we are doing.

The constitutional amendment that is contained in this resolution is very narrow; it is very clear. And more important, Mr. Speaker, the American people are demanding it.

They are demanding that we do for them the one thing, the only avenue that they have left open to them by the Supreme Court of the United States: To give voice to their sentiments, to give voice to their patriotism and protect this flag. If we were today to deny them that opportunity, and that is all I would say to my colleagues on the other side of the aisle, that is all we are doing, is giving them the opportunity to do what the Supreme Court has said: This is the only way you can accomplish what you, the American people, want to do. If we deny them that right, that would be the height of everything that we do not stand for here in this Congress. We stand for representative democracy based on our Constitution.

Let us not, Mr. Speaker, let us not deny to the American people what they are demanding in overwhelming numbers. The stack here before me is but a very small token of that. I urge strong support and adoption of this resolution for the American people.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. VISCLOSKY. Mr. Speaker, I rise in opposition to the pending amendment.

Mr. Speaker, as we debate a constitutional amendment to ban flag desecration, the following questions must be answered. Do people have greater freedom in Communist China and Iraq, where protests that offend the government are crushed violently? Or do people in the United States have more freedom, where offensive political protest is constitutionally protected? In the United States, the flag flies on the mast of freedom and liberty. In China and Iraq, the flag flies on the mast of totalitarian oppression. In which country does the flag fly as a true symbol of national pride?

Some people have said that the last election was a call for freedom from Government intrusion. According to this analysis, people across the Nation who felt that Government had become an oppressive force voted for less Government and more individual freedom. The constitutional amendment to ban desecration of the flag turns this analysis on its head.

I am disgusted and offended by the act of burning the American flag. Burning or otherwise desecrating the flag is a stupid, mean, and reprehensible act. I cannot comprehend why anyone living in our great Nation would want to desecrate this beloved symbol of our country. However, the Supreme Court has ruled that burning the American flag is symbolic political speech, protected by the first amendment to the Constitution—the cornerstone of our freedoms.

As Roger Pilon of the Cato Institute said, "The principles at stake could not be more simple or clear. Indeed, they are the principles at the core of the American vision. The right of the individual to be free is the right to do what one wishes short of violating the rights of others. That includes the right to do or say what is popular, for sure. But it includes, as well, the right to do or say the unpopular. For it is then, when our actions give offense, that our freedom is put to the test. It is then, precisely, that we learn whether we are free or not." Pilon then quotes Sir Winston Churchill's observation that "the United States is the land of free speech."

When I was sworn into office, I took an oath to uphold the Constitution of the United States. That document and the principles it embodies have made our country the greatest in the history of the world. For more than 200 years, it has endured—through times of tranquility and tremendous crises. Through two world wars and a civil war bloodier and more costly to our country than both world wars combined, the Constitution has preserved our freedom. Through the Korean war and then through the long years of wrenching involvement in Vietnam, the Constitution has protected the freedom of the people from the oppression of Government.

The U.S. Constitution has made ours a better country than any in the world because it

has guaranteed that certain basic individual rights are more important than the powers of Government. The Constitution says that certain inalienable rights, such as liberty, cannot be invaded by Government—Federal or State—no matter how well-meaning the Government might be.

At times in our history, when we feared the Constitution was not strong enough to protect the rights of every citizen regardless of their situation in life, we amended it to provide greater protection of individual rights. For example, the 13th amendment prohibited slavery and the 19th amendment allowed women to vote.

But never, never, in our history, not because of our greatest fears or in our darkest despair, never have we jeopardized our Bill of Rights. We may very well do that today. And for what terrible threat are we willing to risk our most fundamental constitutional right? Has there been an epidemic of flag desecration sweeping the Nation? Have any of any colleagues seen anyone desecrate the flag? Why, when we have been through such tough times and accomplished so much as a Nation, why would we let a few jerks who have desecrated the flag limit everyone's freedom.

I have two sons, Tim and John. I would not be my father's son if I left my children—or any other American—with fewer freedoms than my father has given me. We are the greatest Nation on Earth in no small part because of the individual freedoms contained in the Constitution and the Bill of Rights. If the Constitution and Bill of Rights were good enough for Washington, Madison, Jefferson, and Franklin and good enough for our Nation to become the world's greatest, it is good enough for this Congress and this Nation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED], a distinguished member of the Committee on the Judiciary.

Mr. REED. Mr. Speaker, I rise in opposition to this amendment. My respect for the flag and reverence for the flag stems from many, many years of service as an Army officer, a graduate of West Point. Indeed, this is not just rhetorical reverence, it is reverence born by experience.

I am offended when the flag is abused, deeply offended. But today we are considering a constitutional amendment which I think, although attempting to preserve the symbol of our freedom, encroaches substantially on the substance of our freedom. I cannot describe that phenomenon any better than the words of James Warner, a former marine flier in Vietnam who was a POW. He wrote an opinion letter back in 1989, when this was being debated before.

Mr. Warner was captured by the Vietnamese. He was being tortured. In fact, at one point the Vietnamese officer showed him a picture of American protesters burning a flag and the interrogator said, ''People in your country protest against your cause. That proves you are wrong.''

Mr. Warner replied, ''No, that proves I am right. In my country, we are not afraid of freedom, even if it means that people disagree with us.''

I do not think we should be afraid of freedom. I think we should in fact support freedom. If we were to pursue a constitutional approach to preserving the flag, it cannot be this approach, because just on technical merits, this fails miserably. As my colleague, the gentleman from New York [Mr. SERRANO], indicated, physical destruction or desecration of the flag is something that encompasses a range of things. Is underwear in the shape of the flag a physical desecration? I believe in many, many cases, it is disrespectful, but is it constitutionally desecration?

More than that, some States could say it is; some States could say no. We would be living in a situation where if you were wearing an American flag tie in one State and crossed the border, you could be arrested. We must reject this amendment. Indeed, we must support the substance of our freedoms.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. GOODLATTE. Mr. Speaker, as an original cosponsor, I fully support this amendment which an overwhelming majority of the American people support and feel strongly that it is an important addition to the Constitution. Through their elected representatives, the people have spoken: 49 of the 50 State legislatures, including my State of Virginia, have passed resolutions calling on Congress to pass this amendment.

The American flag is the most powerful symbol of the United States. It represents the ideals of freedom, equality and liberty on which this Nation was founded. The Stars and Stripes have led our Nation, our Armed Forces in conflict time and again, reassuring our troops and reminding them of what they were fighting for.

Many Americans have given their lives carrying that flag and protecting it. Many Americans are outraged when we think of our grand flag being desecrated. We are not altering the Bill of Rights as some in the minority has said. I am a staunch defender of first amendment rights. I do not believe that burning a flag is free speech despite what the Supreme Court has said in two wrong-headed decisions.

Talking about the flag is free speech. Criticizing America and its Government, for those who care to do so, is free speech. But physically desecrating an American flag is not. Americans know speech when they see it, and they know that what Gregory Lee Johnson and Sara Eichman, the defendants in those court cases, did to the American flag is not free speech.

The American people want us to confirm what one of the verses of America the Beautiful asks our Nation, ''confirm thy soul in self-control, thy liberty in law.''

Pass the amendment.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MASCARA], a member of the Committee on Veterans' Affairs, a new Member of Congress and a great patriot.

Mr. MASCARA. Mr. Speaker, I thank the gentleman from Mississippi for yielding time to me.

Mr. Speaker, I rise to express my support for House Joint Resolution 79, the amendment to protect the flag. Many members of my immediate family including myself have served in the Armed Forces to protect the American flag. My father, a decorated veteran of World War I, was the first member of my family to serve in the Armed Forces of the United States of America.

He did not fight in World War I and earn a Silver Star for someone to burn the flag that he served under. My brothers, veterans of World War II, did not fight for someone to burn the flag that they fought to defend. From my family's record of service I have learned both great respect and love for my flag.

Moreover, I have long supported the effort to protect the American flag from desecration. Unlike my father and brothers, my battle is not on foreign soil. But I defend our flag in the most ironic of all places—the floor of the U.S. House of Representatives. I have joined them in the battle to protect our flag.

Our American flag must be protected. It is more than a mere symbol of our Nation. Our flag is the living embodiment of what this Nation stands for, freedom, liberty, justice, and equality. When someone destroys our flag he is saying that he would destroy those values for which our flag stands. He is saying that he does not believe in justice. He does not believe in liberty. He does not believe in equality. He does not believe in the United States of America.

I assure my well meaning opponents, this debate is not about curtailing protest or an infringement of first amendment rights. Most forms of protest are patriotic and very American. In fact, many competing protest movements have as their center piece our American flag.

Our flag flies above the protesting factions proudly casting a shadow on the protesters below. Our flag unites these people. Our flag proves to the world that while we may disagree, we all are united by one common bond—we are Americans.

In closing I would like to share with you a section of a poem given to me by one of my constituents, Mary Smith, of Fayette County, PA.

''Old Glory'' is my nickname and proudly do I wave on high. Honor me, respect me and defend me with your lives and fortunes. Never, never let the enemy bring me down from this place that I hold so high because, if you do—If you do—I may never return.

Please, vote to protect the flag.

□ 1300

Mr. KOLBE. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Speaker, as the House moves closer to a constitutional amendment to ban flag burning, I am reminded strangely enough of the book of Exodus. When the Israelites were given the Ten Commandments, they were warned against graven images as symbols of God. The wisdom of this is obvious. It is easy to confuse the symbol of something with what that symbol represents, and what that symbol symbolizes, so one worships the statue instead of what the statue represents.

Mr. Speaker, the House is about to make a similar mistake, confusing the flag with what it symbolizes. I remember when I came home from Vietnam, after spending 4 years in the Marine Corps, I read about incidents where students were insulting servicemen and waving North Vietnamese flags instead of American flags, and I started to think ''Is this what I and members of my platoon were fighting and dying for?''

It took a few years for me to realize that the right to be obnoxious, the right to be unpatriotic, was the essence of what we are fighting for. Freedom means the freedom to be stupid, just as surely as it means the freedom to be wise. No government should ever be so powerful as to differentiate between the two.

I understand the anger and the frustration of people when they hear about malcontents who burn the flag, and most of the time they do that to get attention. I was raised to respect the flag, and I cannot understand anybody that would do otherwise. However, if these malcontents can get us to alter the Constitution, the very premise and foundation of this country, then they have won and we have lost. I read about a southern State legislator who said that nothing is more stupid than burning the flag and wrapping oneself in the Constitution, except burning the Constitution and wrapping oneself in the flag.

When we accept the principle of free speech, we have to recognize that it is both a blessing and a curse. We have to understand that the reasoned voices of good men will often be drowned out by the blustering of fools. We have to understand that the government will not be able to protect us from speech which is imprudent or offensive, in most cases, and we accept all of this as the price of freedom.

The work of Betsy Ross is beautiful. The flag is an honored symbol which deserves reverence and respect. However, it is meaningless without the work of Jefferson and Madison. How do we protect and show respect for the flag? We are good family members, we are good fathers, good mothers, we serve our country, we serve our community, we serve our Nation, and we serve our family.

Mr. CONYERS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

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

Mr. Speaker, I revere the flag, I respect the Constitution, and for those reasons, I rise in opposition to the constitutional amendment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

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

Mr. CARDIN. Mr. Speaker, I rise in support of our flag and Constitution and against this constitutional amendment.

Mr. Speaker, 2 weeks ago today, on June 14, I rose on the floor of this Chamber to lead the House in the Pledge of Allegiance to the flag. On June 14, of course, we celebrate Flag Day.

It will come as no surprise to my colleagues to learn that Flag Day is observed with a great sense of history and pride at Fort McHenry, in Maryland's Third Congressional District, which I have the honor to represent. At 7 p.m. that evening, 8,000 Marylanders gathered at the fort from which Francis Scott Key watched the rockets' red glare, to participate in the Pause for the Pledge.

The Pause for the Pledge is organized and directed by the National Flag Day Foundation, which is also based in Baltimore. The foundation began in 1982 to promote Flag Day. Since then, the foundation has received more than 100,000 requests from all over the United States for information on scheduling ceremonies to observe the Pause for the Pledge. This year, more than 600,000 Americans will visit Fort McHenry, seeking to learn more about the stirring events that occurred there in the War of 1812.

We are here to debate the very serious issue of amending the Constitution. Since Francis Scott Key peered through the ''dawn's early light'' for a glimpse of the ''broad stripes and bright stars'', we have added only a dozen new provisions to the Constitution, and none that would compromise the Bill of Rights, as the constitutional amendment before us today would do.

The overwhelming majority of my colleagues now propose that we provide a measure of constitutional protection for the flag, our most treasured national symbol. I understand their feeling for the flag, and their anger at those few misguided fools who would seek attention by desecrating it.

According to the Congressional Research Service, in the past 2 years there have been three instances of individuals burning our flag. The Supreme Court has ruled, wrongly in my judgment, in a 5-to-4 decision, that State statutes aimed at criminalizing such behavior do not stand constitutional scrutiny.

Considering the split opinion on the Supreme Court, we should continue to pursue statutory means of protecting our flag. By pursuing a statutory approach, we will protect both our flag and our Constitution.

Today we are here debating a constitutional amendment to protect our flag. The Republican leadership has given us no opportunity to vote on a statutory approach. In thinking about whether the flag needs protection, however, I have found no need to look to the Constitution. Instead, I would encourage my colleagues to look to the American people. There they will find the flag in good hands, and well-protected.

I have mentioned the events 2 weeks ago at Fort McHenry, and the work of the National Flag Day Foundation. Flag Day provides a special occasion on which Americans proudly show their colors and demonstrate their love of our country and our flag.

Next week we will observe another special day for honoring the red, white, and blue. On July 4, Independence Day, millions of Americans will march in parades, attend festivals, wave the flag, watch fireworks, and gather with their neighbors and friends to celebrate our country's birth.

These 2 days, Flag Day and Independence Day, provide special opportunities for honoring our country and our flag. But we do not need to look at these 2 days a year to find evidence of the American people's feeling for their flag.

This past weekend, more than 180,000 fans filed into Oriole Park at Camden Yards in Baltimore. Before they settled in to watch the Red Sox and the Orioles, they joined in the tradition of singing the national anthem, ''The Star Spangled Banner.''

Every day of the school year, which ended for most Maryland children the day before Flag Day, begins with the Pledge of Allegiance. In my congressional district, nearly 100,000 school children, from kindergartners through high school, know the Pledge of Allegiance and respect the flag.

Mr. Speaker, every day, in ball parks, in school classrooms, at historic sites like Fort McHenry, millions of Americans from all parts of the country and all walks of life affirm their affection for their country and their flag. I salute their patriotism. We have nothing to fear from the pathetic handful of misfits who would burn or otherwise dishonor the flag.

The Constitution sets forth the freedoms we guarantee to every American. The flag symbolizes the freedoms protected in the Constitution. It has been that way for all of our Nation's history.

In the minds and hearts of the overwhelming majority of Americans, the flag and the Constitution stand together. Neither needs protection from the other. Indeed, both the Constitution and the flag derive the protection they need from the American people.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], one of the great constitutional members of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I think first we want to put what we are doing in perspective. Every year over 2,300 murders occur in my congressional district. We are having cutbacks in health care, we are reducing funding for homelessness, we are reducing funding for veterans' health care, veterans' pensions, we are cutting back on our future by cutting back in education, and here we are, discussing the flag.

Whatever we do with this amendment, Mr. Speaker, there will be no more respect for the flag. Not one of those million people will respect the flag any more or less, depending on what we do. What we will have if we pass this amendment is a legal quagmire about what is a flag and what is desecration. The flag is burned more today in American Legion halls and Boy Scout troops than anywhere else, because that is the ceremony you use for disposing of the flag.

Mr. Speaker, the flag and the principles for which it stand do not need protection from the occasional imbecile who protests without realizing that he is destroying the very symbol of his right to protest, and somebody that cannot figure out that his method of protesting cannot possibly benefit his cause.

Finally, Mr. Speaker, if we do not pass this amendment, we will be sending a message to the American people that we are saying that Americans do not need the criminal code to enforce their patriotism.

Mr. Speaker, I would hope that we would defeat this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. FLANAGAN].

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

Mr. FLANAGAN. Mr. Speaker, as an original cosponsor of House Joint Resolution 79, I am proud to be here today along with Congressmen SOLOMON and MONTGOMERY, as well as all those patriotic Americans, past and present, who are with us today in the galleries and in spirit, as we take this giant step forward in our long struggle to adopt an amendment to the Constitution which will forever protect our majestic and glorious flag from those ungrateful and disingenuous individuals that purposefully desecrate it. I believe this amendment will be an excellent addition to our Constitution—a document I believe to be the greatest invention ever created by the mind and hands of man—and I urge all my colleagues to support it.

When the Court ruled in 1989, in a 5 to 4 decision, that flag burning in public protest was an act of free speech protected by the first amendment, it did not only free Gregory Johnson, a miscreant who danced around a burning flag chanting, ''Red, white and blue, we spit on you!,'' it also nullified the flag-protection laws in 48 States.

A vast majority of Americans were, and still are, outraged over the Texas versus Johnson decision. Unfortunately, the only sure way of reversing this decision is for the Congress to report to the States for ratification this wonderfully crafted constitutional amendment. The Congress has failed in its previous attempts, but this time I think we have the votes to push it through.

This amendment is long overdue, and while being a veteran is no litmus test of patriotism, as a veteran especially, I feel it is imperative that our beloved symbol of nationhood and freedom be guaranteed the respect that it deserves since it represents the souls of all those departed American heroes who fought so valiantly to protect it for over the last 200 years.

Mr. Speaker, before closing, I want to reiterate my strong support for House Joint Resolution 79 and thank those grassroots groups, especially the veterans organizations, who worked so tirelessly to rally the necessary support for this measure.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER].

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, as a 10th generation American who realizes that every country has had a flag and most have a constitution, I would remind my colleagues the one thing that makes us unique is the Bill of Rights. I do not think we need to trifle with it. I rise in opposition to this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, debating the rule, I showed everyone my tie that my son got me, and my wonderful flag earrings that my 13-year-old daughter got me. I wore it today because if this amendment were to become part of the Constitution, I could be arrested for wearing this.

I do not feel unpatriotic. We fly our flag at home on holidays. I love my country. I love the flag. What I love more than the flag, Mr. Speaker, is the Constitution that stands behind that flag. We have had our Bill of Rights for 204 years. I have heard that this is not about the first amendment. That is not so, because the Supreme Court has made a ruling, and the Constitution provides that it is the Court that decides final questions of law, not the Congress.

Mr. Speaker, I will never vote to amend the first amendment. I think real conservatives do not want to amend the first amendment or any of the Bill of Rights. Real conservatives do not try to amend the Constitution three times in 6 months.

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

Ms. LOFGREN. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I asked the gentlewoman to yield for the purpose of saying to people, particularly our veterans, I encourage Members to look at the timing of this, the timing of it. Within 24 hours this House, including a majority who vote for amending the Constitution, will vote to cut $17,900,000,000 out of veterans' benefits.

Within 24 hours from where that clock is now, the House of Representatives, and a majority of whom are going to vote for this amendment, will have voted to cut $32 billion below today's veterans services. Do Members know what the timing of this amendment is? It is a duck, a dodge, a camouflage. It is a dupe, a ruse, a subterfuge.

If people are veterans and they are worried about fewer hospitals, they should not worry about that, we are going to save the flag for them. They should not worry about too few outreach centers or losing physicians or losing pharmacies, the Republican leadership is going to save the flag for them. They should not worry that they do not have any veterans' nursing homes; my veterans' friends, the Republicans, are going to save the flag for them. If they are Desert Storm victims, they should not worry about the fact that they are getting inadequate service.

Rudyard Kipling a long time ago wrote about a fellow that came back named Tommy Atkins, a veteran. This is what he wrote:

Now it's Tommy this, an' Tommy that, an' ''Tommy go away;''
But it's ''Thank you, Mister Atkins,'' when the band begins to play.
Now it's Tommy this, an' Tommy that, an' ''Tommy fall be' ind,''
But it's ''Please to walk in front, sir,'' when there's trouble in the wind.
You talk o' better food for us, an' schools, an' fires, an' all:
We'll wait for extra rations if you treat us rational.
Yes, it's Tommy this, an' Tommy that, and ''Chuck him out, the brute!''
But it's ''Savior of his country'' when the guns begin to shoot.
Yes, ''It's Tommy this, an' Tommy that, and anything you please;
But Tommy ain't no blooming fool, you know, Tommy can see.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the veterans of our country are the first to recognize that the march toward a balanced budget is absolutely necessary for the national security of our Nation, for the standard of living that applies to every American citizen, and for the future security of our country and everyone in it. The veterans are in the front on that march, just as on every other march.

In the meantime, there is a missing element in this debate. That is the heart of Americans. That heart, that collective heart, was horrified beyond belief when they watched on television the hostage crisis in Iran, when our enemies were burning the American flag and otherwise desecrating it. That horror was magnified a thousand times when they saw American citizens, our fellow Americans, doing the same thing on domestic grounds.

That heart can tolerate no longer any further desecration of the symbol that binds all our American hearts together. If I had it in me, I would add

another amendment to make the English language the language of our Nation, because only the flag and the language are the unifying symbols of our country.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT], one of the great new constitutionalists on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I have risen many times in this cherished Hall in defense of the Constitution of the United States. I do so again today. Our flag is but a symbol of our democracy, but our democracy and the freedoms which make it unique and strong are not defined by a symbol, but by the guarantees in our Constitution and our Bill of Rights.

Most of those guaranteed freedoms often do not enjoy a majority support. In some cases, they were written into the Constitution to protect them against the majority. That is what makes our democracy unique. That is what makes America America. What do we gain by protecting the symbol if we fail to protect the rights it symbolizes?

The supporters of this amendment will argue that they are the true patriots, but where were these patriots when the constitutional principles of our democracy were under attack during the first 100 days of this Congress? Where were these patriots when we voted on the language of the fourth amendment?

Mr. Speaker, I come from North Carolina, a State that refused to ratify the U.S. Constitution until the Bill of Rights was incorporated into it. It is a State that recognized in 1792 that our fundamental rights were so important that they had to be delineated in the charter of this Nation. Today I stand in support of that same charter, and I stand patriotically in support of that same charter.

□ 1315

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I was in the Hall as I heard the remarks from the gentleman from Montana which were quite disturbing to me, being a Desert Storm veteran.

We all have the intellectual abilities to spin this however we want. Those who are going to vote against this amendment are going to be scared to death going back to their districts. I can understand that. I also respect your intellect. None of us here challenges your patriotism.

Let me do say, though, that I believe that the flag is definitely a national symbol that is worthy of respect and should be protected against acts of disgrace. That is what this issue is about. None of us that will vote to support this amendment challenge the patriotism of those who are going to vote against this amendment, so stop the spinning there and trying to spin politics into this one, also.

I think this is a great credit to our system, where we have 49 States out there come to us and they say, this is what the American people are asking of us. There are some in this body that are going to say no to that. I think that is really unfortunate.

We should listen to the American people. Because the American people when they say, ''We are upset with the direction of the country,'' there are a lot of things that they say about that. One of these is a symbolic vote and one of substance here by supporting this amendment to prevent desecration of the flag.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS], who has worked very, very energetically on the proposal before us.

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

Mr. Speaker, amending the Constitution, and for the first time amending the Bill of Rights, is an extremely serious step. We should take it only under the most compelling circumstances. The few idiots who misguidedly believe that flag desecration will further their cause should not cause us to weaken the first amendment.

What is the grave danger to the Republic that will be remedied by this amendment? There is none. What case can be made that this amendment enhances our constitutional order? None. And absent a significant evil to be avoided, or a significant improvement to be made, we should not undertake the most serious step of all acts of Congress—an amendment to the Constitution.

We have heard a lot this year about cost-benefit analysis in other contexts. What about now? The costs: a real if subtle paring down of the rights of open and free expression; a softening up of the first amendment, making subsequent and more damaging cuts into its protection of freedom that much easier; perhaps the prospect of years of litigation about the multiplicity of definitions of ''flag'' and ''desecration'' which will abound under this amendment.

The benefits: Old Glory will be protected, even as the magnificent freedoms for which it stands are diminished.

Our Nation was founded on the ideals of democracy and freedom, the freedom to speak our minds without interference from Government. And while isolated acts of disrespect for the flag may test our tempers, we should not let them erode our commitment to freedom of speech.

The first amendment and its guarantee of free and open political expression is at the very heart of this Nation's tradition of freedom and self-government. We change it at our great peril.

We do not need to amend the Bill of Rights to show our respect for the flag. Respect for the flag should not be mandated, especially at the expense of the first amendment's guarantee of free speech. It cannot be mandated. That respect, to be genuine, to be a respect that truly honors the flag, cannot be a legal requirement. It must flow from the natural love of our freedom-loving people for the beautiful standard of our Nation and the exquisite symbol of our freedoms.

The great irony here is that a constitutional amendment will ultimately render respect for the flag into a Government mandate, and so sadly will contribute to its own undoing.

Let us not leave a tear in the Bill of Rights.

Mr. Speaker, for the first time in our history, we are on the verge of amending—and weakening—the Bill of Rights. What a shame.

I can think of no better invocation on this debate than the words of Justice Oliver Wendell Holmes: " * * * we should be eternally vigilant against attempts to check the expression of opinions we loathe * * *"

As a veteran, I have great pride in the American flag. I know the strong feelings of patriotism and pride in flag and country which motivate the supporters of this proposal.

I too am fiercely proud of the values and ideals the flag symbolizes. Our flag should command the deepest respect. I believe the flag commands that respect because it stands for a nation and a community strong enough to tolerate diversity and to protect the rights of those expressing unpopular views, and even expressing them on some regrettable occasions in an offensive manner. It is our Nation's strong commitment to these values, not the particular design of our flag, that makes the United States an unparalleled model of freedom and, in my opinion, the greatest of all the nations.

As an American, I am deeply offended by any act of disrespect to the flag, including physical desecration such as flag burning. But it would be a mistake if, in the attempt to prohibit disrespect for the flag, we show greater disrespect for the Constitution and for the essential liberties of a free people now guaranteed by the Constitution.

There are only a handful of flag burning incidents each year—according to the Congressional Research Service, only three in the past 2 years.

Amending the Constitution, and for the first time amending the Bill of Rights, is an extremely serious step. We should take it only under the most compelling circumstances. The few idiots, who misguidedly believe that flag desecration will further their cause, should not cause us to weaken the first amendment.

What is the grave danger to the Republic that will be remedied by this amendment? There is none. What case can be made that this amendment enhances the constitutional order? And absent a significant evil to be avoided, or a significant improvement to be made, we should not undertake the most serious of all acts of Congress—an amendment to the Constitution.

We've heard a lot this year in other contexts about cost/benefit analysis. What about now? The costs—a real, if subtle, paring down of the rights of open and free expression; a softening up of the first amendment, making subsequent and more damaging cuts into its protection of freedom that much easier—a school

prayer amendment, perhaps; the prospect of years of litigation about the multiplicity of definitions of ''flag'' and ''desecration'' that will abound under this amendment. The benefits—Old Glory will be protected—even as the magnificent freedoms it stands for are diminished.

Our Nation was founded on the ideals of democracy and freedom—the freedom to speak our minds without interference from Government. While isolated instances of disrespect for the flag may test our tempers, we should not let them erode our commitment to freedom of speech. The first amendment, and its guarantee of free and open political expression, is at the very heart of this Nation's tradition of freedom and self-government. We change it at our great peril.

We do not need to amend the Bill of Rights to show our respect for the flag. Respect of the flag should not be mandated, especially at the expense of the first amendment guarantee of free speech. I cannot be mandated. That respect, to be genuine, to be a respect that truly honors the flag, cannot be a legal requirement. It must flow from the natural love of our freedom-loving people for the beautiful standard of the Nation and the exquisite symbol of our freedoms. The great irony here is that a constitutional amendment will ultimately render respect for the flag into a Government mandate and so, sadly, will contribute to its own undoing.

Mr. KOLBE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, the first amendment to the Constitution, the supreme law of our Nation, proclaims that, ''Congress shall make no law abridging the freedom of speech or of the press.'' This principle of free speech is an absolute, without proviso or exception. The citizens of the newly free colonies had lived through the tyranny of a repressive government that censored the press, prevented meetings, and silenced those who would speak out to criticize it. They wanted to make certain that no such government would arise in their new land of freedom and the first amendment—as with all 10 amendments of the Bill of Rights—was a specific limitation on the power of the Government to prevent free expression.

We have lived for more than 200 years true to that original principle: that personal utterances, expressions or writings, however offensive to others, or however critical of our Government, cannot be repressed by a majority in our Congress.

Now there are those who would like to write an exception, who would for the first time in our history to qualify that right written by the first Congress 200 years ago. Their burden is a heavy one. Only the most dangerous of acts to the very continuance of our Republic could possibly be of sufficient import to require us to qualify in any way the principle which lies at the bedrock of our free society.

That act they claim is the desecration of the flag, in protest or criticism of our Government, I submit, Mr. Speaker, that such an act is exactly the kind of expression our Founders intended to protect, that they themselves had torn down, spit on, and burned the Union Jack in protest of the British Government's oppression; and that their greatest fear was of a central government of our own so powerful that individual protests and criticisms could be silenced.

We have lost our way in America if we believe criticism of the Government should now be curtailed. We have forgotten our history. We have laid our Constitution and the Bill of Rights aside.

The act of desecrating the American flag is abhorrent in the extreme, an outrage to the sensibilities of patriotic Americans and representative only of the perpetrators' small minds, lack of judgment, and ignorance of the history and meaning of our country. But Mr. Speaker, it is not an act that threatens in the least our existence as a Nation. Rather, our toleration of it reaffirms our commitment to free speech, and to the supremacy of individual expression over governmental power, which is the essence of our history, the essence of America.

The real threat to our Nation, to the principles that have guided us for 200 years, comes from changing them.

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

Mr. Speaker, I think that this debate has been good for all of us. We are all learning more about the Constitution, and that is what it is all about.

I was reading opinions from constitutional scholars, Steven Presser of Northwestern University among them, and they keep coming back to the idea that blowing up of buildings, doing crazy things on the streets is really not an expression of freedom and goes beyond common sense. Therefore, burning the flag is beyond common sense and, therefore, the flag amendment does not hurt the first amendment freedom of speech. I think that is a very, very strong point, that when you burn the flag, you are going beyond the common speech or the common sense that individuals are entitled to in this country.

Mr. Speaker, there are more signatures—and I have been around here for quite a while—that is the most signatures I have ever seen from the American people, over 1 million signatures saying that they want a constitutional amendment. I want to commend the American Legion and other veterans' organizations, plus the Citizen Flag Alliance, for going out. This is what the people want, Mr. Speaker. They want a constitutional amendment; over 80 percent of them in a poll have said that. We ought to give them what they want.

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

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

Mr. HUNTER. Mr. Speaker, I thank the gentleman for leading this fight and for the great work he has done. I have to agree with him with respect to burning the flag. That is not a statement, that is not speech. That, as Judge Rehnquist said, is an inarticulate grunt. There are a lot of other ways to express yourself rather than lighting a fire, and this is not speech. I think the gentleman is right on that. I thank him for his leadership.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to express my strong support for House Joint Resolution 79. As has already been stated, this amendment is supported by 49 State legislatures and more than 80 percent of the American public. I hope that when the day ends, it will also have received the resounding support of this Chamber.

Since the birth of our country, the flag has been the accepted symbol of our national unity, pride, and commitment to democracy. It was the inspiration for our national anthem, was raised in victory for the immortalized moment of Iwo Jima, was placed on the Moon to proclaim the U.S. conquering of space, and is waved by millions of Americans at parades, rallies, and sporting events.

The flag is not just a piece of cloth. It is the embodiment of all that the brave men and women of our country have fought, sacrificed, and laid down their lives for.

We cannot allow the U.S. flag to be set on fire, spit upon, and trampled as a form of political expression. These acts are not speech; they are examples of destructive conduct that insult every patriotic American.

Mr. CONYERS. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], the dean of the House.

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

Mr. DINGELL. Mr. Speaker, behind you stands the great flag of this beloved country, the symbol of our liberty, the sign of our freedom, the hopes of our people. I love it, I revere it, and I have served it in World War II and for 40 years in this body. It is a precious national treasure, and it deserves to be honored by all.

But I have also in my hand something else which is even more precious to any free man in this country. It is the embodiment of our liberties. It defines our freedom, it lays out the structure of our Government. It sets forth those things which distinguish Americans from any other race in the world. It is the document which defines how an American is different from any citizen of any other Nation.

This morning I had a call from a veteran who, like me, served his country. In that he urged me to protect the flag, but he said to do so by protecting the

Constitution. He shares with me the disgust for those who would dishonor the flag. However, he reminded me, more importantly, that by voting for this amendment I would create a monster that would trample the rights that he fought to protect.

If this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on the liberties of Americans. That is not something which I want on my record.

The flag is precious. It deserves honor. But remember, it is the symbol of the country and of the Constitution. The Constitution, however, Mr. Speaker, is the soul of this country. It, above all things, must be preserved and protected.

I would remind my colleagues that we take with pride and pleasure the privilege of pledging allegiance to the flag of the United States. But each 2 years when we are sworn in to the Congress of the United States, we take a solemn oath to defend and protect the Constitution of the United States against all enemies, foreign, and domestic. The Constitution is one of the most extraordinary documents ever written. Insofar as Government is concerned, it is the most perfect document of Government ever written. It is the freedom of expression which is set forth in this great document which the Supreme Court has said is at stake here.

In two recent decisions, the Supreme Court has ruled that it is unconstitutional for the States and the Federal Government to enact laws prohibiting flag burning. I find that regrettable, but on careful evaluation, I understand that we are talking really about the protection of rights of American citizens regardless of how odious that exercise might be.

We do not protect the flag by defaming the Constitution. The flag is the symbol. I urge my colleagues to protect the Constitution, the definer and the glory of our liberties.

□ 1330

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM], a leader in this Congress.

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

Mr. STENHOLM. Mr. Speaker, I rise today in support of this amendment, I learned early in life that the flag of the United States represents something very special and should be treated with respect. My parents, as descendants of Swedish immigrants who came to this great land in search of opportunity, taught me to respect the flag by their example. I learned to remove my hat when the flag passes by; to never let the flag touch the ground; and, with hand over heart, to be silent as the Star Spangled Banner is played and the flag is raised.

Today, you can barely hear the national anthem above the noise at athletic games, school assemblies and other public events. People wear shirts and shorts made out of the U.S. flag, and receptions feature flag cakes—which will be cut—and flag napkins—which will wipe mouths. As those examples illustrate, flag desecration takes many forms. However, the worst abuse has occurred when some individuals have burned this cherished national symbol in protest.

In 1989, the Supreme Court by a 5-to-4 margin struck down a Texas law—and all other State and Federal efforts—making flag desecration a crime, arguing that such a statute was inconsistent with freedom of expression as guaranteed by the first amendment to the U.S. Constitution. In reviewing Chief Justice Rehnquist's dissenting opinion, I found myself in agreement with his perspective when he wrote:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation . . . The flag is not simply another 'idea'' or ''point of view'' competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have. I cannot agree that the First Amendment invalidates the Act of Congress and the laws of 48 out of the 50 States, which make criminal the public burning of the flag.

Justice Rehnquist went on to reference a unanimous 1942 Court decision which said:

> It is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include insulting or ''fighting'' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

This year, our own Texas Legislature commemorated the 50th anniversary of the raising of the U.S. flag on Iwo Jima by voting to ask Congress for a constitutional amendment to exempt flag desecration from first amendment protection. The grassroots support for such an amendment is so strong that 49 legislatures have pledged to ratify such an amendment.

Amending the U.S. Constitution should be done only in rare circumstances. I still believe we must be very cautious about limiting the freedom of expression and speech as guaranteed in the Bill of Rights. However, during the past 5 years I also have been deeply troubled by the increasing cynicism and negativism toward our Government. The culmination of these negative feelings resulted in the tragedy in Oklahoma City. While I will continue to defend the right of every citizen to petition the government for a redress of grievances, I am disturbed both by the violence of a few individuals and the nonviolent but pervasive cynicism many Americans feel towards their country. It is time for us to better encourage a respectful attitude toward the American ideals which our flag represents.

I always have believed that physical desecration of the flag should be prohibited. At the same time, I sincerely have hoped that we could protect our flag without amending our beloved Constitution. After much deliberation, a review of recent court history, and a deep concern about a growing, negative and disrespectful national attitude, I have come to the conclusion that the way to honor the flag at this time is by amending the Constitution.

I wish that recent circumstances were not dictating this course of action. However, with a somber attitude and a great love of the country for which our flag stands, I urge my colleagues to support this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the tentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, this morning an elderly gentleman from Massachusetts, Mr. Stephen Ross, stoped by my ofice to speak with me. Mr. Ross is a survivor of Dachau, where he was imprisoned and tortured by the Nazis for over 5 years, starting when he was a 9-year-old boy.

He was liberated from that hellhole, where almost his entire family was killed, in 1945 by the U.S. 7th Army. One young American tank commander stopped to comfort him as the young Mr. Ross wept. That Army commander wiped away the boy's tears with a piece of cloth and gave it to him.

Later on, Mr. Ross realized that the cloth was a small American flag taken from the tank. Since that day, Mr. Ross has carried that flag with him every single day in a small velvet bag, a sacred symbol.

Mr. Ross wants that flag to be protected. As he said to me, ''Protest if you wish. Speak loudly, even curse our country and our flag. But please, in the name of all those who died for our freedoms, do not physically harm what is so sacred.''

I understand and respect the arguments of those who oppose this bill, but I urge my colleagues to support this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS], a distinguished civil rights proponent before he came to the Congress.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong opposition to this amendment.

Our flag is a powerful symbol. It represents the freedoms and individual liberty that make the United States the greatest democracy on earth. It makes me sick to see any person burn our flag.

But I am appalled when I hear my colleagues try to tell that person that he or she cannot burn the flag.

I would say to my colleagues the right to desecrate our flag is protected by the most important document in our country—the Bill of Rights.

There would be no United States of America without the Bill of Rights. The States refused to join the union until they were assured that the rights of our citizens would be protected.

And what is the first freedom guaranteed in the Bill of Rights? Freedom of speech. The freedom to disagree. The freedom to have political beliefs—and to express those beliefs publicly and openly.

More than any other freedom, this is what makes our country great.

Our freedom, our individual rights and liberties, are what our flag represents. When we deny our citizens the

right to desecrate the flag, we diminish these freedoms. When we diminish our freedoms, we diminish our flag, our country, and ourselves.

Our flag, while a great symbol, is still just a symbol—a symbol of our rights and freedom. What is worse, destroying a flag, or destroying the liberty that flag represents?

Mr. Speaker, we must not choose the symbol over the real thing. This resolution is an affront to the flag. It is an affront to the Bill of Rights. This amendment will do more to desecrate the flag than any bonfire—or any protest.

If Old Glory would speak, she would cry for us. She would weep.

Old Glory is strong. She has stood the test of time. She has stood the test of the Civil War, World War I, World War II, and Vietnam. Old Glory does not need 435 Members of Congress to defend her. She is not crying out for our help.

I urge each and every one of you to look within yourself, to stand up for freedom. Show the world that the United States is, indeed, the greatest Nation on earth.

Mr. Speaker, I ask my colleagues to vote against this amendment—it is the only way, the sure way, to protect our flag.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

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

Mr. FOX of Pennsylvania. Mr. Speaker, the flag is a symbol of our country. The founders of our country, when they contemplated free speech, did not envision the burning of our national symbol.

There are many forms of expression that are legitimate, and this is not one of them. Servicemen and women have died in support of the country and what the flag represents. Burning the flag is as inappropriate as yelling ''fire'' in a crowded theater when no fire exists.

I was proud to sponsor and vote for the Pennsylvania House resolution in 1989 that recommended that we in Congress now approve a constitutional amendment to prohibit the desecration of our flag. Forty-eight other States have now joined.

I am hoping that the House will, in fact, pass this and move it on to the Senate and the people of the United States will know that we, in fact, uphold the flag, believe in the flag, and believe in this country. God bless you all.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker I have been preceded in the well by several Members who spoke eloquently and personally of reverence for our freedoms as symbolized by the flag: the gentlewoman from Florida who fled the oppressive Castro regime for her freedom; the gentleman from Korea who immigrated to America for great freedom and opportunity. In Castro's Cuba, South Korea, mainland China, and the old Soviet Union, there was one common thread. Show disrespect to the hammer and sickle, you go to jail. In Cuba, China, Korea, all the tottering oppressive regimes, show disrespect to their symbol, you go to jail.

Until today, America was different. We had a Bill of Rights that was the beacon of liberty to oppressed people around the world. When they throw off the chains of oppression, they do not endeavor to copy our flag. They endeavor to copy our Bill of Rights and our Constitution.

Vote ''no''. Do not be afraid to be free. Save the Constitution and the Bill of Rights.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, there are two compelling reasons to support this legislation—the letter and the spirit of the law.

Title 36, chapter 10, section 176 of the U.S. Code states that ''The flag represents a living country and is itself considered a living thing.'' If it is illegal to commit acts of violence against persons or property as a means of expression, and the flag is considered a living thing, then prohibiting acts of violence against the flag is entirely consistent with previous interpretations of the first amendment.

Just as important, Mr. Speaker, is the spirit of that law, which makes it clear that our flag is more than a piece of cloth, it is the symbol of freedom to millions of people around the world.

Whether it is being flown by a Navy ship off some foreign shore, waving proudly over the U.S. Capitol, or fluttering from the window of a house on the Fourth of July—our flag represents everything for which this Nation stands—and as such, it should be treated with respect.

Mr. Speaker, I urge my colleagues to support House Joint Resolution 79.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina [Mr. SPENCE].

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

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

I was sitting there just listening and it occurred to me that we are trying to decide what speech means and the protection of speech and expression under our Constitution and Bill of Rights. I have said on other occasions that our Maker has endowed us with minds that can allow us to look at the same set of facts and arrive at conclusions 180 degrees apart from one another.

I use that to justify the thinking of Members on the other side sometimes, but this is carrying it too far. Anyone, including the Supreme Court, that cannot look at a dictionary definition of what speech means and expression means and decide the correct way on this question is beyond me.

If we were to say that burning or desecrating a flag is speech and expression, we could also say that tossing a bomb into a building is our way of free speech and expression. Put another way, you can cuss the flag, you can call it all kind of names, you can speak at length against the flag, but you cannot do the act of desecrating or destroying it.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN, who has been a strong supporter of this amendment.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise as a proud cosponsor of this resolution. There is a need to set aside our flag as a special item and in a special place; an exception to the freedom of speech. That is what this constitutional amendment is about.

We can disagree on particular language that we have, and I am sure that the U.S. Senate will even make some changes in it. But I think what we are doing today is so important. We need to make the flag designation a separate symbol of our country. Once again, I rise again in proud support of this resolution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

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

I love our country and I love our flag, and several years ago in this body I voted for a law, a statute, that would have made it illegal to desecrate the American flag. I would vote for such a statute again, but the Supreme Court in its wisdom declared such a law unconstitutional, and may I point out that the Supreme Court appointees, conservative Republican appointees, appointees of Reagan and Bush, declared the law unconstitutional.

So the question we have now is should we amend the Bill of Rights for the first time in American history? Should we tamper with our Constitution, which is sacred, to do something which really is not a threat to the Republic? The idiots that burn the American flag, and I hate them, are not that many. Why highlight them? They are no threat to the Republic. This is what they want.

I do not think we should tamper with the Constitution. I do not think we should amend the Constitution. Several years ago, someone before mentioned Nazi Germany, Nazi Germany had a statute to make it a crime to desecrate their flag. I do not think we want to follow in their footsteps. While we abhor what these idiots do, we should not desecrate our Constitution. Vote ''no.''

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there have been many points made in the debate today. I want to read a statement by Chief Justice Rehnquist which I think puts this issue in perspective in a way that we have not seen it put in perspective thus far. The Chief Justice said:

The significance of the flag, and the deep emotional feelings it arouses in a large part of our citizenry, cannot be fully expressed in the two dimensions of a lawyer's brief or of a judicial opinion. But if the Government may create private proprietary interests in written work and in musical and theatrical performances by virtue of copyright laws, I see no reason why it may not . . . create a similar governmental interest in the flag by prohibiting even those who have purchased the physical object from impairing its physical integrity. For what they have purchased is not merely cloth dyed red, white, and blue, but also the one visible manifestation of 200 years of nationhood—a history compiled by generations of our forefathers and contributed to by streams of immigrants from the four corners of the globe, which has traveled a course since the time of this country's origin that could not have been ''foreseen . . . by the most gifted of its begetters.''

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

□ 1345

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the most thoughtful gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker and Members, I love America. I love the Constitution. I love all of the symbols of our free society, our democracy.

My ancestors loved America. They loved America even when America did not love them. My ancestors loved America when they were not free to pray to their God. They loved America when they were not free to rally or protest. They loved America even when they had to die to help America live up to her ideals.

Their sacrifices instilled in me an undying loyalty and commitment to always defend the Bill of Rights. It is the Bill of Rights that gave my ancestors hope that there could be a democracy for all people, even people who look like me.

This amendment being offered here today endangers the most profound protection guaranteed to us by the Bill of Rights, the right to disagree, the right to confront, the right to rally, the right to march, the right to protest.

The flag is, indeed, a precious symbol, a powerful symbol, but no symbol is more powerful than the powerful ideas embodied in the Bills of Rights that guarantees to us all the freedom of expression, the right to express ourselves as a proud and determined people.

Mr. KOLBE. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in making a decision today on the proposed constitutional amendment to ban desecration of the flag, I was confronted with the fundamental question of our democracy. That question is: What is it that makes us free?

The flag is a symbol, perhaps the sacred symbol, of our freedom, but the Constitution is the guarantee of our freedom. The flag reminds people throughout the world of everything we stand for, but the Constitution is the bedrock upon which we stand.

The flag touches our mystic chords of memory, but the Constitution is not about the past only, but our future as well.

The founders made it possible for the Congress of the United States to change the flag tomorrow, its color, its shape, its size. But the Constitution can only be changed when the great weight of the Nation comes to believe that human liberty is at stake.

Like each of my neighbors, I pledge allegiance to the flag. Yet each of us who have the honor to serve our Nation has taken a higher oath before God and man to uphold the Constitution. At the heart of that great document is the Bill of Rights, and at the center are 10 words that settle forever the issue of whether the State or the individual is our Nation's sovereign. ''Congress,'' the majestic first amendment begins, ''shall make no law abridging the freedom of speech.'' Speech we admire and speech we despise, protest we support and protest we condemn, beliefs we embrace and beliefs we reject, nonviolent actions we applaud and nonviolent actions we deplore, all are protected here.

I honor the flag. I revere everything it represents. But in the end, I cannot vote for this amendment.

Those who fought for the flag, those of us who defend its honor today do not fight for a piece of cloth, no matter how treasured it is, but for an idea now more than 200 years old that human liberty, even the liberty to disagree, is the greatest treasure of mankind.

Mr. Speaker, we stand in the most sacred shrine of freedom in the history of the Earth, and if we abandon the Bill of Rights here, where will it then find a home?

I urge a ''no'' vote, Mr. Speaker.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. It is very appropriate that I am allowed to speak right after that previous speech, because I take a different point of view.

The burning of the flag is a behavior. it is not free speech.

When you find a book you do not like, you do not burn down the library. When you argue against a government policy, which you have the right to do under the first amendment, you do not blow up a Federal building, and the sooner that person get the death penalty, the sooner we can reaffirm our constitutional liberties.

But this flag is more than just a colored piece of rag. It is a symbol of liberty and justice. It is beyond free speech. It is a foundation of liberty, and you do not tear down the foundations because you do not like an action of government or the people in government.

We would not amend the Constitution if it were not for the Supreme Court ruling, unless we do make it clear in the Constitution the States and the people therein cannot protect their own flag.

We find this 5 to 4 decision disheartening. We decry this 5 to 4 ruling, and we are now allowing the States and the people therein to have their voices be heard.

So this debate is not about free speech. It is about the preservation of a great experiment in liberty.

Can we continue to speak about our elected officials and the government without tearing down our foundations and falling, like most democracies have done over the 2,000-year history that we are so familiar with? And the answer is ''yes.''

Give liberty a chance. Vote ''yes'' on this amendment.

Mr. CONYERS. Mr. Speaker, I yield the remainder of my time to the gentleman from Utah [Mr. ORTON].

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

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

Mr. Speaker, I also love the United States of America and the principles of liberty and justice guaranteed in the Constitution which established our Nation. I would lay down my life to protect those rights and our Nation.

I also love and respect our flag, which is the symbol that represents all that our Nation stands for. But we err if, in our attempts to protect the symbol, we damage the rights which the symbol represents.

Thomas Jefferson, in his first inaugural address in 1801, said, ''If there be any among us who would wish to dissolve this Union or change its republican form, let them stand as monuments of the safety with which error of opinion may be tolerated where reason is left to combat it.''

My fellow Americans, if there be any among us who wish to desecrate this flag, let them stand undisturbed as monuments of the liberties and freedoms which it represents.

I urge you to vote against this amendment.

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

I want to thank the gentleman from Michigan for giving me the opportunity to have this time. I thought that was very, very fair, and I appreciate it, along with the gentleman from Florida.

Mr. Speaker, I hope this amendment is adopted. This is not the last vote. This amendment will go to the Senate. Then, if it is adopted, it will go to the different States, and it will take three-fourths of the States to ratify this amendment.

So I would certainly hope that today will give the first step forward in a constitutional amendment to protect the flag.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. VOLKMER].

Mr. CANADY of Florida. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Speaker, I rise in strong support of the proposed constitutional amendment, and it does not do what many of the people in opposition to it have said.

I have no problems with defining a flag. We can do that through implementing legislation. Once it has gone through the process, as the gentleman from Mississippi has talked about, and three-fourths of the States have ratified this proposed constitutional amendment, it will come back to here, and the Congress at that time will have to pass implementing legislation. I have no difficulty with that.

One of the things that I disagreed strongly with the Supreme Court, and many Supreme Court decisions I have disagreed with, and that was the one on flag burning. In my opinion, that Supreme Court, in its decision, amended the Constitution of the United States because it said for the first time that I know of, that actions, not words, were protected by freedom of speech. The act or the conduct of burning a flag was protected by the speech provisions of the first amendment. I strongly disagree with that.

I find no problem with proposing an amendment to the Constitution that would say that that action, not the words, the action, is not protected by the Constitution.

So I just remind everybody here that, in my opinion, the Supreme Court has already amended our Constitution, and it was a 5-to-4 decision. It could very easily have been the other way, and we would not be here today.

So I have no difficulty at all in proposing and supporting this constitutional amendment so that flag desecration will no longer be possible, hopefully, in the United States after we go through the process. Surely it will take several years, but that, to me, is worthwhile, and there is nothing wrong with this Congress, because it has done it in the past, in the past years has said the Supreme Court was wrong, and we have had constitutional amendments to change what the Supreme Court has done.

Mr. CANADY of Florida. Mr. Speaker, I yield the remainder of my time to the gentleman from Georgia [Mr. DEAL], who will close the debate.

Mr. DEAL of Georgia. I thank the gentleman for yielding me this time.

Mr. Speaker, this topic is a great one for patriotic speeches, and we have certainly heard some sincere ones on both sides of this issue today, that in itself perhaps the best illustration of what the first amendment, freedom of speech, is all about.

But this debate symbolizes more than just a venting of patriotism. It highlights the perversions which the Supreme Court has allowed in the name of free speech, and the very Constitution that both sides to this argument have revered in their comments allows us, through the process we are engaged in at this very minute, to correct those perversions of that Supreme Court.

For those who would suggest that this proposed constitutional amendment would in any way detract from the original first amendment, I would suggest quite the opposite is true. Freedom of speech is elevated in importance as much by what it excludes as by what it includes.

For those who would suggest that someone would intentionally violate this law by wearing clothing that has a flag on it, I suggest, is a hollow argument, indeed.

As Chief Justice Oliver Wendell Holmes once observed, ''Even a dog can tell the difference between a man who unintentionally stumbles over him and the one who intentionally kicks him.'' Certainly, we can do the same with regard to desecration of the flag.

A nation that tolerates every form of behavior, no matter how demeaning, under the passport of free speech will eventually find that it has very little power to govern, indeed.

I support this constitutional amendment to protect our flag. You do not have to love it. You do not have to leave it. But you should not be allowed to burn it.

If it is, indeed, the symbol of liberty and that symbol can be destroyed, can the freedom that it symbolizes it be far behind?

I suggest not. I urge you to support this amendment to protect the freedom that all of us hold so dear.

Mr. MINGE. Mr. Speaker, I have a deep and abiding respect for our flag and what it symbolizes. Freedom is our greatest commodity. The flag is our greatest representation of that freedom. We should never take lightly the supreme sacrifice our fallen soldiers have made in defense of freedom. Likewise, I do not believe we can take lightly the freedoms their sacrifice entrusted to us.

One of the most important liberties our Founding Fathers gave us, and one of the most important liberties our soldiers died for, is the freedom of expression. If everyone in America is truly free to express opinions, each of us will undoubtedly be disgusted by someone's views or actions at one time or another. Nothing enrages me more than when someone burns our flag. Nonetheless, I do not believe that the people who are disrespectful of the flag should move us to limit personal freedom and amend the Bill of Rights, something that has never been done. If any limits, no matter how reasonable they appear to us, are placed on the freedom of expression, we will open the possibility that other limits can be placed on our freedoms in the future.

Each of us must decide how we will be patriots to our hallowed past. I believe defending the freedom of expression is patriotic. I also believe doing what I can to serve the people of the Second District, including our veterans, is patriotic. Others, such as veterans organizations, have shown their continued patriotism in part by educating young people about what this great symbol represents. Educating young people about its significance, rather than mandating respect, is the only way to build the true and enduring reverence our flag deserves.

It is ironic that many of the congressional champions of the amendment to prohibit flag burning are advocating harsh reductions in veterans programs to finance substantial tax cuts for higher income Americans. Secretary of Veterans Affairs Jesse Brown has indicated that 35 to 40 veterans medical centers will close and the jobs of more than 50,000 professionals providing care to veterans will be eliminated as a part of the congressional Republican budget plan that includes tax cuts. Sadly, passing a flag burning amendment when no pressing problem exists appears to be, not a display of patriotism, but a gesture to provide political cover for my colleagues who are financing tax cuts on the backs of veterans.

Mr. VENTO. Mr. Speaker, I rise today in support of the motion to recommit House Joint Resolution 79 with instructions offered by my colleague from Texas.

House Joint Resolution 79 would amend the Constitution of the United States prohibiting the desecration of the American flag. I too am concerned about the treatment of our flag; in 1989 I supported the Flag Protection Act. However, the language of this proposed amendment, as it stands, raises serious questions as to its exact extent and intent.

Mr. BRYANT's motion to recommit with instructions, in my opinion, clarifies this amendment by establishing guidelines for Federal and State courts and legislatures to follow when interpreting and developing future laws. The motion calls for a definition of what constitutes a flag, as well as the proper procedure for the disposal of a flag. Together with its decided definition of ''physical desecration'', this motion ensure the amendment will lead to clear and specific laws.

For over 200 years our Constitution and the Bill of Rights has stood strongly protecting the freedom of the citizens of this Nation without ever being amended. Today, Congress is attempting to amend arguably the most precious doctrine within the Constitution's Bill of Rights, the first amendment guarantee of free speech. We must not, and can not enter into this process without proper consideration and understanding endangering the strength and integrity of our most valuable liberty and freedoms protected by the first amendment. The flag is a symbol of our freedom, but the Bill of Rights is the substance of our freedoms and rights.

I urge my colleagues to join me in support of the Bryant motion to recommit with instructions and provide at the very least some specifics to this proposed constitutional action.

Mr. FRELINGHUYSEN. Mr. Speaker, on June 14, America celebrated flag day. Millions of American men and women all across the country retrieved their Star Spangled Banner from the basement or attic and proudly displayed it to honor the day. For many families, the flag itself is a tradition. Perhaps it was a grandfather's flag, or a gift from a son or daughter serving in the military. Perhaps it even draped the coffin of a sister or brother who made the ultimate sacrifice for the United States.

Whatever the case—the American flag means something special and personal to each and every one of us. It represents our

freedom, our liberty, and our common bond. It is the emblem of a unity to which every fourth-grader has pledged their allegiance in homeroom. In the House of Representatives, we begin every day with that same pledge. We pledge allegiance to the flag because of ''the Republic for which it stands.'' As a veteran, I believe that our flag is our Nation's most enduring symbol.

It is unfortunate and saddening that some disagree. They use the flag to express an opinion or make a statement. I think that this is wrong. Burning our flag is simply wrong, and should be outlawed. As an original cosponsor of a constitutional amendment to ban flag desecration, and with nearly 280 of my colleagues in the House of Representatives, I am working to protect the flag and what it stands for.

I plan to vote today for this constitutional amendment. Our goal is to pass the amendment this year and to present it to the States for ratification. Forty-nine States have already passed resolutions requesting that Congress pass this amendment banning the desecration of our American flag.

We hold high respect for the flag not because of what it is but because of what it stands for. We have rules which define the proper way to display, store, and maintain our flag. These rules were established for a reason. They were established so that we would not grow complacent about our flag, and hence our unity and our freedom. They protect our flag so that we remember the high price we paid for our freedom and personal liberties. Our flag reminds us that we are one nation, one People—regardless of our diverse backgrounds, religions, or heritage.

Our flag reminds us of who we are as Americans, and deserves the utmost honor, esteem, and protection.

Mr. SMITH of New Jersey. Mr. Speaker, in the wake of all the rhetoric, the question boils down to whether or not the flag and the American ideals it symbolizes should be protected by our constitution.

To me the flag is about freedom; about liberty and equality in a nation made up of various cultures; about the American veterans who braved the foreign warlords to preserve our freedoms and to ensure that future generations of Americans can live in the security of life, liberty and pursuit of happiness.

Mr. Speaker, here in Washington we are constantly reminded of the dedicated men and women who died in battle, in lands far away, for the preservation of our country and the ideas for which it stands. The flag, now as then, serves as remembrance for the gift of freedom given to us by those fallen heroes. Should they have died knowing that future generations would permit the desecration of the very symbol for which they lay buried in foreign cemeteries?

Thanks to those veterans who fought and died for our freedom, and promulgated on the idea of the ''melting pot'', the United States represents a community where heterogeneity is championed and individualism, regardless of race, creed, sex or color, is revered. Hence, we, as Americans, have a unique opportunity available to us. Where Alexander the Great failed to keep his holdings together, and diversity crippled the Roman Empire, our unity under one flag affords us the unique opportunity to maintain a harmonious multicultural superpower. Being the first successful community of its kind in history, maintenance does not come easily.

Mr. Speaker, what bonds our seemingly different people into one nation, one soul? Values, ideas, hopes, dreams, all symbolized in our common denominator, the flag. The unity inherent in the flag is beyond measure. What does a person from New Jersey have in common with person living in Wyoming but born in Nepal? They are both Americans, and they both possess an allegiance to our country and the recognition that such allegiance manifests itself in an allegiance to the flag. Without a doubt, the flag remains the best symbol of solidarity for our country.

Furthermore, Mr. Speaker, the flag embodies all that Americans treasure. The vast imagery the flag evokes points to that very fact. Who hasn't seen paintings of Betsy Ross sewing a garment that would consolidate a collection of English colonists in defiance of a King who refused to give them representation. A new and improved system of government is why Betsy Ross created the flag; democracy is what we got.

Who can say they haven't seen the statue of the Marines storming the island of Iwo Jima to raise Old Glory high above the fray. Freedom is why those soldiers raised the flag; liberty is what we—what the world—got.

Who hasn't heard the story of Francis Scott Key as he sat aboard a British frigate and watched our flag continue to flutter above the devastation in Fort McHenry. Sheer amazement is why Mr. Key wrote down what he saw; an understanding of the transcendently unifying nature of our flag is what we got.

Burning or desecrating the flag is a destructive act, Mr. Speaker. It is not free speech. And it is only a small fringe group who even care to mutilate, desecrate or burn the flag. In fact, the vast majority of Americans support a constitutional amendment to protect this symbol of freedom. Indeed, it is time the Congress of the United States act to protect our flag.

Mr. UNDERWOOD. I would like to call attention to an oversight in the text of House Joint Resolution 79, the constitutional amendment to prohibit the physical desecration of the flag of the United States. While it may seek improbable that an amendment of only 20 words can contain an important oversight, the amendment would grant Congress and the States the power to pass laws to prohibit the physical desecration of the flag.

So, it is conceivable that some States will pass restrictive laws, some States will pass more lenient laws, and some States will not do anything. And it is conceivable that flag desecration would have various State definitions, unless Congress chooses to make a standard of desecration and Federal penalties for such actions. Of course, if such congressional action were taken, or such standardized definitions were adopted by Congress, then all the arguments we hear today that it is up to the States to determine what is desecration, and all the arguments we hear today that this is a transferring of Federal power to the States, fly out the window.

If Congress instead defers to the States, and chooses to let the States make their own determinations, then it is possible that flag burning and other acts of desecration would be made illegal in the several States, but there would be no similar Federal law for the territories and the District of Columbia. We could then have the incredibly ironic situation where flag burning would be illegal everywhere but here, and those who would burn flags as an expression of their free speech or in protest of some cause would be able to do so legally in the Nation's capital.

In the case of Guam, and the other far flung American territories of American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and Puerto Rico, the territorial governments would have no power under this amendment to act one way or the other to prohibit flag desecration. As you know, Mr. Speaker, but as many of our colleagues tend to forget, the flag also flies over there.

Should this constitutional amendment be adopted by the States, then I intend to introduce legislation to give the territories and the District of Columbia the same authority as the States to prohibit flag desecration. My concern is that as the new federalism emerges to transfer powers to the States, as this amendment represents, let's not forget to transfer powers to the territories, too. If it does not make sense for Congress to act for the States, it makes even less sense for Congress to act for Guam, 10,000 miles away.

Or, conversely, if Congress were to legislate a restriction on free speech only for the territories and the District, places where American citizens have no voting representation, what is that saying about the value of our constitutional rights? What is the Congress saying when it legislates restrictions on the basic freedoms in the Bill of Rights for the territories that do not even vote in this body? Would it not seem more logical for Congress to allow such decisions to be made by the territories in recognition of their lack of representation? If Congress tries to dictate to the disenfranchised Americans in the territories what it would not dictate to the States, maybe then flag burning would become the protest of choice for those Americans in the territories who value their freedoms as much as any other American.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to House Joint Resolution 79, the constitutional amendment to prohibit flag desecration. While I am aware of the deep and sincere feelings of many Americans concerning this emotional issue, I am also mindful of my duty as a Member of Congress to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold.

We cannot and should not, in an attempt to protect the flag, trample on the freedoms so many of our bravest citizens have fought and died to protect. As Members of the U.S. Congress, we must not shirk our responsibility to act in the best interest of the American people by disregarding the dangers to all of our civil liberties this resolution symbolizes.

The bill before us today, House Joint Resolution 79, seeks by constitutional amendment, to prohibit the physical desecration of the American flag. The objective of this amendment is to overturn the U.S. Supreme Court's decisions in *Texas* v. *Johnson,* 491 U.S. 397 (1989).

In Texas versus Johnson, a majority of the Supreme Court considered for the first time whether the first amendment protects desecration of the U.S. flag as a form of symbolic speech. Like the State argued in Texas versus Johnson, proponents of this resolution argue that flag desecration results in breaches of the

peace and attacks the integrity of the our national symbol of unity. The majority opinion of the Court correctly responded that the desecration was ''expressive conduct'' because it was an attempt to convey a particular message.

The Supreme Court also correctly held that the State may not use incidental regulations as a pretext for restricting speech because of its controversial content or because it simply causes offense. Justice Brennan concluded that ''If there is a bedrock principle underlying the first amendment, it is that Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.''

Mr. Chairman, I find the desecration of the American flag abhorrent, but I find the compromise of the principles the flag represents absolutely unacceptable. This attempt to infringe upon the proud American tradition of dissent is the hallmark of authoritarian States, not democracies. Voting against this resolution is a vote for the Constitution and for the Bill of Rights, but most importantly it is a vote for the freedom and democracy the flag symbolizes.

In addition to compromising our first amendment rights this resolution is defective on its face because it fails to define what constitutes a flag, or constitutes desecration. The resolution simply gives Congress and the States sweeping powers to criminalize a broad range of acts falling far short of flag burning or mutilation. This kind of broad amendment to the Constitution will certainly lead to State and Federal flag protection legislation that violates the rights the flag represents.

Mr. Chairman, amending the U.S. Constitution is a serious business. This is one of the most important and sacred acts that can be taken by a Member of Congress. With very little opportunity for open hearing, and with limited debate, this resolution has been placed before us. A measure of this kind required detailed analysis of the impact it may have on the American people, and the greatest pillar of the American Republic: The first amendment to the U.S. Constitution—but no such review has, or will, take place.

During a period when the House of Representatives is slashing public assistance and medical benefits to the poor, our children, the elderly and veterans across this Nation we are faced with this cynical attempt to protect the flag. Individuals who wish to protect the flag should first protect the citizens who hold the flag so dear.

In the current rush to force this bill through the House, the liberty of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this resolution.

Mr. BORSKI. Mr. Speaker, I rise today in opposition to the amendment and in support of the Constitution of the United States.

For over 200 years, the Constitution of the United States and the Bill of Rights have endured as real, physical symbols of the values of this country. Never in our Nation's history has Congress passed a constitutional amendment to curtail the freedoms guaranteed by these documents. After careful thought, I have come to the conclusion that we must not do so now.

The issue of free-speech inherent in the flag-burning argument is far too important to be politicized or trivialized through name-calling and scare tactics. The values and freedoms embraced by the Constitution are so fundamental to this Nation, that we should defend against any attempts to relinquish these rights.

Let me clearly state that I do not condone flag burning. I strongly oppose it. Flag burning—for whatever reason—is offensive to me and to all patriotic citizens. It is repulsive to see people burning our flag. I stand alongside patriotic citizens and veterans, nationwide, in condemning flag burners everywhere. Yet, even these unpatriotic acts of protest must remain protected if the essential freedoms our Founding Fathers and veterans have fought for are to mean anything. We cannot protect freedom by taking away freedom.

The Stars and Stripes has always had a special meaning for my family and me. My father, a World War II Marine veteran, was born on Flag Day, June 14. In proudly serving his country during the war, my father successfully fought against the tyrannical and strong-handed suppression of freedom of Nazi Germany. The flag under which he fought symbolizes the constitutional freedoms for which he risked his life. Let us not chip away at these real fundamental beliefs and freedoms for protection of the symbol.

For over 200 years, the Bill of Rights has never once been amended. Historically, lawmakers have been unwilling to tamper with these liberties, reflecting an appropriate reverence for the Constitution and a hesitance for turning this document into a political platform. Yet amending the Constitution in order to prevent a few disgruntled citizens from expressing their views creates a special exception in the definition of free speech, opening up the door for further clarifying of our God-given freedoms.

By overwhelming numbers, Americans have chosen to display the flag proudly. And what gives this deed its patriotic and unique symbolism is that the choice was freely made, coerced by no man, out of respect for the symbol of freedom. Were it otherwise—should respectful treatment of the flag be the only choice for Americans—this gesture would mean something different, possibly something less.

In addition, Mr. Speaker, I find it ironic that at the same time we stand here pledging our respect for the flag and to the veterans who fought under it, the majority will soon pass a package of cuts to the hard-fought and long-earned benefits to our Nation's veterans and senior citizens. The Republican budget agreement, which I strongly oppose, calls for $32 billion in cuts to veterans programs over the next 7 years as well as a $270 billion cut in Medicare spending over 7 years. At the same time, the majority's budget calls for a $245 billion tax break for our Nation's wealthiest citizens. It is unfortunate that the same veterans who so proudly fought under this flag will soon be denied the benefits for which they fought and worked all their lives.

Finally, Mr. Speaker, I stand here today to proudly express my respect for the flag and for the constitutional freedom it symbolizes and for the men and women who fought for these freedoms. Yet, I must remain faithful to my sworn duty to protect the Constitution from attacks on its integrity, and oppose this amendment.

Mr. DINGELL. Mr. Speaker, my colleagues, behind the Speaker's rostrum stands the glorious symbol of the United States—our flag—the most beautiful of all the flags, resplendent with colors of red, white, and blue, carrying on its face the great heraldic story that of 50 States descended from the original 13 colonies. I love it and I revere it. I have served it with pride, in the Army of the United States, actively in one war and in reserve status in another. Like millions of young Americans in all the wars of this country, I have served under this great flag, symbol of our Nation, our unity, our freedom, tradition, and the glory of our country.

This small book, my dear colleagues, which I now hold up in my hand, is the Constitution of the United States. It is not so visible as is our wonderful flag, and regrettably oftentimes we forget the glory, the majesty of this magnificent document—our most fundamental law and rule of order, the document which defines our rights, liberties, and the structure of our Government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people of this great republic. As Chief Justice Burger, Chairman of the Commission on the Bicentennial of the U.S. Constitution observed in his remarks on the Constitution.

> The work of 55 men at Philadelphia in 1787 was another step toward ending the concept of the divine right of kings. In place of the absolutism of monarchy the freedoms flowing from this document created a land of opportunities. Ever since then discouraged and oppressed people from every part of the world have made their way to our shores; there were others too—educated, affluent, seeking a new life and new freedoms in a new land.
>
> This is the meaning of our Constitution.

Justice Burger observed the Declaration of Independence was the promise, the Constitution was the fulfillment.

This is the most successful and magnificent document ever to create a government. The Government which is the product of the agreement of the people on this Constitution is the most successful government that has ever served free men, now over 200 years old, and still a wonder of the world.

The Constitution was designed to assure that it could be amended, but only with difficulty. High hurdles were imposed on successive generations, lest it be too easy to amend, and lest it be too easy to impair the greatness of this wonderous document by unwise actions taken in the haste of a moment of passion or folly.

We are today compelled to debate in a process constrained by inadequate time. We are told we must choose between the glorious symbol of our Nation and the great, majestic fundamental document which is the soul and the guardian of principles which not only define the structure of our Government, but the rights of every American.

This is not a choice that I like to make, and it is not a choice that other Members of this body like. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this Nation. And yet when we make the decision today, we must keep in mind that we are choosing between the symbol of our country and the soul, and the guardian principles of our democracy.

I call upon this body and all Americans to understand the issue before us. I believe that if Americans understand this issue, they will come to the same wise conclusion. Like other Americans, I say the Pledge of Allegiance to our flag with reverence and pride. I join my colleagues here in reciting this great pledge to our Nation's flag as I do in joining my constituents at home in frequent public ceremonies in saying this important Pledge of Allegiance to the dear flag of this country.

I again hold up before you the Constitution of the United States, a small document, successfully amended only a few times, and wisely subject to strong constraints on attempted amendments. On many occasions, because of the difficulty in amending this wonderful document, unwise attempts to amend it have thankfully not come to fruition.

The Constitution says ''the Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press * * *''

That right of freedom of speech is absolute, not in any way constrained. And there is no power in the Congress to abridge the freedom of speech.

That is the question before us here. Only here, we are called on to not simply pass a law, but rather, to amend the Constitution itself, or to permit the States to do so.

The Constitution is the soul of our Nation, the guiding principles of both government and protection of our liberties. It is the Constitution which makes being an American so unique and which gives us such precious quality and character to our lives as citizens of this great Nation.

The Supreme Court is hardly a group of left-wing antigovernment protestors, but rather a group of conservative men and women, given lifetime tenure, to carry out one of the most singularly important responsibilities in our Government—the interpretation of our Constitution and laws. That court has said plainly and clearly that freedom of speech guaranteed by the first amendment is a right so precious that it may not be interfered with by a statute which criminalizes the conduct of anyone who ''knowingly mutilates, defaces, physically defiles, burns, or maintains on the floor or ground or tramples upon'' a United States flag, *United States, appellant* v. *Eichman, et al.* 496 U.S. 310. In this case and in the case of *Texas* v. *Johnson,* 491 U.S. 397, a similar conversion was reached.

My colleagues, we are compelled to choose—a great symbol of the Nation, our beloved flag, or the majestic Constitution of the United States and the great 10 amendments to that Constitution, the first amendment guaranteeing freedom of speech and freedom of expression.

In this there is only one choice, defend the majesty and glory of the Constitution. Protect, support, and defend the Constitution and the rights guaranteed thereunder.

Like the rest of my colleagues, I pledge allegiance to the flag, regularly in this body. But, I remind all here and elsewhere, that every 2 years each Member of Congress takes a great and solemn oath, to support and defend the Constitution of the United States against all enemies, foreign and domestic. This oath is a far higher and greater responsibility than that which we take in any of our other activities as citizens. It is a precious commitment to the people of the United States, to those who have served here before us, to those who will serve here after us, and to all Americans throughout history.

In this oath we honor all those who have loved and served this country. And, we commit solemnly to all Americans from the first days of its founding until the end of time, that the principles of our Government will be protected and defended by us against all, regardless of how powerful politically they might be or how wonderful a cause that they may assert. When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong, but recognizing that the defense of the Constitution and the rights that are guaranteed under it is the ultimate responsibility of every American.

Whether we hold elective office, or whether we are simply citizens living our day-to-day lives under the protection of the Constitution, this commitment is to defend our greatest Government treasure. When I cast my vote today, it will be for the Constitution, it will be for the rights enunciated in the Constitution, it will be against wiping away or eroding the constitutional rights of Americans in even the slightest way. I remind my colleagues of their oath and I call on them for keen awareness of that oath to defend and support the Constitution. The great and awesome oath binds me to a duty of the greatest importance to all Americans past, present, or future.

We do not defend our beloved flag by passing the first amendment to our Constitution to reduce the rights of Americans. Honor our flag. Honor a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. LEACH. Mr. Speaker, I rise in reluctant opposition to the amendment.

It is interesting to note that this debate is taking place almost 5 years to the day since the last time the House considered amending the Constitution to protect the flag. The intervening years have been ones of momentous change.

As we approach the conclusion of the bloodiest century in human history, the United States has emerged as undisputed leader of the world community. The individualistic, democratic values that are the hallmark of our society are in ascendancy everywhere and America has never been more secure from foreign threat.

Yet all is not well here at home. The heinous crime perpetrated in Oklahoma City this spring raises anew questions about America's social fabric, of whether, in William Butler Yeats' terms, the center—that is, civilization—can hold.

In what may be the most disturbingly prophetic poem in Western civilization, ''The Second Coming,'' Yeats wrote:

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the center cannot hold;
Mere anarchy is loosed upon the world
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction while the worst
are full of passionate intensity.

''Surely,'' Yeats continues, ''some revelation is at hand.''

The question is of what that revelation might be.

In America today hate is one the rise; prejudice is bubbling. There is growing doubt, if not fear, of the very values—such as free competition within the rule of law—that have impelled America to the position of unprecedented preeminence on the world stage it now occupies.

It is in this context that the amendment before us has been brought forward. It is an attempt to affirm all that is good about our great country. It is, in the words of our distinguished colleague from Illinois and chairman of the Judiciary Committee, HENRY HYDE, ''an effort by mainstream Americans to reassert community standards. It is a popular protest against the vulgarization of our society.''

This is an honorable motive, and I am reluctant to oppose it.

Moreover, this amendment is championed by organizations—particularly the American Legion, VFW, and DAV—which represent those without whose sacrifices this country and its values would not exist. Had it no been for our Nation's veterans, the only competition in the world today would be between totalitarianism of he left and totalitarianism of the right.

These are honorable men and women, and I am reluctant to oppose them.

Yet, Mr. Speaker, I cannot support this amendment because I am convinced that to do so is to undercut the very essence of the system of governance for which the flag itself stands.

At the heart of our democracy is a struggle, an ongoing conflict of ideas for which the Constitution provides the rules. It is in this conflict that the e pluribus unum—the ''one out of many,'' as the motto borne on the ribbon held in the mouth of the American bald eagle on the Great Seal of the United States puts it—arises. And it is precisely this unity in multiplicity for which our flag with its 50 stars and 13 stripes stands.

The genius of our Constitution lies in the ways in which it structures and ensures the continuity of this conflict of ideas which is our democracy. It does so through the system of checks and balances and separation of powers with which it structures our Government on the one hand, and the protection of freedom of expression it provides in the first amendment on the other. The former ensures that the fight is always a fair one and that no momentary majority uses its temporary advantage to destroy its opponents; the latter ensures that no idea, however obnoxious, is excluded from the consideration in the debate.

It should be stressed that the protection provided by the first amendment is a two-edged sword. In fact, the Bill of Rights does not exempt ideas and the actions that embody them from criticism, but ensures they are exposed to it. As Jefferson put it in his ''Act for Establishing Religious Freedom'' in Virginia:

> Truth is great and will prevail if left to herself . . . she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapon, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

Thus any abridgment of the protections provided by the first amendment, no matter how nobly motivated, would diminish freedom and in all likelihood precipitate, in this instance, more symbolic incidents tarnishing the flag than would otherwise be the case. Accordingly, great care must be taken not to take actions in the name of protecting the flag that

have the effect of misinterpreting the meaning of the flag.

In this assessment, the distinction between liberties to protect and symbols to rally behind must be made. Freedom of speech and freedom of religion require constitutional protection. The flag, on the other hand, demands respect for what it is—the greatest symbol of the greatest country on the face of the Earth. It is appropriate to pass laws expressing reverance for the flag and applying penalties, wherever possible, to those who would trash it, but I have grave doubts the Constitution is the right place to address these issues.

Mr. SHAYS. Mr. Speaker, I find it abhorrent that someone would desecrate the flag of the United States of America. But I will not support an amendment to the Constitution to prevent it.

When I think of the flag, I think about the men and women who died defending it. What they really were defending was the Constitution of the United States and the rights it guarantees.

My colleagues in Congress, and I, sought to address this problem when we overwhelmingly passed the Flag Protection Act of 1989. I don't feel anyone should be allowed to desecrate the flag. I wish the Supreme Court had decided in favor of the law, but regretfully, by a vote of 5 to 4, it declared the act unconstitutional.

Congress anger and frustration with the decision led us to consider an amendment to the Constitution. Keep in mind the Constitution has been amended only 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote, and guarantees freedom of speech and freedom of religion.

Republicans have proposed amendments to the Constitution to balance the budget, mandate school prayer, impose term limits on Members of Congress, institute a line-item veto, change U.S. citizenship requirements, and many other issues.

Amending the Constitution is an extraordinarily serious matter. I don't think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag, and there is no constitutional amendment.

I love the flag for all that it represents—the values of freedom, democracy, and tolerance for others—but I love the Constitution even more. The Constitution is not just a symbol. It defines the very principles on which our Nation is founded.

Mrs. ROUKEMA. Mr. Speaker, I strongly support House Joint Resolution 79, the resolution proposing a constitutional amendment to prohibit desecration of the American flag.

The last time that the House considered a constitutional amendment allowing the States or Congress to prohibit the desecration of the American flag was June 1990. This vote followed an earlier decision by the Supreme Court which struck down the Flag Protection Act of 1989 that had passed the House overwhelmingly the year before. And, although the constitutional amendment failed, I strongly supported both the amendment and the Flag Protection Act

Although the Supreme Court agrees that desecrating our flag is deeply offensive to many, it has twice overturned laws that bar flag burning. In both cases, the decision has been handed down by the narrowest of margins, 5 to 4. Such distinguished constitutionalists as Justices Stevens and White hold that burning of the U.S. flag is not an expression protected by the first amendment. Instead, they believe that flag burning is an action, a repugnant action. And, therein lies the distinction. Burning a flag is conduct, not speech.

I believe strongly in this amendment, although I believe it to an issue on which patriotic Americans of good faith can, and do, have legitimate differences. Many assert that burning a flag endangers no one. Using that standard, one would then assume that we would not see the inherent violation of decency of throwing blood on the U.S. Capitol, painting a swastika on a synagogue, or defacing a national monument. These actions also endanger no one. And, yet, laws have been wisely enacted to prohibit these actions.

I feel very strongly that we must do all we can to protect our flag. This constitutional amendment is a necessary good-faith measure that defends our most treasured national symbol.

Mr. CLINGER. Mr. Speaker, 5 years ago, I was one of only 17 Republicans in the House of Representatives and the only Republican from the Pennsylvania delegation who did not support the constitutional amendment prohibiting flag desecration.

I did not arrive at this decision easily. Polls showed an overwhelming majority of Americans supporting the amendment, and my Republican colleagues and President Bush were lobbying hard for its passage.

Only after painful reflection did I come to the conclusion that the amendment would diminish the first amendment and make martyrs of the twisted lowlifes who defile the flag for public attention. Although I deplore flag burners and despise their cheap theatrics, I have greater reverence for the Constitution and the Bill of Rights and refuse to give these pathetic individuals and their sorry causes the stature that a constitutional amendment provides.

When I learned that the flag burning amendment would be coming to the House floor again for a vote, I dug out my old files on the flag burning amendment to review the constituent letters I received after the 1990 vote.

Many constituents were irate with me, and they didn't sugarcoat their feelings or pull any punches. I was invited to ''stick it where the sun don't shine.'' I was told that I was ''as guilty as the flag burners'' and ''should hang my head in shame.'' I convinced several lifelong Republicans to join the Democratic Party. And I was instructed by several of my strongest supporters and closest friends to remove their names from my mailing list.

But not all of the mail was as negative as one might imagine. In fact, a majority of the letters were supportive of my vote.

As I read these letters from former servicemen, widows, and disabled veterans who explained what patriotism meant to them and why they opposed the flag burning amendment, I realized that many were far more eloquent than any statement or speech I could compose. So rather than read a prepared statement that merely outlines my views, I would like to read passages from several of the letters I received and let some of my constituents speak for me.

One reads:

DEAR CONGRESSMAN: I had four and one half years in the United States Army. Three of those years were overseas helping to fight a war to keep fascism and Nazism away from our shores. I was not drafted. I volunteered to serve my country. I love and respect the flag as much as anyone, but I love the freedom for which it stands more so.

Another reads:

DEAR CONGRESSMAN CLINGER: My father tried to raise his sons as patriots. Only time will tell if he succeeded. I enlisted on my 17th birthday and served in the submarine force. This was my way of trying to preserve our land as a nation of free people. It would have been tragic to risk my life for freedom, only to have it voted away.

A third one reads:

DEAR CONGRESSMAN CLINGER: I am a 100% service-connected, double amputee veteran of the Korean War. I agree with you on your vote on the flag burning amendment. Please feel free to use my name or letter to support your position as stated.

A fourth letter reads:

DEAR MR. CLINGER: I am not a resident of your voting district. I am a disabled Vietnam era veteran. I could easily have avoided service, however, I chose to serve my country when it was not a popular thing to do. It was a difficult choice. I see that you recently made a difficult and unpopular choice; the choice to vote against the Constitutional amendment prohibiting burning of the U.S. flag. I am glad that you had the courage to vote against this amendment and I thank you for standing up for the ''Bill of Rights.''

Finally, the shortest, but probably the most poignant, struck a chord with me:

DEAR CONGRESSMAN CLINGER, I support your vote on the flag amendment.

If the day ever comes when we must ensure patriotism by statute, it will already be too late for our country.

The point is it isn't too late; we don't need to ensure patriotism by statute. The vast majority of Americans have a deep-seated respect for the flag and fly the flag proudly. We shouldn't let an ignorant few force us to compromise the integrity of the Constitution and the Bill of Rights—the true source of our Nation's greatness.

If we really want to stop the burning, we should not adopt this measure. A constitutional amendment will turn a fool's act of cowardice into a martyr's civil disobedience, and encourage more dimwits to burn the flag.

Preserving and exercising the first amendment's guarantee of freedom of expression, not suppressing it, is the best way to combat this disgraceful behavior. We must ridicule those fringe elements and expose them for what they are: despicable, grandstanding losers who are beneath contempt and unworthy of any attention whatsoever.

Mr. JONES. Mr. Speaker, I have the privilege of representing three military bases, many active and retired military personnel, and a large group of patriotic civilians who all have strong feelings of respect for the American flag. As a proud cosponsor of the flag desecration constitutional amendment, I strongly believe in protecting the American flag and everything that it symbolizes. Old Glory, the most respected and recognized symbol in our country, represents the continued struggle for freedom and democracy. Far too often people disregard and betray all that the flag has stood for throughout our history and continues to. The flag is the physical embodiment of that for which many men and women have sacrificed their lives. To desecrate the flag is to desecrate them. We owe it

to these unsung heroes to continue the job they started by ensuring passage of this constitutional amendment. Our flag is a unique symbol of our country's heritage that deserves the highest degree of respect and dignity.

Mr. MINETA. Mr. Speaker, as a former Army intelligence officer, as a former major in the U.S. Army Reserve, and as a Member of Congress who is sworn to uphold the Constitution, I cannot support this proposed amendment.

More than a half century ago, President Franklin Roosevelt spoke to this country and told us we had nothing to fear but fear itself. Truer words were never spoken.

Time and again throughout our history, the greatest tragedies have occurred when we have allowed our fear or anger to lead us into drastic overreaction.

The redbaiting of the 1950's with its blacklists and purges, arose in response to the fear of the Soviet Union. Even at the time, many Americans realized that Senator McCarthy's crusade was not the way to respond to the threat of communism. With 20–20 hindsight today, virtually all Americans regret the national hysteria that caused so many lives to be ruined.

In the 1940's it was our justified anger over the Empire of Japan's attack on our naval installation at Pearl Habor, HI, that led this Nation to ignore the civil liberties guaranteed by our Constitution and force 120,000 Americans from this homes and into internment camps simply on the basis of their Japanese ancestry.

It is unfortunate that President Roosevelt, in authorizing that action, failed to appreciate the wisdom of his own warning on the dangers of fear.

Today, we are faced with a situation in which a few individuals have on occasion set fire to the American flag. That is an action which, as a former Army officer, as a Member of Congress, and as an American, I find repugnant.

Our response to these incidents will say a lot about this country. Will we once again allow our anger to overrule our reason? If this resolution were to pass, the answer would unfortunately be ''Yes.''

Our response to flag burning should be to denounce it.

However, this resolution goes so far as to narrow the provision of the Constitution which guarantees to all Americans the freedom of speech and the freedom of political debate.

That is unnecessary, it is an over-reaction, and it represents an action which is far more dangerous to the future of this Nation than a few misguided flag burners.

This resolution will do nothing but cut off the Constitution's nose to spite its face. In an effort to deny the right of a few people to express an idea we despise, it would place at risk the right of all Americans to freedom of speech.

I would have hoped that this Congress would have learned more from the mistakes of history than to take this road. The vote today in the House will tell us whether that is true.

I urge my colleagues to join me in opposing this misguided resolution, and vote ''no'' on House Joint Resolution 79.

Mr. MARTIN. Mr. Speaker, I rise today in strong support of House Joint Resolution 79, an amendment to the Constitution to allow the banning of the desecration of the American flag.

It is a crucial amendment, one aimed at restoring a civility and patriotism that our Nation seems to have been lacking in recent years.

For the better part of two centuries, democracy in America has been characterized by vibrant and rich debate. Disagreement has been a hallmark of our system of government; the competition of ideas has helped make us the greatest nation on Earth. Unanimity on political matters has never been achieved, and it has never been pursued. It has been the freedom to disagree, to criticize, and to dissent that has made the United States so worthy of our loyalties.

Indeed, the freedom of expression is something so precious as to be worth fighting and dying for. This freedom of expression has enabled individuals to engage in the great American discourse, a legacy which will go down in history as perhaps our Nation's finest accomplishment.

Yet in recent years, it seems as if a once eloquent discourse has become something of a rough, almost violent argument. As individuals in the public arena raise their voices, it appears that nothing is sacred.

Almost every constituent with which I speak, no matter what political stripe he or she is, agrees on at least one point: They demand that a degree of civility be returned to the public debate. And this amendment is one of the first and one of the few legislative steps we can take to answer these demands.

The flag is a symbol of our heritage; it represents our common institutions and traditions. It has stood for peace and democracy abroad, and justice and progress at home.

For two centuries, millions of our finest men and women have sacrificed to defend the flag and all that it stands for. They have risked their lives in every corner of the world so that we may enjoy the liberties guaranteed us by the Constitution.

Yet there are some in our society who would abuse the freedoms and privileges our land provides. They do such offensive and outrageous things to the symbol of our Nation that they cause us to propose amendments to the Constitution.

House Joint Resolution 79 will help remind the American people of the debt we all owe to those who have fought and died for the freedoms we enjoy.

This would be an altogether healthy development for the United States and one which a great majority of the people would applaud.

But the need for this amendment runs even deeper than these positive effects.

If a society that holds the freedom of expression as a right of all citizens wishes to remain free, then that society needs to state some kind of baseline to that expression. Without that baseline, such a society would soon devolve to anarchy. And out of anarchy, there will come no freedom of speech.

To the contrary, if we want to continue the excellent American tradition of freedom of speech, then at the very least we must all agree on one thing: It is the U.S. Government and its institutions that allow us to exercise that speech. And as the symbol of those institutions, the flag ought to be protected from heinous and debasing acts.

You see, those that speak out against this amendment in defense of the freedom of speech are threatening their own freedom.

By leaving nothing sacred, not even the symbol of hope and liberty for billions around the world, we are doing a great disservice to all those who have come before us, and all those who will come after. In fact, we threaten the freedom of speech itself.

House Joint Resolution 79 represents the opportunity to do just what Americans across the country are pleading for: namely, returning civility to the public arena.

It would allow States and Congress to prohibit the gross mistreatment of our national symbol, and help restore a faith in our institutions that has been sorely missed by the public at large. Protect Old Glory and the freedom of speech, support House Joint Resolution 79.

Mr. COYNE. Mr. Speaker, I rise today to express my opposition to the proposed amendment to the U.S. Constitution that would seek to amend our Nation's Bill of Rights for the first time in American history. This is the wrong way to honor the American flag which is intended to symbolize the freedoms first set forth by our Nation's Founders in the Constitution and the Bill of Rights.

There is a very real question about why this amendment is before the House today. It seems that there have been very few, if any, reports of flag desecration since the late 1980's when the flag became embroiled in a Presidential political campaign. I will venture to predict, however, that efforts to pass this amendment will prompt some malcontent in our society to engage in the very act some would prohibit. There will always be a few who will do anything to claim their 15 minutes of fame, or infamy in this case.

Still, simply stated, the most important question before us today is whether we should carve out a constitutional exception to first amendment protections under the pretext of saving the flag. The issues before us involve legal matters but, more importantly, they also involve fundamental questions about the nature of our democracy and the freedoms we will celebrate in less than a week on July 4.

The United States has always been a beacon of freedom to the world because of the principles of liberty set forth by our Nation's Founders. This was true over 200 years ago and it is true today. Our freedoms have endured and prevailed over monarchists, Fascists, and Communists. This is due in large part to the fact that our Nation's Founders enshrined in our Constitution and the Bill of Rights an unyielding commitment to liberty. This commitment finds its most noble expression in the first amendment to the U.S. Constitution. And one of the most fundamental elements of this amendment is the idea that each person should be free to express his or her views, no matter how repugnant they may be.

The freedom of speech embodied in America's first amendment is celebrated here in the United States and around the world. It has provided inspiration to prisoners of conscience who have struggled in foreign lands against dictatorship. It has been repeatedly upheld by the U.S. Supreme Court as one of our Nation's most important constitutional principles. Our right to free speech is something that makes us uniquely American.

No one has ever attempted an outright repeal of our first amendment right of free speech. Instead, there have been efforts over the course of our history to nibble away at these rights. This periodic pressure to erode the full expression of free speech in our Nation has always been dangerous. Such efforts

have always raised basic questions of where do we stop if we start down the slippery road of curbing speech or expressions that some may find offensive. Such a selective defense of liberty has always threatened to eat away at the very foundations of our democratic values. These are the true threats to our Nation's most sacred principles.

We see an example of this danger today in the proposed amendment to prohibit the desecration of the flag. It is an important step in the wrong direction.

I would stress at this point that I share the belief of many Americans that desecration of the U.S. flag is an offensive act. Burning the American flag is an extremely despicable way for any individual to express their views on the U.S. Government, its laws, or the flag itself. I also understand that American veterans feel especially offended to see the flag that they have served under desecrated. As someone who is proud to have worn the uniform of the U.S. Army, I am also disgusted to see our flag desecrated at any time by malcontents who seek to draw attention to an issue by burning the American flag.

Yet, the real issue before us is how committed we are to the Bill of Rights and the guarantee of free speech set forth in the first amendment. The question is whether we are willing to defend the right of free speech even while we condemn the acts of those who would express their views by burning the American flag.

I have every right to join the vast majority of Americans in condemning those who would burn our Nation's flag. Yet, I have taken a solemn oath to defend the Constitution and that also requires a defense of the first amendment. I refuse to let the actions of a few despicable malcontents who would burn the flag lead me to take an action that would erode the freedoms guaranteed by our Constitution and the Bill of Rights. I cannot permit myself to join with those who would honor the flag by weakening the first amendment.

Supreme Court Justice William Brennen said it well, ''we do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents.''

Mr. Speaker, I believe that the U.S. flag is best honored by upholding all of the traditions of freedom outlined in the U.S. Constitution and the Bill of Rights. I urge my colleagues to vote against this amendment.

Mr. HEINEMAN. Mr. Speaker, for more than 200 years, the American flag has been a symbol of all that was good, honorable and just in our great Nation. Unfortunately, on June 21, 1989, the Supreme Court ruled that the American flag could be burned just like any other piece of cloth. This amendment will remedy this gross error.

I am proud to say that I am an original cosponsor of this amendment and strongly support the flag desecration constitutional amendment. Throughout the U.S. history, during wars abroad and at home, the one symbol that unites this great Nation is the flag. Since Congress last voted on the flag desecration issue, 49 States, including my home State of North Carolina, have passed resolutions requesting Congress give them the opportunity to protect the American flag by ratifying such an amendment.

We should have the deepest gratitude for those wartime heroes who fought and died for our freedom. We should be humbled by those who gave their lives in defense of those things we treasure as Americans. We should be in awe of the ultimate symbol of these acts of patriotism and heroism. With every act of flag desecration, we are allowing patriotism and heroism to be mocked.

Opponents of the flag desecration amendment argue that this is an infringement on free speech and the first amendment. This amendment will simply restore what was the law of the land for more than two centuries. The flag is a unique symbol in our society. No other act arouses the amount of outrage as flag desecration. This amendment will simply give the States the power to decide on what is and what is not flag desecration. I urge my colleagues to vote yes on this bi-partisan amendment. Our greatest national treasure deserves no less.

Mr. FOGLIETTA. Mr. Speaker, here we go again.

Here we go again spending time on a sound-bite solution to an issue.

The symbol of our flag is very important to me. It was in my hometown of Philadelphia where Betsy Ross sewed the first flag. But that's not all that happened in Philadelphia. The Constitution and its first amendment were also written there.

Our goal here is to honor America. And it is an admirable goal to pay homage to this, the greatest Nation on Earth.

But the flag—no matter how beautiful and special—is a symbol. Justice Jackson said this more than 50 years ago in a landmark decision about pledging allegiance to our flag: ''The use of an emblem or flag * * * is a short cut from mind to mind.''

We can honor America and pass on to our children reverence for our country in much more genuine ways. First, as Members of Congress we should spend every day in this institution living up to the highest ideals of democracy and constitutional Government.

Second, we should do our best to preserve and expand debate and free speech. Free speech is the essence of democracy and the energy that drives our Nation.

Burning the flag is speech; it is hideous speech but it is speech. Oliver Wendell Holmes said this about offensive speech: we need to protect the ''freedom for the thought we hate.''

It is unfortunate that we are spending our time passing this amendment. There's a better way. The next time someone desecrates our flag—I would rather spend my energy defending our Nation by challenging this ugly form of speech, through speech. That's the way to pledge allegiance to America.

Mr. BILIRAKIS. Mr. Speaker, I rise today, as an original cosponsor of House Joint Resolution 79, in strong support of this legislation to protect our flag from desecration. I congratulate my colleague and friend from New York for introducing this measure and for his persistence in bringing it to the floor today.

Because of what America is, our flag should always be one of our most cherished and revered symbols. Therefore, I was astounded and gravely disappointed by the 1989 Supreme Court decision legitimizing desecration of our flag as protected conduct. I was one of those in Congress at the time who immediately afterward introduced legislation to reverse it.

However, I must tell you that I took this step not at all lightly. I believed that to reverse this decision of the Supreme Court, one course and one course only was open to us: Amending the U.S. Constitution. Today we seek to do just that with this legislation authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States.

My friends, I have to tell you that I never believed that the issue involved is one of free speech—that burning the flag is a form of protest against government policies. The American flag does not stand for any particular government policy or decision or official. It stands for the United States of America, and to desecrate it means that America should not exist—that freedom and democracy should not exist—that, in fact, right to peaceful protest should not exist. I cannot and will not support this idea.

It has been said that allowing the desecration of the flag is the best way to prove we believe in equal freedom for those with whom we disagree. The late Senator from Illinois, Everett M. Dirksen, once answered this argument. He called it false and sour.

''A person can revile the flag to his evil heart's content,'' he said, but it is only if his contempt takes physical form—such as trampling, tearing, spitting on and burning the flag—that he can be punished. Only his violence is punished. I could not agree more.

Let me repeat, I say that by protecting our flag we deny no one the right of free speech or of peaceful political protest. I will defend the right of anyone to get up and say whatever is on his mind. That is, in fact, the entire point: By defending the flag we ensure that this right never will be denied.

All we ask is that the flag be accorded the same respect we offer to those who protest under its freedoms.

If livings symbols of freedom and liberty mean nothing, if the ideals and not the evidence are all that matter, why don't we just open up the National Archives and tear up the Constitution and Declaration of Independence? They're just fading, old pieces of paper, aren't they?

The fact of the matter is that they are much more than that. They have told generations and generations of immigrants seeking a better life—immigrants like my parents and some of yours—that here in America we believe it is an individual's right to choose, to control his own destiny.

Senator Dirksen had it right—he said that:

> Reverence for our stars and stripes is but our simple tribute to the republic and to all of its hopes and dreams.

In this country, we do not pledge allegiance to a king or a President or even a piece of old parchment.

We pledge allegiance to a flag because its bright stars and bold stripes mean something that no other flag on Earth today means: Here in America, the people are the Government, and for that reason we will always be free.

No, it is not lack of commitment to the flag and the great freedoms and ideals it symbolizes that make me uneasy.

What disturbs me is that we as a Nation must go to these lengths—to the extreme of amending the document upon which all of our national history and heritage rests—to reconfirm these very national beliefs.

We cannot hold ourselves apart, we cannot claim that we are Americans, and at the same time believe that this flag should be burned or otherwise desecrated.

This flag means America, it means that we should be able to disagree. How can anyone believe otherwise? How could anyone not choose freedom over tyranny, justice over injustice, liberty over servitude? This flag—our flag—stands for these great ideals. It is hope, dreams, the very best man can offer the world and the future.

Our cemeteries are filled with the bodies of those who had great dreams of productive lives with loving families—dreams that were forfeited in order that you and I and our children would be able to lead better lives.

Our freedoms have been bought and paid for by their sacrifice, and we own it to them to ensure that this country can be all that it was meant to be.

That does not include contempt and desecration—it requires determined, constructive effort every day. All of this and more is woven into those few yards of cloth. We need to remember that.

Mr. Speaker, I urge all of my colleagues to support this valuable and needed legislation today. Protect our flag and ensure that it's protections will never be compromised.

Mr. EWING. Mr. Speaker, I rise today in strong support of House Joint Resolution 79. I take great pride in supporting this resolution which will protect Old Glory, from being desecrated. Contrary to what this resolution's opponents say, we are not trampling on the Bill of Rights. Indeed, we are ensuring the rights of millions of Americans who find burning the American flag to be offensive to their beliefs.

It does not make sense to argue that burning the American flag is a protected form of expression. It is a felony to burn U.S. currency, even if a political statement is being made, and it is illegal to damage a Postal Service mailbox. But you can burn the American flag. This makes no sense.

Until 1989 the Supreme Court upheld State laws that prohibited the desecration of the flag. In 1989, the Supreme Court overturned a Texas statute that prohibited the desecration of the flag. Consequently, Congress passed a Federal law that prohibited the desecration of the flag. Once again, the Supreme Court overturned a statute that barred flag-burning. Faced with these two decisions, A constitutional amendment is the only way to give the American flag the protection it so dearly needs. This amendment will provide Congress and the States with the constitutional authority to protect the flag, authority that they had prior to the Supreme Court's intervention in 1989. This amendment itself will not prohibit desecration of the flag, it will simply return this authority to the States.

Public opinion polls show that more than 80 percent of the American people support this amendment. Forty-nine State legislatures have passed resolutions calling on Congress to pass this amendment and send it to the States. One needs only to look at the Iwo Jima Memorial to witness the powerful nature of the American flag. The American flag is a symbol throughout the world for liberty and justice and we should treat it with the utmost respect and admiration, not just for what it symbolizes but also for countless numbers of soldiers and others who fought, served and died protecting it. In a country as wonderfully diverse as ours, the American flag serves as a national symbol of unity. No matter who you are, whether you are rich or poor, African-American or Irish-American, male or female it is our flag that reminds us of our common history and our heritage.

The American people want us to pass this amendment, and I urge my colleagues to vote for it.

Mr. KLECZKA. Mr. Speaker, I rise in opposition to this unnecessary constitutional amendment.

All of us here today respect and honor our flag. We all feel so proud when we see the Stars and Stripes on a front porch.

We all agree that the flag is a treasured symbol of our democratic ideals and the values we hold most dear to our hearts. And, we all agree that damaging that symbol is disgraceful and should never be condoned.

The key question is, are we truly prepared to amend the Bill of Rights for the first time ever, to begin eroding the freedom of speech and expression? Our Founding Fathers drafted the Bill of Rights as a guarantee against the abuses and tyranny they had fled. These inalienable rights have stood the test of time and survived for 204 years. Are we prepared to begin placing qualifications on the first amendment? What provision of the Bill of Rights will be next?

If we start down the slippery slope of eroding fundamental rights like free speech, where will the assault on individual freedom we all take for granted end? What is the logical extension?

I am disturbed by the remarks of American Legion National Commander William Detweiler, who stated, ''Burning the flag * * * is a problem even if no one ever burns another American flag.'' These comments show an alarming lack of perspective. Is Congress going to begin amending the Constitution to prohibit actions which do not even occur? There is no rampant abuse of the flag occurring in this country. There has not been a major incident in 5 years. But know full well, as soon as we pass this amendment, someone will burn a flag just to get in the news.

Old Glory has a special place in our Nation's history and damaging it is disgraceful. But we should not let a few isolated hooligans and malcontents blackmail us into whittling away at the Bill of Rights.

Moreover, our flag, while revered and held in honor, is a secular symbol and thus should not be worshiped. It should not be elevated to the exalted status this amendment would confer.

That is why I am perplexed by the use of the word desecration in connection with the flag. The word actually means ''to violate the sanctity of,'' a definition with obvious religious undertones.

William Safire, one of the most conservative commentators in America today, addressed the question of the flag's true secular symbolism eloquently. In 1990 he wrote,

> * * * in this democracy, nothing political can be consecrated, ''made sacred.'' * * * Any attempt to make the nation's flag sacred—to endow this secular symbol with the holiness required for ''desecration''—not only undermines our political freedom but belittles our worship of the Creator.

He continued,

> Should we respect the flag? Always. Should we worship the flag? Never. We salute the flag but we reserve worship for God.

Mr. Speaker, in spite of my deep respect and affection for our flag, I will vote against this constitutional amendment. This amendment would alter our Bill of Rights for the first time in more than 200 years to prohibit an act which almost never occurs. It is ironic that this amendment's sponsors are using our Nation's symbol of freedom to begin eroding that freedom.

I urge my colleagues to vote no on this unnecessary constitutional tampering.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Joint Resolution 79, legislation I have cosponsored to allow Congress and the States to prohibit the physical desecration of the American flag.

As we debate this long overdue legislation to correct a 1989 Supreme Court ruling that allowed for the desecration of the American flag, I cannot help but recall my good friend and constituent Charles Allen, a veteran who served in the Navy during World War I. He is a legend at the Department of Veterans Affairs Hospital at Bay Pines which he helped build. Later he served on the hospital's maintenance team and upon his retirement devoted thousands of hours as a hospital volunteer and donated thousands of dollars to the volunteer services program. Although Charlie died 4 years ago, he is buried at the National Cemetery at Bay Pines and is with us in spirit during every memorial day and Veterans Day program.

Perhaps the greatest gift left to us by Charlie Allen was a special tribute to the American flag he wrote and recited at Memorial Day and Veterans Day services for more than 25 years. It is a stirring tribute to Old Glory which I would like to share with my colleagues.

> It is my privilege and high honor to direct your attention to this beautiful flag of our beloved country. It is, and should always be displayed in the proper place and conditions where it is accorded the position of highest honor and is a constant inspiration to every loyal citizen. It demands unswerving loyalty and wholehearted devotion of the principals of which it is the glorious representative. It is the majestic emblem of freedom under constitutional government.
>
> Beneath its protective folds, liberty, equality, and fraternity have become the heritage of every citizen—while the opposed of many nations have found peace and happiness in the land over which it floats.
>
> Each time I see Old Glory wave against a clear blue sky.
>
> I know that deepest reason that our flag will always fly.
>
> And so I set about to write just how it made me feel.
>
> To see the banner fluttering, our guardian so real.
>
> I will not say, as others did, for which each color stands.
>
> I'll only state this grand old flag a Nation great commands.
>
> And that each mother's sons of us would more than gladly give.
>
> Our blood, and yes, our very life so it can wave and live.
>
> The flags of many empires have come and gone, but the Stars and Stripes remain.
>
> Alone of all flags, it has the sanctity of revelation. He who lives under it, is loyal to it, is loyal to truth and justice everywhere. For as long as it flies on land, sea, or air, Government of the people, by the people, for the people, shall not perish from this earth.
>
> (Charles Allen, WW I veteran)

Before his death, Charlie willed his tribute to the flag to another legend of Bay Pines and our local veterans community, Mr. W.B. Mackall. He is a leader of Florida's Citizen

Flag Alliance who now carries on the tradition of reciting this tribute at the appropriate events.

Mr. Speaker, as a veteran and as one who dedicated his life to other veterans and to our Nation, it is most appropriate that Charlie Allen's word from the heart about the American flag be a part of this historic debate. In just a few sentences, he captures its essence and the urgent need to protect the Stars and Stripes from those who would desecrate it. Those who would trample on our flag also trample upon our Nation, the honor of Charlie Allen, all those who went before him into battle, and all those who will go into battle in the future in defense of our Nation and our way of life.

Mr. GUNDERSON. Mr. Speaker, the flag of the United States is very dear to almost every American. To see it desecrated evokes anger among most of us because it is such a powerful and important symbol. The flag makes us proud and reminds us of what we, our friends and relatives and our forefathers have sacrificed to ensure it will continue to symbolize peace, strength and above all, freedom.

The Supreme Court has ruled that statutes which prohibit flag desecration violate the first amendment protection of freedom of speech and are unconstitutional. Therefore, it has become necessary to amend the Constitution so that Congress and the states may enact legislation protecting the flag. The constitutional amendment before us today provides such power; no more, no less. It states: ''The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.'' I support this narrowly drawn amendment to allow us to protect the flag, our symbol of all that we are as a people.

The most important part of this debate, and one we won't decide today, is how a future Congress will define two important terms in this amendment. Those terms are ''physical desecration'' and ''flag.'' This will require careful and thoughtful consideration to make sure we protect both our flag and our right to free speech.

Some would argue that we cannot protect the flag through a constitutional amendment, because to do so would restrict the right to free speech. The first amendment protects a wide variety of expression of ideas and the means by which these ideas are conveyed. For example, the spoken word, a gesture, and picket signs are largely protected by the first amendment. However, the Supreme Court has ruled that first amendment does have reasonable limits. The Supreme Court has ruled that the first amendment does not protect one from yelling ''fire'' in a crowded movie theater or from provoking a riot. It has also allowed restrictions on when, where and how speech is conveyed in public.

Let me illustrate with a hypothetical situation. Assume that I am the owner of a business on Main Street in town and the mayor decides to close Main Street. I can express my dislike for the mayor's decision by giving a speech against the idea in a public square or by holding a picket sign. However, the town can legally regulate when, where and how I can do these things. In my example above, the town could prevent me from screaming my speech through a megaphone at 2 o'clock in the morning. It could also prevent me from throwing a paint bomb at city hall. But it cannot prevent me from expressing my dislike of the mayor's decision to close Main Street.

It will be necessary for a future Congress to be thoughtful in defining the term ''physical desecration.'' Obviously, the definition cannot be so narrow that it prevents burning of a soiled or tattered flag. That is considered a respectful means of disposal. However, it should not be so broad as to prevent a flag being present at a protest against a certain government action. Such a prohibition would not involve physical contact with the flag and would not, therefore, involve any changes to the flag.

The definition of ''physical desecration'' will depend upon how a future Congress defines ''flag,'' which will be just as difficult. What exactly is a flag? I have no problem with the traditional ''flag'' that is flown on a flag pole in front of a house or city hall or above the Capitol. Similarly, a flag on a stick distributed at a Fourth of July parade seems clearly to be a flag which deserves protection. But what about a flag emblem on a sweater or on a shoe? What about a flag cake or a flag tie on the Fourth of July? Or a video picture of a flag that is transformed into the face of a politician? Is this video emblem a flag capable of desecration?

These are the very detailed and difficult questions which a future Congress must resolve if the amendment is adopted and ratified by the States. I support this amendment because I believe in protecting the flag. However, I also support the amendment because in the process of defining ''flag'' and ''physical desecration,'' the American public will see just how challenging it is to define what is and what is not protected by the first amendment. This civics lesson will increase our understanding of the freedoms which our flag symbolizes.

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

Pursuant to House Resolution 173, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BRYANT OF TEXAS

Mr. BRYANT of Texas. Mr. Speaker, as the minority leader's designee, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. BRYANT of Texas. Yes, I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. BRYANT of Texas moves to recommit the joint resolution, H.J. Res. 79, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. The Congress and the States shall have power to prohibit the burning, trampling, soiling, or rending of the flag of the United States.

''SECTION 2. For the purpose of this article of amendment, the Congress shall determine by law what constitutes the flag of the United States, and shall prescribe procedures for the proper disposal of a flag.''.

□ 1400

The SPEAKER pro tempore (Mr. OXLEY). Pursuant to House Resolution 173, the gentleman from Texas [Mr. BRYANT] and the gentleman from New York [Mr. SOLOMON] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would dearly love to be freed at this moment from any restraints of conscience so that I could simply content myself with a sincere speech about my love of this country and this flag and then go on my way because life would certainly be more simple for me and for many others who have spoken here today if we did that, but the fact of the matter is, if we love this country, if we truly want to be patriots who bear responsibility for the future of our people, and, after all, they are this country, we have the obligation to legislate for the long run in a way that is workable and in a way that protects them from accidentally getting in trouble and in a way that protects the things that we hold dear insofar as possible.

The fact of the matter is that in haste to bring this bill to the floor in time to precede the July Fourth recess the bill that has been brought to us today is one that I think bore a great deal more study and a great deal more consideration than it received. Why is that? Because either inadvertently or perhaps on purpose the way this current provision is written, Mr. Speaker, it allows 52 different definitions of what the flag is and 52 different definitions of what desecration of the flag is.

Well, I submit to my colleagues that the polls that I have heard the gentleman from New York [Mr. SOLOMON] make reference to during this debate, that the American people are for a prohibition on burning the flag, certainly would not be the same if they knew it was going to be 50 different laws and 50 different definitions of the flag; 52 that is. Surely, if there is anything that is within the province and responsibility of this Congress, it is defining what is an American flag. That should not be subject to 52 different definitions, and surely if we are going to deal with this problem in a way that goes as far as possible to avoid limiting freedom of speech and to avoid accidental prosecutions and accidental crossing of the

legal prohibitions, it is our job to write a single statute, a Federal statute, to govern the question of what is desecration of the flag.

I asked during the course of the debate in the Committee on the Judiciary of the gentleman from Florida [Mr. CANADY], who is the chairman of the subcommittee with jurisdiction, what would happen if a State said that a flag has 49 stars, or 48 stars, or a flag is green, and yellow, and blue instead of red, white, and blue, and the answer that I received was, ''Well, it is up to the States. It depends on what the States do.'' That is not an outcome that befits a Congress that is supposed to be handling with extreme care and reverence the Constitution of the United States and the best interests of the people that sent us here.

The motion to recommit is in effect an amendment to this bill, this resolution. It says quite simply that Congress and the States shall have power to prohibit the burning, trampling, soiling, or rending of the flag of the United States, and for purposes of this article the Congress shall determine by law what constitutes the flag and shall prescribe procedures for the proper disposal of the flag. That, if we are going to pass a constitutional amendment, is what the public would have in mind. That is something that tells people what is the flag, what is the law, and where is the line which one cannot cross.

I simply submit to the many Republicans, as well as Democrats who stood up today and spoke for this, that this is what they had in mind, not the provision that was hastily brought to the floor today in order to get here before the July Fourth recess and perhaps permit the delivery of many inspriational speeches with a slight political overtone over this coming holiday. How are we serving the interests of this country if we handle this in a way that is designed to meet our political needs rather than handling it in a judicious way that is designed to protect the interests of the public?

I submit the motion to recommit is constructive, it deals with the problem that has been articulated by the authors of the amendment in a way and in a way that tells the American people what is permitted and is not permitted.

Finally I would say this: You have made much of how important it is to prohibit anyone from desecrating the flag, but your proposal would allow States to permit the desecration of a flag because all 50 states can do what they want to do in terms of defining desecration and defining the flag. This proposal, this motion to recommit, says that the Congress defines the flag and the Congress defines desecration. If we are to take this monumental move, action, if we're to amend the most sacred civil document of this land, surely we ought to do it in a way that is constructive and it serves the interests of the people.

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

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, first of all let me just say to Members on both sides of the aisle that reasonable men and women can disagree with each other, and certainly there is a reasonable disagreement on this issue. I respect those on both sides of the aisle regardless of what their opinion is, and I am sure that they are sincere, and I do not think that any of us are any more patriotic or any more standing up for the flag than the other. It is a question of a difference of opinion, and, because of that, I rise in opposition to the alternative for two basic reasons.

One, Mr. Speaker, is because it changes the wording of the language recommended by 49 States of the United States of America, and more than three-quarters of these States have memorialized this Congress to pass this exact language.

Now all of the State's attorneys in those States, whether it is Ohio, yours, Mr. Speaker, or Texas, or New York, they have looked at the language in House Joint Resolution 79, as have all of the veterans' organizations, as have many of the constitutional lawyers around this country. They have said that this language is the language we should adopt.

Now, if we change it, then it is going to cause a problem. We know now that these 49 States would almost immediately, within the first year that their legislatures go back into session, we know that they would ratify the language in House Joint Resolution 79. That means within 2 years we are going to settle this issue one way or the other. It would not be like the equal rights amendment that went for 7 years and then failed. If we pass this exact language, then we are assured that we are going to protect that flag and we are going to do it in a very short period of time.

Now, second reason:

It is because I do not believe that the sponsors, not this gentleman here, but those who appeared before my Committee on Rules upstairs yesterday, I do not believe that they are going to vote for this gentleman's substitute. As a matter of fact, those who came to testify, and the gentleman was not one of them, those that came to testify said they would not vote for it even if we made it in order.

Now that brings a problem to us because it again, once again, just clouds the issue. I say to my colleagues, ''If you recall last time, we passed a constitutional—or we tried to pass a constitutional amendment, but we ought to in tandem try to pass a statute, and many Members said, 'no, I'm going to vote against the constitutional amendment because we can vote for the statute, and that will take care of it,' and we failed. We failed by about 34 votes.''

My colleagues, we cannot fail today. We have tried it. The courts have said nothing is going to stand short of a constitutional amendment, and what we are simply doing is putting the constitution back to where it was prior to 1989 and how it stood for 200 years.

My good friend from Texas worries about the possibility that States might permit the desecration of the flag. Now I just have to take exception to that. In 200 years of the history of this country not one State did that. I mean after all, Mr. Speaker, we are people of common sense in this country.

Mr. Speaker, those are the reasons we need to defeat this alternative that is being offered and pass the constitutional amendment overwhelmingly supported by the American people.

Again, Mr. Speaker, I have the highest regard for the gentleman. There is not one Member of this House, whether liberal or conservative, that I dislike, or question, or impugn their integrity. They are all ladies and gentlemen that are highly respected in the eyes of this gentleman anyway.

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

Mr. SOLOMON. I yield to the gentleman from North Carolina.

Mr. HEFNER. I just want to ask a question.

I plan to vote for the amendment, but there is something that has been bothering me. I realize that the States will set whatever the penalty is, but jut say that someone is here on the Capitol Grounds in the District, here on the Capitol Grounds, and they burn a flag. Now what would be the penalty?

Mr. SOLOMON. There would not be any penalty unless this Congress——

Mr. HEFNER. Say it passes, it is ratified. What would be the penalty? What would be the Federal penalty if it happened in front of the Capitol?

Mr. SOLOMON. There would be no penalty unless the Congress takes action. The District of Columbia is not a State. This Congress must pass a statute, which we will do, the gentleman and I will do it together, and we will define the U.S. Flag Code, and what constitutes a flag, and what is a criminal offense; we will do that once this amendment has been ratified.

Mr. HEFNER. If the gentleman would continue to yield, because I read here the Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States, and we cannot very well prohibit it, but what I am trying to get at is are we going to pass a statute here or are we going to have a law that it is a Federal crime, a Federal crime, to desecrate the flag and what penalty would it carry if someone desecrated the flag on the steps of the Capitol? What penalty would he have to pay? We have to have something.

Mr. SOLOMON. That is going to be up for debate on this floor. I hope the gentleman is back here next year if this is ratified as quickly as I think it will be. We ought to take this up on the floor and establish what constitutes an illegal activity as far as the

flag is concerned and what criminal penalty goes with it. That is up for this Congress to do, but do it by statute. All this amendment does is speak to the principle and allow, as the gentleman repeated, the States and/or the Congress to enact a statute which would provide for a legal penalty for physically desecrating the flag.

Mr. HEFNER. Would the gentleman continue to yield?

Mr. SOLOMON. I am running out of my time over here.

Mr. HEFNER. But the gentleman would anticipate that once this is passed by all the States, and I am assuming that it would happen fairly quickly, that they would set their penalties, and we would set one penalty, it would be a Federal offense if it took place here in the front of the Capitol, and there would be some penalty for desecration of the flag. If not, it is pretty meaningless to have it.

Mr. SOLOMON. Well, yes, sir, and I would hope that this Congress would do it before any of the States do it so that we could give them a sample to go back to what we believe it should be. They would not have to follow it because in some States, like in your State of North Carolina, they may want a very, very stiff penalty. In my State of New York, sometimes they are a little questionable with their enforcement of the laws; right, Mr. ACKERMAN? And so it might be a lesser penalty; I don't know. But again that is up to the States.

Mr. HEFNER. I thank the gentleman.

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

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to ask the gentleman from New York [Mr. SOLOMON] if he would respond to me; he was good enough to yield me his time a moment ago. I ask Mr. SOLOMON from New York if I could have his attention for a question.

Mr. SOLOMON. Excuse me. I was distracted over here by one of our Texas colleagues.

Mr. BRYANT of Texas. I understand.

Mr. SOLOMON. They are everywhere you turn.

Mr. BRYANT of Texas. That is as it should be.

Mr. SOLOMON. Almost as bad as Californians.

Mr. BRYANT of Texas. Mr. SOLOMON, I am sure—I appreciate the gentleman's statement of his belief and sincerity of all parties in this debate, and I certainly say to the gentleman that those are my feelings in return. In the substitute which I have offered in the form of a motion to recommit we have provided that the Congress and the States shall have the power to prohibit the burning, trampling, soiling or rending of the flag of the United States. What else do you want to prohibit other than those four things?

Mr. SOLOMON. Mr. BRYANT, I do not know what the interpretation of rending of the flag might be.

Mr. BRYANT of Texas. Tearing.

Mr. SOLOMON. There are a lot of other things. Is punching a hole in the flag? I do not know.

□ 1415

What I am saying is that we want it to be a statement of principle, and then let this Congress make that decision, or let your State of Texas make that decision as to what the physical desecration of that flag would be.

Mr. BRYANT of Texas. Do you think my State should be able, for example, to prohibit someone from wearing the flag on the back of their jacket if they are a Member of an Olympic team? Should the State be allowed to prohibit that?

Mr. SOLOMON. No, and I do not think that they will.

Mr. BRYANT of Texas. Do you think the States should be allowed to prohibit the Olympic team from wearing a flag on the back of their athletic jacket?

Mr. SOLOMON. No, and I do not think they will.

Mr. BRYANT of Texas. Under the terms of your language, that could be defined as physical desecration. That is the whole point of my substitute.

Mr. SOLOMON. Let me tell the gentleman something: I have the greatest respect for your State legislature in Texas.

Mr. BRYANT of Texas. How about the one in New York?

Mr. SOLOMON. They are going to define a flag according to the U.S. flag code. Some articles of clothing are not a flag, and neither is a picture of it on a T-shirt. I have no concerns about that.

Mr. BRYANT of Texas. If I might ask the gentleman another question, do you not think it just logical that the flag of the United States would be defined by the Congress of the United States, not by the New York legislature, or the Texas legislature, or California or Massachusetts? One definition of what the flag is? Doesn't that just stand to reason that would make more sense?

Mr. SOLOMON. Yes, and we have a flag now; I think it needs refining and defining. I intend to work with that gentleman and to try to do that.

Mr. BRYANT of Texas. But your proposal allows 50 States to define the flag any way they want to. You brought it out here so quickly, you overlooked that. That is the point.

Mr. SOLOMON. I would say to the gentleman from Texas [Mr. BRYANT] that I am 64 years old, and I have looked at all of these statutes. I have not found one State that abused it, not one, in 200 years of this country's history.

Mr. BRYANT of Texas. I doubt if you looked at all of them. None of the rest of us have either. But for you to state a State can never abuse it. A State, as I said under your definition, could permit the desecration of the flag, whereas we are saying it is going to be a Federal statute.

Mr. SOLOMON. Does the gentleman think his State of Texas is going to abuse it?

Mr. BRYANT of Texas. No, but I am not so sure about the gentleman's State of New York.

Mr. SOLOMON. I do not think my State of New York would do it.

Mr. BRYANT of Texas. I hope the gentleman is right.

Mr. SOLOMON. I do not think any State would do it, not even Vermont, which happens to be the only State that actually passed a resolution saying they did not want this amendment.

Mr. BRYANT of Texas. I hope the gentleman is right. But the reason we write constitutional amendments is because of the assumption that somewhere down the line, somebody is going to get off tract, and abuse what we put into the Constitution, unless we write it carefully. This proposal to this motion to recommit is a careful writing of something which you all hustled out here in a big hurry, because you wanted to get out of here ahead of the July 4 recess.

Vote for something reasonable. You are going to have what you want. You will be able to prohibit the desecration of the flag. But we are not going to threaten the American people with accidental prosecution.

Mr. Speaker, I yield 9 minutes to the gentleman from New York [Mr. ACKERMAN].

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

Mr. ACKERMAN. Mr. Speaker, I am a bit old-fashioned. I love our country. I love our Constitution. I even love a parade. I love our flag. I am an Eagle Scout who still gets a tingle down my spine when Old Glory goes by. I do not understand and I disapprove of those misguided people who would desecrate that in which we all believe.

The question is, how should we as American patriots respond? Do we, like Voltaire, disagree with what they say, but loving freedom so much defend their right to do so? Or do we do like a despot, who, when offended, seeks to put an end to the activities of those who offend them?

Why should we as Americans act? Is the threat so great? Is our society grinding to a halt? Are our constituents jumping out from behind parked cars, waiving flags, and burning them at us so we cannot get to work? Is there a left-leaning radical court giving solace to our enemies? Or is it a blue, white, and red herring to use our beloved national symbol as a partisan pawn by petty politicians for their personal partisan purposes?

And what is the flag, and why do I love it? The flag is not our way of life. The flag is a symbol. It is a symbol of our country, of our value system, a symbol of the things in which we believe. And high among those beliefs is the right to disagree and the right to protest, the same right currently in each and every one of our 50 States.

Let me correct a misconception. Nobody died for the flag. They died for what it stands for. No American mother gave up her son for a piece of cloth. The sacrifice was made for our way of life. It did not cost us a sea of blood and thousands of lives for a flag that costs each of us $7.97 a copy in the office supply store downstairs. Americans did not sacrifice and bleed and die for a piece of cloth, but rather for what it symbolizes.

And what does it symbolize? It symbolizes the greatest experiment in democracy and individual rights in the history of this planet. It symbolizes a country that is different, because people, indispensable and disagreeable people, have a right to protest, to protest to Congress, to protest against Congress, to protest against you and me, to protest against their Government, their President, their Constitution, and, yes, even against their flag.

This proposed amendment says that 50 States can pass 50 different flag desecration amendments. The motion to recommit corrects that. Imagine 50 different definitions of desecration. Is it a tearing in Montana? It will be. Will it be burning in Mississippi? How about soiling in New Jersey, or cursing at the flag in Utah?

Imagine 50 different State definitions of the flag itself. Is it cloth? How about a paper flag? Could it be unconstitutional to burn a tablecloth that looks like a flag? How about ripping up a photograph of a flag, destroying a symbol of a symbol? Take away that right, and you have diminished us all.

Is a flag anything with stars and stripes? If it has 70 stars and 12 stripes, have you burned a U.S. flag, or can you get off the hook? It will be different in each of 50 States. How about if it is orange, white, and blue? We can have people making them for the purpose of burning. If that is the case, do you beat the rap?

The Constitution is supposed to protect your rights, not your sensitivities. Take away that right, and you are changing what the flag symbolizes, for the first time in American history, reducing constitutional rights. Pass the amendment as it is without the motion to recommit, and what will it mean? The answer will be different in 50 different States. Let us take a look at what it might mean.

America's First Ladies, most of them, all truly patriots, have worn American flag kerchiefs. Are they desecrators? A patriotic gesture, you say? How about an ugly Democrat wearing a flag hat in some State that does not like the idea? Or an uglier flag hat, or an uglier flag hat?

How about a bathing suit made out of the Stars and Stripes, is that desecration? Maybe in one State it is, and another State it will not be.

It goes further. Where does it offend you? How about pantyhose made out of the flag? Stars down one side, stripes down the other leg.

I will spare you the things that personally offend me. How about children who desecrate? Wearing silly flag ears? Or flag pinwheels? Or filling the flag up with hot air? Can you try these children as if they were adult desecrators?

How about American flag napkins? If you blow your nose in one, have you broken the law? Violating the Constitution is nothing to sneeze at. And how about American flag plates? If you put your spaghetti in it, do you go to the can? How about a flag bag? Have you violated the Constitution if you fill it with garbage and then throw it out? Each State could have a different answer.

Do we raid factories that make things such as George and Barbara slippers out of flags? Do we just arrest the people who make them or the people who put their feet in them? Do you throw them all in jail?

How about flag socks? There are ugly ones, and there are cute ones. Do you violate the flag when you make them, when you buy them, when you wear them? Does it matter if your feet are clean or dirty? And what happens if different States make different statutes? Do you have to check your socks at the border? And what happens to you if you burn your socks?

Disposable flashlights. Can you dispose of them or do you have to give them a decent burial when the battery dies? Suspenders. Does that get you a suspended sentence in one State and live sentence in another? And your mother's admonition to wear clean underwear will have new meaning when it comes from your lawyer.

I do not mean to trivialize the flag, Mr. Speaker. Americans love and respect our flag. But we do not want to worship it. It is not a religious relic that once destroyed exists no more. It is not the physical embodiment of our value system that once gone can no longer be. It is only a copy. The fabric of our beliefs are woven into our society and guaranteed by our Constitution, and that which is a symbol of our beliefs is not so fragile as to be endangered by matches or desecrators or even trivializers.

Desecrators cannot destroy the flag, Mr. Speaker. They have tried. They have burnt it, they have soiled it, they have torn it, but they have not destroyed it.

Turn around, Mr. Speaker. There it is, right in back of you. You cannot destroy a symbol, unless you destroy that which it represents. I urge our colleagues, Mr. Speaker, do not destroy what our flag represents. Do not destroy what our flag represents. Please, do not destroy that which our flag represents.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. OXLEY). Visitors in the gallery are admonished not to demonstrate approval or disapproval of the proceedings.

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

Mr. Speaker, I have a little trouble composing myself here, but let me just point out, I did not see an American flag in any of that crap on that desk there. To me that is crap.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, who is so highly respected in this body. I once recommended him to Ronald Reagan as a U.S. Supreme Court Justice, and would he not have made a great one?

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

Mr. HYDE. Mr. Speaker, my good friend from New York that preceded me was quite amusing, and he reminded me when he said the flag cost $7.59, or whatever, of the old saying about a person. They say he knows the cost of everything and the value of nothing.

What is at work here is something larger than the flag itself; it is a protest against the vulgarization, the trashing of our society. This amendment asserts that our flag is not just a piece of cloth, but, like a family picture on your desk, it represents certain unifying ideals most Americans hold sacred, ideals that are wonderfully expressed in the Declaration of Independence.

It represents the ''unum'' in the ''e pluribus unum'' of our country, and as tombstones are not for toppling, as churches and synagogues and places of worship are not for vandalizing, flags are not for burning.

Some of our critics have accused us of trivializing the Constitution. With great respect, I believe it is they who trivialize democracy itself, by reducing it to a matter of process, a matter of procedure, rather than substance. Their democracy is one-dimensional, consisting only of free speech as they define it. They elevate a method of communication or process over the substance of democracy, equal protection, due process, and the majestic values so timelessly expressed in our Declaration of Independence, our country's birth certificate: Life, liberty, and the pursuit of happiness.

Free speech is protected by this amendment. It is not harmed or diminished. This amendment takes free speech a dimension forward and it validates the duties and the responsibilities that are part and parcel of every right that exists. A right does not exist without a correlative duty.

□ 1430

We have a duty to respect your rights, and you have a duty to respect our rights. Those responsibilities and duties are the essential underpinnings of the ordered liberty that is the soul of America.

There are well-defined limits to freedom of speech: obscenity laws, perjury, slander, libel, copyright laws, classified information, agreements in restraint of trade and the old yelling fire where there is no fire in a crowded theater.

The question is, is that list commodious enough to include flag desecration? Somebody tell me why it is a Federal crime to burn a $20 bill but it is okay to burn a flag. Walk down Independence Avenue without your clothes on, and you will find very quickly the limits on freedom of expression.

I consider the flagpole that holds that flag high to represent Jefferson's famous tree and liberty which is nourished, as he said, with the blood of martyrs. Think of the words of our national anthem: ''and the rocket's red glare, the bombs bursting in air, gave proof through the night that our flag was still there.'' That expresses something sublime, something profound, something extraordinary in history.

Too many men have marched behind the flag. Too many have returned in a wooden box with the flag as their own blanket. Too many parents and kids and wives have clutched to their grieving bosom a folded triangle of the American flag as the last remembrance of their loved one not to honor and revere that flag.

Stand among the crosses in the cemetery at Arlington or go to Normandy and read the names on the crosses and the Stars of David, and you will come across some that say: Here lies in honored glory a comrade in arms known but to God; and ask yourself, what honored glory? Here is a young man, thousands of miles away from home in the ground who died defending freedom. How do you honor, how do you glorify that?

I will tell you how. You honor Old Glory on behalf of that hero. From Valley Forge to Iwo Jima to Anzio, that flag is symbolized, and we live by symbols. Justice Felix Frankfurter in 1940 said we live by symbols. So honor Old Glory, and that is how you honor that comrade-in-arms known but to God.

The flag is falling. Catch the falling flag and hold it high. There may not be any rocket's red glare, any bombs bursting in air, but anyone with eyes to see will see that our flag is still there.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would hope to be able to interpret the comments of the gentleman from Illinois [Mr. HYDE] that we just heard as a ringing endorsement of the motion to recommit, for it is the motion to recommit that will permit this Congress to pass legislation prohibiting the desecration of the flag. And it is the pending proposal brought to the floor by the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. CANADY] which would allow a State, if it chose to do so, to permit the desecration of the flag.

It is that same proposal which would allow 50 different States 50 different definitions of the flag. And if the gentleman from New York [Mr. SOLOMON] is so offended by the presentation of the gentleman from New York [Mr. ACKERMAN] pointing out all of the different things that could or could not be defined as a flag by any given State, surely he would be offended by the very idea that 50 different States ought to be able to designate for themselves what is to be the symbol of this country that was the last blanket that draped the coffins of those that went abroad and fought for the freedom of this country.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Houston, TX [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me comment to the gentleman that chairs the Committee on Rules and as well the very honorable gentleman that chairs the Committee on the Judiciary. Let me acknowledge that I was not before the Committee on Rules and certainly I am one that plans to vote for the motion to recommit, which states the sentiment of the American people.

I take this discussion extremely seriously. I do so as I hold the Constitution of the United States in my hand that incorporates as well the Declaration of Independence; the Declaration being the promise, the Constitution being the document that implements the promise.

When I hear the comments of those who would honor the flag, let me join in, for I can honestly say that I have never in my life's history desecrated, burned or trampled or done anything to disrespect this flag. However, I have watched those who have felt passionately that they wanted to express their first amendment rights. And yet having relatives who served in World War II and other wars of this Nation for our people, but realizing that those in my family did not come to this Nation free citizens, I still say very proudly the Pledge of Allegiance to the flag of the United States of America. And I do emphasize the word Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all. And I say that proudly every single day.

This is not a war between the States or a war between those who would be in support of our Constitution, the Declaration and, yes, our flag. But it is, if you will, a debate on values and morals and what we truly believe in and what we want our children to believe in.

I want them to know that in their heart they can express dissent, and they can respect the flag. It is not like me to want to, if you will, look to amending the Constitution on a regular basis. But in this instance, I am concerned, and the reason I support the motion to recommit is that we do not have a clear understanding of what we are doing.

We have a particular constitutional amendment now proposed that uses the word desecration, a word that in fact is not clear and, therefore, may do more injury to the honor of this great flag and the understanding of it and the respect for it.

In fact, as we talk about desecrate, it is a word of sacredness. In fact it means consecrate to God or having to do with religion, not destroying a flag. Therefore the amendment is unclear.

This is a time that we should come together as a nation. What I would simply say is that the motion to recommit, the one I will vote for, talks about prohibiting the burning, the trampling, the soiling or rendering of the flag of the United States of America. It is clear.

Amending the Constitution is a very, very serious act. I would simply say to my colleagues, I have been offended and hurt over the years when a cross has been burned. In fact, as recently as this year, unfortunately citizens in Texas saw fit to burn a cross to express opposition against an African-American who was running for mayor of one of our cities in the State. Tears came to my eyes. Should we not amend the Constitution on the burning of a cross, another very honored emblem in this Nation?

If we are to do anything like that, if we are to seriously respect all citizens, then should we not be clear on what we are doing? Should we not have the opportunity to have a full understanding of the impact of what we are doing. What behavior are we preventing—wearing a flag tie? I hope not.

When I talk to those in the American Legion, they are talking about burning and trampling and soiling or rendering of a flag.

The motion to recommit is a fair motion. But more importantly, let me say something directly to those of my good friends who are veterans and those who are also Legionnaires, for whom I have great respect. I say to them that we are in this fight together. If we came together, and this point of view was discussed and we all reaffirmed our pledge to honor the flag. Our Nation would not be divided and I believe there would be broad support for this view point. In fact when we amend the Constitution, it should be joined with the understanding that it is to express freedom, not to deny freedom.

Do you know what? That representative of the American Legion's organization understood that when we spoke. How many of us have taken the time to explain what we truly believe in. There was no castigation and no accusation.

I think we are going the wrong way. I think the motion to recommit is one that brings us all together. For those of us who hold the document of implementation—the Constitution—near and dear like we hold the document of promise, the Declaration of Independence, we do know that this is the way to go, for we are being divisive when we go in the direction of this amendment.

So I support the motion to recommit. I, for one, will be voting for it. Mr. Speaker, let is not divide this body. Let us be supportive and support an amendment that the American people can understand and that gives honor to the American flag.

Mr. SOLOMON. Mr. Speaker, the speech we have just heard is the kind of speech we should always hear on the floor. It came from the gentlewoman's heart. I respect her opinion, even though I respectfully disagree with it. But that is the kind of speech that we need. We need to really debate this issue. I want the gentlewoman to know I have the greatest respect for her because of that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

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

Mr. CLEMENT. Mr. Speaker, I stand to support the American Flag Protection Act. Let us protect our flag. It means too much to us.

Mr. Speaker, I rise today in strong support of House Joint Resolution 79, the American Flag Protection Act. In less than a week Americans all around this Nation will be celebrating Independence Day, the Fourth of July. There will be countless tributes, fireworks displays, and picnics, all to commemorate our country's Independence. It is also a time to reflect on the great history of the United States of America and many courageous men and women that built this great Nation.

Mr. Speaker, it is only fitting that in this time of patriotic revelry and remembrance, Congress has the opportunity to pay tribute to every man and woman that ever fought for America, and the freedom that she represents. We will not be voting to build a new memorial. We will not be voting to build a new museum. My colleagues, when we vote yes on the American Flag Protection Act, we are giving a simple thank you to every veteran that fought and many times died, in every corner of the globe to defend this flag, and the country it stands for.

As many Americans know, the Supreme Court overturned legislation Congress adopted in 1989 which was designed to protect our flag as our Nation's greatest symbol of freedom, a symbol that thousands of brave Americans gave their lives to defend.

Mr. Speaker, some may argue that desecration of the Stars and Stripes should be allowed as an exercise of free speech. I am not a legal scholar. I simply say, if the Supreme court holds that our Constitution permits flag burning, it is time to change our Constitution. I believe in free speech. But I also believe that the flag embodies ideals that Americans have sacrificed their lives to protect for more than 200 years.

Neither I, nor any of my colleagues in the House of Representatives would want to stifle anyone's right to freely speak their mind. A constitutional amendment would not restrict anyone from saying anything they want about any issue. I just believe that the ideas flag burners want to communicate can be expressed without burning our beautiful flag.

Let me say to my friends, that country music songwriter Lee Greenwood sings, ''I'm proud to be an American, where at least I know I'm free,'' I deeply share his sentiments. As do the many veterans and other patriotic citizens in my district who have sent hundreds of letters of support demanding this small token of gratitude for what they and their forefathers have fought for. Please honor these brave men and women. Vote ''yes'' on House Joint Resolution 79.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Del Mar, CA [Mr. CUNNINGHAM]. He is an outstanding Member of this body. He is a veteran of the Armed Forces of the United States of America. He has risked his life for this country and that flag.

Mr. CUNNINGHAM. Mr. Speaker, not process but substance. Let me put a face on substance.

I have a close friend that was in Vietnam. He was a POW for nearly 6 years. It took him nearly 5 years to gather bits of thread to knit an American flag on the inside of his shirt. When they would have a meeting, he would hang that shirt above his comrades. That was fine until the guards broke in and they ripped the shirt and they dragged the POW out. And they beat him for 6 hours. They brought him back unconscious and broken bodied.

When they tried to comfort him and put him on a bale of straw, they did not think he was going to survive. They heard a stirring and that broken-bodied POW had dragged himself to the center of the floor and started knitting another American flag.

What kind of message do we send to our children when an Olympic athlete carries the American flag or what kind of message do we send to our children when we allow someone to burn it? We talk about value systems in this country and erosion of them. All we are trying to do is protect those value systems.

Some of those said that they support the Declaration of Independence and the Constitution, but I would ask them to look at the same values when it comes to the second amendment rights and under the Constitution on the different things that we spend on. But to us, this amendment is not political. I would say, as Mr. SOLOMON has and the last speaker, that we understand that on both sides. But it is very, very important.

Mr. BRYANT of Texas. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 15 minutes remaining, and the gentleman from Texas [Mr. BRYANT] has 7½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, CA [Mr. HUNTER]. As I said before, we are surrounded with Texans and Californians. He is another Californian, also a great American, a veteran of the Armed Forces of this country.

□ 1445

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

Mr. Speaker, let me say to my colleagues on both sides of this debate, we can protect the flag and protect free speech. In fact, for 100 years or so before this case, Texas versus Johnson, in 1989 which struck down flag amendments around the country, I would answer my friend, the gentleman from Texas [Mr. BRYANT] he had a number of State legislatures that in fact passed flag protection amendments. They worked well.

I might add, Mr. Speaker, for those who say this somehow constricts free speech, if we look back at the Vietnam days and the Vietnam war days and all the protests and we ask ourselves the question ''Was there the adequate expression of free speech? I would say yes, in all of the marches and screaming and shouting and the sound boxes and the cursing and all of the things that were done to oppose the war. Those were all done at a time when we had flag protection amendments. Therefore, this does not hurt free speech. In fact, Mr. Speaker, I think Justice Rehnquist was exactly right when he said that ''burning the American flag is not a statement, it is an inarticulate grunt.''

To answer my friends who say this is just a piece of cloth, it is a unique piece of cloth. We have made it so. It is the only symbol that we ask American soldiers and sailors to follow, sometimes to their death. When somebody does die in battle, that folded flag that covered their coffin is given to the widow or to the mother, so we have elevated this flag to a position that is a unique, unifying symbol in this country. It is only appropriate to protect it, and we will only be doing, with this constitutional amendment, what the country has been doing for the last several hundred years, before 1989.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I would just ask, why in the world the gentleman would want 50 different States to be able to define the flag.

Mr. HUNTER. If the gentleman will let me answer, Mr. Speaker, I think it is absolutely appropriate for the State legislators to participate in protecting the flag.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. HUNTER. My answer to the gentleman, Mr. Speaker, is I think this is an effort, this idea of protecting the flag, and patriotism and desire to protect the flag is not limited to this body. I think it is absolutely appropriate for the State legislature in Texas, for example, to participate in protecting the flag. There is nothing wrong with that.

Mr. BRYANT of Texas. Reclaiming my time, Mr. Speaker, it is important to stay on point. The gentleman has made many good points with regard to patriotism, the sacredness of the flag, and all of which I agree with.

The point I have made bringing this motion to recommit is in the haste to

get this to the floor, they have allowed 50 different States to decide what the flag is and 50 different States to define desecration. That is a dangerous thing to do. We ought to define what the flag is and we ought to define desecration. The motion to recommit would do that.

Mr. HUNTER. If the gentleman will yield to let me answer his question, Mr. Speaker, my answer to the gentleman is I think it is a healthy exercise for the States to participate in protecting the flag. I think they did a great job of it prior to 1989, when Texas versus Johnson struck down a Texas statute. I have a lot of faith in the legislature in Texas. I think they can do the same thing again.

Mr. BRYANT of Texas. If we have ultimate faith in them, then we do not need a Constitution at all. This says, ''The Congress and the States shall have the power to prohibit the burning, trampling, soiling, or rending of the flag of the United States.'' There is nothing else. That is all Members would want to prohibit.

Let us write one that is like the rest of the Constitution. It is clear what it means, it is narrowly defined, and the definition of the flag would be within the province of the Congress.

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

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York, Mr. BEN GILMAN, a colleague of mine from the State of New York, chairman of the Committee on International Relations, who does a great job for this Congress.

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

Mr. GILMAN. Mr. Speaker, I am proud to rise in strong support of this resolution prohibiting the physical desecration of the flag of the United States. I commend the gentleman from New York [Mr. SOLOMON], the original sponsor of this legislation, for his dedicated work and determination on this important issue.

As Americans across the country prepare to celebrate our nation's independence, it is befitting that the House of Representatives is considering this important legislation.

For hundreds of years, courageous men and women have fought for the ideals and beliefs that our great Nation represents. To the many dedicated men and women who have sacrificed for our Nation, our flag is not just a piece of cloth, it is not just the symbol of our Nation, it represents our inherent belief in our freedoms and our ideals.

Based upon these strong beliefs of proud Americans across the country, 49 State legislatures have passed resolutions asking Congress to approve an amendment to the Constitution protecting our flag; 48 States have enacted flag-desecration laws. The American people support such an amendment to the Constitution.

This is not any new issue, yet today, it is more important than ever. Accordingly, I urge my colleagues to join in strong support of this legislation.

Let us properly protect our flag and all of the ideals that it represents.

Let us vote against this motion to recommit.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Appleton, WI, Mr. TOBY ROTH, a great American who came here with me 17 years ago.

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

Mr. Speaker, every morning before we start business we stand here, one of us stands here in the well of the House, and we put our hands over our hearts and say we pledge allegiance to the flag. Now there are some people who would say let that flag, let it burn, let it be desecrated. Nothing is sacred in America anymore.

There are still some things sacred in America. One is the flag. Today we take sides. Put me down with Barbara Fritchie. When the Confederate Army marched through over here in Maryland, marched up to Antietam for the battle, and this 95-year-old woman went to the top floor of her House, opened the window, put the flag out, and as they were marching by she said, as John Greenleaf Whittier, the poet said, ''Shoot this old gray head, if you must, but spare your country's flag.'' Put me down with her.

Put me down with John Bradley from Appleton WI, who, when they asked for volunteers to put up the flag at Mount Suribachi, he said, ''I will volunteer.'' He was one of five. Put me down with him.

There are still some things sacred in America today, and one is our flag. Members do not have to march into battle, they do not have to put a knapsack and rifle over their shoulders. All they have to have is the courage to vote for our flag today. Barbara Fritchie would have given her life, and John Bradley and others did. Members do not have to give their lives today, they just have to give their vote for the flag.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], another great American who is noted for a different constitutional amendment called the balanced budget amendment.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding time to me.

Mr. Speaker, the United States of America has many symbols, but the paramount symbol is the flag of the United States. Because of that, it is worthy of special respect; because of that, it is worthy of special protection; that is why we are here today.

Until 1989, there were numerous States that had flag statutes that protected the burning of the flag, the desecration of the flag. As has been pointed out, the statute in my State of Texas was overturned by the Supreme Court. The amendment before us today specifically gives the Congress and the States the right to pass other statutes so they can protect the American flag. It is important that we allow this amendment to be passed.

The distinguished gentleman from New York [Mr. ACKERMAN], who earlier stood on the floor and pulled out of his surface bag of tricks various paraphernalia, said, ''Is this the flag? Is this the flag?'' There were no flags that he pulled out of his bag.

That is the flag of the United States of America. That is the flag of the United States of America. The flag that is flying over our Capitol today at half mast, because of the death of former Chief Justice Warren Burger, that is the flag of the United States of America.

The flag that Patton's divisions took into Europe to liberate the death camps at the end of World War II, that is the flag that we want to protect. The flag that was flying over the air base when then Captain, now Congressman, SAM JOHNSON came back from captivity in the Vietnam war, that is the flag that we want to protect. The flag that General Schwarzkopf sent into Kuwait to liberate Kuwait, that is the flag that we want to protect.

What act is so despicable that the only way we can exercise freedom of speech is this country is by burning the American flag or desecrating it? I can think of no act that is that despicable. That is why we need to pass this amendment, give our States and our Congress the right to protect the paramount symbol of the United States of America, the American flag.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just observe that when my friend, the gentleman from Texas [Mr. BARTON] turned and pointed to the flag, addressed the Speaker and said, ''That is the flag,'' Mr. Speaker, that may be the flag today, but if the gentleman's version of this amendment passes, we could have 50 different versions of the flag. I have repeatedly raised this issue and they have repeatedly failed to answer it, because there is really no answer.

The fact of the matter is that today the definition of the flag in the Federal statutes that exist designates a 48-star flag. The 49th and 50th stars were added by executive order. The gentleman's amendment would allow every State to define a flag as it chose and to define desecration as it chose.

Why not take the motion to recommit, which says that this Congress defines the flag, and this Congress is going to be able to prohibit the burning, the trampling, the soiling, or the rending of the flag of the United States?

Is that not what the gentleman wanted? Did the gentleman want more than that? If he wanted more than that, he

should tell us what more he wanted. There really is not any more than that. Certainly it would be the height of patriotism, and perhaps it would be unpatriotic not to admit that in the rush of getting this bill to the floor before the July 4 recess, some mistakes were made, some things were not thought of, and a proposal was brought out here that is overly broad and unworkable. The motion to recommit is workable, is not overly broad, and does exactly what the gentleman says he wants to do.

For that reason, I urge Members to vote for the motion to recommit.

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

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Meridian, MS [Mr. MONTGOMERY], a Democrat, a cosponsor of this constitutional amendment and a great American. He has stood up for this country so many times.

Mr. MONTGOMERY. Mr. Speaker, I was in opposition to the recommital motion, and will sponsor and vote for our flag amendment.

However, I have been here all day, just like the gentleman has, I would say to the chairman, the gentleman from New York [Mr. SOLOMON], when you destroy the flag you are really destroying the symbol of this country. This is a real flag. Our veterans marched off to fight for this flag. This is going too far. It is beyond common sense, when you burn the flag. Therefore, we should support the constitutional amendment.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ocala, FL [Mr. STEARNS], a very distinguished Member from an all-American city, the one just named.

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

Mr. STEARNS. Mr. Speaker, at 10 o'clock this morning on the floor of this House I had the distinct privilege to lead this body in reciting the pledge of allegiance. If I may, I would like to recite just the opening line again for the benefit of any of my colleagues who weren't here at that time. It states, quite simply: ''I pledge allegiance to the flag of the United States of America.''

Allegiance, my colleagues. Allegiance to the flag. Now, some of my colleagues here today may think you can burn the flag, spit on the flag, or otherwise desecrate the flag all while still professing allegiance to it. I disagree. Desecrating the flag is the antithesis of allegiance. It is instead the height of contempt—contempt not only for our sacred symbol, but contempt for the nation it proudly represents.

Let us be clear on what this debate is about today. This is certainly a debate about the first amendment. For 213 years of our Nation's history, from the founding until just 6 short years ago, the highest court of the land found nothing wrong with laws that protect the flag from desecration. But in 1989 five Supreme Court justices decided to overturn all legal precedent and declare flag-burning a constitutionally protected form of speech. I have no problem standing up here today and saying emphatically that those five justices were wrong. The Texas versus Johnson decision was yet another case of judicial overreaching by activist judges not content to interpret the law, but feeling the need to re-write it as well.

The other thing this debate is about today is the ability of the majority of the American people to determine the laws under which they will live. The fact is, up to 80 percent of Americans are firmly on record supporting a constitutional amendment that protects the American flag from desecration. Who are we, the members of the people's House, to deny the people what they have asked for? How can we have credibility with the American people if we claim to love and honor the flag, as so many of my colleagues have done here today, yet refuse to take the simple step necessary to protect from desecration?

Do my colleagues need more evidence that passing this amendment expresses the will of the American people? Fully 48 States—48 States—already have anti-flag-desecration laws on the books that would be protected by this amendment. My colleagues, if Congress passes this amendment, we will all be amazed at the speed with which virtually every State votes to ratify it.

Why is that we allow a law on the books that makes it a Federal crime to burn a dollar bill, but recoil from a law protecting the flag? Is the dollar bill a greater symbol of freedom than the American flag? Why do we outlaw vandalism against the mailbox sitting out here on the corner, yet permit acts of unspeakable violence against the banner under which so many of our sons have died for freedom?

Mr. Speaker, the flag of the United States is more than the sum of it parts. It is more than a bolt of cloth arranged into a pattern of stripes and stars, it is the very symbol of liberty itself. From Valley Forge to Vietnam, on every battlefield where American values have been attacked and American lives sacrificed, the flag of the United States has been the shining, indomitable, eternal spirit of American liberty. As Justice Felix Frankfurter has said, ''We live by symbols.'' Symbols may be abstract, but for the patriotic men and women across this land they are certainly more real that contorted arguments of those refuse to give the flag the protection it deserves.

Burning the flag offends me, it offends the vast majority of the American people, and it offends the memory of those who gave their lives to uphold the values the flag represents. I urge all my colleagues to lend their strong support to this amendment today.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply make an observation that with regard to the reference of the gentleman from Florida [Mr. STEARNS] a moment ago to what the public wants, I think, perhaps he and others should take more care with regard to saying that. I do not believe the public wants 50 different legislatures defining the flag or 50 different legislatures defining desecration. What they want is a definition of the flag and a definition of desecration that is prohibited.

Unfortunately, his side did not get it out here today because they were in such a hurry to get it out here before the July 4 recess. They have one out here that is overly broad and will not work. The motion of recommit will work. Let us go along, and do the right thing today.

□ 1500

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

Mr. BRYANT of Texas. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, would the gentleman admit, though, that if we went out to the American public and asked them would they like to protect the flag and would they expect the States to ratify this, the majority of Americans would say yes? In fact, the polls show that 80 percent of the Americans agree.

Mr. BRYANT of Texas. Taking my time back, again you are begging the question. The point is simply this. You say they want to prohibit desecration, sure. They want the Congress to define the flag and the Congress to define desecration and be done with it.

What you have got is a deal where 50 States do it, 50 States define the flag, 50 States define desecration. It is unworkable and unreasonable. It leads to all types of potential problems. Why do it that way? The answer, because you got in a big hurry, you wanted to be able to take this home for the Fourth of July and say you got something out here, but it will not work.

Mr. STEARNS. Will the gentleman allow me one sentence?

Mr. BRYANT of Texas. One sentence.

Mr. STEARNS. Mr. Speaker, we can split hairs and we can talk about this, but we have a unique opportunity to pass this amendment and thereby give the people what they want. Let's see if it will work out.

Mr. BRYANT of Texas. Your sentence is not responsive to my concern. We prohibit here the burning, trampling, soiling and rending of the flag of the United States. That is really all there is. What you have got here will not work, simply put.

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

Mr. SOLOMON. Mr. Speaker, I would like to get into this right now but I will do it when I close.

Mr. Speaker, I yield 1½ minutes to the gentleman from Union City, NJ [Mr. MENENDEZ], another great Member of this body, a Democrat, too, on the other side of the aisle who stood up against Castro and Cuba. I thank the gentleman for his amendment that will be on the floor shortly.

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

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

Mr. Speaker, I rise in strong support of the proposed constitutional amendment banning the desecration of the flag. The flag of the United States is unique among all the symbols of the unity and freedom of our country, and it is for that reason that I so strongly support its protection.

No other symbol of our Nation is so universally recognized. No other symbol of our Nation is so beloved by its people. No other symbol of our Nation could so thoroughly unite the world's most diverse population.

Our flag's unique status as a symbol of our Nation has long been recognized by the American people, and by this Congress. Many of us have voted in the past to single our flag out for protection because of this uniqueness.

I strongly supported previous efforts to afford such protection by statute precisely because I believed in the flag's uniqueness. The Supreme Court, however, has made it clear that a constitutional amendment, and only a constitutional amendment, can give the flag protection by law. If a constitutional amendment is what it takes, then so be it.

My parents came to this country from Cuba to secure a future of freedom for themselves and for their children. To them, and to me, the flag serves as a tangible reminder of the freedom they lost in their homeland and found in America.

The symbolism goes beyond patriotism—it is a physical symbolism. The American flag, like the country itself, is composed of different colors and material, coming together to make a whole. The colors clash, but are firmly held together. They are held together for a higher purpose. To tear them apart is to reject the sacrifices of millions of Americans who gave their lives to keep the colors together as one.

My commitment to our flag is a reflection of my country's commitment to its people. Those who stand in support of the protection of our flag must stand for the freedom and equality of all, just as surely as our flag stands as a beacon to which all freedom-loving people of the world are drawn. I urge you to join us.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON], a very distinguished Member of this body.

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

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

''Shoot, if you must, this old gray head, but touch not your country's flag,'' she said. That was Barbara Fritchie, as Stonewall Jackson was marching through Frederick on the way to the Battle of Antietam.

What do you think Stonewall Jackson said? He replied, ''He who touches yonder flag dies like a dog,'' he said. And they marched and they marched all day long through Frederick town but no one touched their country's flag.

This resolution enables Congress and the States to enact flag protection without fear of such a law being ruled unconstitutional. It is going to convey the protection that the flag enjoyed for 200 years and which must be restored.

While I believe strongly in the first amendment and its protections, I also believe that there are recognized exceptions to the first amendment. Not every act of expressive conduct is protected. Flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. We will see to it through this amendment that it is not tolerated.

I strongly urge my colleagues to join me in passing this important amendment to our constitution which would give the States and the Federal Government the authority to prohibit desecration of the flag of the United States of America.

Mr. BRYANT of Texas. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Mr. SOLOMON. Mr. Speaker, a number of years ago we had a Republican who ran against Ronald Reagan for President. He is a great American. I did not support him. I supported my other friend, Ronald Reagan.

Mr. Speaker, I yield 30 seconds to him, the gentleman from Wauconda, IL [Mr. CRANE].

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

Mr. CRANE. Mr. Speaker, I strongly support this amendment. But whether one supports it or does not support it, I think it is important for you to recognize that all this vote is about is giving the people a chance to be heard. A vote against this is a denial to hear the expressed will of the people. Amendments require 75 percent ratification support amongst all the States. Forty-nine of the States endorse the concept.

All you are asked to do on this vote is give the people a chance to be heard. You are not changing the Constitution. You are giving the people a chance to change it if they choose.

Mr. SOLOMON. Mr. Speaker, I intend to close for this side and would ask the gentleman to proceed.

PARLIAMENTARY INQUIRY

Mr. BRYANT of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. OXLEY). The gentleman will state it.

Mr. BRYANT of Texas. Mr. Speaker, my understanding is that the right to close would be mine, unless the bill is being managed on the other side by a member of the Committee on the Judiciary, which it is not. Inasmuch as it is not, I believe that I would have the right to close. I would appreciate clarification.

The SPEAKER pro tempore. Under the rules, since the gentleman from New York [Mr. SOLOMON] is not a member of the Committee on the Judiciary, the gentleman from Texas does have the right to close.

With that, the Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thought a member of the Committee on Rules was ex officio on all committees. I will proceed at any rate.

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

Mr. Speaker, this has been a very, very good debate. For the most part we have stuck to the subject and for the most part I think everyone understands what we are doing here.

I am a little concerned with the arguments of my good friend, the gentleman from Texas [Mr. BRYANT], because he goes against the entire federalist system. He worries about what the States will do. I do not. I believe that this Constitution gave certain powers to the Federal Government but it retained most of the powers to the States. That is the way it should be. I have faith in those States, all 50 of those States.

I believe that once we pass this constitutional amendment, we give it to the States, I think they will ratify it within 2 years and it will become a part of our Constitution. When that happens, I would ask the gentleman to join me and the gentleman from Mississippi [Mr. MONTGOMERY]. We have already agreed to work with the Committee on the Judiciary, with the gentleman from Illinois [Mr. HYDE], with the gentleman from Florida [Mr. CANADY], both of whom have done outstanding work here, in developing and redefining the U.S. flag code, and passing a statute on a Federal level that will serve as the example for the other 50 States. We have to have confidence in our States. That is what built this country.

Having said that, Mr. Speaker, I would hope that we would defeat this motion to recommit. If we do that, we will simply leave the amendment as it is, which says the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States of America. That is what the people here today want. That is what 80 percent of the American people want. Let's let them decide. If we vote ''no'' on the motion to recommit and ''yes'' on the amendment, that is what will happen.

The SPEAKER pro tempore. For the purpose of closing debate, the gentleman from Texas [Mr. BRYANT] is recognized for whatever time he has remaining.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I have said already that I dearly wish that I could be free from the restraints of conscience today so that I might come up here and give a great patriotic speech, which I am able to give, I

think, just as enthusiastically and as sincerely as anyone else has. Everyone who has given one believes what they have said. I have no doubt about that whatsoever.

But I have the duty, and so do you, to write law for this country that is going to last and stand the test of time, and is not going to get people in trouble accidentally. For better or for worse, in what I assume you hoped would be a fine hour for you, you have brought a proposal to the floor that portends serious problems for us, when you could have easily taken a little more time to write one that is simple and works.

We have done one in this motion to recommit, which says you can't burn the flag, trample it, rend it or soil it, and Congress decides what the flag is. What more could you possibly want than that?

You express great confidence in the States. I did not hear that confidence expressed when we were talking about product liability here just 6 or 8 weeks ago. In fact, your confidence in the States is based upon the fact that every State has its own culture and its own ideas. That is right. What if all 50 States write a different law with regard to desecration and all 50 States write a different law with regard to what the flag is?

Are you serving the people that watch this debate or the people back home that do not know about it or the people that have answered these polls saying they want to protect the flag, when you do that? Of course you have not. If you are going to wrap yourself in the flag, then, by golly, take the responsibility that goes along with wrapping yourself in the flag. Pass a provision that works.

This Congress ought to decide what the flag is, not every State legislature. Desecration ought to be burning, soiling, rending, or trampling. What else could it be?

Instead, you have come out here with one that does not work because you were in such a hurry to get it out here before the Fourth of July recess so you could all go home and say, ''Look what I did, and look what those other bad guys wouldn't go along with and do also.'' That is what is at stake here.

This motion to recommit is the right thing to do if you believe in a constitutional amendment. For goodness sakes, do not soil this day in which you have come forward to try to do something very patriotic, by doing something that is going to lead to problems, hurt people and get people in trouble accidentally, and in effect is in my view a dereliction of our duty in this House to legislate for the ages. Vote for the motion to recommit.

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

There was no objection.

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

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

Mr. BRYANT of Texas. 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the joint resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 63, nays 369, not voting 2, as follows:

[Roll No. 430]

YEAS—63

Abercrombie
Ackerman
Bentsen
Bonior
Borski
Brown (CA)
Bryant (TX)
Clay
Coleman
Collins (MI)
Coyne
Doggett
Edwards
Engel
Fields (LA)
Frank (MA)
Frost
Gephardt
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Jackson-Lee
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kildee
LaFalce
Leach
Levin
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McKinney
Meehan
Meek
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Peterson (FL)
Reed
Richardson
Rush
Schroeder
Schumer
Scott
Skaggs
Thornton
Torricelli
Tucker
Vento
Visclosky
Waters
Williams

NAYS—369

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
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)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Moakley
Reynolds

□ 1532

Messrs. MCDERMOTT, FLAKE, ROSE, HOYER, and DELLUMS, Mrs. COLLINS of Illinois, and Messrs. MFUME, FOGLIETTA, and FAZIO of California changed their vote ''yea'' to ''nay.''

Messrs. SKAGGS, THORNTON, RICHARDSON, and NEAL of Massachusetts changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OXLEY). The question is on the passage of the joint resolution.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 120, not voting 3, as follows:

[Roll No. 431]

AYES—312

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—120

Abercrombie
Ackerman
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Borski
Boucher
Brown (CA)
Bryant (TX)
Cardin
Clay
Clinger
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Gilchrest
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hinchey
Hoekstra
Hoyer
Jackson-Lee
Johnston
Kaptur
Kennedy (RI)
Kleczka
Klink
Kolbe
LaFalce
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Matsui
McDermott
McHale
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Nadler
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Petri
Porter
Poshard
Rangel
Reed
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Tanner
Torres
Torricelli
Velázquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Woolsey
Wyden
Yates

NOT VOTING—3

Horn
Moakley
Reynolds

□ 1540

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before announcing the vote, the Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, unfortunately I missed the last rollcall on the constitutional amendment since I was circulating a letter to the President on behalf of the base closure situation in California.

If present, Mr. Speaker, I would have voted for the Solomon resolution concerning the authority given to pass legislation to deal with the flag and desecration.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 79, the constitutional amendment that just passed the House.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 896

Mr. YATES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 896.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289

Mr. CLAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1289.

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

There was no objection.

PERSONAL EXPLANATION

Ms. DUNN of Washington. Mr. Speaker, yesterday during the House's consideration of H.R. 1868, I inadvertently voted ''no'' on rollcall vote No. 420. I rise to ask that the RECORD reflect I intended to vote ''yes'' on that vote.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 170 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1868.

□ 1543

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 27, 1995, amendment No. 17, offered by the gentleman from Texas [Mr. DELAY] had been disposed of, and title V was open for amendment at any point.

Are there amendments to title V?

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. 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. PORTER: Page 78, after line 6, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 564. Not more than $21,000,000 of the funds appropriated in this Act under the heading ''ECONOMIC SUPPORT FUND'' may be made available to the Government of Turkey.

□ 1545

PARLIAMENTARY INQUIRIES

Mr. CALLAHAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. CALLAHAN. Has the bill been called up, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. CALLAHAN. The amendment of the gentleman from Illinois [Mr. PORTER] has been read?

The CHAIRMAN. The gentleman's amendment has been designated.

Mr. CALLAHAN. Then, Mr. Chairman, I reserve a point of order at this point.

The CHAIRMAN. Does the gentleman want to proceed with his point of order at this point?

Mr. CALLAHAN. I will just reserve the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama [Mr. CALLAHAN] reserves his point of order, and the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. PORTER. Mr. Chairman, I would like to know the gentleman's point of order. If he has one, what point of order is he making?

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, the amendment adds a limitation to a general appropriation bill. Under the revised clause 2, rule XXI, such amendments are not in order during the reading of a general appropriation bill.

Mr. Chairman, the revised rule states in part:

Except as provided in paragraph (D), no amendment shall be in order during consideration of a general appropriation bill proposing a limitation not specifically contained or authorized in existing law for the period of the limitation.

The gentleman's amendment adds limitation and is not specifically contained or authorized in existing law, and, therefore, is in violation of clause 2(c) of rule XXI, and I will ask for a ruling of the Chair.

The CHAIRMAN (Mr. HANSEN). The Chair rules that the amendment does contain a limitation and, therefore, would have to wait until the end of the bill to be offered.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. VOLKMER. I ask, Would the amendment not be in order if the motion to rise at the end of the bill after all amendments are completed is defeated?

The CHAIRMAN. The Chair is not making that ruling at this particular time.

Mr. VOLKMER. Well, I mean at that time an amendment with a limitation is in order only after the motion to rise is defeated; is that correct?

The CHAIRMAN. That would be correct, except if the motion to rise and report is not offered.

Mr. PORTER. Mr. Chairman, the amendment merely changes the level of funding in the bill by making a cut of $25 million. It has no limitation that I am aware of if we are talking about amendment No. 34.

The CHAIRMAN. The Chair will tell the gentleman from Illinois that it does limit funds in the bill, and the Chair has ruled on the form of the amendment. It would have to wait until the end of the bill.

Mr. CALLAHAN. Mr. Chairman, I might inform the gentleman that it is certainly not our intention to deny him the ability to introduce his amendment or the opportunity to debate it to its fullest extent. It is just being introduced at the wrong time because the rule puts in point of order three amendments prior to his, so we do intend to afford the gentleman from Illinois [Mr. PORTER] every opportunity that he needs to present his amendment, and there will be no indication, coming from me at least, there is no indication that I will deny him the——

Mr. PORTER. If the gentleman would yield, then why not take it up right now?

Mr. CALLAHAN. Because the rule says we are going to take up the three bills that the Committee on Rules approved——

The CHAIRMAN. Are there further amendments to title 5?

Mr. DEUTSCH. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DEUTSCH. Would it be our understanding that this amendment coming into order, that we would have to defeat the motion to rise?

The CHAIRMAN. Unless the motion to rise and report is not made, the gentleman is correct.

Mr. DEUTSCH. So the fact is the Porter amendment would not automatically be made in order at the end of this bill.

The CHAIRMAN. The gentleman is correct.

Mr. CALLAHAN. Except, Mr. Chairman, if I might be recognized, I would just like to inform the gentleman from Illinois [Mr. PORTER] that under no circumstances is this committee going to rise and vote on final passage of this bill until such time as he has had the opportunity to fully debate his amendment regarding Turkey, so it is not our intention to——

Mr. DEUTSCH. Mr. Chairman, if the gentleman would yield, could we make a unanimous-consent request that that would be done at this time? As I understand, the gentleman from Alabama [Mr. CALLAHAN] would be willing to do that, but it would not prevent any other Member to make that motion.

The CHAIRMAN. Has the gentleman made a unanimous-consent request?

Mr. DEUTSCH. Well, I would not if the gentleman would just make clear that we would have the opportunity to debate the amendment.

The CHAIRMAN. The gentleman has the opportunity to make his unanimous-consent request.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that we take up the Porter-Wolf-Smith amendment immediately following the three amendments that the rule makes in order.

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

Mr. CALLAHAN. Mr. Chairman, I reluctantly object. I have given the gentleman my word. I have told him we are going to give him full opportunity for as much time as he likes to debate his amendment. We are not going to do anything to preclude him this opportunity. We are going to do it as the rule permits, and that is the three amendments that were allowed under the rule, we are going to debate them this afternoon, and then immediately following the gentleman from Illinois [Mr. PORTER] can offer his amendment.

The CHAIRMAN. Objection is heard from the gentleman from Alabama [Mr. CALLAHAN].

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.,

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 78, after line 6, insert the following new section:

PROHIBITION OF FUNDING FOR ABORTION

SEC. 564. (a) IN GENERAL.—

(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not and will not during the period for which the funds are made available, directly or through a subcontractor or sub-grantee, perform abortions in any foreign country, except where the life or the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or

to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—

(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not and will not during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term ''coercion'' includes physician duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

Mr. SMITH of New Jersey (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 New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, the amendment I am offering today is both pro-life and anticoercion. It is essentially identical to the one that the House adopted to the American Overseas Interests Act, H.R. 1561, last month. The amendment would do nothing more and nothing less than reinstate the ''wall of separation'' between family planning and abortion, and particularly coercive abortion, which was torn down 2 years ago by the Clinton administration.

The prochild, provoluntarism policy that my amendment would reinstate was the law of the land for a decade. It was repeatedly upheld by the Federal courts against a wide range of both statutory and constitutional challenges brought by the abortion industry. Recent experience suggests that this policy is needed now, more than ever before.

Mr. Chairman, the government of the People's Republic of China, as I think more and more Members are realizing, routinely compels women to abort their, quote, unauthorized children. The usual method is intense persuasion, using all of the economic, social, and psychological tools a totalitarian state has at its disposal. When these methods fail, the women are taken physically to abortion mills, often in handcuffs, and coerced to have abortions. Sometimes this happens very late in the pregnancy: the baby's skull is crushed with forceps, or lethal chemical shots are administered into the soft part of the skull.

Mr. Chairman, forced abortion was properly construed to be a crime against humanity at the Nuremberg war crime tribunals, and again it is being used pervasively throughout the People's Republic of China. Population control organizations, with the United Nations Population Fund at the helm, are promoting population control in China and have had a hand-in-glove relationship with the hardliners in the PRC.

As a matter of fact, I would remind Members that during the Reagan and Bush years we did not provide funding to those organizations because of that kind of complicity in these heinous crimes against women. It is not just that the child is being killed. It is also that the woman is being exploited in this very cruel manner.

I would ask all of my colleagues to take a look at the report by Amnesty International, released just yesterday. It is under the heading ''Human Rights Violations Resulting from Enforced Birth Control.'' They point out that birth control has been compulsory in China since 1979. Women must have official permission to bear children.

Mr. Chairman, the report in its entirety is as follows:

WOMEN IN CHINA—A PRELIMINARY REPORT FROM AMNESTY INTERNATIONAL, JUNE 1995

HUMAN RIGHTS VIOLATIONS RESULTING FROM ENFORCED BIRTH CONTROL

Birth control has been compulsory in China since 1979. . . . Government demographers set a target for the stabilization of the population by the year 2000. The target currently stands at 1.3 billion, which they claim can only be achieved through ''strict measures''.

The policy involves the strict control of the age of marriage and the timing and number of children for each couple. Women must have official permission to bear children. Birth control is enforced through quotas allocated to each work or social unit (such as school, factory or village). The quotas fix the number of children that may be born annually in each unit. Local party officials (cadres) have always monitored the system, but since 1991 they have been held directly responsible for its implementation through ''target management responsibility contracts''. A cadre's performance is now evaluated not just on the region's economic performance but also on its implementation of the birth control policy. Cadres may lose bonuses or face penalties if they fail to keep within quotas.

The policy has become known as the ''one-child'' policy. In fact, it is more complex than that and is applied differently in various areas. While the authorities issue ideological directives, targets and guidelines, at present the detailed regulations, sanctions and incentives are left almost entirely to the county level administration, who determine them ''according to the local situation''. In most regions, urban couples may have only one child unless their child is disabled, while rural couples may have a second if the first is a girl. A third child is ''prohibited'' in most available regulations. Regulations covering migrant women indicate that abortion is mandatory if the woman does not return to her home region. Abortion is also mandated for unmarried women.

The authorities in Beijing initially insisted that ethnic groups with populations of less than 10 million were exempt from the one child policy or even from family planning entirely. It is clear, however, that controls have been applied to these groups for many years, including more stringent sanctions for urban residents and ''prohibitions'' on a third child. There have also been reports since 1988 of controls extending to enforcement of one-child families, in particular for state employees. Currently, as with the rest of the population, specific regulations and their implementation are decided by ''Autonomous Regions and Provinces where the minorities reside''.

Couples who have a child ''above the quota'' are subject to sanctions, including heavy fines. In rural areas, there have been reports of the demolition of the houses of people who failed to pay fines. Peer pressure is also used as work units may be denied bonuses if the child quota is exceeded. State employees may be dismissed or demoted. Psychological intimidation and harassment is also commonly used to ''persuade'' pregnant woman to have an abortion. Groups of family planning officials may visit them in the middle of the night to this end. In the face of such pressure, women facing unwanted abortions or sterilization are likely to feel they have no option but to comply.

AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International takes no position on the official birth control policy in China, but it is concerned about the human rights violations which result from it, many of which affect women in particular. It is concerned at reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity, such as family planning officials, against women who are detained, restricted or forcibly taken from their homes to have the operation. Amnesty International considers that in these circumstances such actions amount to cruel, inhuman and degrading treatment of detainees or restricted persons by government officials.

The use of forcible measures is indicated in official family planning reports and regulations, and in Chinese press coverage. Amnesty International also has testimony from former family planning officials as well as individuals who were themselves subjected to such cruel, inhuman and degrading treatment.

Details of county level regulations are difficult to obtain. Most available documents are ambiguous and full of euphemisms such as the ''combined method'' (abortion and sterilization) or ''remedial measures'' (abortion). Despite this, some insight can be gained into the use of coercion from provincial, as well as county reports. For example, in 1993 family planning officials in Jiangxi Province stated: ''Women who should be subjected to contraception and sterilization measures will have to comply''. Regulations published in January 1991 for Gonghe county in Qinghai (which has a substantial Tibetan population) state ''the birth prevention operation will be carried out before the end of 1991 or in any case within the year 1992 and no excuses or pretexts will be entertained''.

In a 1993 interview with Amnesty International, a former family planning official described the threat of violence used to implement the policy:

''Several times I have witnessed how women who were five to seven months pregnant were protected by their neighbors and relatives, some of whom used tools against us. Mostly the police only had to show their weapons to scare them off. Sometimes they had to shoot in the air. In only one case did I see them shoot at hands and feet. Sometimes we had to use handcuffs.''

Several family planning officials who worked in Liaoning and Fujian Provinces from the mid-1980's to the mid-1990's are now in exile and have given testimony. They say they detained women who were pregnant with ''out of plan children'' in storerooms or offices for as long as they resisted being ''persuaded'' to have an abortion. This could last several days. One official reported being able to transfer such women to the local detention centre for up to two months if they remained intransigent. Once a woman relented, the official would escort her to the local hospital and wait until the doctor performing the abortion had signed a statement that the abortion had been carried out. Unless the woman was considered too weak, it was normal for her to be sterilized straight after the abortion.

A refugee from Guangdong Province described how he and his wife had suffered under the birth-control policy. The couple had their first child in 1982 and were subsequently denied permission to have another. In 1987 the authorities discovered that his wife was pregnant and forced her to have an abortion. In 1991 she became pregnant again and to conceal it, the couple moved to live with relatives in another village. In September that year local militia and family planning officials from the city of Foshan surrounded the village in the middle of the night and searched all the Houses. They forced all the pregnant women into trucks and drove them to hospital. The refugee's wife gave birth on the journey and a doctor at the hospital reportedly killed the baby with an injection. The other women had forced abortions.

The implementation of the birth-control policy has also resulted in the detention and ill-treatment of relatives of those attempting to avoid abortion or sterilization. Significantly, the Supreme People's Court felt the need to specifically outlaw the taking of hostages by government officials in a directive in 1990. However, the practice continues, as shown by a series of reports since late 1992 from Hebei Province.

Journalists from Hong Kong visited Zhao county, Hebei province, in November 1992 while a birth-control campaign was in progress. They saw villagers detained outside the county government offices in freezing temperatures who were under arrest for nonpayment of fines for illegal birth. Villagers reported that those who could not pay the heavy annual fine had their property confiscated or that their relatives were held hostage until the money was paid.

In January 1994 an official Chinese newspaper published a letter from Xiping county, Hebei Province, complaining that the reputation of the People's Emergency Militia (minbing ying ji fendui) was being ruined because cadres were misusing them to enforce unpopular family planning policies.

In April 1994 the annual review of family planning work in Hebei Province mentioned the use of ''law enforcement contingents'' and admitted that some cadres believed that any method was acceptable in pursuit of the family planning policy. Such cadres had ''resorted to oversimplified and rigid measures and even violated laws . . . thus affecting the party-populace and cadre-populace relations''. It is not clear what, if any, action was taken against these abuses, and violations have persisted in the province since then.

For example, villagers in Fengjiazhuang and Longtiangou in Lingzhou country, Hebei Province, alleged they were targeted in a birth-control campaign initiated in early 1994 under the slogan ''better to have more graves than more than one child''. Ninety per cent of resident in the villages are Catholic and many have been fined in the past for having more children than permitted because they reject on religious grounds abortion and sterilization.

An unmarried woman was one of those targeted. One of her brothers had fled the village with his wife fearing sterilization as they had four children. The sister had adopted one of their children and was detained several times, including once in early November 1994 when she was held for seven days in an attempt to force her brother and his wife to return and pay more fines. She was taken to the county government office and locked in a basement room with 12 to 13 other women and men. She was blindfolded, stripped naked, with her hands tied behind her back, and beaten with an electric baton. Several of those detained with her were suspended and beaten, and some were detained for several weeks.

A report by the Union of Catholic Asian News stated that other villages had been targeted in a similar way. Despite complaints to the county and provincial government and to the people's procurator, the family planning teams ignored the procurator's order to stop their actions, blaming the Catholics for ''causing problems''.

The taking and ill-treating of hostages by family planning officials was also reported in Fujian Province, in 1994. An elderly woman who lived near Quanzhou city was detained for three months when her daughter-in-law fled from family planning officials; they had found out she was pregnant with her second child one year earlier than local regulations on both spacing allowed. The elderly woman was reportedly kept in a cell with little ventilation or light, with 70 other people, and was only released when she became ill.

Despite assurances from the State Family Planning Commission that ''coercion is not permitted'', Amnesty International has been unable to find any instance of sanctions taken against officials who perpetrated such violations. This is in stark contrast to the treatment of those who assist women to circumvent the policies, or who shelter women from the threat of forced abortion and sterilization.

In December 1993 a district court in Guangzhou reportedly sentenced a man to 10 years' imprisonment and three years' deprivation of political rights for his part in a ''save the babies and save the women group'', which had assisted 20 women to give birth in excess of the plan. The court reportedly claimed that by his actions he had entered into rivalry with the party and state, and had therefore committed counter-revolutionary crimes as well as jeopardizing social order.

The same month Yu Jian'an, the deputy director of the No. 2 People's Hospital in Anyanbg, Henan Province, was sentenced to death for collecting bribes of 190,000 yuan for issuing bogus sterilization papers. The hospital affairs director, Sun Chansheng, was sentenced to death with a two-year reprieve, and four others were given sentences of five years' to life imprisonment in connection with the offense.

In the light of the information available about serious human rights violations resulting from the enforcement of the birth control policy and the lack of explicit and unequivocal prohibition in published regulations of coercive methods which result in such violations, Amnesty International calls on the Chinese Government to include such provisions in relevant regulations. It also calls on the authorities to take effective measures to ensure that officials who perpetrate, encourage or condone such human rights violations during birth control enforcement are brought to justice.

Let me just remind Members we are talking about a country where children are declared illegal simply because they do not fit into a certain quota that has been articulated and promulgated by the government. Couples who have a child above the quota are subject to sanctions, Amnesty International writes, including heavy fines. They talk about psychological and physical pressure. They talk about degrading treatment, the use of handcuffs, detentions. They also get into the fact that not only are they just focusing on the women and their husbands, they also go after other relatives who try to shield and protect some kind of safe haven for their sisters or daughters who are the object of a forced abortion, and throw them into jail as well.

This report from Amnesty International, which takes no position on the right-to-life issue, the defense of the unborn, is another nail in the coffin of the PRC's heinous practice of forced abortion and forced sterilization.

As my colleagues know, they also point out there is a movement under way in some of the provinces where they say—and this is a slogan used by the government—''Better to have more graves than one more child.'' Children are treated very cruelly in China, not by their parents, but by the government, and they are the subject of forced abortion.

Let me also remind Members, too, there is a growing disproportionate number of baby boys vis-a-vis baby girls and young people because of this. When you've only allowed one child, what happens is that many of the families, when they are told that they can only have one, have a sonogram. If a baby girl is detected, that baby girl is killed, and now there are tens of millions of missing girls in the People's Republic of China.

Where are the feminists on this? Why are they not speaking out against this cruel practice of targeting baby girls for extinction in the People's Republic of China? They have been abysmally silent in this regard.

Let me also point out, there were some people that were recently, as the Amnesty report points out, thrown into prison for, quote, initiating a save-the-babies and save-the-women's group. The man got 10 years in prison because he tried to defend some of the women in China against this terrible practice. Please read this.

The United Nations Population Fund meanwhile applauds the Chinese programs against all of this evidence, and let me remind Members that it is indeed overwhelming evidence.

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

(By unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 3 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, just let me remind Members that Dr. Sadik and UNFPA has spent over $150 million. They have people and personnel on the ground. As part of this terrible program they have said, and I quote, ''China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth over the past 10 years. Now the country could offer its experiences and special experts to help other countries.''

Just what we need, a world of one child per couple where forced abortion and forced sterilization is the rule rather than the exception.

Mr. Chairman, let me also point out that the amendment contains a provision that would essentially reinstate what was known as the Mexico City policy, and that, too, was rescinded by President Clinton in 1993. This policy, and the amendment, would prevent foreign aid from going to nongovernmental organizations unless the organizations certify that it does not and will not during the term for which funds are made available perform abortions as a method of family planning or undermine the laws of other countries with respect to abortion. It clarifies that this does not apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to governments. Moreover, the amendment contains a limited exception for attempting to establish universally recognized standards such as opposing forced abortion.

Mr. Chairman, this policy worked for almost a decade, it worked well for the American taxpayer, for unborn children, and for responsible family planning organizations. Most recipients of U.S. aid during the two previous administrations accepted the policy and said, ''We will, indeed drive that wall between abortion and family planning and just do family planning and not take the lives of innocent, unborn children by way of abortion.''

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Mr. Chairman, I hope Members will accept this amendment. They did so just about a month ago. I hope when Mrs. MEYERS offers the amendment on behalf of the abortion rights people, that that will be defeated by this body. I suspect we will get to that momentarily.

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

Mr. Chairman, I rise in support of the Smith amendment. Recently, a woman in my district called my office to let me know that her 12-year-old daughter was in her room crying. My young constituent was upset because she had recently learned about 13 Chinese women being held in Bakersfield, CA, who had fled the brutal birth quota system imposed by the totalitarian government in the People's Republic of China. My young constituent was shocked to learn that these women were in danger of being sent back to China by the Clinton administration where they would face possible arrest and forced sterilization.

This is a very distressing situation and it is even more distressing when we take into account that our tax dollars are being used by the United Nations Population Fund for so-called family planning activities in China.

The Smith amendment will ensure that none of the moneys will be available to the United Nations Population Fund unless the President certifies that the UNPF has terminated all activities in China or, during the 12 months preceding, there have been no abortions as the result of coercion by government agencies.

The Smith amendment would also ensure that none of the moneys sent to the UNPF may be used to fund any private, nongovernmental, or multilateral organization that directly or through a subcontractor performs abortions in any foreign country, except to save the life of the mother or in cases of rape and incest.

Now some may claim that this is a gag rule on family planning assistance. However, this is not the case, abortion is not considered a family planning method and should not be promoted as one, especially by the United States. Recently, the State Department decided that the promotion of abortion should be a priority in advancing U.S. population-control efforts. This is unacceptable to the millions of Americans who do not view abortion as a legitimate method of family planning and do not support Federal funding of abortion except to save the life of the mother or in cases of rape and incest.

We also need to reinstate what was known as the Mexico City policy which prohibits funds to organizations unless they certify that they do not perform abortions in any foreign country except in the cases cited above. Most recipients of U.S. population assistance readily agreed to these terms from 1984 to 1993 and we are not reducing the funding level for real international population assistance.

In a time when 69 percent of the American public opposes Federal funding for abortion we desperately need to clarify congressional intent so that it cannot be disregarded by those who seek to fund abortion on demand throughout the world. I urge my colleagues to support the Smith amendment as written. Vote ''no'' on the Meyers amendment, which will strike two of the three subsections of the Smith amendment.

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

Mr. Chairman, I rise in strong opposition to the Smith amendment and in support of the Meyers amendment. Mr. SMITH's amendment is an extreme piece of legislation that aims to end family planning aid overseas.

Mr. SMITH claims that his amendment simply cuts abortion funding. What Mr. SMITH has not told you is that abortion funding overseas has been prohibited since 1973. His amendment would cut abortion funding from its current level of zero to zero.

Therefore, Mr. SMITH's amendment must be after something more. That something is family planning.

One of the most important forms of aid that we provide to other countries is family planning assistance. No one can deny that the needs for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile.

The world's population is growing at an unprecedented rate. In 40 years our planet's population will more than double. As a responsible world leader, the United States must do more to deter the environmental, political, and health consequences of this explosive growth.

And let us not forget what family planning assistance means to women around the world. Complications of pregnancy, childbirth, and unsafe abortion are the leading killers of women of reproductive age throughout the Third World. One million women die each year as a result of reproductive health problems.

Each year, 250,000 women die from unsafe abortions.

Only 20 to 35 percent of women in Africa and Asia receive prenatal care.

Five hundred million married women want contraceptives but cannot obtain them.

Most of these disabilities and deaths could be prevented.

The Smith amendment is extreme in that it would defund family planning organizations that perform legal abortions—even if the abortion services are funded with non-U.S. money.

It would also impose a gag rule on U.S. based organizations and indigenous nongovernmental organizations that provide U.S. family planning aid overseas. The gag rule is written so broadly that it would prohibit the publishing even of factual information about maternal morbidity and mortality related to unsafe abortion.

Finally, the Smith amendment cuts funds to the UNFPA, an organization that provides family planning and population assistance in over 140 countries. The pretext for the Smith amendment is that the UNFPA operates in China, and therefore the funding must be cut. However, the law currently states that no United States funds can be used in UNFPA's China program. Mr. SMITH is clearly using the deplorable situation in China as an excuse to eliminate funding for this highly successful and important family planning organization. The UNFPA is in no way linked to reported family planning abuses in China, and should

not be held hostage to Mr. SMITH's anti-abortion rhetoric.

I urge my colleagues to oppose the Smith amendment. It is an extreme piece of legislation that, no matter how Mr. SMITH tries to disguise it, is ultimately intended to end U.S. family planning assistance overseas. A vote for the Smith amendment is a vote against sensible, cost-effective family planning programs.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The Clerk read as follows:

Amendment offered by Mrs. MEYERS of Kansas to the amendment offered by Mr. SMITH of New Jersey: In the new section proposed to be inserted in the bill by the amendment—

(1) strike subsection (a) and (b); and

(2) in subsection (c), strike the subsection designation and caption.

Mrs. MEYERS of Kansas. Mr. Chairman, there are three parts to the amendment of the gentleman from New Jersey [Mr. SMITH]. My amendment would not change the gentleman's provision about UNFPA in China. So if you do not want to give family planning money to China, you can safely vote for my amendment. Neither Mr. SMITH nor I would give money to UNFPA unless they totally cease activities in China.

However, the remaining two parts to Mr. SMITH's amendment are terrible in their impact on the poorest of the poor women of the world. The Smith amendment says that no matter how sick or malnourished these women are, no matter that they are carrying a seriously malformed fetus, they cannot have a health service in their poor women's clinic that others could have if they could afford to pay their doctor.

It is not as if these women have any place else to go. In many cases, they could not afford to go to a hospital or another doctor, and in many cases, there is no hospital and there is no other doctor. The door the gentleman from New Jersey [Mr. SMITH] would slam shut in the face of poor, sick women is the only door there is.

There are NGO's and there are health care professionals that will work under these circumstances. But think how hard it is for these health care professionals when they must sentence a woman to life-long health problems, or force a woman to carry a child for months that they know would probably live only a few hours. And they have to do this in order to receive American support.

But those NGO's that are most efficient and that are located in most countries simply cannot and do not operate this way. And that is why the Smith amendment is not an anti-abortion amendment, but an anti-family planning amendment.

I would ask my colleagues to focus on the fact that not one cent of American foreign aid money has been used to pay for an abortion since 1973. Not one cent of foreign aid money has been used to pay for an abortion. But the Smith amendment is not satisfied with that, and the gentleman's amendment says you cannot provide an abortion for the sickest woman, even if it is paid for with private money.

It is a harsh amendment, denying health services and limiting family planning services to those who need our help the most, those in Bangladesh and Cameroon, where the average number of children for a woman of child bearing age is five, five children; in Malawi, where the average number of children for a woman of child bearing age is seven; in Rwanda, where the average number of children is eight. This is a cruel and a harsh amendment.

The other portion of the Smith amendment is a gag rule, and it would go far beyond what any supporter of free speech and the Democratic process could support. It would prohibit a group of Filipino women in the Philippines who suggest to their senator that abortion should be allowed in cases of rape or incest from helping us provide family planning. We could not give them money.

It could prohibit a group of Indian women who urge the Indian Health Ministry to make legal abortions safer by requiring that they be done in licensed clinics or hospitals. They could not receive American family planning assistance. It could prohibit a Kenyan organization that tries to promote family planning by pointing out the risk of unsafe abortions from getting any family planning assistance from America on the grounds that opposing unsafe abortion could be construed as advocating change in Government policies.

Mr. Chairman, I am leaving out the portion regarding China, because I know many Members feel divided on this issue. But the other two portions of this amendment are so onerous that I beg my colleagues to support my amendment to change the Smith amendment.

I also must comment, Mr. Chairman, that if my amendment does not pass, I am going to be forced to oppose this bill. I do not want to. I have supported foreign aid every single time since I have been here, but I cannot do it in the face of these two terrible affronts to the women of the world.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number or words.

Mr. Chairman, before I do so and speak as to the amendments, this is an issue that we have just previously discussed when we had the authorization bill. We have discussed it in this Congress many times. I do not believe that it would be fair to the House if we took an elongated time to rehash what has already been said many times.

Therefore, I am going to ask unanimous consent that all debate on this amendment, the Smith amendment and the Meyers amendment to the Smith amendment, end in 1 hour.

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

Mr. WILSON. Mr. Chairman, I reluctantly object.

The CHAIRMAN. Objection is heard.

Mr. VOLKMER. Mr. Chairman, I would like to inquire of the gentleman from Texas [Mr. WILSON], is there a reason why he wants to prolong the debate?

Mr. WILSON. Mr. Chairman, there are many Members on our side that want to speak. I would advise the gentleman also that the ranking member of the full committee is at the White House at a meeting, and he has specifically requested that we provide time for him to speak.

□ 1615

Mr. VOLKMER. Mr. Chairman, I will just briefly say that if you are in favor of supporting abortions in foreign lands, basically with taxpayer money, then you should vote for the Meyers amendment. I am not. I am going to vote against the Meyers amendment.

If you are not in favor of using taxpayers' money in foreign lands for abortions, then support the Smith amendment, which I plan to do. I am not going to take a lot of time of the House. I think I have previously done that as to my position and why. But I would say that I feel very strongly on the issue. I do believe that the House, I hope, will vote in favor of life and not abortion.

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

Mr. Chairman, I rise in strong support of the Smith amendment. My friend from New Jersey is offering essentially the same amendment which was adopted in this House on May 24, during consideration of the American Overseas Interests Act. It is a much-needed amendment. I hope this House will continue to support it.

As my colleagues know, the music had barely stopped playing at the inaugural ball when President Clinton kicked off his international abortion campaign. Literally hours after assuming office, the new President sought to overturn long-standing pro-life policies espoused by both the Reagan and the Bush administrations. The Smith amendment seeks to bring that 2½-year campaign to a halt.

It makes it less likely that United States tax dollars will pay for coerced abortions in China and in other countries. Voluntary abortion is bad enough, but forcing a woman to have an abortion is an absolute crime against humanity. It is an abomination.

Mr. Chairman, the Smith amendment will restore some of the well-reasoned pro-life policies that the U.S. Government insisted on before President Clinton was sworn into office. I urge my colleagues to resoundingly support the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I would just like to bring to the attention of the Members that one of the provisions that my good friend from Kansas strikes reads as follows: Funds would not be provided to any private, nongovernmental, multilateral organization until that organization certifies that it does not and will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited.

I am astounded that my good friend would offer an amendment that tries to protect U.S. taxpayers from providing funds to an organization that would willfully and knowingly violate laws in a sovereign nation vis-a-vis its abortion policy.

There was a working group, a report on the working group that was put out by the IPPF federation, based in London, that had language that went like this in one of their recommendations: Family planning associations and other nongovernmental organizations should not use the absence of law or the existence of an unfavorable law as an excuse for inaction. Action outside of the law, and even in violation of the law, is part of that, is the process for stimulating change.

In other words, IPPF has admonished its affiliates to break the law. The Smith language that would be gutted by the gentlewoman from Kansas [Mrs. MEYERS] said that if we give money to those organizations that violate the sovereign laws of nations, let me also remind Members, 95 to 100 countries around the world, including the overwhelming majority in our hemisphere, protect the lives of their unborn children from the violence of abortion. All of Central America, virtually, South America have laws or constitutional amendments on the books that protect their unborn children.

IPPF says violate those laws. It is right here in black and white as a recommendation from the IPPF based out of London. Mrs. MEYERS would cut that.

I would like to ask the distinguished gentlewoman, why does she want to cut language that says, let us not violate the law of other nations?

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, as I said, no abortions have been performed with American money since 1973, and NGO's follow the laws of the country that they are in. We have not had problems with people breaking laws of the country that they are in. If the country allows abortions, NGO's, some of them will, in order to get American money, will not provide abortions. Some simply cannot operate that way. So they cannot receive our money so they cannot do as effective a job with family planning, which certainly leads to more abortions.

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

Mr. SMITH of New Jersey. Mr. Chairman, that was not an answer. IPPF has said to its own affiliates, action outside of the law and even in violation is part of the process of stimulating change. They are telling their people to violate the law. Again, my amendment simply says, we do not want to contribute to an organization that gets involved in that kind of law breaking.

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

Mr. Chairman, I rise in opposition to the Smith amendment and in support of the Meyers amendment. I think that it is very important on all issues that we debate in this House that we have some truth in advertising. This issue that the gentleman from New Jersey [Mr. SMITH] has raised zeros and zero. Since 1973, the taxpayers of this Nation have not funded abortions overseas. Let me repeat that. Since 1973, the U.S. taxpayer has not funded abortions overseas. We are not going to start doing that now.

What Mr. SMITH is proposing is to go after family planning. Any thinking person in this country and around the world recognizes that one of the great environmental issues that faces not only this Nation but around the globe is the issue of overpopulation. If, in fact, if, in fact, we want abortions reduced, then we should recognize that around the world, especially the greatest and the most powerful nation on the face of this earth should give leadership on the issue of family planning.

When family planning takes place, then that begins to resolve so many of the problems that we extend our hand in aid for.

So every Member of this House, regardless of where they are on the issue of abortion or choice, should understand that it is not a debate about public dollars going to fund abortions overseas. That is not what this issue is about.

Mr. SMITH seeks to knock out family planning. And people in this country overwhelmingly understand and appreciate what the issue of family planning can bring about.

So I rise in support of the Meyers amendment. I think it is important. I think that it is straightforward. I think it speaks to the direction that we need to move. I applaud the leadership that she had given on it. I think that every Member of the House should again understand that Mr. SMITH is not going after stopping any U.S. tax dollar for abortions. For my entire 5 minutes I should have repeated one sentence and one sentence only. He is going after family planning. No tax dollar was used since 1973 for abortions overseas.

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

Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Chairman, I do not know how the gentleman from New Jersey [Mr. SMITH] can make it any clearer. These are not difficult ideas. Abortion is not a proper part of family planning. Family planning has to do with getting pregnant or not getting pregnant. But once you are pregnant, it is a different situation. Then if you want to move into abortion, you are killing a life once it has begun.

Now, the gentleman from New Jersey [Mr. SMITH], nor myself, nor Members speaking on this side of the issue, are not against family planning. We are against dollars going to organizations that promote abortion, that counsel abortion, but we are the biggest supplier of family planning around the globe. We have been, and we still will be. But we want to help organizations that do not counsel nor perform abortions, whether it is with the money we give directly or whether it is with fungible funds.

We are for family planning, properly understood, which does not include killing an unborn child once it has begun. That ought not to be too complicated. I congratulate the gentleman from New Jersey [Mr. SMITH]. I hope his amendment prevails, and I thank the gentleman for yielding to me.

Mr. MANZULLO. Mr. Chairman, the bill provides $25 million to the UNFPA, but we should not send one penny to an organization that not only condones, but praises China's brutal family planning program. In 1991, the executive director of the UNFPA, Dr. Nafis Sadik, referring to China's population control policies, said that she ''was deeply impressed by (China's) efficiency.'' She wanted to, and I quote, ''employ some of these (Chinese) experts to work in other countries and popularize China's experiences in population growth control and family planning.''

With that attitude, I do not think the United States should provide any aid to the UNFPA until it quits China policy. The American people do not want to subsidize an organization which not only collaborates with forced abortions and sterilizations, but heartily condones such policies.

Nor do the American people want their tax dollars spent in support of organizations that perform abortions in other countries or engage in activities to alter existing laws on abortion in these countries.

I commend the language adopted in the recently passed authorization bill that restores the restrictions on abortion funding. Now, I urge the support of my colleagues for the Smith amendment to restore consistency between what we say and what we do. The Smith amendment will send a clear message to the UNFPA and other organizations: The United States will not condone coercive family planning policies. This is not an issue of pro-life or

pro-choice—it's an issue of whether American taxpayer dollars should be used for forced abortions. I urge my colleagues to vote for the Smith amendment and against the Myers amendment.

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

Mr. MANZULLO. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, it is my understanding, and I would like to ask the gentleman if it is his understanding, and also the gentleman might want to ask the gentlewoman from Kansas [Mrs. MEYERS]. It is my understanding that the Meyers amendment to the Smith amendment is identical in its language as far as China is concerned, that in regard to China there is no issue. The gentleman addressed the China issue, but we are talking about the Meyers amendment, which, as I understand it, is identical to the Smith amendment as far as China is concerned.

Mr. MANZULLO. Mr. Chairman, it goes to the overall funding of the UNFPA.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, we are actually debating the underlying amendment and the Meyers amendment. The gentlewoman from Kansas [Mrs. MEYERS] would cut two-thirds of the amendment out of the underlying amendment.

Mr. WILSON. Mr. Chairman, if the gentleman will continue to yield, as far as China is concerned, it is the same.

Mr. SMITH of New Jersey. It leaves that alone, but it goes after the Mexico City policy and the lobbying policy.

Mr. WILSON. But China is not an issue.

Mr. SMITH of New Jersey. For some Members there will be no time after the vote on the Meyers amendment where my underlying amendment will be debated. So all the debate has to be now, while both amendments are pending.

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. The reason that I did not address UNFPA and China is because I recognized that a number of Members are truly divided on that issue and so I left the Smith provision just as it is. If they vote for my amendment, the Smith provision will remain.

□ 1630

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

Mr. Chairman, I rise in strong opposition to the Smith amendment to H.R. 1868 and to support the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS] to the amendment offered by the gentleman from New Jersey.

Mr. Chairman, I believe it is important that my colleagues truly understand that the goal of the Smith amendment is not to prohibit U.S. funds from being spent on abortion activities. Current law already prohibits U.S. funds from being spent on abortion activities, and this has been the case for over 20 years. The true aim, Mr. Chairman, of the Smith amendment is to totally eliminate family planning aid overseas.

Mr. Chairman, this is an extreme amendment. It is extreme because it would take U.S. funds away from organizations that perform legal abortions or participate in any other abortion-related activities, using their own funds, not using Federal funds, using their own funds.

The implication of this staggering U.S. aid amendments, Mr. Chairman, would be doing away with U.S. aid to organizations for pre- and postnatal care, as well as for programs to reduce unwanted pregnancy, combat childhood diseases, prevent the spread of HIV and AIDS. All of this would be cut off completely if the organizations provide legal abortion-related services, paid for with their own funds, not paid for with Federal funds.

How can proponents of this amendment claim that they are interested in the welfare of children and women when this amendment will harm critical programs that prevent unwanted pregnancy and improve the health of needy children around the world? If anything, this amendment will result in more unwanted pregnancies and sick children, not less.

Mr. Chairman, the American people do not want the U.S. Congress to support extreme amendments which endanger the health of the world's children increase unwanted pregnancies, and force women to resort to unsafe abortions. Therefore, Mr. Chairman, I urge my colleagues to vote against this extreme and dangerous amendment, an amendment that would eliminate family planning aid overseas, and vote in support of the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

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

Mr. Chairman, I rise in strong support of the Meyers amendment and against the Smith amendment. Discussion has occurred a little earlier about the fact that this bill would not ban the UNFPA money, and as has been explained and I will reiterate, it does retain the ban on the UNFPA, so it is unlike the defense authorization that has been stated earlier.

The amendment that is offered by the gentlewoman from Kansas [Mrs. MEYERS] does not affect the restrictions the gentlewoman from New Jersey has proposed for the U.N. population fund. I also want my colleagues to be aware that these amendments have nothing to do with abortion funding.

Under the Helms amendment, U.S. law already forbids the use of U.S. funds to perform abortions or to lobby on abortion policy. This has been mentioned earlier. It does need to be reiterated, so we understand what we are discussing and voting on today. The effect of the amendment is to gut U.S. family planning programs. The result will be more abortions, not fewer.

The Smith amendment would deny funds to women's health groups which use their own funds to perform abortions or lobby their governments on abortion policy, but the effect would be to kill family planning programs. As a matter of fact, none of those groups violate the laws of the foreign countries. That has been authenticated. For example, in terms of the effect of killing family planning programs, a university providing contraceptive training to hospitals in the former Soviet Union to counter the high rate of abortion would be ineligible for funding because the hospital provides legal abortions funded from other sources. An Indian women's health clinic lobbying that nation's health ministry with its own funds to provide safer conditions for legal abortion would be funded.

A recent Los Angeles Times article demonstrated how family planning clinics in the Ukraine reduced the number of abortions, reduced the number of abortions. Ukrainian women average two abortions for every live birth. The average woman will have four of five abortions during her lifetime. Some will have as many as 10 or more. By making available safe and reliable family planning information and contraceptives, a Kiev clinic reports that only 25 of pregnant women coming to the clinic had abortions, a high number, of course, but the average for the rest of the country was 60 percent. Sixty percent. This is but one example.

However, there are a number of similar clinics around the world which we are helping to fund, and by giving women the opportunity to regulate their own fertility, we have reduced the number of abortions, while empowering women to manage and space their pregnancies as best suits their needs and the needs of their families. It helps them also to educate their family.

The gentleman from New Jersey [Mr. SMITH] will say that family planning money will still be available, and that is true, but the effect of his amendment will be that the money will be channeled through foreign government health ministries, with all of the problems of corruption, mismanagement, and bureaucracy which they entail. This approach would also run counter to the philosophy of this Congress, which has been seeking to reduce the intrusion of government into people's lives and families' lives.

The Smith amendment, an international gag rule indeed, endangers women's health and will deny women and couples access to family planning information, and will increase, not decrease, abortions. Mr. Chairman, I urge

Members to join me in support of the Meyers amendment and against the Smith amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this entire discussion of the Meyers amendment is a good one in that it explains to the Congress what family planning is all about. The Meyers amendment I strongly support. I strongly oppose the Smith amendment. Let me tell the Members why, Mr. Chairman.

The Meyers amendment ends U.S. funding for the U.N. Family Planning Agency unless it ends its activities in China or the President certifies there have been no coerced abortions in China in the preceding 12 months. The amendment language on the UNFPA in China is identical to the language in the Smith amendment.

The Congress should be aware of the fact that U.S. law for over 20 years has prohibited U.S. funding for abortions overseas. The Meyers amendment would in no way affect this ironclad policy.

The Smith amendment goes beyond current law and imposes restrictions on this kind of organization, on the kind of organization that can receive U.S. funds for family planning. What that essentially says, Mr. Chairman, is that the gentleman from New Jersey [Mr. SMITH] my dear colleague, he went to Washington and now he wants to go out of the country with the imposition of this rule.

It says that the United States cannot provide any money to any organization that performs legal abortions, even if the organization does not use U.S. funds. The Meyers amendment strikes these restrictions, which go beyond current law.

Let us look at the practical effect of the Smith amendment. The reality is that a lack of adequate access to family planning tragically often leads to abortion. I came up through a day where women went into back rooms and into corners and into alleys and performed illegal abortions. It was a travesty on the health of these women. The Smith amendment would cut off some of the most effective family planning organizations, because they provide legal abortions with their own funds. It would cut off clinics and hospitals that provide family planning if they also provide safe and legal abortions.

Mr. Chairman, this whole approach is shortsighted and counterproductive, particularly in Third World countries and in the poor areas of the world, with only limited medical services of any kind. The law of unintended consequences is alive and well in the Smith amendment. It is unintended, Mr. Chairman, but yet it is there. Therefore, I strongly support the Meyers amendment, and I strongly oppose the Smith amendment, and I am asking of the Congress to please vote against the Smith amendment and for the Meyers amendment.

Mrs. SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in strong support of the Smith amendment and against the Meyers amendment. I think that one important thing to look at is that this bill does not cut international family planning, this amendment, by one red cent. I merely goes back to the 1980's, when we had the Mexico City policy. Under that policy, and I want to take a look, because we hear all family planning is going to go away, and I am a strong advocate for family planning. We hear it will all go away.

However, during the 1980's, every budget cycle under the Mexico City plan, every year family planning went up, every year under the Mexico City plan. That did not gut it, and all the gentleman from New Jersey [Mr. SMITH] is saying is let us go back to the Mexico City plan.

I listened, and Members would think that both sides of the aisle, all the people speaking, agree that abortion should not be performed with Federal American folks' money in other countries. however, we support family planning. The Mexico City policy, for Members that maybe do not remember, went into effect in 1984 under a plan of action which was adopted by the International Conference on Population that was held in Mexico City. They basically said that in no case should abortion be promoted as a method of family planning. All this does is say that again.

President Clinton took those words out, and made our dollars available for abortion funding. We hear about radical discussions and things being radical and gutting. Let us come back to what is really happening. The American people, and I will tell the Members, in the early 1970's, I supported abortion. I supported Roe versus Wade, because I believed abortion should be rare, and in the case of the mother's life, should be allowed. I was promised it would never be, never be for family planning, never be for convenience, and never replace personal responsibility.

Today, Mr. Chairman, it is now family planning. If Members agree with me that it should not be, no matter where Members are on abortion, should not be family planning, then vote for the amendment offered by the gentleman from New Jersey [Mr. SMITH]. The amendment just says we all agree in different places on the abortion issue and disagree in other places, but we do not want our money especially sent to foreign countries to pay for abortion.

Let us return to the Mexico City policy, reject, reject the Meyers amendment from a very nice lady who I just do not agree with, and support the final amendment, the amendment offered by the gentleman from New Jersey [Mr. SMITH].

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

Mr. Chairman, let me begin by saying how much I admire the integrity and advocacy that the gentleman from New Jersey [Mr. SMITH] brings to all issues, and particularly to matters of human rights. My disagreement with him on his amendment in this case is simply as a matter of policy. I admire him greatly for his strength of character and conviction in matters that he feels very deeply about.

However, Mr. Chairman, this is an appropriations bill. It is designed to determine funding levels for the upcoming fiscal year for various programs authorized elsewhere by the Committee on International Relations, the Committee on Banking and Financial Services, and others. It is not an authorizing bill, and authorizing language should not be part of it.

Mr. Chairman, unfortunately while the Committee on Rules produced an open rule for this bill, it also specifically carved out protection for this amendment, which is clearly out of order without this extraordinary protection. Everyone in this Chamber has an interest in preserving the integrity of the system, and for procedural reasons, we should oppose the Smith amendment.

Moreover, I oppose the Smith amendment on policy grounds. The United States is presently the largest international family planning donor, providing more than $600 million last year alone. U.S. voluntary family planning funds are being used to provide millions of couples access to safe, effective contraceptive services worldwide.

The U.S. programs have worked. In Kenya, where the United States has had a very large program, there was a 20-percent reduction in family size in just 4 years. In Bangladesh, the contraceptive prevalence rate went from 5 percent in 1975 to 40 percent in 1993, and there was a decline in fertility from 6.7 births per woman to 4.9 during that time. In Egypt, the average number of children per family has declined from 5.8 to 3.9 between 1960 and 1994.

These family planning services also help decrease the demand for abortion all across the globe and help couples time and space pregnancies to enhance the chance of their baby's survival. And in allowing women to control their bodies, these programs save the lives of many women. Approximately 200,000 women die each year from unsafe abortions. Increased access to information and contraception is the only proven way to decrease unwanted pregnancies and give women control over their own lives and destinies.

For example, in Ukraine, where a small Planned Parenthood clinic is providing scarce contraceptive education and services, there is evidence that the incidence of abortion is decreasing.

The Smith amendment does nothing to help prevent abortion. When the same Mexico City policy was in effect between 1985 and 1993, there was no decrease in the number of abortions

worldwide. Instead, more women resorted to unsafe abortions and hundreds of thousands a year died. The Smith amendment simply interferes with the delivery of effective family planning programs whose purpose is to reduce the incidence of unwanted pregnancy and the need for abortion.

The fact is that none of the funds in this bill may be used for abortion now. With the Smith amendment, none of these funds may be used for abortion, but the Smith amendment goes further. It aims to kill family planning overseas by gutting U.S. participation in multilateral and bilateral population programs.

I urge Members to support the second degree amendment offered by Representative MEYERS. The Meyers amendment strikes the section of the Smith amendment that prohibits NGO's from using their own funds to attempt to influence official policies in other countries or to provide legal, safe abortions in countries where they are legal. It is the equivalent of telling U.S. defense contractors that they may not use their own funds to lobby Congress if they receive any Federal defense contracts.

I oppose the use of U.S. funds to perform abortions and I am a strong and consistent supporter of the Hyde amendment. I would not vote for a bill that allowed the use of any U.S. funding for selective abortions. I support the Meyers amendment because it retains tough safeguards but ensures that essential family planning programs are funded.

I also oppose the Smith amendment whether the Meyers amendment prevails or not. The Smith amendment places restrictions so tough on the UNFPA that U.S. funds will almost certainly not go to it. UNFPA fills in the holes where AID does not work and even in nations like China, plays a constructive role. UNFPA is a multilateral organization. It does not have the discretion to simply pull out of China at will.

The Smith amendment, I believe, is a thinly veiled attempt to stop the United States from working with other developed nations to provide voluntary family services to couples in developing nations because if we do not fund UNFPA, our funds do not go to 140 other nations beyond China that do not have forced abortions.

Mr. Chairman, I would urge the Members to support the Meyers amendment and oppose the Smith amendment.

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

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

Mr. BEILENSON. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey [Mr. SMITH] and in support of the amendment of the gentlewoman from Kansas [Mrs. MEYERS].

Mr. Chairman, contrary to what proponents of this amendment argue, this is not about curbing abortion. It is about denying millions of women access to family planning services, the very services that help avert abortion. It is about cutting population funding in real terms to its lowest level in 25 years. It is about reinstating a policy that has proven to increase the incidence of abortion.

The fact remains that without this amendment, U.S. funds do not pay for abortions. That has been said a number of times today, but it bears repetition. For over 20 years, Federal law has prohibited any U.S. funds from being used for abortions, or to promote abortion. H.R. 1868 retains that prohibition.

The only real impact of the Smith amendment would be the disruption of the delivery of effective family planning programs that prevent unwanted pregnancies. These are programs which help reduce the incidence of abortion.

The effect of the amendment will be to deny millions of women access to family planning and along with that access to prenatal care, safe delivery services, maternal and infant health programs, treatments for infertility, and STD prevention services.

And it will result in hundreds of thousand of abortions that would have been averted if these women had had access to the basic health services the Smith amendment would deny them.

According to USAID, the funding reductions for population programs in this bill, together with this amendment, will likely result in an estimated 1.6 million unwanted pregnancies per year, resulting in 1.2 million unwanted births, 8,000 maternal deaths, and more than 350,000 abortion per year.

All of us would like to reduce the incidence of abortion as well as the staggering number of maternal deaths due to unsafe abortions. The Smith amendment would do the opposite. During the years the so-called Mexico City policy was in effect, which from 1985 to 1993 prohibited funding to organizations that perform abortions with private funds, there was an increase in the number of abortions worldwide because in the absence of access to family planning services, more women resorted to abortion and in the absence of information about safe abortion, more women resorted to unsafe abortions which cause more maternal deaths.

Proponents of this amendment assert that the only organizations that will be affected by this policy will be the International Planned Parenthood Federation [IPPF] and the Planned Parenthood Federation of America [PPF], two of the most effective and well-respected worldwide providers of family planning and reproductive health services. While both will survive the loss of U.S. funds, the real impact of this amendment will be felt by small local organizations in developing countries that rely on U.S. funds or on private funds from U.S. contributors who are forced to abide by this policy.

When the Mexico City policy was in effect, over 50 grant-receiving affiliates of International Planned Parenthood Federation lost their USAID funding. In many cases, these family planning associations were the most uniquely important sources of services and information for their countries. For example, in India, which will soon be the most populous country in the world, family planning assistance was significantly curtailed because the most respected and effective Indian family planning organization was unable to comply with that policy.

The Smith amendment would have the same disastrous effect. USAID would be unable to fund the best providers of services in many countries. Under the amendment, any hospital or clinic in the developing world that provides abortions, if they are legal in that country, such as Kenyatta National Hospital in Nairobi, Kenya would be prohibited from receiving United States assistance.

United States assistance would also be denied to organizations that are involved in providing much needed contraceptive training to hospitals in the former Soviet Union in order to decrease the high abortion rate, because these hospitals also provide abortions with non-United States funds.

And local health care providers who urge their governments to assure safer conditions for legal abortions would be denied funds under this amendment.

Finally, the gentleman from New Jersey [Mr. SMITH] misstates the role in the involvement of the UNFPA in China. Nobody disagrees that the coercive Chinese population program is abhorrent, and that UNFPA categorically condemns the use of coercion in any form or manner in any population program, including China.

Mr. SMITH has said the UNFPA cannot say enough good things about the Chinese program, and that China could not ask for a better front than the UNFPA. But Mr. SMITH relies on a 1989 quote from UNFPA executive director, Dr. Nafis Sadik, that was taken out of context, at a time when the Chinese seemed to be making progress toward improving the program. No evidence has ever been presented of complicity by international agencies, including the UNFPA, in Chinese human rights abuses and, as confirmed by USAID during the Reagan administration, UNFPA does not fund abortions or support coercive practices in any country, including China.

Mr. SMITH's amendment ignores the benefits of the UNFPA's presence in China and over 140 other countries. One of the reasons the international community knows about the horrors of the Chinese program is because of the presence in China of international organizations such as the UNFPA. Moreover, many countries believe that by providing assistance to China, UNFPA is in a unique position to influence positively China's population policies and to promote human rights. UNFPA is in constant dialog with Chinese officials at every level on matters pertaining to human rights, and exposes Chinese officials to international standards through international training in foreign institutions.

Most importantly, denying funds to the UNFPA would have a drastic effect on the UNFPA's programs in the rest of the world. Out of its annual budget

of $275 million, only $4 to $5 million goes to China. Why deny United States funding to UNFPA to be used in 100 other countries around the world where hundreds of millions of couples want to limit the number of children they have just because we abhor Chinese coercive practices?

Mr. Chairman, family planning prevents abortions. As I stated earlier, the effect of the drastic funding reductions for family planning programs in this bill, together with the Smith amendment, will be an estimated 1.6 million unwanted pregnancies per year, resulting in 1.2 million unwanted births, more than 350,000 abortions, and 8,000 maternal deaths.

Mr. Chairman, this is no time to cripple the ability of the United States to provide help to family planning services around the world. Global population is now nearly 5.7 billion people. It is growing by 100 million a year, by 260,000 every 24 hours. Future prospects are even more staggering. If effective action is not taken in the next few years, the earth's population will double by the year 2040 and could quadruple to 20 billion people by the end of the next century.

In much of the developing world, high birth rates, caused largely by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development, leading to political instability and negating other U.S. development efforts.

For almost 30 years, population assistance has been a central component of U.S. development assistance.

While much more remains to be done, population assistance has had a significant positive impact on the health of women and their children and on society as a whole in most countries. In many parts of Asia, Latin America, and Africa, fertility rates have decreased, often dramatically. Couples are succeeding in having the smaller families they want because of the greater availability of contraceptives that our assistance has made possible.

Today, approximately 55 percent of couples worldwide use modern methods of contraception, compared with 10 percent in the 1960's. Despite this impressive increase in contraceptive use, the demand for family planning services is growing, in large measure because populations are growing. Indeed, over the next 20 years, the number of women and men who wish to use contraception will almost double.

Similarly, population assistance has contributed to the significant progress that has been made in reducing infant- and child-mortality rates. Child survival is integrity linked to women's reproductive health, and specifically to a mother's timing, spacing, and number of births. Despite substantial progress, a large proportion of children in the developing world—particularly in sub-Saharan Africa and some Asian countries—still die in infancy.

And, while many countries in the developing world have succeeded in reducing maternal mortality rates, the incidence of maternal death and disability remains unacceptably high, constituting a serious public health problem facing most developing countries. According to the World Health Organization, an estimated 500,000 women die every year as a result of pregnancy and childbirth.

U.S. population assistance is preventive medicine on an international scale. Congress has long recognized this to be the case and over the years has reaffirmed the importance of population assistance in securing U.S. interests abroad. By addressing the basic health and educational needs of women and their families, population assistance provides building blocks for strong democratic government and sets the stage for economic growth. Furthermore, it helps prevent social and political crises, thereby averting the need for costly relief efforts.

At the International Conference on Population and Development [ICPD], held in Cairo last year, the United States was instrumental in building a broad consensus behind a comprehensive program of action, which was signed by almost all of the 180 countries that participated in the conference, and which will help guide the population and development programs of the United Nations and national governments into the next century. Central to this plan is the recognition that with adequate funding this decade for family planning and reproductive health services, as well as educational, economic, and social opportunities necessary to enhance the status of women, we can stabilize world population in the first half of the next century.

Mr. Chairman, under this bill, H.R. 1868, unfortunately funding for our efforts to stabilize global population growth is cut by almost 50 percent.

This amendment would be additionally destructive of our national interest in continuing to play a central and leading role in addressing the most fundamental challenge facing this and future generations, the soaring rate of human population growth which underlies virtually every environmental, developmental, and national security problem facing the world today.

I urge Members to vote against the Smith amendment and for the Meyers amendment.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Smith amendment.

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

Mr. EMERSON. Mr. Chairman, I rise today to give my strong support to the Smith amendment to the bill which prohibits funding Mexico City policy and prohibits funding to the U.N. fund for population activities unless that organization discontinues all activities in China.

During the 1970's and early 1980's, foreign nongovernment organizations were the major source of funding for a number of groups which promoted abortion and the legalization of abortion in developing countries. Adopted in 1984, the Mexico City policy substantially changed the United States' position on funding such organizations by stipulating that the Agency for International Development will not fund any private organization which participates in performing or promoting abortion as a method of family planning.

A year later, in 1985, the House approved the Kemp-Kasten amendment which denies funds to organizations that support coercive population programs. Funding is denied the UNFPA due to its active participation in China's population control program—its one-child-per-family program.

Today, the Clinton administration is conducting an ideological crusade to expand access to abortion throughout the developing world. The Clinton administration's policy was announced by Under Secretary Tim Wirth in a speech to a U.N. population meeting in 1993. Mr. Wirth stated that the Clinton administration's position was to, ''support reproductive choice,'' including abortion access and to make such ''reproductive choice'' available to every woman by the year 2000.

During House consideration of the American Overseas Interest Act—a bill which attempts to support basic human rights across the globe—the House adopted the Smith amendment which reaffirmed the most basic human right, Life.

Mr. SMITH's amendment today will prohibit funding for the Mexico City policy and ensure that United States tax dollars do not support China's coercive population control policies. The Smith amendment will simply ensure that the United States will not pay for abortions or impose a pro-abortion doctrine in foreign countries.

I urge my colleagues to support the Smith amendment. The right to life is the most fundamental human right—both here and abroad.

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

Mr. Chairman, it is with the highest regard for the maker of this amendment, the gentleman from New Jersey [Mr. SMITH] and with the greatest respect for the role that he plays in this Congress and in this country for promoting human rights throughout the world that I reluctantly rise in opposition to his amendment and in support of the Meyers amendment. We all certainly share the goal of the gentleman from New Jersey [Mr. SMITH] of decreasing the number of abortions performed in this country and throughout the world. The fact is that the Meyers amendment would keep the current prohibition on U.S. funding for abortions. It would allow the United States to continue to fund organizations that effectively reduce the number of abortions by providing access for family planning. It would cut off U.S. funding for the UNFPA unless they pull out of China or China stops coercive abortions.

I think that the gentlewoman from Kansas [Mrs. MEYERS] has captured some of the concerns of this body and indeed of the gentleman from New Jersey [Mr. SMITH] in her amendment.

I would like to say, though, Mr. Chairman, that existing law already

prevents the use of U.S. funds for abortion activities abroad and has done so under the Foreign Assistance Act since 1973. This amendment, the Smith amendment, would restrict effective women's health and family planning organizations and interfere with efforts to provide safe and legal reproductive health care for women in developing countries. That is why I do not support the Smith amendment and prefer the Meyers amendment.

I understand that a great deal of concern in this debate has centered on China's coercive policies and that that is a reason why many people would support the Smith amendment. Let me say that all that I have heard the gentleman from New Jersey [Mr. SMITH] say about coercive abortions and coercive family planning procedures in China is absolutely well-documented. We stipulate to that, that the family planning practices there are repulsive to us and we do not want to be a partner to them, and indeed we are not and will not under the Meyers amendment.

Mr. Chairman, the amendment is unnecessary in that respect, because no United States funds can be used in the U.N. population fund's China program. Current appropriation law already denies foreign aid funding to any organization or program that supports or participates in the management of a program of coerced abortion or involuntary sterilization in any country under the so-called Kemp-Kasten amendment.

Further, current appropriation law also ensures that none of the United States contribution to UNFPA may be used in its China program. No U.S. funds may be commingled with any other UNFPA funds and numerous penalties exist in law for any violation of this requirement.

UNFPA is in no way linked to reported family planning abuses in China. Anyway, I have not seen any evidence presented of complicity by international agencies, including UNFPA, in China's human rights abuses, and I do follow that issue quite closely.

□ 1700

UNFPA does not condone or cover up coercion in China. At the International Conference on Population and Development last year, the world community strongly condemned the use of coercion in national population programs. UNFPA's current 5-year program in China is ending this year.

In light of the solid, international consensus that has developed in opposition to the use of any form of coercion, the governing council will review any future country program proposed for UNFPA assistance, including any involvement in China, for compliance with the principles adopted at the ICPD.

I think, Mr. Chairman, it would be the cruelest act of all of the Chinese Government, in addition to depriving their own people of access to appropriate family planning information, if they were able by their coercive practices to influence decisions that we make here about family planning support throughout the developing world.

According to the World Health Organization, 500,000 women die each year of pregnancy-related causes; 99 percent of them in the developing world. Up to one-third of these deaths can be attributed to septic or incomplete abortion.

Restrictions on family planning organizations proposed in this amendment represent a threat to the health and safety of the women's world. I would think if my colleagues hate and abhor abortion, as I do, they would love family planning. And that is what the Meyers amendment presents.

I would like to also add that Mr. SMITH, the maker of this amendment, is not only a champion for human rights, not only an important and internationally recognized advocate to stop the coercive kinds of programs that exist in China. The gentleman is a man who follows up on his commitment.

He is also a champion for child survival funding and programs throughout the world. I want to make that point of my regard for the gentleman in opposing his amendment and urging my colleagues to support the Meyers amendment.

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

Mr. Chairman, this debate is about more than just family planning in China or other countries. This debate is about the United States of America and a consistent policy that has been established from the beginning of this country and has been held forth until now.

But through a weakening of the commitment and the resolve to never, never allow for public funding for abortions, especially overseas, just through the rhetoric, and through a potential treaty, that consistent policy could be seriously, seriously diminished.

Even as late as 1994, the General Conference on Population and Development held in Cairo reiterated that in no case should abortion be promoted as a method of family planning.

Mr. Chairman, we take great pride in the fact we have established a new vision for America and we have begun to establish a new trust for this Congress by laying out promises that were made; promises that were kept. And I think in all cases we ought to be able to say to the American people, ''This is a promise that we have made and we will make it into the future; that there shall not be this kind of foreign policy that shall be initiated.''

Mr. Chairman, all kinds of fears are being raised in the debate. For instance, the gag rule has been brought up. Well, the prohibition on lobbying activities contained in the Smith amendment, like the virtually identical provision the House passed as an amendment to the authorization bill, is another application of the wall of separation principle between abortion and the U.S. tax dollars.

Specifically, it makes clear that U.S. funds should not subsidize nongovernmental organizations which violate other country's laws on abortion or which actively work to undermine the laws of a foreign country with respect to abortion.

Mr. Chairman, the pro-abortion forces have once again carted out the tired old slogan that any restriction on U.S. tax dollars for lobbyists is a gag rule. But there is no gag rule. This amendment does not affect counseling. It does not affect medical advice. It merely applies the wall of separation principle to abortion lobbyists.

It says to organizations on both sides of the abortion question that they have choices to make about what businesses they are going to be in, but if they want to provide family planning services, they can receive family planning money, and that happens to the tune of about $585 million last year.

But if they want to be a foreign lobbyist, they must get funding from somebody other than the U.S. taxpayers. The Smith amendment, which I strongly support, recognizes that money is fungible and that U.S. taxpayers do not want their money going to organizations actively engaged in nothing less than cultural imperialism for their own profit.

Mr. Chairman, I hope that my colleagues will agree with me that subverting the laws of another country concerning the legality or illegality of abortion is not one of the United States' foreign policy objectives.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words. I will not take the whole 5 minutes. It is getting late and I know the hour has gone on.

Mr. Chairman, I rise in very strong support of the Smith amendment. The gentleman from New Jersey [Mr. SMITH] and I had the opportunity to visit China together and the stories that we were told with regard to coercive abortion were unbelievable.

I would also urge Members, I have a film that I watched in my office yesterday. I have a copy in my office whereby in China they are getting young girl babies and putting them in what they call the dying rooms. They put them in these rooms and they just allow them to stay there for days, upon days, upon days.

The film ends with a young child called Mei Ming, which means ''No Name,'' and she is left in the room for about 10 days and they go in and they open up the blanket and she dies.

Mr. Chairman, we know what they are doing. We have had women tell us of tracking down to require abortions. UNFPA money does go to China. For that one purpose alone the Smith amendment is the right thing to do.

So, I strongly urge the defeat of the Meyers amendment and strong support of the Smith amendment.

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

Mr. WOLF. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, as a matter of principle, when I disagree with a colleague I make it a point not to always talk about what great affection I have for them and all of that. In this case I do want to make an exception to my rule and say that I respect the gentleman from Virginia [Mr. WOLF] very much. The gentleman has never, ever, in the times we have served together, ever misled me in any way.

But this is an important point. The gentleman is talking about China. Is the gentleman opposing the Meyers amendment?

Mr. WOLF. Yes, I am opposing the Meyers amendment.

Mr. WILSON. Does the gentleman understand that the Meyers amendment is not any different than the Smith amendment on China?

Mr. WOLF. I do. I am very, very strong pro-life. And also let me say that I strongly support family planning. I strongly support birth control. But I supported the Mexico policy and I think with regard to China it would be absolutely wrong, any time we would have an opportunity to shut down giving any aid to them in any way, it would be the appropriate thing.

Mr. WILSON. But the gentleman would agree that China is not an issue here?

Mr. WOLF. China is an issue. It is a major issue. They are tried together. There will be the vote on the Meyers amendment and then the vote on the Smith amendment.

Mr. WILSON. Either way, China is not in the picture.

Mr. WOLF. But Mexico City policy is. And I will bring the film around to the gentleman's office today

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, the Meyers amendment is about promoting abortion. It is not about family planning. Members have said over and over again on the other side, and I do not know how they can say this with a straight face, that we want to kill family planning with this amendment.

That same argument was made in the mid-1980's, and during the 1980's and into the 1990's population control funding doubled. Just look at the numbers that are provided by AID. I will make them a part of the record. It doubled under the Mexico City policy.

As a matter of fact, in 1980, for example, over 350 family planning organizations signed the Mexico City clauses, including 57 international Planned Parenthood Federation affiliates.

The problem that this gentleman has, and that I think the American people have, is that groups like IPPF based in London have in their vision statements—even though most of the countries in the world protect their unborn children—they have as their objectives 1, 2, and 4, to increase the right of access to abortion, and to remove barriers, political, legal, and administrative.

So, Mr. Chairman, the point is by providing money to these organizations, we are effectively empowering this lobby organization with U.S. funds to go out there and bring down these very important protective statutes that provide basic protections for unborn children.

Mr. Chairman, let me also ask the gentlewoman from Kansas [Mrs. MEYERS], my good friend, if she might respond to this. That working paper that I talked about earlier by IPPF has this point: The right of everyone to have full access to fertility regulation services applies equally to young people, including those in the adolescent group, age 10 to 19.

As we all know, the World Health Organization defines fertility regulation in four ways, one of which includes abortion. This was a big issue in Cairo. When people realized that is what it meant, they wanted that word taken out. But here we have, under the rubric of the rights of young people, IPPF promoting abortion on demand as a matter of birth control for 10-year-olds. How would the gentlewoman from Kansas [Mrs. MEYERS] respond to that in terms of IPPF?

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, I have no idea what the gentleman from New Jersey [Mr. SMITH] is reading from.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. WOLF] has expired.

(On request of Mr. SMITH of New Jersey, and by unanimous consent, Mr. WOLF was allowed to proceed for 1 additional minute.)

Mr. WOLF. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, I do know that the other working paper that the gentleman from New Jersey [Mr. SMITH] was reading from was something that was drafted 15 years ago, was considered and specifically rejected by the Planned Parenthood board. I don't know what the gentleman is reading from now; if it is the same kind of thing.

Mr. Chairman, I must mention also that money for family planning decreased during the Mexico City policy; reference 1986 through 1992, and I would just mention several people have said that it doubled and it went up. It went down.

Mr. SMITH of New Jersey. These are AID's own figures. In 1984, $264 million; in 1986, it was $295 million; by 1992, it had jumped to $325; by 1993, it was up to $447 million. On a graph this would show a steady growth. And, again, this was under the Mexico City policy.

So again it is a red herring that my good friends are floating here today that we want to kill family planning. We want to separate abortion from family planning.

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

Mr. Chairman, I rise in strong support of the Meyers amendment. With all this gray hair, I am probably one of the few people who attended the Mexico City conference in this body. I was there when the Mexico City policy was adopted and I am listening to this debate wondering what in the world is going on.

It is a little ironic. Let me just remind people of what really happened. First of all, one of the strongest international supporters of family planning was Richard Nixon. You know, if Richard Nixon could come back here today, he would be considered, I guess, way to the left on that side of the aisle. It is positively amazing.

Richard Nixon understood how critical family planning was internationally, because no one can be an environmentalist if we are going to keep doubling the world population every 20 years. At some point the world collapses.

So having international family planning was very critical. Therefore, it was indeed a great shock to many of us when the Reagan administration, at the U.N. family planning meeting in Mexico City, rolled back the Nixon doctrine and put in the Mexico City doctrine.

Mr. Chairman, here we are going to say to the most vulnerable women in the world, the women in Bangladesh and other such places, we are shutting off access to real family planning. When we listen to all these words, there are a lot of words flying around here. But what I consider family planning and what most reasonably prudent people consider family planning, some people call abortifacient.

I consider the pill family planning. I consider IUD's family planning. I consider all sorts of other such things that are out there in the mainstream and the mainstream considers family planning.''

But what really happened is in Mexico City, people said we will just do natural family planning, which is really the rhythm system. And in my State in Colorado, we call people who use that ''parents.''

□ 1715

And that is not really family planning, and what we had was a period of time when we were spending taxpayer money on something that was called family planning, but when you go around and find out what it really was, taxpayers got really mad, and they just said, ''Don't spend money on that stuff, or spend it on the real stuff. If you are going to do family planning, do real family planning.''

Because we had an awful lot of people around the world very angry that they

could not get access to the real information, and as one of the senior women on this floor, I must tell you that I meet all sorts of visiting delegations from parliamentarians from Third World countries, and woman after woman in those things would come to me and say, ''American women have let us down by not standing firmly for our right to the same kind of family information, family planning information you get.''

So the gentlewoman from Kansas is trying very hard to basically reinstate the Nixon doctrine. That is really all this is about.

The gentlewoman from Kansas is trying to go back to what the Nixon doctrine was. I never thought I would be standing on the floor and saying let us go back to the Nixon doctrine; that would be a breath of fresh air. That is basically what I am saying. We ought to support her amendment because it is a sane amendment, an amendment that all of us sharing this globe together realize how important it is and let us be very clear about the words being thrown around here.

If you go to a family planning clinic funded with U.S. dollars or funded by international agency dollars, you assume you are going to get real information, the same information people get at those clinics in western developed countries, and to remove that and to go back to where we were after Mexico City would be a great embarrassment.

I must tell you, even when I was in Mexico City, the Ambassador who was there at the time was so embarrassed by what our country did, as were many other people, so I think it is time we closed that chapter and that we stay with the Nixon policy and that we realize that all the dreams we have for this next century are not going to work, and that we allow women internationally, and we will be doing this if we pass the gentlewoman's amendment, to choose. They get to choose between whether they get to be productive and reproductive rather than have it be mandated that they only get to be reproductive over and over and over and over again, that that is our real only other role for them, and that is where it goes.

But we phony it up under the name of family planning. Natural family planning and the rhythm system is not family planning.

Vote for the gentlewoman from Kansas. She is telling it like it is.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

As one of the junior fathers on the floor of the House right now, I am still trying to recover from the gentlewoman from Colorado wrapping herself with Richard Nixon. I was not quite prepared for that in the debate here.

We cannot lose track that the fact is that this is an amendment by the gentleman from New Jersey [Mr. SMITH] and an amendment to modify his amendment that really relates to the abortion issue. It has been confused as we have gone through this. The principle is the same.

Very few people, whether pro-life or pro-choice, want their tax dollars to be used to fund a procedure that is so objectionable and controversial.

If anything, the American public has even less tolerance for U.S. taxpayer-funded abortions carried out in other countries. After all, Americans, particularly those in Indiana, do not care much for foreign aid spending, to begin with. When this foreign aid is used to pay for abortion, support falls through the floor.

A commonsense position of not paying for abortions overseas was official U.S. policy throughout most of the last decade and a half, but it came to a screeching halt the third day of the Clinton presidency when he nullified the Mexico City policy with a stroke of pen.

There has been debate on the floor whether or not, in fact, we do abortions. Listen to some folks we heard earlier, Tim Wirth, Undersecretary for Global Affairs, May 11, 1993, said, ''Our position is to support reproductive choice, including access to safe abortion.'' On March 16, 1994, the State Department action cable was sent to overseas diplomatic and consular posts. It called for ''senior-level diplomatic interventions,'' in support of U.S. population control priorities. ''The priority issues for the U.S. include assuring access to safe abortions. The United States believes access to safe, legal and voluntary abortion is a fundamental right of all women.''

Since rescinding the Mexico City policy, the Clinton administration has committed $75 million to International Planned Parenthood Federation [IPPF], which performs and actively promotes abortion as a method of family planning around the world.

During the time the Mexico City policy was in effect, International Planned Parenthood Federation was one of only two organizations that refused to sign an agreement stating they would not perform or actively support abortion as a method of family planning. The other organization was Planned Parenthood Federation of America, by far the largest abortion provider in the United States. Of course, there is the U.N. Population Fund, which, as a matter of course, supports and collaborates with countries that use abortions as birth control.

Opponents of the Smith amendment would have you think the Mexico City policy hurts family planning efforts worldwide. This is not true. In 1990, over 350 foreign family planning organizations signed the agreement, unlike Planned Parenthood. So what we are talking about here is whether or not to fund three organizations that countenance abortions, out of the hundreds of others that carry out successful planning, family planning, without supporting abortion.

Now, there is a question whether Planned Parenthood directly uses their funds for abortion. For those of you who do not understand basic accounting and the ability to move money around, all you need to do is look at the U.S. Government. For those who think one division of Planned Parenthood cannot fund abortion and another division can fund abortion, I want to show you the Social Security trust fund. We do that all the time here in Congress where we claim it is set aside and is not. Money that goes to a company merely can be shifted between divisions. It is a cost accounting question.

I believe it is somewhat a little bit of a sleight of hand to claim Planned Parenthood does not fund abortions in those countries, because they are merely playing games with their funds.

Now, as to the China question, I want to point out that the amendment offered by my friend from Kansas only addresses UNFPA funds, not the International Planned Parenthood funds which are addressed in the first and third clauses. While the first and third clauses alone in the Smith amendment would not solely address the China policy, for example, it would require ceasing abortion funding in all countries, not just China, it nevertheless guarantees that the money will not go to China, whereas the International Planned Parenthood funding for China is not affected by the Meyers amendment.

At best, the Meyers amendment, substitute, assumes a very rosy scenario. International Planned Parenthood would not fund the reprehensible policies in China or China will change their policies. In other words, it is not inappropriate for us to raise the China policy, because it does matter, because the Meyers amendment, while it takes clause 2 from the Smith amendment, it does not cover International Planned Parenthood in clauses 1 and 3.

I would like to make a point or two on China even though that is not the primary reason I oppose the Meyers amendment and support the Smith amendment, and what I would like to make sure gets in the record is not only have we heard about the forced abortions and a lot of what traditionally we conservatives have criticized about China, but the new development of what has concerned us, the unborn babies that are being sold for human consumption. According to United Press International, a Hong Kong magazine, and this is quoting UPI, recently revealed the latest health fad in the southern boom town of Shenzhen to be the consumption of human fetuses, which are believed to improve complexions and general health. Unlike the serving of endangered reptiles, a human embryo as food trade is not illegal or underground in China.

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

Mr. Chairman, I do not think there is anything that can be said that has not already been said, but I will say one more time that we are not talking about China.

I rise in support of the Meyers amendment. We are not talking about China. It is simply not an issue.

The Smith amendment, without the Meyers amendment, would freeze in place a situation in developing countries where somewhere in the range of 100,000 to 200,000 women die due to abortions performed under unsafe conditions. We all know, the Smith amendment strikes at the very heart of international family planning programs.

It is far worse than previous or existing policies. It is an intrusion on the free speech and legal action of organizations, both those in the United States and those operating within the laws and policies of their own countries.

Implementation of the amendment would actually, in many cases, be an impediment to the prevention of abortion. Apart from its efforts to preclude funding for a number of affected providers of family planning services, the amendment would make it impossible to assist or work with organizations providing or improving contraceptive service for women who have had abortions in order to prevent future or repeat abortions.

I would voice strong support for the Meyers amendment and opposition to the Smith amendment.

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

Mr. Chairman, I will not take my whole 5 minutes. I just want to come down to the well to support the Smith amendment and oppose the Meyers amendment.

As I watched this debate, I saw that there is a lot of misinformation about this amendment. Let us not be deceived.

The Smith language does nothing to reduce U.S. funding of international family planning programs. It merely prevents taxpayer money from going to fund promotion or funding of abortion, a principle that the majority of the American people support. The American people have risen time and time again against Federal funding for abortion.

Let us not be deceived about what this amendment does.

Now, I heard earlier said on this floor that we have too many people in this world. How elitist can you be to make a statement like that?

We have too many people in this world? Ladies and gentlemen of the House, if you took every person in the world, you could put them in the State of Connecticut, and they would still have 5 square feet to stand on. It is not that we have too many people in this world. It is that we have governments that oppress people and destroy the free market system, that does not allow the system to feed the people. That is what is the problem in the world, not that we have too many people.

If you all remember the book ''The Population Bomb,'' by Paul Erlich, that has been disputed, ridiculed and thrown out years ago. Yet some people, as I saw today, still quote from that ridiculous book. ''the Population Bomb.'' This is not the problem.

As the gentleman from Indiana has said, what the fight is here is to allow Planned Parenthood to use these funds to perform abortions, whether they are through fungible funds or not. We know what the Planned Parenthood is and what it is all about. They do it here in the United States as well as overseas. That is what this is all about.

I just ask that you vote ''no'' on the Meyers amendment and keep the Government and the American taxpayer out of the business of abortion and restore the Reagan-Bush policy.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I just want to remind Members, too, the International Planned Parenthood Federation out of London, not only supports abortion globally, but considers it their goal to lobby to bring down pro-life statutes throughout the world.

But this is from the Chinese news agency:

> Dr. Halfdan Mahler, a top official of the International Planned Parenthood Federation, today praised China as a model for all countries, particularly developing countries in family planning. ''China has set a good example for developing countries to follow in controlling the population growth,'' he said.

The date of that quote is August 27, 1994.

These are the kind of organizations that, if they decide to put up that wall of separation, yes, we will provide money to them, as we have in the past. Again, that money has gone up during the Reagan-Bush years under the Mexico City policy.

But that kind of statement about the Chinese policy is contemptible, where women are being exploited, where forced abortion is the rule, not the exception, and where now we see such egregious practices as infanticide, where children are killed right at birth, primarily because they are girls, and where just recently, as Members know, a nationwide policy went into effect that is absolutely reminiscent of the Nazis: a eugenics policy where if even the one child is found to be defective in some way, that woman is forcibly aborted because they want to have a master race. That is absolutely sick.

I ask for a ''no'' vote on the Meyers amendment and a ''yes'' vote on the underlying Smith amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. I would just like to make it clear that no American funds are provided for abortion. What my amendment says is that NGOs who see very sick women or women who have serious problems of some sort with the fetus would be able to provide abortions with private money; no American money is provided for abortions.

Mr. DELAY. Reclaiming my time, I understand the distinguished chairman of the Committee on Small Business and her approach, and I am sure she is sincere in it. We all know how these organizations shift funds around.

We feel very strongly that they are taking our taxpayers' money, or they are either taking it or they could very well take taxpayers' money, and put it in one account while they are using their private funds to perform abortions.

I do not want my taxpayer money, and most Americans understand, to be used in any way.

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

Mr. Chairman, I rise in strong support of the Meyers amendment and in strong support of our country's commitment to give men and women the option of family planning as well as the right to free speech.

□ 1730

I think this issue clearly has no place in this debate. Right now the law of the land is that Federal taxpayer dollars cannot be used for abortion. I support that. I voted for the Hyde amendment in the last Congress. But this issue goes far beyond this. This would tell organizations around the world that, if a woman comes to them seeking an abortion, and if that woman seeks to pay for it with her own money, or if a private entity seeks to pay for it, the United States will not allow any funding of that organization to go on.

Mr. Chairman, for me this is a very cynical and mean-spirited attempt to undermine family planning around the world. Without the United States' assistance——

Mr. SMITH of New Jersey. Will the gentleman yield?

Mr. TORKILDSEN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. It is absolutely not mean-spirited in its attempt. This is to build that wall between abortion and family planning because I happen to believe, and I believe the majority of Americans believe, that the killing of an unborn child is a very, very serious act. We do not want to provide money to those groups that do it.

Mr. TORKILDSEN. Reclaiming my time, there is a separation now for U.S. funds which cannot be used for abortion either here at home or abroad. I think everyone has to agree to that.

Now some people may say organizations will use money for family planning and for educational purposes. That is the way the law is now. I think

that is the way the law should be in the future. Without the United States assistance, many of these facilities could not exist, and I think that underscores perhaps what is an unspoken attempt by some supporters of this amendment.

I think women deserve the right to make the choice about their own personal bodies. It should not be left up to the taxpayers. I would hope the U.S. Government could get out of this very personal decision. I would hope that all Members would vote for the Meyers amendment.

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New Jersey [Mr. SMITH] and in opposition to the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS]. I will not take my full 5 minutes, but I simply want to state three reasons why I am supporting the Smith amendment and why I am opposing the amendment.

I think what the gentleman from New Jersey [Mr. SMITH] has done makes eminent sense. It restores a policy that worked, the Mexico City policy. That is all it is doing. It is going back to a policy from 1984 to 1993 that worked. We saw family planning funds increase during that time. It was a policy that was very much mainstream. Hundreds of organizations signed onto that. The 150 family planning organizations signed the Mexico City clauses, and so it is quite mainstream, it is quite common sense, to return to that policy.

It was on June 22 in 1993 that President Clinton gave the green light to renewed funding for international organizations that perform and promote abortions. It is time that we return to that policy in the 1980's/early 1990's that was so successful.

The second reason I am supporting the Smith amendment and opposing the Meyers amendment is that I believe what the gentleman from New Jersey [Mr. SMITH] is attempting to do in this legislation, and this attempt is supported by the American people. While the American people are strongly, and very forcefully and emotionally divided on the abortion issue, they are overwhelmingly opposed to public financing, and what we have, and we have tried to kind of smoke the issue, cloud the issue; it is simply a matter of shifting funding, and so to talk about private funds being used and no taxpayers dollars being used is really quite disingenuous, I think. If I take taxpayer dollars with my left hand, and I perform abortions with my right hand, it does not really fool anybody. It is a shell game being played by these organizations, and the American people do not want their taxpayer dollars being used to promote, and to perform and to support abortion policies around the world.

I think finally I would just say that it defends, it defunds, only the most radical pro-abortion organizations. Under the Mexico City policy, 350 family planning organizations signed it while only the most radical, pro-abortion organizations refused to sign that policy.

It makes eminent good sense for us to return to a policy that worked. Therefore, I urge my colleagues to support the Smith amendment and oppose the Meyers amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Just in the interest of accuracy, Mr. Chairman, I would like to say that the Mexico City policy was in 1984 and in 1985, the amount of money was $290 million. It dropped immediately to $239, to $234, to $197, to $197, and then went back up to $216, but still not up to——

Mr. HUTCHINSON. Reclaiming my time, I do not know where the gentlewoman is getting these figures. I heard the gentleman from New Jersey [Mr. SMITH] just a moment ago cite very exact figures on where that funding has increased during those years in which the Mexico City policy——

Mrs. MEYERS of Kansas. These are the population line items from our appropriations bills.

Mr. HUTCHINSON. Once again I would say that the gentleman from New Jersey [Mr. SMITH] just a few moments ago cited specific funds on how those funds increased under the Mexico City policy and that in fact there was not any decrease in family planning programs.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. To get an accurate picture of how population funds are used one has to know they come from a variety of spigots, including the African fund, including some ESF funds, including the actual population account, and only a reading which says, ''You're looking at all these accounts, what is the aggregate'' can tell you whether or not that funding is going up or down. Since 1984 that figure has gone up dramatically, and I cite those figures for the record. They were produced by the Agency for International Development.

Mr. HUTCHINSON. So, in the interests, Mr. SMITH, of accuracy, funding for family planning actually increased during the——

Mr. SMITH of New Jersey. The United States remained. like it or not, during the 1980's and into the 1990's, the No. 1 provider internationally for population assistance, and I remember so well in 1984, if the gentleman would continue yielding, when Members stood up on the floor and said that there is no way that any family planning organization would accept the Mexico City clauses. How wrong they were. One after another said they wanted to do family planning, and they got out of the abortion business, and that wall of separation was intact. That is what this is all about.

Mr. HUTCHINSON. Reclaiming my time, I think everybody is ready to vote, and I just wanted to thank the gentleman from New Jersey [Mr. SMITH] as many on both sides have expressed their admiration for him. I want to express my appreciation for his leadership on this issue, and I think we are going to take a very good step in the passage of the Smith amendment today in defunding these organizations that are doing so much wrong in the promotion of abortion policies around the world.

I urge support for the Smith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS] to the amendment offered by the gentleman from New Jersey [Mr. SMITH].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Smith amendment. This is a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 229, not voting 4, as follows:

[Roll No 432]

AYES—201

Abercrombie	Dooley	Hoyer
Ackerman	Dunn	Jackson-Lee
Andrews	Durbin	Jacobs
Baesler	Edwards	Jefferson
Baldacci	Ehrlich	Johnson (CT)
Barrett (WI)	Engel	Johnson (SD)
Bass	Eshoo	Johnson, E. B.
Becerra	Evans	Johnston
Beilenson	Farr	Kaptur
Bentsen	Fattah	Kelly
Berman	Fawell	Kennedy (MA)
Bilbray	Fazio	Kennedy (RI)
Bishop	Fields (LA)	Kennelly
Boehlert	Filner	Kleczka
Bono	Flake	Klug
Boucher	Foglietta	Kolbe
Brown (CA)	Foley	Lantos
Brown (FL)	Ford	Lazio
Brown (OH)	Fowler	Leach
Bryant (TX)	Frank (MA)	Levin
Cardin	Franks (CT)	Lewis (GA)
Castle	Franks (NJ)	Lincoln
Chapman	Frelinghuysen	Lofgren
Clay	Frost	Longley
Clayton	Furse	Lowey
Clement	Gejdenson	Luther
Clyburn	Gephardt	Maloney
Coleman	Gibbons	Markey
Collins (IL)	Gilchrest	Martinez
Collins (MI)	Gilman	Martini
Condit	Gonzalez	Matsui
Conyers	Gordon	McCarthy
Coyne	Green	McDermott
Cramer	Greenwood	McHale
Danner	Gutierrez	McKinney
Davis	Hamilton	Meehan
DeFazio	Harman	Meek
DeLauro	Hastings (FL)	Menendez
Dellums	Hefner	Meyers
Deutsch	Hilliard	Mfume
Dicks	Hinchey	Miller (CA)
Dingell	Hobson	Mineta
Dixon	Horn	Minge
Doggett	Houghton	Mink

Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—229

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

Moakley
Reynolds
Stokes
Tauzin

□ 1800

Mr. ZELIFF changed his vote for ''aye'' to ''no.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

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

RECORDED VOTE

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 187, not voting 4, as follows:

[Roll No. 433]

AYES—243

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Markey
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Studds
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—4

Moakley
Reynolds
Stokes
Tauzin

□ 1808

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Stokes against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MENENDEZ

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

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ: Page 78, after line 6, add the following:

WITHHOLDING OF ASSISTANCE TO COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA

SEC. 564. The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided on or after the date of the enactment of this Act by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have another 50 pending amendments. At the rate we are going, we will finish this bill about August 25, unless we do something about curtailing the debate. We do not want to deny anybody the opportunity to speak on any of the issues that are so important to them, but we are going to have to start putting some time limit on some of these amendments or else we will never get through with this bill.

I would like to know if the gentleman would agree to a time limitation, a reasonable time limitation on this amendment with the gentleman controlling his side of the argument.

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

Mr. CALLAHAN. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, I appreciate the gentleman's predicament. However, this is an issue that I and others have been working on for 2½ years. To be very honest with you, I do not want to curtail anybody's ability to speak. I cannot gauge that. I do not anticipate that it will be as long as some of the other debates that we have had, but I do believe that it will take a decent hour or so. But I do not want to limit it to that.

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

Mr. MENENDEZ. Mr. Chairman, there is a certain urgency to this amendment. Russia and Cuba have announced a joint stock company to finish construction of a dangerous nuclear plant located in the southern coast of Cuba. I am offering this amendment with several of my colleagues, the gentlewoman from Florida [Mr. ROS-LEHTINEN], the gentleman from Florida [Mr. DIAZ-BALART], the gentleman from Florida [Mr. DEUTSCH], and others, to reduce dollar for dollar U.S. aid to any country which financially helps the Castro dictatorship prospectively build a nuclear plant.

The Castro dictatorship has decided that a dangerous and mothballed Soviet-era nuclear plant in Juragua near Cienfuegos, Cuba should be completed and operated. We believe that it should not. Let me explain why not in some detail.

In a letter to me, dated April 12, 1993, President Clinton stated:

> The United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the nuclear nonproliferation treaty or ratify the treaty of Guadalupe.

In fact, Cuba has yet to ratify either treaty, the letter of which establishes Latin America and the Caribbean as a nuclear weapons free zone. The State Department, the Nuclear Regulatory Commission, the Department of Energy have also expressed concerns about the construction and operation of Cuba's proposed nuclear reactors.

Recently, Dr. Edward Purvis, who headed the Department of Energy's investigation about Cuba's reactor stated, ''an accident in this reactor is probable. It is just a question of when. I do not know if they are the most dangerous reactors in the world, but they are the most dangerous reactors anywhere close to the United States.''

In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the Cienfuegos nuclear plant. They included lack in Cuba both of a nuclear regulatory scheme and inadequate infrastructure to ensure the plant's safe operation and maintenance.

□ 1815

Reports by a former technician from Cuba, who by examining with X-rays weld sites believed to be part of the auxiliary plumbing system for the plant, which is what would have operated to stop Chernobyl from where it was going, found that 10 to 15 percent of those were defective, and this technician was quoted as saying ''The operation of this reactor will be criminal.'' The construction was being performed in a completely negligent manner.

Since September 5 of 1992 the construction was halted. There has been prolonged exposure to the elements of the primary reactor components, including corrosive salt water vapor. The possible inadequacy of the upper portion of the reactor's dome retention capability, the one that is supposed to withstand, in case of a nuclear accident, to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch, and that the United States reactors that we are designing accommodate 50 pounds per square inch, 50 pounds versus 7 pounds per square inch, and according to the U.S. Geological Survey, the Caribbean plate, a geological formation near the south coast of Cuba, poses seismic risks to Cuba and the reactor site, and may produce large to moderate earthquakes. In fact, on May 25 of 1992 the Caribbean plate produced an earthquake measuring 7 on the Richter scale.

Mr. Chairman, I want Members who may be listening in their offices to listen carefully. It is a result of this map by the National Oceanic and Atmospheric Administration, and if Members are from Texas, Louisiana, Arkansas, Mississippi, Alabama, Florida, Georgia, Tennessee, South Carolina, North Carolina, Maryland, Virginia, and the Nation's capital, please be warned, we are talking about 80 million Americans here, Mr. Chairman, almost 1 in 3 Americans who, according to a study by the National Oceanic and Atmospheric Administration, said that summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, DC, and more States would be affected in time.

Mr. Chairman, finally, Fidel Castro has over the years issued threats against the United States government. In 1962 he advocated the Soviets' launching of nuclear missiles to the United States, and brought the world to the brink of a nuclear conflict. We are talking about perhaps the most anti-American dictator in the world. Can we trust him with nuclear power? Can we trust him with an unsafe nuclear plant? Do we need another Chernobyl type incident 90 miles away from the United States?

I strongly suggest that we do not, as do 130 of our colleagues on both sides of the aisle, who signed the letter to the President saying ''Do everything possible to stop the nuclear plant that is being proposed in Cuba.'' We should not permit any dollars to be used directly or indirectly to help those who would put our country at risk and our fellow citizens at risk at the same time.

Mr. Chairman, I urge the Members, in the interests of the national security of the United States, and on behalf of those 80 million people in those States that I have suggested, that this amendment needs to be passed and it needs to be passed now.

Mr. CALLAHAN. Mr. Chairman, I rise reluctantly to oppose the gentleman's amendment, but certainly not his intent. I our conference on our side of the aisle this morning, and on this floor this entire week, all we have been hearing is that the Committee on Appropriations is violating the House procedures because we are authorizing in an appropriation bill. We have strived long and hard not to violate that rule.

Now the gentleman from New Jersey [Mr. MENENDEZ] has an amendment that is an authorization within an appropriation bill. All these people that have been coming to the floor, like the two gentlemen from Indiana, who have raised so much ruckus over the fact that we are violating some of the procedures, will come here and recognize that what we are doing in opposition to this bill is in no way against the mission that the gentleman from New Jersey wants to carry out.

Mr. Chairman, I live in one of those States, in the beautiful and great State of Alabama, on the beautiful Gulf of Mexico, as a matter of fact, so I am pretty close to Cuba. I am not going to do anything or permit anything that would injure our environment or the environment of Florida or any other place in the world.

I am just saying that the gentleman's message is good, his intent is good. I think he ought to rush over to the Senate, where the authorization bill is, he ought to tell the Members of the Senate how crucial this is, he ought to insist that the Members of the Senate put this in the authorization bill. It does not belong in this bill.

Mr. Chairman, I would hope the gentleman would accept a perfecting amendment, which I understand is going to be offered by the gentleman from Texas [Mr. WILSON]. If indeed the gentleman does, then we can support it. Mr. Chairman, we should send the message we want to send.

I am not one for giving Russia money anyway, much less giving them money that might ultimately be channeled to Cuba, or even if they are not channeling that money, if they are going to help Cuba, we ought to cut off all aid to Russia, the gentleman is absolutely right. He is just on the wrong bus. He ought to get on the bus that is going down that road to stop Russia from doing this, and to deny the administration the authority to permit Russia to do that. I would support that with the gentleman 100 percent.

However, I cannot support it and go back tomorrow and listen to all of these people on the authorizing committee saying ''You violated the committee once again. You violated the rules of the House. You are having authorizing language in an appropriation bill.'' So we support what the gentleman is trying to do. I commend the gentleman. I share his concerns. However, he is in the wrong bill at the wrong time.

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

Mr. CALLAHAN. I yield to the gentleman from New Jersey.

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

In anticipation of this, having heard these objections made during the rules debate, I asked the IRS to look at the whole question of what the gentleman suggests is happening in this bill. In fact, they have shown me that for over a long period of time, and I have a whole host of citations, including changes in the application of existing law in this bill that we are considering right now, where there are approximately between 30 and 70 different changes in existing law that would be considered the same exact effect as what I am proposing.

Therefore, that is why I think the Committee on Rules, seeing that in fact there are so many changes in the application of existing law that would be considered legislating in an appropriation bill instead of in an authorizing bill, that in fact they saw it in their wisdom to permit the amendment to go forth, to make it in order, to waive points of order against it, as well as understanding the urgency of the timing.

Mr. Chairman, I think that when we see so many other things being considered in the bill, and the other amendments for which we just voted on that equally have the same impact, I would hope that the application would be made across the board. I do not believe necessarily that it is being made across the board.

Mr. CALLAHAN. Mr. Chairman, I would say that I support 100 percent the gentleman's mission; we just feel this is not quite the right vehicle in which to carry forth the gentleman's mission.

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

Mr. CALLAHAN. I yield to the gentleman from New Jersey.

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

Mr. Chairman, I want to say how, as a member of the committee, I appreciate the gentleman's concern with the process of legislating in an appropriation bill. It is indeed a long-standing problem and a regular complaint of those of us on the committee. It is, of course, the world's most violated rule. Nevertheless, Mr. Chairman, it does not mean it should always happen.

Mr. Chairman, I want to assure the chairman that both the gentleman from New Jersey [Mr. MENENDEZ] and the gentlewoman from Florida [Ms. ROS-LEHTINEN], as members of the committee, are for this amendment, in spite of that fact, and our appreciation for your concern about jurisdiction.

We do so in part, as the gentleman from New Jersey suggested, because there is a problem of timing. The Cuban and Russian Governments have announced this construction only 2 weeks ago. We would like the administration to act before construction actually begins and the Russians become committed.

Mr. Chairman, it is our feeling that this vote on this day can send that message. Therefore, I think it may be a worthwhile exception to what is a good rule and the gentleman's own commitment to uphold it.

AMENDMENT OFFERED BY MR. WILSON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MENENDEZ

Mr. WILSON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WILSON as a substitute for the amendment offered by Mr. MENENDEZ: In lieu of the matter proposed to be inserted, insert:

SEC. 564. The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided to the government of a country under this Act that, on or after the date of enactment of this Act, is used by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

POINT OF ORDER

Mr. MENENDEZ. I reserve the right of a point of order, Mr. Chairman.

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

Mr. MENENDEZ. Mr. Chairman, reserving the right of a point of order, I would ask the parliamentarian if the substitute as proposed is within the purview permissible to be applied within the purview of the rules by the Committee on Rules.

The CHAIRMAN. Is the gentleman making the point of order?

Mr. MENENDEZ. That is the point of order that I am making, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Texas, Mr. WILSON, wish to be heard on the point of order?

Mr. WILSON. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Chairman, the amendment narrows, it does not expand, the pending amendment. It requires the funds withheld relate only to U.S. assistance. The amendment, therefore, is within the House rules.

Mr. MENENDEZ. Continuing on my point of order, Mr. Chairman, my point of order to the parliamentarian is that the amendment as is proposed and promulgated by the Committee on Rules, Mr. Chairman, is to say that any monies used by a country in investing in the nuclear power plan in Cuba would trigger a reaction of a reduction dollar for dollar of U.S. funds to that country.

My point of order is, is this within the ambit of the rule. Is it permissible under the rule?

Mr. DIAZ-BALART. Mr. Chairman, I would like to be heard on the point of order, if I may.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, the substitute amendment varies substantially and significantly the amendment that was ruled in order by the Committee on Rules.

The Committee on Rules made in order the amendment offered by the gentleman from New Jersey, Mr. MENDENDEZ, which, as he has stated, calls for a dollar for dollar reduction in aid if Russia gives credits or assistance for the completion of a power plant.

What the substitute says is totally different. It says that the actual dollar, the actual dollar that we give to Russia, this dollar, if we give it to Russia, Mr. Chairman, we have to trace it and find that it goes to Cuba in order for us to ask for it to bet back to us. That is a totally different amendment, Mr. Chairman. This is not the amendment

that was made in order by the Committee on Rules, and I would submit to the Chair that it would violate the rules.

They did not go to the Committee on Rules with this amendment. It is a totally different amendment. The one we made in order in the Committee on Rules is the Menendez amendment, which is totally different. This one is out of order, therefore.

The CHAIRMAN (Mr. HANSEN). The Chair is prepared to rule.

Under the precedents, legislation permitted to remain by a waiver of points of order may be perfected by an amendment which does not add further legislation. This amendment is a narrowing of the amendment offered by the gentleman from New Jersey [Mr. MENENDEZ], to restructure the prohibition of funding only to assistance provided to the government of a country which uses that assistance to support the Cuban facility, rather than use any sum to assist Cuba, and is merely perfecting the Menendez amendment, and it does not add additional legislation to that permitted to remain. The Chair overrules the point of order.

The gentleman from Texas [Mr. WILSON] still has time remaining.

Mr. WILSON. Mr. Chairman, it is very difficult for me to be in opposition to the four most active proponents of this amendment, because I have been on their side in these matters ever since all of them got here. I take a back seat to nobody in my opposition to Castro, in my opposition to everything that he has done since he has been in power.

However, Mr. Chairman, if we do not adopt the substitute, and the amendment passes as presented, and it becomes part of the final bill. Members have to think these things through a little bit. What we are really doing if we tell Russia that we are going to withhold our foreign assistance to them, which we grant to them because we think it is in our own interest, we are forcing them to go forward with this reactor. It is just forcing them to do it. It is forcing them to do it, because of their dignity and their self-respect.

Nobody in this Chamber, nobody that I know of in the United States, wants a nuclear reactor built in Cuba. We have to think about the best way we can stop it. And we certainly have to consider that we do not want to do anything that will cause it to go forward.

□ 1830

The action that we can take that would be most likely to cause this to go forward is the passage of this amendment, that my good friend from New Jersey has introduced.

The political situation in Russia is very fragile. It is very difficult. The Democrats are not in an extremely strong position. For the United States to try to dictate to Russia this sort of policy is not the way to accomplish the policy. The way to accomplish the policy is through diplomacy and through persuasion.

I submit to the House that my substitute should be adopted. I submit that it is the most likely way to stop the construction of a nuclear reactor that nobody wants to see built. I do not want to push the Government of Russia against the wall, or take away their dignity and make them think they have to do this. This amendment would only encourage the nationalistic trends in Russia and would not add to East-West stability.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the Wilson amendment and in strong support of the Menendez amendment.

The Menendez amendment would cut aid to Russia by the same amount of money that it provides to the Castro regime for the construction and operation of the unsafe and dangerous Juragua nuclear plant in Cienfuegos, Cuba. This amendment is an important step to serve notice to Russia that the United States Congress will not tolerate its helping the tyrannical Castro regime introduce a national security threat of this magnitude just a few hundred miles from our shores.

Mr. Chairman, on May 4 of this year, Russia and the tyrannical Castro regime announced that they were in the process of forming a multinational consortium that would finance the estimated $800 million needed to complete the Juragua plant. The completion of this plant would constitute the introduction of a grave threat to the national security of our United States.

A 1992 GAO report detailed the numerous faults in the infrastructure and the serious equipment problems which former plant technicians and experts state that the plant suffers from. Among the most glaring deficiencies are the statements by former technician Vladimir Cervera, who states that up to 15 percent of the pipe welding in the Juragua plant's cooling system is deficient. Furthermore, the small resistance capability of the nuclear plant's containment dome can only resist pressure of up to 7 pounds per square inch, while U.S. reactors must sustain pressure of up to 50 pounds per square inch.

These and other technicians as well as experts have denounced the lack of appropriate training of those Cubans who will monitor the plant, and the serious lack of infrastructure inside the island to operate the Juragua plant.

Mr. Chairman, this type of VVER plant has already been banned in countries like Germany, where four similar plants were shut down after reunification and which environmental groups have called to be closed. When asked about the plant, Dr. Edward Purvis of the Department of Energy states,

> An accident in the reactor is probable. it's just a question of when . . . I don't know if they are the most dangerous reactors in the world, but they are the most dangerous reactors anywhere close to the United States.

Although the technology is different from the infamous Chernobyl plant, the Cuban nuclear plant poses similar dangerous and indeed horrific risks and grave consequences. Do we want a Chernobyl in our backyard, subsidized with U.S. taxpayer dollars? I think not.

Mr. Chairman, the Clinton administration has remained quiet and indeed deadly silent about the Juragua nuclear plant because it presents a roadblock on their path of normalization of relations with Castro. It is inconceivable that the administration has remained dangerously silent while this national security threat is constructed just 180 miles from our shores, a threat that would affect a large part of the United States with radiation if an accident or a provoked accident would take place.

Indeed, studies by NOAA concluded that depending on the direction of the wind, radiation from the plant could affect Central America, the Caribbean, the United States, as far as Washington, DC, and Virginia, and, of course, Cuba itself.

The threat of the Juragua plant is indeed further increased when we consider that it would be at the hands of a tyrant who has no respect for human life and who has not hesitated in the past to destroy human life to achieve his evil purposes. Already Castro has entered into an agreement with another pariah and terrorist state, Iran, to exchange information about these reactors.

Yet, while the Clinton administration denounces Russia for transferring nuclear technology to that Middle Eastern country, it has not raised a finger to help stop construction of Juragua. The inaction of the administration raises the ante on us in Congress to take action and warn Russia that we will not stand idly by while Moscow helps Castro and his Communist thugs introduce a new threat to our hemisphere.

Passage of this Menendez amendment will signal Moscow that American taxpayers will not be suckered into having their hard-earned money help in the completion of this national security threat.

Castro once called the Juragua project Cuba's greatest accomplishment of this century. However, this plant could also become Castro's greatest security threat to our hemisphere unless we in the Congress take action to stop Russia from aiding and abetting the Cuban tyrant. I urge my colleagues to defeat the Wilson substitute and adopt the Menendez amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Menendez amendment and rise in opposition to the Wilson substitute.

Mr. Chairman, I support foreign aid to Russia. I think foreign aid to Russia is very important. I think that the relationship between the United States and Russia is a very, very important relationship.

But, Mr. Chairman, one cannot turn a blind eye to the conduct of Russia.

One cannot turn a blind eye to what we have seen come out of Russia during the past several months. One cannot turn a blind eye to Chechnya, one cannot turn a blind eye to the selling of nuclear reactors or nuclear technology to Iran, and one cannot turn a blind eye to Russian help in terms of Cuba completing this nuclear powerplant.

Mr. Chairman, the issue here is not merely the Cuban dictatorship, although it has been a brutal dictatorship and has been a dictatorship that I have never supported, and certainly I think that the Cuban people would be much better off with democracy and political pluralism and look forward to the day when Cuba does have democracy. The issue here is also about the safety of American citizens.

I have in front of me the GAO report, the U.S. General Accounting Office report to the chairman, Subcommittee on Nuclear Regulation, Committee on Environmental and Public Works of the U.S. Senate. They express tremendous reservations about this nuclear powerplant. There are subdivisions, I would like to read some of them:

Safety concerns raised by former Cuban nuclear power officials; allegations of problems and defects in construction; allegations of inadequate simulator training; assertions of adherence to safety rules; United States prefers that reactors not be completed; United States policy and concerns of United States officials about the safe construction and operation of Cuba's nuclear reactors; NRC officials concerned about allegations of safety deficiencies; Department of Energy official concern about quality of reactor's construction and components; assessment of risks from earthquakes and radioactive pollutants.

It goes on and on and on. The gentleman from New Jersey [Mr. MENENDEZ] mentioned all the States, one-third of the American population, that could be put in jeopardy for this.

I think it is very, very important that we support the gentleman from New Jersey [Mr. MENENDEZ]. My worry about my good friend from Texas, his substitute, is what this would simply allow is, it would allow Russia to take our money, manipulate the funds through the back door, continue to build the powerplant and continue to have our money. I do not think that is what we want.

We talk about the dignity and self-respect of Russia, and I am sensitive to that. What about our own dignity and self-respect, that we could have a calamity 90 miles from our shore and it could be built with the help of American money? That is adding insult to injury.

I support the gentleman from New Jersey [Mr. MENENDEZ]. I think this is something we ought to put into this bill. We ought to stand up and take notice.

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

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. WILSON. I appreciate the gentleman yielding. Everything the gentleman says about the undesirability of the Cuban nuclear powerplant is true, but I believe that the gentleman mentioned the two nuclear powerplants that Russia has contracted to build for Iran. Is that right? Did you mention that?

Mr. ENGEL. I mentioned Russia helping Iran in building nuclear technology and I know that our administration, our Government has made a plea with them not to continue. I know that they have said that they would look at it again, but they have not unequivocally stated that they will not help Iran in attaining nuclear power.

Mr. WILSON. Assuming that an announcement was made that Russian was going to assist Iran in building two powerplants, would the gentleman then want to cut off funds as a result of that?

Mr. ENGEL. Well, I think that would be a step in the right direction, but I would like them to couple that with an announcement that they will not help Cuba build this nuclear powerplant. If they did that, then I would certainly be opposed to cutting off funds.

Mr. WILSON. Is the gentleman basically saying that if Russia builds a nuclear powerplant for anybody, then we ought to reduce the amount of aid to them?

Mr. ENGEL. No, I think that when Russia is active in helping countries that are our adversaries, like Iran and like Cuba, increase their nuclear technology, I think it is very appropriate that we in turn pull out dollar-for-dollar that they are putting into building those powerplants.

Mr. WILSON. So the gentleman would favor reducing assistance to Russia by the amount of funding they spend on the Iranian plants?

Mr. ENGEL. That is not the amendment that is being done here. If I could just say, I pointed out Iran as showing that this is a behavioral pattern on the part of Russia with Iran and with Cuba.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the substitute amendment offered by the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Texas [Mr. WILSON].

Mr. Chairman, I want to preface my remarks by saying that I respect extraordinarily the patriotism of the gentleman from Texas [Mr. WILSON] and the gentleman from Alabama [Mr. CALLAHAN], who has also expressed here his support of this substitute, but I think that they are extremely incorrect by supporting this substitute.

Let's be clear with regard to what we are talking about. The Menendez amendment, Mr. Chairman, simply states that there will be a deduction, a dollar-for-dollar deduction of our aid to Russia if Russia—if and when, if and when, it conditions that—if and when Russia gives aid for the completion of this powerplant that, as the gentleman from New Jersey [Mr. MENENDEZ] has pointed out, is extraordinarily dangerous; as the gentlewoman from Florida [Ms. ROS-LEHTINEN] pointed out, the same kind of powerplant, that same model, it was called VVER, they were the export powerplants that the Soviets used to build throughout Eastern Europe, those same model power plants were closed in Germany immediately after reunification because of their inherent danger.

Now, last month Castro and the Russians announced that they have come up with a formula to get the money to complete the first of those two plants, that same model that was closed down in Germany because there was an explosion of protest by the environmental movement in Europe and they closed down those plants. By the way, the remaining plants in Eastern Europe, the environmental movement in Europe has mobilized to close them down because they are ticking time bombs for explosions, for accidents, those plants. Castro announces, as I say, Mr. Chairman, that he has found the formula with the Russians to complete the first of these plants.

The Menendez amendment says if they do that, if they provide assistance, we will then deduct dollar-for-dollar our assistance, our taxpayer money, for the completion of that powerplant which is a risk, as the gentleman from New Jersey [Mr. MENENDEZ] pointed out, to half of the United States, just about. If you look at the map, you see that just about all the southern States, all the way, and especially up the eastern coast, all the way to the Nation's capital are directly threatened if there is an accident or an incident at the nuclear powerplant.

Then my dear friend, the gentleman from Texas [Mr. WILSON], gets up and he says his amendment is so as to not insult the dignity of the Russian democrats. Wait a minute. How do we get the message across to the Russians? Do we vote for the amendment that says we do not want the plant built with our money? Or do we vote for the amendment that says we do not want to insult the sensitivities of the Russian democrats?

The gentleman from Texas [Mr. WILSON], my good friend, great American patriot, I know he is a ranking member. The gentleman from Alabama [Mr. CALLAHAN] is the chairman of the subcommittee, and they have to fulfill a roll. I understand that. I respect that.

But their amendment, the Russian democrats' sensitivity amendment, is not the way to convey the message that we cannot be more concerned about the completion of this power plant than we are. The Menendez amendment, the reason we have to defeat the substitute and vote for the Menendez amendment is because this is not an issue of Russian sensitivity.

This is an issue, the Clinton administration has got to understand, it has got to be at the top of our agenda in

our dealings with Russia and we have got to tell them they cannot build the plants that were closed down in Germany, that we are closing down, that are being closed throughout eastern Europe and yet Castro wants to complete them in Cuba.

□ 1845

That is not acceptable to the national security of the United States of America.

So, let us keep in mind what the Wilson-Obey substitute is, the Russian sensitivity amendment. That is what it is, the Russian sensitivity amendment. That we do not want to disturb their sensitivity on balance the Democrats versus the whatever.

Mr. Chairman, the bottom line is if we vote in favor of the sensitivity amendment, what we are saying is that we are not concerned about that powerplant; that we will deal with it, like the gentleman from Texas [Mr. WILSON] said, diplomatically.

Mr. Chairman, we have heard enough of diplomatically. Let Warren Christopher convince, with sensitivity, the Russians that we are concerned about this plant, even if we vote against the Menendez amendment. Let us see if that makes sense. If we vote for the substitute, the sensitivity substitute, then we are putting our faith in Mr. Warren Christoper that he will say: The Congress did not support the amendment to cut, dollar for dollar, Russian aid if you go ahead and build. They were more concerned about sensitivity. That is why they sent me here, to sensitively tell you Russians that even though the Congress did not support the Menendez amendment, we are, I think, concerned about the plant. I guess that is what the sensitivity amendment means.

What the Menendez amendment is, and we have to vote down the Wilson-Obey sensitivity amendment, is very clear. It is on the highest priority for our national security. That plant cannot threaten the people of the United States, Mr. Chairman.

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

Mr. Chairman, I do not think I have heard any more demagoguery on this floor today than I have in most days, but let me try to set the facts straight. I think the worst thing that a politician can do in public life is to try to mislead the voting public about serious issues. And so what I would like to try to do is to separate fact from fiction. Russian aid for this plant began in 1983 when Russia was still a communist country. It stopped in 1992, when the Russians demanded hard currency payment from Cuba. The only subsidy from Russia since that time was a $30 million credit to mothball the plant that so many Members suggest that they want to see mothballed and stopped.

The only thing the Russians have done recently is to spend their own money to put this plant in mothballs, not to run it. Now, the Cuban Government says they want to conduct a feasibility study. Nothing is feasible under Castro. Nothing rational will happen under Castro. So I think we have had a lot of rhetoric about a plant that nobody wants to see built.

What Mr. WILSON was trying to say is that the best way to see to it that Russia does not reverse its position and to begin funding this plant once again is to see to it that we do not damage reformers in the Soviet Union who are trying to keep the old horses at bay. What Mr. WILSON is trying to say is that Russian society is rampant with paranoia; not the only place I have seen paranoia recently, I would say. But they are certainly rampant with paranoia. That has been the history of Russia.

And rejectionist and reactionary forces routinely in that country use innocent actions of the West in order to feed the paranoia in that society in order to do in Russia what Hitler did when he came to power in Germany, which is to feed on fears and feed on resentment against outsiders, against being dictated from the outside in order to build your own political power. Again, not the only politicians have I seen do that recently, but they do it very well.

And so what the gentleman from Texas [Mr. WILSON] is trying to say is that if you want to be most effective in preventing Russia from taking a course that we do not want them to take, then do not take an action which through inadvertence would weaken the hand of the reformers in Russia.

That is what the gentleman from Texas [Mr. WILSON] is trying to say. Mr. Chairman, I am going to suggest something to my colleague, Mr. WILSON. I am going to suggest that because this amendment is chasing a ghost, I would suggest that the gentleman withdraw his amendment and that the committee accept the amendment being offered by the gentleman from New Jersey [Mr. MENENDEZ] because it is stopping something that is not happening.

Mr. Chairman, if we make more of it than it is, what will happen today is we will feed that very paranoia in Russia which we do not want to feed. So what I would suggest is that the gentleman from Texas [Mr. WILSON] withdraw his amendment to the amendment, and we accept this amendment, which is justifiably aimed at something that we do not want to occur, but which I think has generated a debate which will leave the American people thinking that black is white and vice versa.

The facts remain that the only thing that has been happening so far is that the Cubans want to do a feasibility study. No money has been provided. The Russians have indicated no intention of providing any. And I want to make quite clear that if the day ever come when the Russians would provide it, I would be the first one in this well offering an amendment to eliminate the same amount of funds.

However, Mr. Chairman, I do not think that this debate has really added an awful lot to the public's understanding of this issue. It has, in fact, wound up condemning Russia because they provided $30 million to mothball a plant we want mothballed. But I know how politics works and how often issues get misconstrued. And, so, I think to do the least damage possible, that what we ought to do is to withdraw the Wilson amendment.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the Wilson substitute and in support of the Menendez amendment. My aim is to send a strong signal that completion of the nuclear reactor in Cuba, just 180 miles from Key West, is not acceptable to the American people.

There is no doubt that the United States has a strong interest in promoting positive relations with Russia. We should continue to support that forward momentum.

However, as a Representative from Florida I am particularly concerned about plans to proceed with the Cienfuegos plant. Aside from my objections to providing support to the repressive Castro regime, I am deeply worried about safety issues that could impact the people of Florida, as well as the citizens of Cuba and the rest of the Caribbean. The safety standards established for the plant are simply insufficient. According to one Cuban engineer who worked on the plant, fully 15 percent of the pipes he inspected were flawed.

This project could not proceed without Russian technical assistance, training, and capital. Accordingly, we must send the strongest possible message. I urge my colleagues to support the Menendez amendment.

Mr. STEARNS. Mr. Chairman, I rise in strong support of the Menendez amendment. The President has not acted and time is short.

Let me be brief: The last thing we need is a Chernobyl in the Caribbean. Cuba is a mere stone's throw from the shores of my home State of Florida. If, God forbid, the inconceivable happens, it is certain Americans would suffer the devastating effects of nuclear exposure. We do not want this on our conscience.

It is amazing that even as the news reports show that Russia's Chernobyl plant is now leaking deadly radiation, that same substandard Russian technology is being used to build a nuclear plant in our backyard.

Completion of this plant would constitute a real and permanent threat to the health and safety of our country. The Menendez amendment needs to be passed. It is imperative that we take the proper steps to ensure that this type of security and safety threat is not brought to fruition.

Mr. Chairman, it is wrong that we give any money to Russia. It is horrendous that we should even consider giving money to Russia for the purpose of building of a nuclear power plant in Cuba. Simply put, Mr. Chairman, we cannot let this happen.

We cannot let this happen. I urge my colleagues to vote for the Menendez amendment and to oppose any weakening amendments.

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

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

Mr. CALLAHAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I ask unanimous consent to withdraw my amendment offered as a substitute for the amendment.

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

There was no objection.

Mr. CALLAHAN. Mr. Chairman, with the withdrawal of the substitute, and with the importance that we know the Florida delegation and others sense with respect to this, we will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MENENDEZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSS

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

The Clerk read as follows:

Amendment offered by Mr. GOSS: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR HAITI

SEC. 564. None of the funds appropriated in this Act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held pursuant to the requirements of the 1987 Constitution of Haiti.

MODIFICATION TO AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I ask unanimous consent that the amendment be modified in the new form at the desk.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Florida [Mr. GOSS].

The Clerk read as follows:

amendment, as modified, offered by Mr. GOSS: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR HAITI

SEC. 564. Effective March 1, 1996, none of the funds appropriated in this Act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with the requirements of the 1987 Constitution of Haiti.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Florida [Mr. GOSS]?

There was no objection.

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

Mr. GOSS. Mr. Chairman, this is a very simple amendment. It is about Haiti and it says, ''No democracy, no taxpayer money.''

The intent is to encourage both the Clinton administration and the Haitians in Haiti to ensure that this year's parliamentary and Presidential elections are as free, open, and democratic as possible.

Simply put, the Goss amendment says that in the event of a new regime assuming power in this fiscal year in Haiti through means other than an election in substantial compliance with the Haitian Constitution of 1987, the United States would halt aid to Haiti.

I believe this amendment is of significant value, if not necessary, because I believe the American people would draw the line at funding a regime in Haiti that gained power through a nondemocratic or an antidemocratic process.

We saw some serious problems with the electoral process in this past weekend's parliamentary elections. Today, we have new reports of trouble, including the assassination of a mayoral candidate in the coastal town of Anse d'Hainault.

Others have noted that the electoral council we have there is provisional, not permanent as required by the Constitution. The international community has looked at that and the international community and Haiti have accepted that a necessary compromise for this past weekend's election. It was necessary to do it that way because we had to have the elections and I think that makes sense.

The natural follow-on question is whether or not building a more permanent electoral administrative mechanism will be a priority once the new parliament is in place. There are, arguably, more important Haitian issues than the electoral council.

The Haitian Constitution also prohibits President Aristide from running again and prohibits the new parliament from changing the laws to allow him to do so. Whether or not that standards holds should be of particular interest to this House, to the Clinton administration, and to the Haitian people themselves.

Ultimately, this amendment is, in part, about adding incentives to keep the evolution of democracy in Haiti on track by holding elections in a manner as consistent with the Haitian Constitution as possible, despite the realities of holding elections from scratch in what is a poverty-stricken, infrastructure-challenged Third World country.

The larger issue for us is deciding what our job as Members of Congress is all about. Members of Congress are the keepers of a trust for the American taxpayers. We are responsible for knowing whether our tax dollars are used for priority spending and whether there is value in return.

Let us be clear about this. No one knows exactly how much the Clinton administration has spent on operations in Haiti. What we do know is that before American soldiers leave, the cost of this effort is projected to be well over the $2 billion mark. That is a tremendous amount of money.

Why have we committed this level of resource of Haiti? Because the White House has placed a priority of building democracy there. And this is an admirable goal I think all of us support in principle.

But if at end of the election cycle this year we find that the process has drifted or been jolted far from democratic standards, then we should stop pouring money into that small Caribbean nation. When I say pouring money, it is about $300 per capita, which is about $50 per capita per year more than the average income.

This amendment says ''No'' to United States assistance for any new regime in Haiti that comes to power via an antidemocratic process. If building democracy is not about that kind of commitment, then what is it about? This amendment is good for a democratic Haiti; it is good for the American taxpayers.

Also I would like to point out that we have checked it out with the Committee on International Relations and we have made it in modified form today, after checking with the Department of State, to try and relieve some problems they were concerned about.

I have added the words ''substantial compliance'' with regard to observing the Haitian Constitution, because obviously they are not going to be able to cross every T or dot every I.

We have also tried to make this effective as of March 1996, well into the fiscal year, to allow plenty of opportunity for adjustment in case there are technical glitches with the election process.

We have tried to accommodate in every way possible the concerns of the administration. I think we have done that. I think we have a very clear, simple amendment that says as long as Haiti stays on the track, they are eligible for foreign assistance. If they get off that track, then we better take another look.

AMENDMENT OFFERED BY MRS. MEEK OF FLORIDA TO THE AMENDMENT, AS MODIFIED, OFFERED BY MR. GOSS

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mrs. MEEK of Florida to the amendment offered by Mr. GOSS, as modified: In the matter proposed to be inserted by the amendment, strike ''when it is made known'' and all that follows and insert the following: ''except when it is made known to the President that such government is making continued progress in implementing democratic elections.''

Mrs. MEEK of Florida (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 gentlewoman from Florida?

There was no objection.

□ 1900

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I join with my colleagues Mr.

OWENS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, and Mr. ALCEE HASTINGS of Florida in offering this amendment to the amendment offered by my friend, Mr. GOSS.

Our amendment is simple and concise. For Haiti to continue to get U.S. aid, the President has to be sure that Haiti is making progress in implementing democratic elections.

The United States has fostered and nurtured democracy in Russia and in Central America and in Eastern Europe. We should do no less for Haiti.

Our amendment provides a strong, clear incentive to the leaders of Haiti to continue on the path to democracy.

Mr. GOSS says that he wants to hold Haitians to the standards they set for themselves in the 1987 Constitution. So do we.

But we must also recognize that Haiti has had very little experience in governing itself. Let us move them in the right direction. Let us encourage them in the right direction, but let us not threaten them with disaster if they cannot immediately meet the lofty standards they have set for themselves. Mr. Chairman, in the world of international diplomacy, words are extremely important. Our amendment encourages democracy in Haiti without presupposing its failure.

Every person in this body today has a strong—and, I hope, unshakable—commitment to democracy as a form of government. Democracy is a truly great form of government, but it is also one of the most, if not the most, difficult forms of government on the face of the earth.

There is a line in the new movie, ''Apollo 13,'' when Tom Hanks says, ''There's nothing routine about going to the moon.'' Well, there's nothing routine about making democracy work, either.

Here in the United States, we have had over 200 years of experience with it. We have well-established democratic traditions. We probably make democracy work as well as anybody in the world.

And yet democracy works imperfectly in our own country. If you want proof, just look at the contested Maryland governor's election. Or the contested California Senatorial election. Just look at how many elections have been challenged right here in our own House of Representatives.

This should be a vote to insure that our tax dollars help support democracy, and that is why I ask for your support for our amendment.

Our amendment makes further funding for Haiti contingent on the progress of Democracy in Haiti.

Mr. Chairman, this is not a vote on whether or not last weekend's election in Haiti was without problems.

The fact is that the vote on Sunday in Haiti was far from perfect. There were organizational problems and confusion. Polls opened late, or not at all. There were untrained poll workers, and lapses in voter secrecy.

Was the baby's first step shaky? Absolutely.

But as yesterday's Miami Herald reports, quote:

> Although the election was organizationally flawed, there was little indication of an effort to tilt the vote. And it was certainly the most peaceful of any since the Feb. 7, 1986, fall of the Duvalier family dictatorship.

The Canadian election specialist in charge of the 300 observers from the Organization of American States said, quote: ''The overall picture was much more positive than reflected by some.'' He also noted that, as the day wore on, ''the conduct of the voting process significantly improved.''

Keep in mind that this election was in Haiti, the very poorest nation in the entire Western Hemisphere, a nation that until last fall was under the control of a military dictator. In fact, for most of its existence, Haiti has struggled under the rule of dictators.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

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

Mrs. MEEK of Florida. Mr. Chairman, democracy, like everything else in life, takes practice. And this election in Haiti was a very clear and positive step in the right direction—toward democracy.

Would America's allies in the Revolutionary War have forced the Goss amendment upon the struggling little United States? Did our allies, in the difficult days after our liberation from our own colonial masters, make their assistance contingent on our implementing the Articles of Confederation? Of course not.

Why, then, should we so burden Haiti, which is struggling mightily to meet the high standards of self government that we have set for the world?

Mr. Chairman, I urge the adoption of our amendment to the Goss Amendment.

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

Mr. Chairman, let me just say that we do have occasionally here in the United States voting irregularities, but they are not really widespread.

I was one of the monitors sent by President Bush to monitor the elections in Namibia, and that was a very, very big election on independence and freedom and democracy over there, and there was a lot of opportunity for vote fraud, but very, very little of it occurred in Nambia.

In South Africa, likewise, there were some irregularities, but it was very minimal. I think in many, many of the developing countries, there have been some minor voting irregularities.

But the problem we saw in Haiti last week was there were widespread voter irregularities. Ballots were lost. People could not vote. Polls were closed. And as a result, the entire election was tainted.

For that reason, I rise in support of the Goss amendment and in opposition to the gentlewoman's substitute.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Indiana for yielding to me.

The problem with the amendment offered by my colleague from Florida is that it simply bases the question of how we judge democracy on some unknown. There is no particular standard for it. It is sort of in the eye of the beholder.

We are very particular about how we do that in our amendment, by design. We measure democracy by the Haitian Constitution. That is the way we measure democracy in this country, and we believe specific reference to the Haitian Constitution is also extremely critical because that is the path they have announced they are taking and that is the path that the dollars of our tax support are committed to pursuing, in helping them pursue.

If we get that off that path and create some new direction, we open the door for a lot of mischief, and I am sad to say that there was some mischief in Haiti this past weekend, and I am sorry that my colleague from Florida has felt it necessary to shoot the messenger for reporting that.

But in the words of the mayor of Port-au-Prince, who called the election, and incidentally the mayor of Port-au-Prince is a member of the former coalition of elected President Aristide, called the election a massive fraud. The minister of culture said he was ashamed. Quoting from the New York Times on this, he said, ''As a member of the Government, I am not proud of this at all.'' These are serious challenges.

The political parties are calling for a re-vote. They are calling for re-elections.

This is not PORTER GOSS saying this, this is PORTER GOSS bringing the message. I am sorry, it is the Haitians who have said this, who participated in this. It is not PORTER GOSS who has created this.

The fact that we have brought it to your attention may be distressing, but it is important that when we represent first and foremost the United States taxpayers, we have a higher obligation to make sure their money is properly and wisely spent than any other obligation in a foreign country. I think that is an extremely important point.

I would say that one of the problems I have with the Meek amendment is that it clearly weakens accountability to the American taxpayers.

I think that not specifying that we stick to the Constitution in Haiti is a serious flaw in the Meek amendment, and I am afraid that leaving it up to somebody, presumably the spokespersons for the liberal left, as who have

been speaking widely on this, to define what democracy is and how well it is doing in Haiti is a dangerous mistake and would not pass muster with the United States taxpayers.

Having said all of this, I urge definitely a ''no'' vote on the Meek amendment, and I urge support for the Goss amendment.

Mr. BURTON of Indiana. I say to the gentleman from Florida, to restate what he said, his amendment is consistent with the Constitution of Haiti and leaves no room for doubt, and for that reason I think we should support his amendment and vote down the substitute.

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

I have read the amendment offered by the gentleman from Florida, and I really do not understand what his objective is here except to try to embarrass President Aristide and especially the people of Haiti.

I rise in strong opposition to this amendment. I do so because it represents a slap in the face to the millions of people who voted in Haiti on Sunday.

I have investigated; I have gotten reports from people who were there. The reports that I have received were that there was practically no violence; there was practically no intimidation, no fraud. These things were practically nonexistent.

Yes, there were lost ballots. It was the first election allowed in that country in many, many years. There were some irregularities, but there are irregularities in almost every free election.

What really we should have to look to find out is what was really Haiti's government before our forces returned democracy to Haiti? It was a gang of military thugs and criminals who controlled that nation. They took control, and President Aristide, who was elected by almost 70 percent of the people of that nation, was forced to leave his office and his country under threat of death.

Politically motivated violence and murder reigned. Two elections were rigged by the gang in power, Cedras, Biambe, Francois. Do you want them back in power? Terror was the form of government in Haiti.

But that changed when President Aristide returned last October. Democracy has replaced terror. Democracy has replaced terror in Haiti, and that was demonstrated on Sunday.

My colleagues on the other side of the aisle have harped on the logistical difficulties surrounding Sunday's election in Haiti. There was not an extraordinary multitude of problems or widespread disturbances. There were problems, admittedly. President Aristide has publicly acknowledged that there were problems.

In the United States elections, which is the bedrock of a 200-year-old system, there are problems. Coming from the city of Philadelphia, I can assure you that we still have elections in this Nation tainted with controversy, irregularities, and problems. But this was only Haiti's second free election ever.

Furthermore, most of the 3.5 million Haitians who were registered to vote in Sunday's election are illiterate and require special attention.

Despite these difficulties, people were able to participate in a free and fair election. According to the report issued by the election observers with the Organization of American States, problems related to the election were attributed to Haitian inexperience, not widespread fraud, not abuse or not violence.

The seed of democracy has been planted in Haiti. While it will take time and hard work for democracy to establish firm roots, we witnessed positive, tangible progress toward this goal on Sunday.

Can the people on the other side not accept success? We have created a democracy in Haiti. Now is not the time to send this negative message. Now is not the time to hold critical development funds which could further guarantee the success of Haitian democracy.

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

Mr. FOGLIETTA. I yield to the gentleman from Michigan.

Mr. CONYERS. I would want to comment particularly with the gentleman's reference to Philadelphia elections because in Detroit we lost a city clerk as a result of problems, and we have been holding pretty good elections the whole time.

May I just say that I agree with you. The Meek amendment to Goss is absolutely essential, and I am hoping that our Republican friends will understand what we are trying to do is give Haiti a chance. Let us not put them under an increasing burden. Their difficulties are much, much graver than some people think, and I want to give them a chance.

Mr. Chairman, I rise in enthusiastic support of the amendment by the gentlelady from Florida. It is a much needed modification to the amendment by the gentleman from Florida. That amendment is deeply flawed in content and intent. Despite its seemingly harmless wording, it will curtail democracy in Haiti, where peaceful governance can ill afford such a setback.

The gentlelady's amendment offers some simple but critical changes. Her amendment in its entirety reads:

> None of the funds appropriated in this Act may be made available to the Government of Haiti except when it is made known to the President that such Government is making continued progress in implementing democratic elections.

Rather than tearing the carpet out from under Haiti's painful steps toward democracy, this amendment allows aid to that country as long as it is continuing those steps toward democracy. I have traveled to Haiti several times, and have witnessed myself the pain that this country had to bear in anticipation of peaceful enfranchisement and they are closer now than ever before.

The absence of systemic fraud and organized violence in Haiti's elections this week showed that this nation is working diligently for democracy, even without an adequate transportation network to get people to the polls and extremely limited resources. Nevertheless, those who disagree with the results in favor of the ruling party such as the International Republican Institute have sought to impose the same standards on this infant democracy as they would in the United States.

The truth of the matter about IRI is that it received nearly half a million United States taxpayer dollars to observe the elections in Haiti this spring. Have no illusions about IRI so-called non-partisanship. One IRI document for the electoral study states: ''IRI will conduct local leadership training exclusively for non-Lavalas centrist political party representatives from all 83 electoral districts.'' Lavalas is the opposition party. That's not observing democracy that's interfering with it. IRI is supporting political parties they happen to agree with. This organization also apparently has a crystal ball that allowed them to state in a fancy report the day before the elections that the elections were unfair. We should give democracy in Haiti a chance and not be in such a hurry to pass judgment, but instead continue to encourage this young democracy's growth.

For the first time this week, voters could let their political voice be heard out of freedom and not out of fear. Democracy is a process and not a standing status. We have to maintain our commitment to Haiti at the early stages of its process now that it is on course.

America's commitment to Haiti is an integral part of America's pledge to democracy and peace worldwide. Other nations of the world, who are still struggling under the bloody boot of oppression, have to see that peace and freedom can and must coexist. Without the gentlelady's modifications, the amendment is a vote of no confidence to this blossoming democracy and an endorsement of the IRI's delusions.

I urge my colleagues on both sides of the aisle to vote for the amendment by the gentlelady from Florida in the name of a stable democracy and a real democracy.

Mr. FOGLIETTA. I thank the gentleman.

I just want to say there are 6 million people in Haiti. They have suffered tremendously over the years by dictatorial government. They have suffered from people who have indiscriminately killed, maimed and injured people to keep control of that nation.

They are finally achieving democracy. They are finally achieving freedom. Give them a chance. Do not hamstring them. Do not threaten to take the funds back.

I urge my colleagues to understand the problems of the people of Haiti. They want democracy. Let us help them achieve that goal.

I urge my colleagues to vote for the Meek amendment and against the Goss amendment.

☐ 1915

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

Mr. Chairman, I rise in support of the Meek amendment. I think the amendment that Meek seeks to amend, Mr.

GOSS, places the process of Haitian democratization under a vague and mischievous standard. The question is how do we define a democratically constituted government, how do we define a democratic election process? The Meek amendment makes it pretty clear that the responsibility would be fixed upon the President. It must be made known to the President. Otherwise the President will certify whether the democratic process took place and whether the regime in power is a result of a democratic process.

Yes, I agree with the gentleman from Florida [Mr. GOSS]. We should say no. We should not support any regime that is in power as a result of a process that is not democratic. But what is the definition of the process, what is the definition of staying on track? As the gentleman from Florida [Mr. GOSS] said, they must stay on track. I agree they must stay on track toward democracy and maintain the democracy. Let the President determine what staying on track means. The President, the executive branch, is in charge of foreign policy. Let us make it clear the Meek amendment makes it clear that they will determine that. Instead we have in the Goss amendment a rather vague situation where it is not clear who will determine whether or not they are on course.

We should bear in mind that the liberation of Haiti marks a high point in United States foreign policy. The liberation of Haiti sends a message to all of the nations in the Caribbean area and this hemisphere, all throughout the world, that we stand well on the side of democracy, and when it is clear that a democratic government has been deposed, we will have the strength and the resources of the American Government on the side of the democratic government. We have, step by step, supported a process which the Haitian people themselves began in 1987.

Let us understand the context in which the presidential election has just taken place. First of all, the election was an election which involved 11,000 candidates running for everything from village council up to the national legislature. That is very difficult for anybody to run. They have no machines, no election machines. They do not have boards of elections that have existed for decades. Their constitution only came into existence less than 10 years ago. So they are carrying out a process under the worst of circumstances in an economy that does not even have the infrastructure to support electricity on a 24-hour basis. All of this is taking place within less than 10 years in the Haitian society.

They said they can never write a constitution, but they wrote a constitution. They went out and voted for that constitution. They said they can never have free elections, and it looked for a while as if they can never have free elections because people were gunned down at the polls in the first two elections.

Finally, Mr. Chairman, they had an election where they elected Jean-Bertrand Aristide as President. After the election was certified as being a fair and free election, he was deposed by the army, and that situation lasted for over 3 years. Now some of the people who supported the criminals who deposed the democratically-elected President are trying to set a very high standard that they were never concerned about while Haiti was under the domination of criminal dictators.

We have broken through; we have liberated Haiti. The process is moving in a very swift way.

Mr. Chairman, they have had an election less than a year after the president was returned. The president who is there now has agreed to step down. He has made no claim to the fact that he was out of office for 3 years and, therefore, he ought to be continued. Some other people are making that claim, but Jean-Bertrand Aristide will step down. Jean-Bertrand Aristide will play the role of George Washington and see to it that there is an orderly, peaceful transition of government.

All of these things are moving on track, and they are moving in ways that most cynics said they can never move. Why do we want to introduce a vague standard here? Why do we want to place Haiti under scrutiny, which will not help the situation at all? Why not let the process go forward and let the State Department and the President, the executive branch of government, determine whether or not they are meeting the requirements of a movement toward democratization that is acceptable for the United States to continue to support?

I hope that the gentleman will accept the amendment to his amendment because the difference is not so great. We only clarify and pinpoint the responsibility for defining what democratization is in Haiti.

I urge that we support, all people to support, the Meek amendment.

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

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

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by our colleague, the gentleman from Florida [Mr. GOSS], and in opposition to the amendment offered by the gentlewoman from Florida [Mrs. MEEK].

Mr. Chairman, the gentleman's first-hand account of what transpired in the Haitian elections on Sunday offers compelling evidence that, despite our extraordinary investment and best intentions, much remains to be done to strengthen the democratic institutions there.

Laboring in extreme heat, without food, water, or pay, Haitians made their best effort to cast and count ballots—in some cases by candlelight into the next day. However, Haiti's Provisional Electoral Council fell down on the job, failing to provide logistical support, training, and funds.

Frankly, there is much ground to be covered if the Presidential elections in December are to be judged as free and fair. Also, the statement yesterday by a key Haitian politician that President Aristide should stay in power after his constitutional term expires on February 7, 1996, casts further doubt on the democratic transition.

President Clinton defended his extraordinary investment in Haiti as a move to restore constitutional order. It would be profoundly difficult to make the case to the American people and Congress that our assistance should continue to flow to an unconstitutional government in Haiti. That is the basis of the Goss amendment, which I hope my colleagues will support.

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

Mr. Chairman, the gentleman from Florida [Mr. GOSS] who authored this original amendment had indicated that support for the Government of Haiti seemed to be coming from liberals or something that would denote that there was a different type of thinking with liberals, and conservatives, and people of different backgrounds, as related to a poor country that has really suffered tremendously over the last decades.

It seems to me that the amendment is a political statement:

I did not like Aristide when he first was elected. I did not like Aristide when he came to the United States. I did not like Aristide when we went in to restore the government, and, notwithstanding the fact that he has done each and every thing that everyone expected him to do, they could not find one thing to say except, ''Something must be wrong. I don't know what it is, but, if anyone finds out what it is, then we cut off aid.''

As my colleagues know, I am more concerned about the politics of when it is made known to the President of the United States than anything in this statement because, as the gentleman from Florida [Mr. GOSS] knows better than most Members of this body, everything that was made known to the Presidents of the United States was made known by the Central Intelligence Agency, and it really surprises me, with the type of information that was gathered out of the sewers of the intelligence community, that was made and proven to be false to misguide the President of the United States, that we would have this vague type of language as to the President would cut off any assistance to the Government of Haiti when it is made known to the President.

I really would not want to start laughing here by asking the distinguished gentleman from Florida just who would he think, or what agency would it be, that would be mandated to make information known to the President of the United States as would be

in Haiti sometime. If we take a look at the history of the CIA in condemning our country, in condemning a man, and continuously condemning someone that has been elected by the people, we will run down the line and say the man was psychotic based on what? Information collected. The man was addicted to drugs. The man was responsible for murder. There is no support for the man on the island of Haiti. It is the army, it is institutions, it is the people that were paid, the people that were on the payroll. Everyone that opposed the man when he was in this country was paid for by the CIA and other people that just could not tolerate the idea that they did not have a puppet controlled by the United States of America.

And so I know, I know, that certain people are just born in this world that is going to have to carry a heavy burden, and I do not mind carrying it at all. I think it was our distinguished Speaker who said, ''You just got to worker harder.'' So that goes for the gentleman that comes to become president of Haiti. But the question has to remain how much does a country have to suffer, how much does a man have to do, in order to get certain people off of his back?

Now, until there is reason to believe that something was wrong, that the election was fraudulent, do my colleagues not think this body and the President has the power to move forward? The reason I support the Meek amendment is because it is done the way the United States of America should do business, and that is we are going to assume that things are done legally, we are going to assume that the Congress and the people have good intent, and if anyone, anyone, misuses that, then this Congress would respond.

Well, what the gentleman is saying and what the gentlewoman from Florida [Mrs. MEEK] is not saying is that we make it a negative thinking that it is going to happen, and she is the American that has hope that, when our troops went over there, got rid of the tyrants, got rid of the CIA people that were on the payroll, that was actually stopping the United States ship from coming into it when they were chased out of the country because of the spirit of fine young American boys, we are going to send a message to them, ''Yes, you did a good job, but wait until you see what happens because we got an amendment that will take it all back.''

This is not the U.S. Congress that I am proud to be a Member of. This is not the United States of America. We should laud our esteem for doing what the international community asked him to do, and I, for one, was proud that I supported him before, and I do now.

Mr. GOSS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Florida [Mrs. MEEK].

Mr. Chairman, I was prepared to let this go unanswered, but it has gotten a little out of control here in the rhetoric. The gentleman from New York [Mr. RANGEL] has just said when it is made known. He objects to that language, and that is the language in Mrs. MEEK's amendment as well, so I guess he is opposed to Mrs. MEEK's amendment as well.

The question was raised by the gentleman: Who will make it known? Any number of people will make it known to the President. As I recall, the last person who made it known to the President that there was a problem in Haiti was the gentleman named Randall Robinson. Randall Robinson actually made it known by a protest in front of the White House, a starvation diet type of thing, a publicity stunt as it were. Well, I would suggest a very great way the president will know.

Mrs. Robinson now works for the government of Haiti, as I understand is on the payroll of the Government of Haiti. Presumably she will tell Randall Robinson and Randall Robinson will tell the president again. So I am not concerned that we are not going to get the word to the President that the folks who are taking the Rangel position want to know. It is going to happen; there is no question there.

I am a little bit offended by the statement that I did not support President Aristide. I was in Haiti for the election in 1990; I was in Haiti for the election in 1995, as an observer. As an observer in 1990 I came back and signed on and said President Aristide is a duly popular, enthusiastically elected President of the country of Haiti, and I have stuck to that position the whole way through. When former President Carter, and General Powell and Senator NUNN negotiated the settlement that avoided the armed hostile conflict of war between the U.S. Armed Forces, and the Haitian army, and people, and the innocent bystanders that would have been hurt, I was the first Member in the well the next day to congratulate President Clinton for a negotiated settlement.

□ 1930

I think he was fortunate to get it at the last minute. He had good people working for him and made that come out. I met with President Aristide this Monday. We had a very nice discussion after this election. We agreed there are some very hopeful signs that we need to focus on. It was a courteous call, a pleasant call, there was no disagreement.

There is no question that we have a challenge ahead. President Aristide said so and has been saying so publicly, frankly, in the past 2 days. I do not think we have any disagreement about that. This is not about the election last weekend. Sure, there were tremendous logistical difficulties. Everybody knows that. Sure, there were some disturbances. Some were severe, some were not. In some areas there were no disturbances at all. I think everybody who was there understands that. Nobody would mischaracterize that.

My problem is, what is going to be the standard? The gentleman from New York [Mr. OWENS] said what is the standard. He said a vague and mischievous standard was my game. It is not. I am saying the standard of measuring democracy in Haiti is the Haitian Constitution. Is there anybody who would deny that that is about a bad idea? That is what we are measuring democracy by in Haiti, is their democratic Constitution. Can we get real here? What is wrong with that?

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

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

Mr. RANGEL. I would like to withdraw some harsh statements I made about the gentleman, because I am reminded by your statement that unlike so many others that are positioned in that side of the aisle, that you constantly have talked about the restoration of democracy in Haiti, even to the point that you had a place where you thought the new government should be.

But I guess my point to you, sir, is that why would this little island government need your direction with its constitution as to when our great Nation cuts assistance?

Mr. GOSS. Reclaiming my time, the answer is very simple: Because I am first and foremost accountable to the American taxpayers for the wise use of their tax dollars, and I do not stand still for the proposition that we are going to put any money in any country, no matter what, unless they are proceeding in a properly democratic way.

Mr. RANGEL. Is the gentleman saying he would hope that his amendment would apply to any country that is not abiding by the constitutional principles that is in their Constitution, and that this little island country was not singled out for this kind of treatment?

Mr. GOSS. I have picked Haiti for two reasons: The substantial compliance question I think accommodates most of your concern. But the other reason is because we have $2 billion, B, billion, invested in Haiti in this 2-year frame, probably going to be more before we are through, and that is my foremost responsibility to the United States of America as a Representative here, is to make sure in the House of revenue, the people's House, we use dollars wisely.

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

Mr. Chairman, let me address my colleague most immediately with reference to the fact that we have $2 billion invested in Haiti, and put the question rhetorically: How much of that was used in the structuring of an election that would satisfy the so-called requirements of the Haitian Constitution?

Mr. GOSS. Mr. Chairman, if the gentleman will yield, I do not know. I certainly hope we are all going to have that answer.

Mr. HASTINGS of Florida. Let me suggest it was minuscule by comparison. I am fond of quoting my mother, and I choose at this time to do so. My mom says ''Give the prize to the one who tries,'' and she says that often. Haiti has tried over and over again to satisfy every single requirement that our government has put forward to require them to go forward in a meaningful manner. There has been but a year in the process of restoration of democracy, and I am fascinated by the little amount of resources that were devoted toward trying to help an 80 percent illiterate country to understand the basic dynamics of voting. The 1,000-plus candidates that were on the ballot alone required an immense amount of resources in order for the various persons to be widely known. We spend in some of our districts $1 million, and that is about how much money we spent during that period of time in trying to assist in the election.

Do you know what I am going to ask the gentleman from Florida [Mr. GOSS] is what is the real agenda here? I mean, the election was just held Sunday and Monday, and I hear my chairman of the Committee on International Relations saying that some of the votes were counted by candlelight. Absolutely, Mr. GILMAN, they were counted by candlelight, for the reason that the people do not have electricity.

Give me a break. They do not have computers. They do not have the knowledge that we have with reference to how to conduct an election. And many of us sat on the sidelines and waited until Sunday to go down there and find out precisely what was going on before we would say anything.

What has the international community done with reference to the donors that said they were going to come forward and help this country? The money has been slow in coming. There is no infrastructure. People stood in long lines waiting to have an opportunity to vote. They voted probably as good as we do in this country, in many of our areas, rich and poor. Therefore, it is unwise of us to thrust on them at this time such a nebulous, vague, and uncertain mandate from this country as to how it is to conduct itself as a national government.

Let me make it very clear: You do not have any more concern than anybody else. The so-called liberal left you said, PORTER. That is the language he used, CHARLIE, liberal left. Then I am a proud member of that liberal left, and I gather then that you must be something other than liberal left.

You do not have any more reason to support the taxpayers of this country than do I. You cannot wrap yourself around a flag or hide under the rug of the CIA and expect that from somewhere on earth is going to come this rumination that is going to give you greater say about something that every Member of the liberal left struggled for these people to have, the opportunity to have a democratic election.

Every Member of the liberal left stood by them and said, ''We do not want you dying out in the ocean.'' Every Member of the liberal left said that it was wrong to hold them in Guantanamo. Every Member of the liberal left said that we had dual America standards, and everybody on earth knows that we had dual standards.

Who, other than a handful of you, have complained about this election? Were there problems? Yes. And there were problems in Fort Lauderdale, and there were problems in Immokalee in your district. So do not commence to tell me that problems now are going to be reported arbitrarily by somebody unknown to the President of the United States, and that is going to be pursuant to the Constitution of 1987.

Who, other than you, have complained? Did Brian Atwood complain? I did not hear him say that the election was a fraud, and it is his agency that was involved. Did the military complain? Six thousand of our troops are still there, and they shepherded as best they could an election of a fledgling country.

I am tired of standing in this well and in this body and hearing people refer to the people of the liberal left. One day I will come forward and tell you all the things that the liberal left has done. My concern is what the conservative right has done to us all.

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

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

Mr. HOKE. Mr. Chairman, I would like to yield to the distinguished gentleman from Immokalee, the distinguished gentleman from Sanibel [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank my colleague from Ohio for yielding.

Mr. Chairman, I would say to my colleague and friend from Florida, who has spoken with great passion and articulation on an issue that we all care very much about, I have been involved with Haitian affairs for 30 years now, from many perspectives, all aimed toward building democracy and a better quality of life for Haiti, which is demonstrably the poorest, most impoverished, most backward part of the western hemisphere, a tragedy in history of many ways, of 200 years as the second oldest sovereign republic, free sovereign republic, in this hemisphere. They just have not been able to get it together down there. I think we all as good neighbors in this hemisphere want to do our best for them.

I suspect that my colleague from Florida's impassioned speech was in part from the sense of frustration and disappointment that he feels and that I feel, that we all feel, that things are not going better more quickly. I suspect a little bit perhaps of his feeling comes from the same feeling that I have as an American, a little bit of the shame I feel that some of the poverty in Haiti today is a direct result of the embargo that we have advocated against, this economic embargo that has simply made Haiti, I hate to say this, but it is close, a place where there is too much garbage with too many pigs in the city streets going around. It is very hard to think that this is a civilized capital city of a great sovereign nation. Things have gotten so bad economically down there for anybody to come in and see. It is pathetic, and I feel badly about it.

But that was our embargo, and as an American I feel very badly. That was unwise policy by President Clinton and his advisers, and I stood on this floor and many times said that. So that does not mean I am not sympathetic to Haiti. It means I am very sympathetic to the people of Haiti and to the country of Haiti. I do not think starving Haitians into democracy is a very smart way to go, and I have said so repeatedly.

Now, apparently my colleague from Florida has some type of obsession with the CIA. I do not know what it is about, but, just to make the record clear, I will say I would presume that all of the President's horses and all of the President's men are the people and ways that he is going to get the message about what is going on in Haiti. That is how our government works, and how it should be.

The final point I would like to make is that the question of constitutionality that I have raised, using the Haitian Constitution as the measure by which we judge, is not a new subject. It is, in fact, the way the OAS judges its own member states, and has been since June of 1991 per resolution 1080 of Santiago. The test is a sudden or irregular interruption of democracy creates a abrogation. And where was that ever tested? The first place, Haiti. It served Haiti already, and it can serve Haiti again. That is the standard I am asking us to adopt.

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

Mr. Chairman, last week when I heard about the Goss amendment I went to him to discuss with him that amendment and to try and determine what he was trying to do. I am surprised today when I hear the gentleman, because my discussion with him last week, well, he sounded a lot different.

The gentleman said to me, ''Let me assure you, I do not want to do anything to harm Haiti. I would like to encourage them. I am with you all the way.'' He said, ''I was there, and I think they did a pretty good job.'' He said, ''I think there were a few problems.''

So, having had that conversation with him one-on-one, I am surprised when I hear him on the floor today, because he sounds like a different person.

He even said to me, ''I want to amend my amendment to put in substantial compliance, because I in no way believe that we should hold them to the strict standard of the 1987 Constitution.'' Because, he implied, ''I know what had to be done for the election. With Aristide only returning in October, to say that they had to put everything in place to comply with the Constitution was literally impossible, and we wanted these elections to be held. And yes, Ms. WATERS, I agree, that ever since everybody, but everybody, signed off on the way that they should proceed. And recognizing that everything demanded by the Constitution could not be put in place, I think it has worked out well.''

Well, you know, maybe I need to ask the gentleman from Florida [Mr. GOSS] to revisit this conversation, because when he gets on the floor today, then he starts to go back and say some things that really do surprise me.

Let me just say, this amendment should not be about refighting and getting involved in a struggle where there were some who did not believe we had any place in Haiti, that did not want us to assist Haiti, who made statements that pained us all, ''We are not going to and we do not wish to lose one good American soldier on their soil.'' We do not want to go back to talk about that.

□ 1945

Let us put that behind us. Let us at least conclude, as reasonable people can do, that we have helped Haiti, and they are grateful. Do they say to us over and over again how grateful they are? We must have had 200 CODELs to Haiti. Everybody has been to Haiti. Everybody from both sides of the aisle that has wanted to go. Those who did not want to go have been to Haiti. They have been received with warmth. They have been embraced. The president has thanked us profusely, and we know that they are grateful for what we have done.

Having done all of that, the President has said over and over again, What else do you want me to do? How else can I make you believe that all that I want for my beloved country is freedom and democracy for its people? Everything that we have asked him to do he has done.

I am pleased and proud, as I look at what took place with these elections. Now, if you recall what happened in South Africa, people stood in lines for hours. If you will recall, it took them a long time to count the ballots. If you will recall, there were some skirmishes. It will happen.

Let us not talk about what happens in America but certainly in a third world country, where they do not have the computerization, they do not have the electricity and other things, certainly you expect there are going to be some problems. But why are you putting on them the kind of restrictions to box them in to say that if you do not comply with the 1987 Constitution for the 1995 elections coming up and somebody, God knows who, tells the president that they have not done it, then we are to withhold money. I do not think you mean that.

Mr. GOSS, I say to you now, I think that you are the man that I talked to last Thursday. I really do not think whatever has influenced you today is the real you. I want you to do what you told me you wanted to do. I want you to join with me in helping Haiti.

Let me tell you how you can do it. We do not mind working with you to structure something that would encourage them, but, Mr. GOSS, you need to pull this amendment back from the floor. You should not disrespect your colleagues from Florida. You work pretty well with them from time to time. CARRIE MEEK is here. She is pained by what you are doing. Mr. HASTINGS is also.

The CHAIRMAN. The time of the gentlewoman from California [Ms. WATERS] has expired.

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

Ms. WATERS. I would like to ask the gentleman from Florida [Mr. GOSS] to pull this back from the floor. Walk over here with your colleagues and friends from Florida, get together an amendment that will encourage Haiti that we can agree on and let us move forward as friends on this one because we are winning all the way.

Would you please do that, Mr. GOSS?

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

Ms. WATERS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I first of all want to say that I filed this amendment way at the beginning of last week, way before the elections. It actually had very little to do with the elections. Second thing, I did confer with you, as you point out. Third, I want to assure you, it is the real me. I am definitely here. I am standing here and it is me.

The third thing I want to say is this is not about the elections. The fourth thing I want to say is I have not made any allegations or charges that we should stop aid because it was not a democratic election. That would be a very foolish thing to do, I do not think you or anybody else over there would say right now that we have supported a nondemocratic election because they did not have their electoral council in place. I, at your request and others' requests, put in the words ''substantial compliance'' so we would know we are not talking about trickery or anything like that. I do not expect all the T's to be crossed or the I's to be dotted. I expect substantial compliance. I have said publicly, these elections are OK, on to the next ones.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank you for this opportunity to say a few words. Let me say that I stand in strong support of the Meek amendment. I had the opportunity to travel to Haiti this time, about the seventh time in the last few years, to be a member of the interorganizational observer mission. We went there to try to get an opportunity to see what was going on.

The first thing that was very surprising to me though was the day before we arrived on Saturday that a report had been concluded already by the IRI, the International Republican Institute, very colorfully done, very well done, very thorough. And a press conference was held the day before we got there, two days before the election, which already said, for all intents and purposes, that this is flawed, that this was going to be an election that did not work, that this is something—this was a press conference given two days before the election was even held.

So, therefore, people going into the election were suspect because of an American organization. And it is the first time I have ever seen an American organization in a foreign country give a press conference of something that is not very easily made. This is a pretty fancy-looking agenda item here, to say for all intents and purposes it is a failure. To me, it makes me suspicious.

Let us talk about the election very briefly. They said there was confusion. Let me tell you something. I would be the first to admit that there was some confusion. But let us take a look at the ballot.

There were eight months since President Aristide had been back. What was on the ballot? You had their Senators, 177 running on a ballot with pictures, with symbols, with names. There were deputies, 859 Senate Congress types running on another ballot. You had 855 mayors running; not only themselves but on each mayor's slate there is a deputy mayor and a third assistance mayor on the same ballot.

What else did you have? You had 2,688 council people who had three people on the site. There were close to 5,000 candidates. There were over 25 political parties. There were over 10,000 polling places. There were people who had to walk from 3 in the morning to 6 in the morning when the polls opened to get to the polling place.

Ninety-two percent of the people were registered. And guess what? The representative giving the report for the International Republican Institute said that 92 percent registration was a step in the right direction; 92 percent of the people in this country registered. Sure there were flaws. There were flaws because when I went back with President Aristide on October 30, 1994, when we went to the presidential palace, the water was not running, the electricity was not running. They did paint the house the day before so it could look presentable.

When I went down to Haiti on my other trips and met with those murderous General Cedras and Biamby and

Francois Michel, you saw people running and hiding. People were hiding in the bush. I went there six different times.

When I went there this time, I could walk the streets. There was no—I went to Cap Haitien, supposed to be the area that flew a one-engine plane all the way over the mountains to see what was happening over there. People were in line. They were waiting patiently. People were discussing the elections.

This was one of the greatest democratic exercises that I have ever seen. I cannot believe that people of good will could go down, and we would look at the same thing and that these people would come back with a report saying that a polling place or so opened late.

There were some people who seemed to be confused because of the fact that on every ballot you had about 30 or 40 or 50 different candidates. They looked at a glass being half empty. That glass was not only half full, it was bubbling over, because people were peaceful.

The new police were up there in Cap Haitien, not the Army that used to control that country with 7,000 men with a gun, pointing the barrel down at people. These were policemen who were applauded by the people in Haiti. When they dispersed, the police group in Cap Haitien, they had a party. There was a celebration. People brought flowers and plants to the police.

This is something that is unbelievable. I urge the support of the Meek amendment.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from New Jersey, I want to ask the gentleman a question. I want to ask a question about the group that was down there, because I received today a call from Bishop Cousin who is the presiding bishop of the African Methodist Church in the State of Florida and the Bahamas. He indicated that he was intimidated by some group, the International Republican Institute. In fact, he indicated to them that he did not work for the Government and he would not be intimidated.

Mr. PAYNE of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from New Jersey.

Mr. PAYNE of New Jersey. I did meet the bishop and did have an opportunity to see him before I went up to Cap Haitien but did not see him after my return.

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

Ms. BROWN of Florida. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I had the good fortune and pleasure of meeting the bishop while we were there. We had a very pleasant conversation. If somebody who was one of my observers on the IRI team intimidated him, I would certainly like to know that person's name and know the circumstances. I have had no such report.

Ms. BROWN of Florida. I will provide that for the gentleman.

I am looking at the Washington Post story, and they indicated that this particular group was a very partisan group.

I just want to close by saying this: I support my colleagues from Florida and other Members today that have spoken for the Haitian people. I, from Florida, have lived through what has gone on in Haiti for a number of years, the double standards. I support what President Clinton has done, what President Aristide has done, working with the Haitian people.

Yes, Haiti is not what we want. I have been over there several times. But I am a part of what we can do to make that country work and work for the people. They are very grateful for everything that we have done; but they, as I told you earlier, are not a colony of the United States of America. They appreciate everything that we have done for them, but they need to govern themselves.

Mr. GOSS. Mr Chairman, if the gentlewoman will continue to yield, that in fact was what I said in my remarks to the press on Monday morning.

What paper said this was a partisan group?

Ms. BROWN of Florida. The Washington Post.

Mr. GOSS. The Washington Post reported that the IRI was partisan?

Ms. WATERS. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from California.

Ms. WATERS. Mr. GOSS, you have specifically identified in your amendment that there would be substantial compliance with the 1987 Constitution for the 1995 elections. What does that mean? As you know, there was an agreement for this election, to oversee and operate this election. Everything was not in place. So they had to put the electoral council in place, not as the Constitution identified.

Would you agree that that agreement is sufficient?

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

Ms. BROWN of Florida. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, the answer to the question is, by substantial compliance, I certainly think that if we have said that this election this weekend involves substantial compliance, that that gives us a pretty good idea of how far away we can get from the specific words and technical requirements because we were quite far away from them. And I do not believe anybody is—certainly I am not—saying that this last election was not in substantial compliance.

Ms. WATERS. Mr. Chairman, if the gentlewoman will continue to yield, so you believe that this election was in substantial compliance?

Mr. GOSS. Mr. Chairman, yes.

Ms. WATERS. That the agreement that operated and oversaw this election was fine?

Mr. GOSS. Mr. Chairman, I will not say it was fine. I will say it was substantial compliance for the purposes of this amendment.

Ms. WATERS. And you are not asking for a higher standard than that?

Mr. GOSS. I am not asking for a higher standard.

Ms. WATERS. If they reach it, that is fine?

Mr. GOSS. I am not asking for a higher standard than substantial compliance.

Ms. WATERS. Let the record reflect, if I may, that this amendment is not asking for a higher standard than that standard which oversaw this election in Haiti, that the gentleman is not asking that they are in some absolute or letter perfect compliance with the 1987 Constitution, but, rather, what just took place is all right. That is what the gentleman just said.

☐ 2000

Mr. GOSS. Mr. Chairman, I hope we are going to do better.

Ms. BROWN of Florida. Reclaiming my time, Mr. Chairman, I rise today in support of the Meek amendment. The Meek language is a tremendous improvement over the badly crafted Goss language. The parliamentary elections that just took place in Haiti are a real accomplishment for the people of Haiti as they build a stable democracy. The Washington Post said that Haiti's elections, "by any reasonable standard, were a success." The Washington Post acknowledges that Representative GOSS observed the elections not as an impartial observer, but as a partisan participant of the Republican Party's International Republican Institute. This group's criticism of the elections, according to the Washington Post, was not constructive and was misinformed. I, personally, was informed by Bishop Cummings who is bishop for Florida and the Bahamas for the African-Methodist Episcopal Church, that the Republican Party's International Republican Institute participants were rude and threatening to him as he tried to explain that he was an impartial observer and not from the Federal Government. Bishop Cummings was outraged by the comments made about him, but refused to be intimidated.

This should be one of America's proudest moments—our country did the right thing, we did not shirk our responsibilities to strengthen democracy as some would have had us do. We should be proud that we reached out to our close neighbor in their time of need to help them fulfill the promise of democracy and hope.

I congratulate President Clinton and the brave young men and women of our armed services who have worked hard to create the safe and secure environment necessary for real democracy to take root in Haiti so that these elections could take place.

I congratulate President Aristide for having the wisdom to lead his people into this era of healing, hope and redevelopment. He put together a government of inclusion and continues to reach out to other groups including the business sector and the political opposition—including giving air time to opposition candidates.

These elections faced challenges, especially many logistical challenges, but they occurred without bloodshed. Improvements will be made, especially in the area of civil justice and

stronger democratic institutions. The international community must honor its commitments and ensure that donor nations' assistance reinforces Haitian electoral institutions in a nonpartisan manner. The elections this past weekend were a testament to the Haitian people's strong desire for a new beginning in Haiti. They were a testament of the international community's commitment, and Americans, especially those of us in Florida who are so close to Haiti, to support democracy for our neighbors.

Mrs. MEEK of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, there are a lot of things that have been said today, but there are still a lot of questions existing. No. 1, there is no one in this Congress, all 435 of them, that know doodley-squat about the Haitian Constitution. They know absolutely nothing about it.

The CHAIRMAN. The time of the gentlewoman from Florida [Ms. BROWN] has expired.

(On request of Mr. BONIOR and by unanimous consent, Ms. BROWN of Florida was allowed to proceed for 2 additional minutes.)

Mrs. MEEK of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Florida.

PARLIAMENTARY INQUIRY

Mrs. MEEK of Florida. Mr. Chairman I would like to ask a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. MEEK of Florida. I have a Parliamentary inquiry, Mr. Chairman, Mr. Chairman, I am trying to get recognized so I can move to strike the last work on the underlying amendment.

The CHAIRMAN. The gentlewoman from Florida [Ms. BROWN] requested 2 additional minutes. The time is hers now. That was granted without objection. She has now yielded to the gentlewoman from Florida [Mrs. MEEK] in the well, so the chair would say to the gentlewoman from Florida [Mrs. MEEK] the time is hers as long as the gentlewoman yields to her.

Mrs. MEEK of Florida. I have a further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her inquiry.

Mrs. MEEK of Florida. Mr. Chairman, after I have expended the 2 minutes that she gives me, may I request 5 minutes.

The CHAIRMAN. The gentlewoman may, under that circumstance.

Mrs. MEEK of Florida. With unanimous consent, I can?

The CHAIRMAN. The Chair will tell the gentlewoman, after the 2 minutes, yes.

Mrs. MEEK of Florida. Mr. Chairman, first of all, no one here knows doodley-squat about the Haitian Constitution. I have it in my hand. None of the Members know what it says. However, Members are in here doing a lot of rhetorical meandering around, saying that they know this and they know the other. My good friend, the gentleman from Florida [Mr. GOSS] if he has his way. Aristide would be on some far distant island from where he is now, trying to govern Haiti.

Mr. Chairman, I want to know, what does substantial compliance mean? If there is a hurricane on election day in Haiti, what do you do? Does that fit the standard of substantial compliance?

Who decides what it means? It is my brother, the gentleman from Florida [Mr. GOSS] who decides what it means?

These are rhetorical questions.

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

Mrs. MEEK of Florida. I will not yield Mr. Chairman, because I am asking the gentleman rhetorical questions. I do not expect an answer.

All of this is a disincentive for a democracy, a budding democracy. All day long all of you have been wrapping yourselves in the flag, and I am beginning to think you do not know doodley-squat about democracy. Democracy means that you want to see other countries see the American dream and realize what it means to have fair and free elections. I want to appeal, like my sister MAXINE did, to the gentleman.

The CHAIRMAN. The time of the gentlewoman from Florida [Ms. BROWN] has again expired.

PARLIAMENTARY INQUIRY

Mr. FOGLIETTA. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania will state the parliamentary inquiry.

Mr. FOGLIETTA. I believe I heard the gentlewoman from Florida [Mrs. MEEK] say that she moved to strike the requisite number of words on the underlying amendment. She has spoken on her own amendment. Now she has asked for 5 minutes on the underlying amendment. I think she is entitled to that 5 minutes.

The CHAIRMAN. That is correct, and the chair would recognize the gentlewoman for 5 minutes to strike the last word on the Goss amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want my colleague, the gentleman from Florida [Mr. GOSS], to realize that we all live on a peninsula called Florida. We are all being impacted by all the things the gentleman has said. I take umbrage to the fact that the gentleman has singled out Haiti and used a standard just for Haiti.

I have never heard on the floor that any funds were limited because of an election in any country since I have been here. I want to hear more of that from those of the Members who are not flaming liberals. I want to hear them speak out for democracy. I want to hear them say that a small country like Haiti, regardless of what happens during the election, as long as it is free, and as long as it is fair, and that they do not have people poking guns in their ribs, that that is the time for a free election.

When the Goss amendment says ''None of the funds appropriated in this act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with requirements of the Constitution,'' I repeat again to the gentleman, what does the gentleman mean by ''substantial,'' rhetorical statement, ''compliance?'' What does the gentleman mean by saying that the people in Haiti are not ready? That is the inference the gentleman is making, that they are not ready for a free election.

I say to the gentleman that they are. They fought for their freedom years ago, before any of us got free, before any of us came over here on the slave ships, they fought for freedom. What the gentleman is saying about Haiti upsets me. The gentleman is wrong.

Mr. GOSS. Mr. Chairman, I would ask the gentlewoman, is that a rhetorical question?

Mrs. MEEK of Florida. Mr. Chairman, I am asking the gentleman only rhetorical questions, and I am trying to keep my intellectual composure as I speak to the gentleman. It is very difficult, because I have seen the gentleman go on a path since we got here of intimidation of this small republic. I have seen it.

I ask the gentleman, forget about any kind of predisposing conditions he may have that causes him to want to attack this small nation. I speak to the Congress, not to the gentleman, but to the entire Congress. I do not believe you have one, you do not have one majority in this Congress who would want any small nation to have democracy threatened by saying to them we are going to hold back your funds if you do not do this election the way we want you to do it. You cannot do it.

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

Mrs. MEEK of Florida. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I think the gentlewoman may be alluding to some things. As I reminisce over the last year or so, when we have had legislation pertaining to Haiti, I remember other amendments that the gentleman from Florida [Mr. GOSS] had offered at previous times that appeared to me that he did not want democracy in Haiti; that when the junta was in control in Haiti, that there was language introduced by the gentleman from Florida that would have required that no U.S. troops ever go to Haiti, and we would still have the junta in

Haiti, and there would be no democracy in Haiti; that the one amendment even said that the people who were fleeing Haiti to get away from the killers, the murderers that were there, that they should not come to the United States, they should not go to Guantanamo, they should not go on board ships, they should go to a little island off in the Caribbean, away from Haiti. That is where we should take them.

These are amendments that the gentleman from Florida [Mr. GOSS] has introduced previously. I also understand from the gentleman's own statements during this debate, Mr. Chairman, that the gentleman has been active to some extent in Haiti endeavors for the last 20, 30 years. That means that the gentleman was present and knew something about Haiti back when we had the juntas, back when we had the killers, so, Mr. Chairman, that makes me suspicious of what is being offered here today, because we do have a fledgling democracy.

Mr. Chairman, I would like to close by saying one thing. I was one of those who did say, and many of us did, and I think a majority of this House did, before the troops, before the agreement was reached with President Carter, before the troops went to Haiti, we all said no, we should do something.

Mrs. MEEK of Florida. Reclaiming my time, Mr. Chairman, before it expires, I would like to ask this House to vote for democracy, vote for justice. Do not worry about what party the gentleman from Florida, PORTER GOSS, is in, vote for democracy and vote for freedom.

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

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

Mr. MILLER of Florida. I yield to the gentleman from Florida.

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

It seems a lot of folks from Florida are interested in this, Mr. Chairman, and indeed, we are. We represent Haitians who are Haitian Americans. We represent Americans who are not Haitian Americans.

I thank the gentleman for yielding, because there are a couple of points I feel I have to add to here, some things made that are getting a little bit on the edge of being ad hominem attacks.

I am truly sorry for the distress of my colleague and friend, the gentlewoman from south Florida. We share the same goals. It is just a question that we are not sure we do. We do share the same goals. Mr. Chairman, in previous resolutions and pieces of business before this floor, I have taken a very, very strong position about not wanting to send our armed troops to make war on Haiti. I consider it a friendly neighboring country, and have said that almost every time I have referred to it. I do not believe in making war on friendly neighbors.

As I have said before, I applauded very loudly, I applauded President Clinton for the negotiated settlement after President Carter, former President Carter, General Powell, went down there.

Mr. Chairman, with regard to the embargo, I opposed the embargo because I felt it would bring suffering to the people of Haiti, innocent victims. It did. It did. There is no question about it. This tiny island in some far remote part of the Caribbean that the distinguished gentleman referred to, I do not remember who made the statement, apparently has not got much of an understanding of where Haiti is or what it looks like.

This tiny island is a rather large island. It is in the central mass of sovereign Haiti, it is Haitian soil, it is bigger, bigger than Manhattan, and it has thousands of Haitian citizens living on it, and they voted on Sunday.

To say that we were trying to create a problem in some tiny remote non-Haitian territory, I have only said the way to solve the problem in Haiti is by Haitians on Haitian soil with U.S. aid, appropriately expended and properly justified. That is what this is about.

Mr. Chairman, this is the foreign appropriations bill we are talking about. We are talking about are we using American taxpayers dollars wisely. I think we are. We are trying to do the right thing. I am asking that we always keep asking ourselves that question, because Haiti has had a difficult history, as we all know.

It is not more than that. It is not complicated. There is nothing sinister, there is nothing Machiavellian, there are no tricks. We have had this out in the open in this wonderful democracy. I do not know what more I could say.

I think perhaps more is being read into this amendment than is there.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Mr. Chairman, the gentleman said two or three times that America did not want to make war on Haiti. I want him to know that the American people did a rescue. They saved the Haitian people. We are very grateful, the people in Florida.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, I do not think the Goss amendment is needed. I do not think the Meek amendment to the amendment is needed. I spoke to my colleague, and I asked him, I said to him, we do not need either one of these amendments. I do not need to tell the Members what his answer was to me, because it is not relevant to what we are talking about here.

However, I am willing, given the permission of the gentleman from Florida [Mr. GOSS], if he withdraws his amendment, I will be more than happy to withdraw my objection to his amendment, my amendment to the amendment, because neither one of them does anything.

Mr. GOSS. Mr. Chairman, if the gentleman will continue to yield, I will answer that very briefly. As I said before, the reason to this amendment is on my responsibility, our first responsibility on the foreign aid bill to provide proper oversight that the funds are spent in the proper priority areas with the proper governance and oversight and accountability back to the American taxpayers.

Haiti we have put an awful lot of money in, pretty near $2 billion. It has come in different places and forms. That is a ton of money. I think we owe an accountability to the American people, and a statement to them that we are checking. I will not withdraw my amendment, but there is nothing more sinister to my amendment than what I have said.

PREFERENTIAL MOTION OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman will state his motion.

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

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. BONIOR moves that the Committee do now rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. BONIOR].

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

Mr. BONIOR. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum. Does the gentleman from Michigan withdraw his point of order?

Mr. BONIOR. No, Mr. Chairman.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following members responded to their names:

[Roll No. 434]

Abercrombie	Ballenger	Beilenson
Ackerman	Barcia	Bentsen
Allard	Barr	Bereuter
Andrews	Barrett (NE)	Berman
Armey	Barrett (WI)	Bevill
Bachus	Bartlett	Bilbray
Baesler	Barton	Bilirakis
Baker (CA)	Bass	Bishop
Baker (LA)	Bateman	Bliley
Baldacci	Becerra	Blute

Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
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
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

☐ 2032

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

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Michigan [Mr. BONIOR] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 231, not voting 15, as follows:

[Roll No. 435]

AYES—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Clyburn	Harman	Salmon
Cremeans	Largent	Stark
Durbin	McNulty	Stokes
Goodling	Moakley	Yates
Gunderson	Reynolds	Young (AK)

□ 2041

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to my colleague, the distinguished majority leader, Mr. ARMEY.

Mr. ARMEY. Mr. Chairman, we have very carefully worked out a work schedule for this week; work that we believe is important to the people of this country.

We knew when we planned the week that we had ample opportunity to complete that work, including finishing this bill between 10 o'clock and 11 o'clock this evening, assuming everything would go within the context of normal legislative process.

Mr. Chairman, let me begin by making the point, in order to maintain the work schedule we have for this week, we will not adjourn this evening until we complete this bill.

□ 2045

Mr. Chairman, I will encourage the floor managers of this bill to use whatever options are available to them within the context of a unanimous-consent request in conjunction with that cooperative effort between themselves and those offering amendments to expedite every amendment under consideration during the remainder of this time under consideration.

Following the completion of this bill, Mr. Chairman, we will complete a budget conference report, a rescission and supplemental assistance report, a Medicare select conference report, and an additional appropriations bill, the energy and water appropriations bill.

It is my intention, Mr. Chairman, for us to complete this work, and it is perfectly within the realm of reasonable work hours for us to complete this work, and to be out of here and on our planes home by 3 o'clock on Friday.

I am so committed to our making our 3 o'clock departure on Friday that I am prepared to remain here all through tonight, all through tomorrow, all through tomorrow night, until 3 o'clock on Friday, and should we not have completed the work that I have enumerated at 3 o'clock on Friday, I am prepared for us to remain in session until that is done.

Mr. Chairman, in the interests of moving this along, I yield back the balance of my time.

Mr. CALLAHAN. Reclaiming the balance of my time, Mr. Chairman, I just want to address the House seriously just for 1 minute.

As my colleagues know, I think that this foreign operations bill is something that we in a bipartisan manner are working toward in conjunction with and in cooperation with the administration. I think that President Clinton and Secretary Christopher are going to need some foreign operation moneys next year, and I recognize that the leaderships may have some differences of opinion about some other activities that do not relate to this bill in any way. But I would like very much for the leadership on this side to continue to dispute some things with the leadership on our side, but to let us continue to address this bill in a respectable manner tonight. Let us receive, in an open rule, which all of my colleagues wanted, let us receive these amendments, debate them tonight in a responsible, limited time, and get on with this bill tonight. Tomorrow we can go back to all the shenanigans. We can have all of the motions to rise, we can have all of the motions to adjourn, but let us get this out of the way for the sake of the leadership of this administration so they can have a foreign operations bill next year.

Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say to my distinguished friend from Texas, the majority leader, that we are prepared to make the coffee and provide the No-Doz tablets for him this evening, and tomorrow evening, and the evening after that, and let us be clear that it is not this side of the aisle that is delaying the proceedings with respect to this bill.

I say to my colleagues, If you would have done your bill correctly in committee, we wouldn't have 90 percent of the amendments being offered on the floor to this bill being Republican amendments.

But let me further clarify for my friends on the other side of the aisle what the issue is here. The issue is that we want, will demand, our fair representations on the committees that govern this institution.

Now, if the majority thinks that they are going to get away with putting an extra member on the Committee on Ways and Means, and skewing the ratios even further, and denying us our ability to fight for senior citizens against these Medicare cuts, they are wrong.

This issue is about our ability to speak on that committee, defend seniors, and fight these egregious tax cuts for the wealthiest people in our society, make no mistake about it, and we will stay here until we get justice, and fair representations and ratios in that committee.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, members of the committee, we have before us a substitute amendment offered by the gentlewoman from Florida [Mrs. MEEK] that will not harm the democracy movement in Haiti. We also have the underlying amendment of the gentleman from Florida [Mr. GOSS] that would probably undermine that movement of democracy in Haiti.

Now I was one of those like the majority that was here back a year ago when we said, no, we should not send troops into Haiti.

We should not be doing that. But the American public did not support it, and our President went ahead and did it anyway, and guess what, my colleague? HAROLD VOLKMER, the gentleman from Florida, and others who were in opposition to that, we are wrong. The President so far has been right, and I say, ''so far.''

And what I see happening in this small area in the Caribbean is a movement of democracy that is taking place. I am willing to admit I was wrong. I am willing to say, ''Let's help it now that it is ongoing,'' but I am afraid that the amendment of the gentleman from Florida [Mr. GOSS] could possibly put a stranglehold on that democracy movement in that small Caribbean nation, that very poor Caribbean nation.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, it appears to me when there is a certain interim here some of my colleagues go out and get a little drink of water, and they do not make any sense when they come back. I say to my colleagues, Now you're back in this House now. You have got to recognize that this is a syndrome that goes on in some of these bodies. You go out and get a little drink of water, and then you come back in here and—and all of that. Well, there is no time for that.

Mr. Chairman, this is a very serious matter. I am asking my colleagues to please vote for the Meek amendment.

Mr. Chairman, all I ask this House to do is forget about party, forget about any affiliation, but think about the fact that the Meek amendment softens a Goss amendment, what the Goss amendment did. It had an inference in it that the elections in Haiti were not fairly conducted, so he put an amendment together which said that there will be a limitation on the funds if the elections were not held and were not in substantial compliance, whatever that means.

Now I have had some, some experience, with the nomenclature, but that is a part of the nomenclature no one understands. I do not know whether the Member understands it himself, substantial compliance with the Haiti constitution.

I am asking my colleagues, When you vote tonight, vote for the Meek amendment because the Goss amendment isn't needed. Neither is the Meek amendment. The reason why I have to amend his, it was so wrong morally that I had to do something to soften it because the Goss amendment inferred that because the elections were a little bit—has a few problems, we should put some limitations.

Mr. Chairman, we should not put limitations on any other country. We have

not put any limitations on funds of any other country because of the elections.

Mr. Chairman, will the gentleman from Missouri [Mr. VOLKMER] yield to the gentleman from Florida [Mr. HASTINGS]?

Mr. VOLKMER. If I have any time remaining.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Missouri has 1 minute remaining.

Mr. VOLKMER. Mr. Chairman, I yield the 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Missouri for yielding this time to me.

We have a notorious tendency of not wanting to listen to certain people. I demand that the House be made in order, Mr. Chairman.

Mr. Chairman, 9 years ago outside Lake Worth, FL, I walked over the bodies of Haitians who had washed up on the shore. One of them was a pregnant, nude woman, and that has stayed with me all of my life.

All this little nation is asking of us is a little opportunity to restore democracy. That is all they are asking, and here we come with a superimposed notion, dictating our form of democracy within the framework of a year. It is absurd that we find ourselves in this position where democracy has to be according to our dictates in order for us to do business with even the most feeble of us.

Mr. Chairman, we have had a habit in this body of addressing on the domestic front the most vulnerable among us, and now we move to the international front and continue that pattern. I say to my colleagues, ''Shame on you.''

Mr. GEJDENSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as my colleagues know, it is astounding to watch us trying to micromanage, a word I heard from my Republican colleagues for years, a policy that has been successful beyond anybody's imagination. When the President of the United States singlehandedly decided to bring down the generals because there was not a lot of support on our side of the aisle or the Republican side of the aisle, Democrats and Republicans were fearful of American casualties, as rightly we were.

I think the President understood with his national responsibility that both for the United States, and particularly the State of Florida—that was dealing with refugees and crises on a regular basis on their social service network, the kind of scenes that my colleague from Florida just referenced in watching what had happened on that small island time and time again where the hope of the people of Haiti was dashed—that he understood how important it was for our hemisphere, for the United States, and for Haiti.

The President's policy not only succeeded; it succeeded more than any of us dared dream. As that policy succeeded to remove the generals, to restore the rightfully elected president, the naysayers immediately began that there would be no election in Haiti. The president, freely elected, did not believe in democratic institutions.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1112. A letter from the Director, Standards of Conduct Office, Department of Defense, transmitting a report of individuals who filed DD Form 1787, Report of DOD and Defense Related Employment for fiscal year 1994, pursuant to 10 U.S.C. 2397(e); to the Committee on National Security.

1113. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation, to provide for alternative means of acquiring and improving housing and supporting facilities for unaccompanied members of the Armed Forces; to the Committee on National Security.

1114. A letter from the Vice-Chair, Coordinating Council on Juvenile Justice and Delinquency Prevention, transmitting a request to the U.S. House of Representatives to appoint an individual to the Coordinating Council on Juvenile Justice and Delinquency Prevention; to the Committee on Economic and Educational Opportunities.

1115. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Administration's report entitled, ''Profiles of Foreign Direct Investment in U.S. Energy 1993,'' pursuant to section 657(8) of the Department of Energy Organization Act; to the Committee on Commerce.

1116. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled, ''Double Jeopardy: Persons with Mental Illnesses in the Criminal Justice System,'' pursuant to 42 U.S.C. 290bb–31; to the Committee on Commerce.

1117. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for Presidential Determination regarding the drawdown of defense articles and services for the Rapid Reaction Force [RRF], pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

1118. A letter from the Chief of Staff, International Affairs, Federal Election Institute, transmitting a communication regarding the Second Trilateral Conference on Electoral Systems (volume I, II, including the executive report, index and program) by the Canadian, American, and Mexican delegations held May 10 through May 12, 1995, in Ottawa, Canada; to the Committee on International Relations.

1119. A letter from the Secretary of Transportation, transmitting the semiannual report of the inspector general for the period October 1, 1994, through March 31, 1995, and management report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1120. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1121. A letter from the President, Federal Financing Bank, transmitting the management report of the Federal Financing Bank for fiscal year 1994, including audited financial statements and the independent auditor's report on the statements, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

1122. A letter from the Administrator, General Services Administration, transmitting the semiannual report on the activities of the Department's inspector general for the period October 1, 1994, through March 31, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1123. A letter from the Counsel, National Council on Radiation Protection and Measurements, transmitting the 1994 annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to Public Law 88–376, section 14(b) (78 Stat. 323); to the Committee on the Judiciary.

1124. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to amend the Program Fraud Civil Remedies Act; to the Committee on the Judiciary.

1125. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, calendar year 1994, pursuant to Public Law 88–449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

1126. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend provisions of the Bankruptcy Code governing the powers of a bankruptcy court and the effect of automatic stays as they relate to certain multifamily liens insured or held by the Secretary of Housing and Urban Development or the Secretary of Agriculture; to the Committee on the Judiciary.

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. MONTGOMERY (for himself, Ms. WATERS, Mr. CLYBURN, Mr. MASCARA, and Mr. EVANS):

H.R. 1941. A bill to amend title 38, United States Code, to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LONGLEY:

H.R. 1942. A bill to give authority to the State of Maine over marine fisheries in the waters within 12 miles of the coast of the State; to the Committee on Resources.

By Mr. BILBRAY (for himself, Mr. PACKARD, Mr. CUNNINGHAM, Mr. HUNTER, and Mr. FILNER):

H.R. 1943. A bill to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities; to the Committee on Transportation and Infrastructure.

By Mr. LIVINGSTON:

H.R. 1944. A bill making emergency supplemental appropriations for additional disaster assistance, for antiterrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making recissions for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. BATEMAN (for himself, Mr. SHAW, Mr. HOUGHTON, Mr. MCCRERY, Mr. COLLINS of Georgia, Mr. PAYNE of Virginia, Mr. TAYLOR of North Carolina, Mr. BLILEY, Mr. SISISKY, Mr. BOUCHER, and Mr. PICKETT):

H.R. 1945. A bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent; to the Committee on Ways and Means.

By Mr. LARGENT (for himself, Mr. PARKER, Mr. ALLARD, Mr. BAKER of Louisiana, Mr. BARTLETT of Maryland, Mr. BARR, Mr. BARTON of Texas, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLEMENT, Mr. COBURN, Mr. COMBEST, Mr. COOLEY, Mr. CRANE, Mr. CRAPO, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Mr. EMERSON, Mr. FORBES, Mr. FOX, Mr. GOODLATTE, Mr. GRAHAM, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLEARY, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. LEWIS of Kentucky, Mr. METCALF, Mr. MONTGOMERY, Mrs. MYRICK, Mr. NEUMANN, Mr. PETRI, Mr. PORTER, Mr. QUILLEN, Mr. RAHALL, Mr. ROBERTS, Mr. SALMON, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SHADEGG, Mrs. SMITH of Washington, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TATE, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr. THORNBERRY, Mrs. VUCANOVICH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELLER, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 1946. A bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCRERY (for himself, Mr. HERGER, and Mr. JACOBS):

H.R. 1947. A bill to amend the Internal Revenue Code of 1986 to revise certain rules relating to fuel excise tax refunds, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 1948. A bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes; to the Committee on Commerce.

By Mr. MINGE:

H.R. 1949. A bill to amend the conservation title of the Food Security Act of 1985 to give the Secretary of Agriculture jurisdiction over all wetland determinations involving agricultural lands, to provide for consultation between the Secretary of Agriculture and other Federal agencies involved in wetland conservation, and to improve the operation of the wetland conservation program of the Department of Agriculture; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. TORRICELLI):

H.R. 1950. A bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Mr. HASTERT, Mr. RICHARDSON, Mr. FRISA, and Mr. DEFAZIO):

H.R. 1951. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow food and dietary supplement manufacturers to communicate truthful, nonmisleading information to consumers concerning the nutritional content and disease prevention benefits of their products, to repeal or clarify rules enacted by the Dietary Supplement Health and Education Act of 1994, and for other purposes; to the Committee on Commerce.

By Mrs. SCHROEDER (for herself, Mrs. LOWEY, Ms. JACKSON-LEE, Ms. RIVERS, Mrs. KENNELLY, Ms. DELAURO, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Ms. FURSE, Ms. HARMAN, Ms. NORTON, Mrs. MALONEY, Ms. SLAUGHTER, Ms. MCKINNEY, Mrs. MINK of Hawaii, Ms. PELOSI, Ms. VELAZQUEZ, Ms. WOOLSEY, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BALDACCI, Mr. BEILENSON, Mr. BENTSEN, Mr. BERMAN, Mr. CARDIN, Mr. COLEMAN, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DEUTSCH, Mr. EVANS, Mr. FILNER, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HORN, Mr. JOHNSTON of Florida, Mr. MATSUI, Mr. MEEHAN, Mr. MILLER of California, Mr. MINETA, Mr. NADLER, Mr. OLVER, Mr. REED, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SERRANO, Mr. SCHUMER, Mr. SHAYS, Mr. STARK, Mr. WAXMAN, Mr. WARD, Mr. YATES, and Ms. LOFGREN):

H.R. 1952. A bill to protect women's reproductive health and constitutional right to choice; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALKER (for himself, Mr. ZIMMER, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, Mrs. SEASTRAND, Mr. WELDON of Florida, and Mr. SENSENBRENNER):

H.R. 1953. A bill to amend the Internal Revenue Code of 1986 to encourage the development of a commercial space industry in the United States; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. ROEMER, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. MATSUI, and Mr. PORTER.

H.R. 60: Mr. SKEEN, Mr. GALLEGLY, Mr. SMITH of Texas, and Mr. METCALF.

H.R. 72: Mr. MILLER of Florida, Mrs. MEEK of Florida, and Mr. BILIRAKIS.

H.R. 73: Mr. BILIRAKIS.

H.R. 94: Mr. SISISKY, Mr. JACOBS, Mr. MCHALE, and Mr. CHRYSLER.

H.R. 104: Mr. GALLEGLY.

H.R. 117: Mr. FLANAGAN.

H.R. 127: Ms. RIVERS, Mr. BLILEY, and Mr. LATOURETTE.

H.R. 218: Mr. UPTON.

H.R. 222: Mr. THORNBERRY, Mr. BEREUTER, Mr. INGLIS of South Carolina, Mr. BRYANT of Tennessee, Mr. BARRETT of Nebraska, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. LIVINGSTON, Mr. BARCIA, Mr. DOOLITTLE, Mr. DELAY, Mr. DORNAN, Mr. EMERSON, Mr. HEFLEY, and Mr. BURTON of Indiana.

H.R. 263: Mr. JOHNSTON of Florida, Mr. MCDERMOTT, Mr. MATSUI, Mr. BEILENSON, Mr. BROWN of California, Mr. WAXMAN, Mr. ACKERMAN, and Mrs. MALONEY.

H.R. 359: Mr. CHAPMAN.

H.R. 373: Mr. METCALF.

H.R. 394: Mr. BURR.

H.R. 530: Mr. KIM and Mr. HOBSON.

H.R. 573: Mrs. LOWEY, Mr. STUPAK, Mr. POSHARD, and Mr. GORDON.

H.R. 733: Mr. CRANE, Ms. SLAUGHTER, and Mr. MINETA.

H.R. 734: Mr. CRANE, Ms. SLAUGHTER, and Mr. WARD.

H.R. 784: Mr. BLILEY, Mr. WELDON of Florida, Mr. HALL of Texas, Mr. BARTLETT of Maryland, and Mr. KOLBE.

H.R. 789: Mr. CLINGER.

H.R. 863: Mr. CLEMENT, Mr. ROEMER, and Ms. PRYCE.

H.R. 873: Mr. LIGHTFOOT, Mr. REYNOLDS, and Mr. MICA.

H.R. 892: Mr. HANCOCK.

H.R. 893: Mr. BLILEY, Ms. RIVERS, and Mr. RANGEL.

H.R. 995: Mr. FLANAGAN.

H.R. 1023: Mr. WAXMAN.

H.R. 1067: Mr. SMITH of New Jersey.

H.R. 1068: Mr. SMITH of New Jersey.

H.R. 1114: Mr. RAMSTAD, Mr. DOOLITTLE, Mr. TIAHRT, and Mr. DORNAN.

H.R. 1119: Mr. KLECZKA.

H.R. 1171: Mr. LEWIS of Georgia.

H.R. 1459: Mr. BONIOR, Mr. FAZIO of California, Ms. MCKINNEY, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. DELLUMS, and Mr. OWENS.

H.R. 1484: Mr. STUPAK, Mr. BONIOR, and Mr. CLEMENT.

H.R. 1488: Mr. BARCIA of Michigan, Mr. CHAPMAN, Mr. HOLDEN, Mr. ISTOOK, Mr. BALLENGER, Mr. COBLE, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. NEY, Mr. PETE GEREN of Texas, Mr. DICKEY, Mr. TAYLOR of North Carolina, Mr. CRANE, Mr. SOUDER, Mr. QUILLEN, Mr. HOSTETTLER, Mr. YOUNG of Alaska, Mr. SOLOMON, Mr. BARTON of Texas, Mr. JONES, Mr. HILLEARY, Mr. WAMP, Mr. THORNBERRY, Mr. SKEEN, Mr. POSHARD, Mr. BASS, Mr. EMERSON, and Mr. WICKER.

H.R. 1527: Mr. METCALF and Ms. DUNN of Washington.

H.R. 1592: Mr. DIXON.

H.R. 1610: Mrs. WALDHOLTZ, Mr. BARRETT of Nebraska, and Mr. GALLEGLY.

H.R. 1661: Mrs. JOHNSON of Connecticut, Mr. WARD, Mr. CRAMER, and Mr. COBLE.

H.R. 1662: Mr. DIAZ-BALART, Mr. WOLF, Mr. BILBRAY, Mr. LIVINGSTON, Mr. MFUME, and Mr. ENGLISH of Pennsylvania.

H.R. 1713: Mr. GALLEGLY.

H.R. 1736: Mr. WYDEN, Mr. MCDERMOTT, Mr. MILLER of California, Mr. WAXMAN, Mr. SERRANO, Mr. ACKERMAN, Mr. DAVIS, Mr. FROST, Mr. FLAKE, Mr. HILLIARD, Mr. FATTAH, Mr. BAKER of Louisiana, and Mr. GUTIERREZ.

H.R. 1787: Mr. ROHRABACHER, Mr. DORNAN, Mr. WATTS of Oklahoma, Mr. MOORHEAD, and Mr. EWING.

H.R. 1791: Mr. KOLBE and Mr. HOEKSTRA.

H.R. 1884: Mr. MOAKLEY and Mr. JACOBS.

H.R. 1897: Mr. ROMERO-BARCELO and Mr. FRANK of Massachusetts.

H.R. 1930: Mr. ANDREWS and Mr. PAXON.

H.R. 1936: Mr. OBERSTAR, Mr. RANGEL, and Mrs. ROUKEMA.

H.J. Res. 89: Mr. BROWN of Ohio, Mr. HOLDEN, and Mr. TALENT.

H.J. Res. 97: Mr. STARK and Mr. FROST.

H. Con. Res. 42: Ms. RIVERS.

H. Con. Res. 63: Mr. SAM JOHNSON.

H. Res. 59: Mr. BROWN of California and Mr. MARTINI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1289: Mr. CLAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1868

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 83: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR ETHIOPIA

SEC. 564. None of the funds appropriated in this Act may be made available to the government of Ethiopia unless the State Department monitors, during fiscal year 1996, the Ethiopian government's human rights progress.

H.R. 1868

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 84: Page 78, after line 6, insert the following new section:

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

SEC. 564. No funds appropriated in this Act under the heading ''North American Development Bank'' may be obligated or expended unless it is made known to the Federal entity or official to which funds are appropriated under this Act that the Government of Mexico has contributed a share of the paid-in portion of the capital stock for fiscal year 1996 equivalent to that appropriated by the U.S.

H.R. 1905

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 16: Page 16, line 1, after the dollar amount, insert the following: ''(less $810,000,000)''.

Page 17, line 23, after the dollar amount, insert the following: ''(less $490,750,000)''.

H.R. 1905

OFFERED BY: MR. DOGGETT

AMENDMENT NO. 17: On Page 16, line 1, strike ''$2,596,700,000'', and insert ''$2,556,700,000''.

H.R. 1905

OFFERED BY: MR. MARKEY

AMENDMENT NO. 18: Page 18, line 5, strike ''$226,600,000'' and insert ''$426,600,000''.

H.R. 1905

OFFERED BY: MR. MARKEY

AMENDMENT NO. 19: Page 26, line 3, strike ''$468,300,000'' and insert ''$479,300,000''.

Page 27, line 9, strike ''$11,000,000'' and insert ''$22,000,000''.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 20: On page 16, line 1, delete ''$2,596,700,000'' and insert ''$2,556,700,000''.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 21: On page 16, line 1, delete ''$2,596,700,000'' and insert ''$2,576,700,000''.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 22: On page 16, line 1, delete ''$2,596,700,000'' and insert ''$2,578,700,000''.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 23: On page 16, line 1, insert ''(less $18,000,000)'', before ''to remain''.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 24: On page 16, line 1, insert ''(less $20,000,000)'', before ''to remain''

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 25: On page 16, on line 1, insert ''(less $40,000,000)'', before ''to remain''

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 26: Page 29, after line 25, insert the following new section:

SEC. 505. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

(1) ''Energy Supply, Research and Development Activities'', aggregate amount, $18,000,000.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 27: Page 29, after line 25, insert the following new section:

SEC. 505. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

(1) ''Energy Supply, Research and Development Activities'', aggregate amount, $20,000,000.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 28: Page 29, after line 25, insert the following new section:

SEC. 505. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

(1) ''Energy Supply, Research and Development Activities'', aggregate amount, $40,000,000.

H.R. 1905

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 29: On page 19, line 7, strike ''$5,265,478,000'' and in lieu thereof insert ''$5,411,478,000''.

H.R. 1905

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 30: Page 20, line 8, strike ''$362,250,000'' and insert ''$326,025,000''.

Page 20, line 25, strike ''$239,944,000'' and insert ''$203,719,000''.

H.R. 1905

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 31: On Page 16, Line 1 strike ''$2,596,700,000'' and insert ''$2,588,700,000''.

H.R. 1905

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 32: Page 16, Line 1 insert ''(less $8,000,000)'' before ''to remain''.

H.R. 1905

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 33: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 505. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for a spallation neutron source.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for ''Energy Supply, Research and Development Activities'' is hereby reduced by $8,000,000.

H.R. 1868

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 85: Page 78, after line 6, insert the following new section:

LIMITATION OF FUNDS FOR ETHIOPIA

SEC. 564. None of the funds appropriated in this Act may be made available to the Government of Ethiopia if it is made known to the State Department that during fiscal year 1996 the Ethiopian government has not made progress on human rights.