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

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

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

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

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

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

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

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

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

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

With best wishes, I am
Sincerely,

DAVID FUNDERBURK,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, September 4, 1996.

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

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

Mr. Richard Roos-Collins of California.

Yours very truly,

RICHARD A. GEPHARDT.

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

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

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

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

The Clerk read as follows:

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

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

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

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

Mr. OBEY. I thank the gentleman.

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

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

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

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

The previous question was ordered.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MYERS of Indiana, ROGERS, KNOLLENBERG, RIGGS, FRELINGHUYSEN, BUNN of Oregon, PARKER, LIVINGSTON, BEVILL, FAZIO of California, CHAPMAN, VISCLOSKY, and OBEY.

There was no objection.

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

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

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. BEVILL

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

The Clerk read as follows:

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

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

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

Mr. BEVILL. No, Mr. Speaker.

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

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

The previous question was ordered.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

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

□ 1030

UNITED STATES ARMED FORCES PROTECTION ACT OF 1996

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

The Clerk read the resolution, as follows:

H. RES. 517

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

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

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

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

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

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

Mr. SOLOMON. Mr. Speaker, House Resolution 517 is a structured rule providing for the consideration of H.R. 3308, the Armed Forces Protection Act of 1996. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking member of the Committee on National Security. The rule provides that after general debate, the bill shall be considered for amendment under the 5-minute rule, and makes in order only those amendments printed in the report of the Committee on Rules.

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

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

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

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

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

On the bill itself, I would just like to make some quick observations. For the past several months I have served as the Republican leadership's point man on the issue of the U.N. control of U.S. Forces. I am pleased to see this legislation before us prior to us adjourning in about 3 weeks from now. It is an excellent bill, and I commend the chief sponsor, the gentleman from Maine, Mr. LONGLEY, as well as the gentleman from South Carolina, Chairman SPENCE, and the gentleman from California, Mr. DELLUMS, for their work in getting this bill to us at this point.

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

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

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

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

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

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

[As of September 4, 1996]

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

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

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

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 4, 1996]

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

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

[As of September 4, 1996]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1045

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DELLUMS. I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

□ 1054

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

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

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

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

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

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

Let me briefly revisit this legislation's history, which makes clear the long record of bipartisan concern over placing American troops under U.N. command. H.R. 3308 had its genesis in section 1041 of the fiscal year 1994 Defense Authorization Act back when my colleagues on the other side of the aisle were in the majority. Section 1041 required the Secretary of Defense to submit to Congress a formal report ''whenever the President places United States military forces under the operational control of a foreign officer as part of the U.N. operation.''

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

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

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

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

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

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

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

There was no objection.

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

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

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

□ 1100

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> The President of the United States is to be the commander in chief. The propriety of this provision is so evident in itself that little need be said to explain or enforce it. They saw this as obvious.
>
> Of all the cares and concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Let us pass this legislation and send a message to the American soldiers that we will never again send them on an ill-defined, fuzzy U.N. mission. We never again, Mr. Chairman, should be in a position of having American young people risk their lives under a U.N. flag with a U.N. patch and under U.N. command and control. If they are going to risk their lives, it ought to be under American command and control.

I urge my colleagues to vote for this bill.

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

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

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

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

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

□ 1115

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

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

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

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

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

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

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

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

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

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

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

Further, without the burdensharing that comes with the development of

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

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

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

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

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

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

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

This man is telling it like it is.

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1130

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

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

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

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

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

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

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

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

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

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

So both of the problems that I originally had with this bill, which were similar to those that my friend from Idaho had, are addressed in the manager's amendment which will come up next and with my amendment which will follow that, so I now am in full support of the bill, and I hope that, having corrected these defects in the original bill, that my colleague from Idaho will also be in full support of these bills after these amendments have been passed.

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

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

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

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

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

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

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

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

Mr. Chairman, I am pleased to join the distinguished principal sponsor of this legislation, the gentleman from Maine [Mr. LONGLEY], and the distinguished chairman of our Committee on National Security, the gentleman from South Carolina [Mr. SPENCE], in urging the House to adopt H.R. 3308, the United States Armed Forces Protection Act of 1996.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1145

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNITED NATIONS COMMAND AND CONTROL

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

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

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

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

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

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

Q AND A ON U.N. COMMAND AND CONTROL

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

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

A: First let me make one thing very clear: the chain of command in the US military is and always will be inviolate. It runs from the President through the respective service chains of command to every soldier, sailor and airman in the military. That command relationship is never broken.

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

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

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

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

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

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

Points:

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

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

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

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

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

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

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

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

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

I urge a ''yes'' vote on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By God, let us give the President authority to do it once we say it shall be done, because in America, no one person can unilaterally take those actions. That is why I support this bill. I support my amendment that our troops are not under any foreign command, but more importantly, our amendment that they are not wearing any other patches from anywhere else. They could be there, but by God, they wear an American and United States uniform. Our troops do not pledge allegiance to the United Nations, they pledge allegiance to the United States of America.

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

ANNOUNCEMENT BY THE CHAIRMAN

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

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

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

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

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

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

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

To the extent that this bill basically gives the back of our hand, for the convenience of a nice political slogan, here a couple of months before the election, gives the back of our hand to the important constitutional prerogatives of the President of the United States, we are in no place down the road a year or two or five from now to stand up for the institutional responsibilities of the Congress under the war powers clause. We will be in a poorer position then to argue as we should and as we ought to have the courage to argue: Mr. President, that is our call whether we go to war, not yours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

From Walter Dellinger, Assistant Attorney General.

Re H.R. 3308.

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

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

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

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

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

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

The proposed amendment unconstitutionally constrains the President's exercise of his constitutional authority as Commander-in-Chief. Further, it undermines his constitutional role as the United States' representative in foreign relations. While ''[t]he constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping,'' *United States* v. *O'Brien*, 391 U.S. 367, 377 (1968), Congress may not deploy that power so as to exercise functions constitutionally committed to the Executive alone for that would ''pose a 'danger of congressional usurpation of Executive Branch functions.'' *Morrison* v. *Olson, 487 U.S. 654, 694 (1988) (quoting Bowsher* v. *Synar,* 478 U.S. 714, 727 (1986)). Nor may Congress legislate in a manner that '''impermissibly undermine[s]' the powers of the Executive Branch, *Commodity Futures Trading Comm'n* v. *Schor,* [478 U.S. 833 (1986)] at 856, or 'disrupts the proper balance between the coordinate branches [by] prevent[ing] the Executive Branch from accomplishing its constitutionally assigned functions, '*Nixon* v. *Administrator of General Services,* [433 U.S. 425 (1977)] AT 433.'' *Morrison,* 487 U.S. at 695. Even though there are areas in which both Congress and the President have a constitutional voice, and in which Congress, therefore, may rely on its own constitutional authority to seek to guide and constrain presidential choices, it may not impose constraints in the areas that the Constitution commits exclusively to the President, See, e.g., Letter for Richard Darman, Director, Office of Management and Budget, from Bruce Navarro, Deputy Assistant Attorney General, Office of Legislative Affairs (Feb. 2, 1990) (finding provision of Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, limiting President's ability to receive spies as ambassadors unconstitutional even though President could waive limitation if it was in the national security interests of the United States to do so).

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

[1] Footnotes are at end of article.

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

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

Moreover, in seeking to impair the President's ability to deploy U.S. Armed Forces under U.N. operational and tactical command in U.N. operations in which the United States may otherwise lawfully participate. Congress is impermissibly undermining the President's constitutional authority with respect to the conduct of diplomacy. See, e.g., *Department of Navy* v. *Egan,* 484 U.S. 518, 529 (1988) (the Supreme Court has ''recognized 'the generally accepted view that foreign policy was the province and responsibility of the Executive' '') (quoting *Haig* v. *Agee,* 453 U.S. 280, 293–94 (1981)); *Alfred Dunhill of London, Inc.* v. *Republic of Cuba,* 425 U.S. 682, 705–06 n. 18 (1976) (''[T]he conduct of [foreign policy] is committed primarily to the Executive Branch.''); *United States* v. *Louisiana,* 363 U.S. 1, 35 (1960) (the President is ''the constitutional representative of the United States in its dealings with foreign nations''); ''Acquisition of Naval and Air Bases in Exchange for Over-Age Destroyers,'' 39 Op. Att'y Gen. 484, 486 (1940) (Jackson, Att'y Gen.) (the Constitution ''vests in the President as a part of the Executive function'' ''control of foreign relations''). U.N. peacekeeping missions involve multilateral arrangements that require delicate and complex accommodation of a variety of interests and concerns, including those of the nations that provide troops or resources, and those of the nation or nations in which the operation takes place. The success of the mission may depend, to a considerable extent, on the nationality of the commanding officer, or on the degree to which the operation is perceived as a U.N. activity (rather than that of a single nation or bloc of nations). Given that the United States may lawfully participate in such U.N. operations, we believe that Congress would be acting unconstitutionally if it were to tie the President's hands in negotiating agreements with respect to command structures for those operations.[4]

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

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

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

We are mindful that Congress has framed its restriction on placing troops under U.N. control as a prohibition on the obligation or expenditure of appropriated funds. That Congress has chosen to invade the President's authority indirectly, through a condition on an appropriation, rather than through a direct mandate, is immaterial. Broad as Congress' spending power undoubtedly is, it is clear that Congress may not deploy it to accomplish unconstitutional ends.[7] In particular, as our Office has insisted over the course of several Administrations, ''Congress may not use its power over appropriation of public funds 'to attach conditions to Executive Branch appropriations requiring the President to relinquish his constitutional discretion in foreign affairs,' '' 16 Op. O.L.C. 18, 30 (1992) (preliminary print) (quoting 14 Op. O.L.C. 38, 42 n.3 (1990) (preliminary print) (quoting 13 Op. O.L.C. 311, 315 (1989) (preliminary print)).[8]

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

FOOTNOTES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 3308

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS AND CONGRESSIONAL POLICY.

(a) FINDINGS.—Congress finds as follows:

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

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

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

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

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

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

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

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

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

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

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

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

peace enforcement operations except in the most extraordinary circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) A report setting forth the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. SPENCE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPENCE:

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

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

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

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

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

Page 10, after line 22, insert the following: ''(3) as superseding, negating, or otherwise affecting the requirements of section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d).''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I would urge my colleagues to adopt the amendment.

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

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

AMENDMENT OFFERED BY MR. BARTLETT OF MARYLAND

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

''No member of the armed forces may be required to wear as part of the uniform any badge, symbol, helmet, headgear, or other visible indicia or insignia which indicates (or tends to indicate) any allegiance or affiliation to or with the United Nations except in a case in which the wearing of such badge, symbol, helmet, headgear, indicia, or insignia is specifically authorized by law with respect to a particular United Nations operation.''.

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

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

Page 9, strike out lines 11 through 16.

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

□ 1215

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, with that, I support the amendment. I am hoping the Congress would support the amendment. It is not an attempt to in fact micromanage. It is an attempt to right a wrong. It is an attempt to stand up for those soldiers and troops that say ''I'm putting my life on the line, but by God I will wear our uniform,'' and, finally, I think it is time to take a look at the Constitution. The Constitution is quite clear, if we want to take broad interpretation and analysis, ''No person holding any office of profit or trust shall, without the consent of Congress, accept any present, emolument, office or title of any kind whatsoever, from any kind prince or foreign state.''

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

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

ANNOUNCEMENT BY THE CHAIRMAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1230

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I wanted to say this to the chairman, did Rosa Parks stand up against what was considered a lawful order in Montgomery? Yes, it was a civilian for sure. But Rosa Parks felt it was wrong. She was willing to bear the burden. She was willing to endure wrath, maybe be shot and killed, but she believed in the Constitution. Rosa Parks was being treated unconstitutionally.

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

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

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

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

□ 1245

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

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

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

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

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

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

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

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

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

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

I said, ''Are you married?''

He said, ''No.''

I said, ''Are your parents behind you?''

He said, ''Yes sir.''

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

What we are saying today is:

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

I am hoping we pass this amendment.

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

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

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

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

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

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

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

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

Mr. WILLIAMS. Mr. Chairman, insignias are important. Uniforms are important. All of us who have served understand that. This amendment is important too. I believe, however, it is a politically inspired and arbitrary amendment. It is, if one thinks about it, it is at the bottom a political end run around the jurisdiction and authority of our military commanders who say to those within their charge:

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

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

□ 1300

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

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

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

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

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

Specialist Michael New is a two-time decorated veteran. While serving in Macedonia, Specialist New refused an order to wear the uniform of the United Nations. Specialist New refused to wear the U.N. uniform and insignia because he had taken an oath to protect and defend the U.S. Constitution from enemies foreign and domestic not the United Nations or its charter. As result of Specialist Michael New's actions he was court martialed, convicted, and dishonorably discharged.

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

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

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

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

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

[Roll No. 404]

AYES—276

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

NOES—130

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

NOT VOTING—27

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

□ 1321

The Clerk announced the following pairs:

On this vote:

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

Mr. FOX of Pennsylvania and Ms. JACKSON-LEE of Texas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 404, If I had not been late arriving for the vote I would have voted ''yes.''

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104–774.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: On page 9, line 21, insert before the period the following: ''and the percentage that such cost represents of the total anticipated monthly incremental costs of all nations expected to participate in such operation.''

The CHAIRMAN. Pursuant to House Resolution 517, the gentlewoman from Colorado [Mrs. SCHROEDER], and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

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

This amendment is about burdensharing. It is a very key amendment, because it basically only asks that when the President engages in the rest of the reporting requirements, that they also report to the Congress what percentage of the estimated total cost of the mission will be picked up by the United States.

I do not think it is any great secret in this body that the United States always contributes way more than troops. Although troops are our most precious commodity, we contribute the intelligence, we are also contributing AWACS support, communications support, and any number of other things. If this amendment passes, it would say that we would have to also put in there what the cost of that is. I think we should get credit for that in our missions.

I must also say that having chaired the burden-sharing panel in the 100th Congress that so much of my colleagues served on, and served on with distinction, our committee has had a long attempt to try and figure out how we get these numbers under control, because as we look at our military allies, they are also our trading competitors. They love to kind of shift some of the costs to us. We think, whether we decide to do the cost shifting or not, it ought to be open, it ought to be out there, and the American public ought to know about this.

Mr. Chairman, in 1988, at the request of Chairman Aspin, I chaired the first and only panel in Congress to look at defense burdensharing. We looked at what our contributions to international defense compared to that of our allies, and examined the role that international trade plays in international security. The panel came up with several findings, many of which hold true today. The panel's report found that:

The United States bears a substantially higher defense burden than its allies.

Europe and Japan did not contribute to world security proportionate with their economic abilities. Global trading powers have more than a regional responsibility to defense.

The United States should not pay the lion's share of defense.

As long as the United States shows a willingness to bear a disproportionate share of the defense burden, then our allies will allow us to do so. If we indicate our reluctance to pay a disproportionate share, then our allies will assume their fair share.

Since then, Congress has taken up the issue of burdensharing and passed important tools. In 1994, the House implemented a formula to gain increased contributions for our troops stationed in Europe. Most recently, we passed an amendment authored by Mr. SHAYS

of Connecticut that would require additional contributions from countries where U.S. military forces are permanently stationed. The amendment was adopted by a vote of 353 to 62.

My amendment provides a one more tool to gauge whether the United States is paying too much for U.N. military deployments. It would require the President to report the percentage of the estimated total cost that the United States would bear. In this time of budget constraints, the taxpayers deserve to know how much of the world's security is being paid for by the United States. Support the Schroeder amendment.

In 1994 the United States accounted for 34 percent of the world's military expenditures and 61 percent of NATO's expenses. Since fiscal year 1992 we've reported spending of over $8 billion on international peacekeeping.

Mr. Chairman, I understand from the distinguished chairman of the committee that he would be willing to accept this amendment, and I am happy to yield at this time to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I am aware of the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER]. I know of no objection on our side of the aisle to it. I would like to commend her for the amendment. It gives us additional information on the cost and cost-sharing arrangement associated with United Nations operations. I am prepared to accept the amendment.

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman from South Carolina [Mr. SPENCE] very, very much for accepting the amendment, because I really do think it is in the history of the panel.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to say this is an appropriate amendment for the gentlewoman to have come forward with and get unanimously approved as she ends her very distinguished tenure here, because she really, more than anybody else, began to call people's attention to it, and we need to continue to work on this.

Mr. Chairman, we cannot read a study of the economic success of the tigers of East Asia without learning of the essential contribution of free American military protection to their economies as an element in their economic development. Our European allies continue to scale down. We are in a situation now where we are responding as we see fit for an emergency in the Middle East and many of our European allies who are the beneficiaries of our largesse are nowhere to be found in our support.

One of the most important mistakes we make today, to our own misfortune, is to continue to subsidize at the cost of tens and tens of billions of dollars a year the wealthy nations of Europe and the increasingly wealthy nations of Asia.

□ 1330

This is an important reaffirmation of that. It is appropriate that the gentlewoman from Colorado be the one once again to bring this to us. But we have a lot more work to do. This is a very good step. It will show what we know to be the case, the enormous disparity between what the American taxpayers put forward and what is put forward by nations in Europe and Asia that could very well afford to do more.

Mrs. SCHROEDER. I thank the gentleman from Massachusetts for his hard work in this area, too. It did not used to be so popular.

Mr. Chairman, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to simply applaud the gentlewoman from Colorado for being the lightning rod, if you will, on this issue years before I even entered Congress.

Let me offer to say to you that many of us as Americans will agree that the Marshall plan was right. It, in fact, offered to rebuild the infrastructure and the opportunities for our European neighbors and others. We thought that was right. Americans are charitable people. But if there is one issue that comes to me in my townhall meetings, it is the question of why we are spending so much money overseas on someone else's military problems.

This amendment is a commonsense approach. Obviously it will be our burden to carry on your legacy in years to come, to emphasize the importance of maintaining the cost of money spent by the United States at the United Nations as it relates to our own defense budget. This one that will require congressional intervention and also to get a report from the President is clearly the right way to go. I simply want to add my accolades and as well my commitment to continue to work on this effort with those who are already working in order to respond to some very good questions from my constituents and constituents around the Nation. Let us be fair but let us not carry the overburden of responding to the needs of those around the world. Let us keep peace, which is what the gentlewoman is trying to do, but let us do it in a fair and equitable manner. I thank the gentlewoman for yielding.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes, pursuant to House Resolution 517, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 109, not voting 25, as follows:

[Roll No. 405]

YEAS—299

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones

Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)
Zimmer

NAYS—109

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Berman
Bevill
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chenoweth
Clay
Clayton
Coleman
Collins (MI)
Costello
Coyne
Cummings
DeLauro
Dellums
Dicks
Dixon
Doggett
Dooley
Eshoo
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jefferson
Johnston
Kaptur
Kennedy (RI)
Kennelly
LaFalce
Leach
Lewis (GA)
Lewis (KY)
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moran
Morella
Oberstar
Olver
Owens
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Richardson
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thornton
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

NOT VOTING—25

Chapman
Chrysler
Collins (IL)
Conyers
de la Garza
Deutsch
Engel
Fields (TX)
Ganske
Geren
Gibbons
Hansen
Harman
Hayes
Kingston
Lantos
Myers
Nadler
Rose
Sanford
Studds
Walker
Wilson
Young (AK)
Zeliff

□ 1355

The Clerk announced the following pairs:

On this vote:

Mr. Sanford for, with Mr. Nadler against.

Mr. Deutsch for, with Mrs. Collins of Illinois against.

Mr. BRYANT of Texas and Mr. MINGE changed their vote from ''yea'' to ''nay.''

Mr. FAZIO of California and Mr. FARR of California changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3308.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection the request of the gentleman from South Carolina?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3517) ''An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.''

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3845) ''An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 3719, SMALL BUSINESS PROGRAMS IMPROVEMENT ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3719) to amend the Small Business Act and Small Business Investment Act of 1958. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first three sections and each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1400

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. 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. LINDER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. LINDER. Mr. Speaker, House Resolution 516 is an open rule providing for consideration of H.R. 3719, the Small Business Programs Improvement Act of 1996. This rule provides for 1