HOUSE OF REPRESENTATIVES—*Thursday, October 6, 1994*

The House met at 10 a.m.

Dr. Tetsunao Yamamori, president, Food for the Hungry, International, Scottsdale, AZ, offered the following prayer:

Being a recently naturalized citizen of the United States, I count it a privilege to be able to give this invocation here today. Let us pray.

O God, the Ruler of all nations, we beseech Your intervention into this much needy world. Wherever there is uncertainty, let there be faith; wherever there is despair, hope; wherever there is hatred, love.

You have chosen these, Your servants, and placed upon them the heavy burden of guiding this great Nation. Endow them with clarity of thought, unity of purpose, and wisdom in their decision making. Replenish their spiritual resources as they draw upon Your strength to go about their daily tasks. Grant them, O God, peace and serenity of heart in all that they do in both their private and public lives. In the name of Him who desired not to be served but to serve, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KYL led the Pledge of Allegiance as follows:

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

IN HONOR OF DR. TED YAMAMORI

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

Mr. KYL. Mr. Speaker, it is fitting and proper that Ted Yamamori was chosen to lead the House today in prayer. A good and kind man, Ted has served for several years as president of Food for the Hungry. He is a real American hero, and I'm proud to call him a friend.

As a child, Dr. Yamamori survived war and starvation. Yet, instead of becoming resentful, bitter, or angry, he began serving others. In addition to serving as president of Food for the Hungry, Ted is an adjunct professor of sociology at Arizona State University. He received a bachelor's degree from Texas Christian University and a Ph.D. from Duke University. Before joining Food for the Hungry, Dr. Yamamori taught in colleges and universities for 18 years. He is the author of several books, numerous articles, and has coauthored 12 books in the fields of missiology, sociology, and international development. His scholarship on the mission of the church has brought meaning and inspiration to Christians around the world.

Ted Yamamori lives by Abraham Lincoln's creed: "It is difficult to make a man miserable while he feels worthy of himself and claims kindred to the great God that made him." Under this creed, Ted rose above the terror of war and starvation. In the example of his life lies a message of inspiration for us all.

Mr. Speaker, I am honored to host Ted Yamamori as guest chaplain today. His invocation of prayer to the U.S. House of Representatives is just a sample of his inspiration and ministry to the world.

TRIBUTE TO THE HONORABLE GEORGE J. MITCHELL

By unanimous consent Mr. GEPHARDT was given permission to proceed out of order for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise as will the Speaker and the minority leader to pay our tribute to a friend and colleague of every Member of this House, Senator GEORGE MITCHELL, who will be retiring as majority leader from the Senate at the end of this session.

I am going to begin with a risky proposition in this age of anti-incumbency.

I am going to begin by saying that, to me, GEORGE MITCHELL is the consummate politician.

And I am going to tell you what it means to me to be a politican—and then maybe you'll understand how I feel about GEORGE MITCHELL.

You see, some people may think that politics is about power. And by that measure, you'd have to say that the Senate majority leader is one of the most powerful people in the world.

But a true politician knows that real power comes from only one place—from the people who vest it in you, when they give you their votes, their voices, and their trust.

As high as GEORGE MITCHELL has risen in our Government's hierarchy, those are the voices he heeds—and their cares have been his constant concern.

Some may think that politics is about partisanship—that the best way to lay a foundation is to throw down a gauntlet.

But a true politician knows that the hallmark of progress is partnership—that a quiet word, a calm gesture, a call for consensus mean more than any partisan posture or pressure tactic.

GEORGE MITCHELL isn't just respected by his colleagues from the other side of the aisle—he isn't just liked by them—he's admired by them. And that's one of the rarest testaments this town can offer.

Some may think that politics is about ambition.

But a true politician is never ambitious for himself—only for the people he serves.

Pundits all over this country were stunned when GEORGE MITCHELL turned down a seat on this Nation's highest court, for the simple reason that he had unfinished business on the Senate floor—the people's business. But those of us who know GEORGE weren't surprised. For him, service is its own reward—and self-service just isn't part of the job description.

Some may think a politician strives to erect monuments to himself.

But a true politician knows that the greatest monuments to a man's progress are not of chiseled stone, but of flesh and blood—that no plaque or statue can compare to helping a hard-working family claim their stake in the American dream.

Today, in the State of Maine, and all across America, there are millions of families with better jobs and better futures; with college loans for their children; with cleaner air to breathe, and safer streets to walk. And they bear in their hearts the silent dedication: to Senator GEORGE MITCHELL, with love and gratitude.

This isn't an easy time for politicians. Too often, in our zeal to find everything that's wrong with our political system, we forget about everything that's right with it. And the result is that, sometimes, there is a dignity and a decency missing from our public discourse—an appeal to a higher conscience, and a greater good.

But GEORGE MITCHELL is the very soul of dignity, and decency, and conscience.

Each and every day, he reminds us why we came here, and why we are so grateful for the promise of our country.

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Each and every day, he reminds us that if the son of a janitor can lift himself up, to do so much good for so many people—then surely the rest of us can learn a little from his example.

So I rise today to pay tribute to one of the finest politicians the world has ever known. A man who gives politics a good name. A politician's politician.

And Senator MITCHELL, believe me, from the bottom of my heart—that's the highest compliment I know.

Obviously, none of us is irreplaceable. But you come as close to that as anyone I know. We will miss you, and miss you very, very much.

Best wishes, and Godspeed.

□ 1010

(Mr. MICHEL asked and was given permission to speak out of order for 5 minutes.)

TRIBUTE TO SENATOR GEORGE J. MITCHELL

Mr. MICHEL. I am happy this morning, Mr. Speaker, to join my distinguished colleagues, the majority leader and the Speaker, in paying our tribute to the distinguished majority leader in the Senate, GEORGE MITCHELL. There was a tremendous tribute dinner held in a nearby hotel last night for him, to which the Speaker, the majority leader, and I could not attend until after the President had spoken so eloquently for GEORGE MITCHELL. That is the reason we take the time this morning to say what we would have said on that occasion.

Two weeks ago, Mr. Speaker, at a similar event that was held in my honor for the benefit of my old alma mater, Bradley University, my wife and I were deeply moved by GEORGE MITCHELL's most generous remarks relative to our stewardship and the cordiality of our relationship. I will tell you, when the Senator spoke that evening in that quiet, deliberate way of his, the only sound that could be heard in that huge banquet room was the sound of his voice, and how penetrating his remarks were.

GEORGE MITCHELL, if you are listening, you really touched our hearts, and both Corinne and I are deeply touched.

The first thing I want to say is, thank you for your generosity, your eloquence, and yes, your friendship. Although we come from different parties and different areas of the country, GEORGE MITCHELL and I share similar backgrounds. Our fathers were working men, and we are both sons of immigrants. My father was French and GEORGE's mother was Lebanese.

I might just add here that my hometown in Peoria has long been blessed with the thriving, energetic community of Americans of Lebanese ancestry, one of the largest in the country. As I got to know GEORGE MITCHELL, I recognized in him those attributes of hard work and quiet patriotism and love of community I have long admired in Lebanese-Americans.

Mr. Speaker, each of us, GEORGE MITCHELL and I, have had the good fortune early in our careers to have the example of guidance of a great Senator. For GEORGE, it was Senator Muskie of Maine. For me, it was the late Senator Everett Dirksen of Illinois.

As I say, Mr. Speaker, we have much in common. But candor compels me today to confess that we have one great unbridgeable difference. It is a difference bigger than that between Democrat and Republican, or liberal or conservative, or between the House and the other body.

As most of you know, GEORGE MITCHELL is an inveterate tennis player, while I have a devotion to golf; two different worlds, two different vocabularies, two different ways of life. It might even serve as a metaphor for politics in Washington. Tennis players serve, as do elected officials, and unlike golfers, they have to do a lot of moving from side to side, backwards and forward, as do all elected officials who want to remain elected officials.

I guess, therefore, it can be said that anyone with GEORGE MITCHELL's background as a judge is going to feel more comfortable on a court. With no disrespect to tennis players, GEORGE MITCHELL and I would have an even better relationship if he were also a golfer.

How often in leadership meetings, when we have reached an impasse on some piece of legislation, have I wanted to turn to him and say, "GEORGE, give me a Mulligan on this one. What about a gimmie on this provision? GEORGE, let's hit this one straight down the fairway."

However, alas, we do not share the same sports vocabulary, unless maybe it could be something having to do with baseball. We seem to lack a common language of familiar and comfortable cliches and maxims, the glue that binds so many of us together in Washington.

However, GEORGE MITCHELL speaks another language that I do understand perfectly, the language of civility in politics. It is a language of ideals, and the highest standard of personal deportment, of strong beliefs in his party, in his principles, and devotion to his country.

It is a political vocabulary that can be very direct, cutting right to the bone, if the occasion demands, but it is also a language that has room in it for words like comity, friendship, and common decency, integrity, keeping your word, and honoring your commitments. I must say that we need to restore that great language of civility to politics, particularly in this town.

In a great democracy like ours, political debates have to be sharp, critical, incisive, and sometimes very emotional, but they don't have to be mean. Yes, we can be political without getting personal, and we can question policies without questioning motives.

□ 1016

GEORGE MITCHELL and I can be poles apart on the issues, but we would never let those differences erode the mutual respect and personal friendship we have for each other, and that is the way I like it. Leadership does have its ups and downs, but in either case, GEORGE MITCHELL has always approached his responsibilities calmly, rationally, and with an air of coolness and dignity. He has worn the victory crown nobly and accepted his defeats gracefully.

What better way can I salute my good friend and colleague, GEORGE MITCHELL. I couldn't be leaving the Congress in better company. GEORGE, we wish you all the best in your retirement.

Mr. Speaker, I am honored to be able to join Speaker TOM FOLEY and majority leader DICK GEPHARDT in paying tribute to Senate majority leader GEORGE MITCHELL, who will be retiring at the end of this session.

We were all scheduled to pay tribute to him at a scholarship fund dinner last evening, but our busy schedule was such that we never got the chance to deliver our remarks in his presence. So I guess the next thing was to say a few words this morning, which we were so glad to do.

But the most eloquent words spoken at the dinner were by Senator MITCHELL himself. In a moving tribute to his parents, to a teacher who helped him, and to the life of public service, GEORGE MITCHELL demonstrated the kind of insight and wisdom we need so much in public life.

I therefore insert in the RECORD at this point remarks made by Senator GEORGE MITCHELL at the George J. Mitchell Scholarship Fund Dinner, Washington DC, October 5, 1994.

REMARKS OF SENATE MAJORITY LEADER GEORGE J. MITCHELL AT THE GEORGE J. MITCHELL SCHOLARSHIP FUND DINNER

I'm grateful to President Clinton, to my colleagues from the Congress, and to all of you for your support for this scholarship fund. This is as important to me as anything I've done since I entered public service.

Before I entered the Senate, I had the privilege of serving as a Federal judge. In that position, I had great power. The one I most enjoyed exercising was when I presided over what are called naturalization ceremonies. They're citizenship ceremonies. A group of people gathered before me in a federal courtroom. They'd come from every part of the world. They'd gone through the required procedures.

Now in the final act, I administered to them the oath of allegiance to the United States. And then I made them Americans.

It was always emotional for me because my mother was an immigrant, my father the orphan son of immigrants. They had no education and they lived hard lives. But because of their efforts, and more importantly, because of the openness of American society, I,

their son, am today the Majority Leader of the United States Senate.

After every ceremony I spoke personally with each of the new Americans. I asked where they came from, how they came, why they came. Their stories were as different as their countries of origin, but all were infused with a tangible and inspiring love for this, the country of their choice.

The answers of the new Americans to my question of why they came were different. But a common theme ran through them. It was best expressed by a young Asian man who replied, in slow, broken English: "I came because here in America everyone has a chance."

A young man who'd been an American for five minutes summed up the meaning of America in a single sentence. Here, everyone has a chance.

But in the twenty-first century, and the third century of American history, everyone will not have a chance to succeed unless they first have a chance to learn. The competition will be fierce and unforgiving. Those who lack knowledge and skill will not succeed.

I consider myself to be especially fortunate. I had a chance. I got an education.

My mother spent her entire working life on the night shift in textile mills. She was a woman of strength and substance, the most influential person in my life. My father was a laborer and a janitor. Like many in their generation, they devoted their lives to providing for their children the education they never had. They had a profound, perhaps even exaggerated sense of the value of formal education. Although they died without property or prominence, my parents had rich and fulfilling lives by their standards—and mine.

I experienced early in life the value of learning. I was fifteen years old in my junior year at High School, when I met an English teacher named Elvira Whitten.

She was elderly, intelligent and kind. One day she asked me to come back to class after school. I did, not knowing what to expect. She talked for a few minutes, then she asked me what and how much I read. I told her the truth: I had never read a book, other than what was required to move from one grade in school to the next. She picked a book up off her desk and handed it to me, and said she thought I would find it interesting.

She made it clear that I didn't have to read it, but she asked if I would, for her, and, if I did, to come back and tell her what I thought of it. I agreed to read the book because I respected her and knew that it would please her.

That night, I got into bed, opened the book and began reading.

It was "The Moon is Down" a short novel by John Steinbeck about a wartime military occupation—presumably the Nazi occupation of Norway. I stayed up much of the night reading it, and could hardly wait to tell Mrs. Whitten about it. She smiled, handed me another book and said, "I thought you'd like it. Here's another one you might like."

It went that way for a few months, and then she gently suggested that I start picking out my own books. I did so, and felt the first stirring of self-worth. It was my exposure to the world of books, to the excitement of knowledge, and it was my first step to adulthood.

I've often wondered what would have become of me if I had not met Mrs. Whitten, or if she had not taken an interest in me. I will always regret that before her death I never went back to tell her what a difference she made in my life. This is my way of doing so, and through her, all of the other teachers who hold the wondrous power to open young minds and inspire young lives.

Earlier this year, when I announced that I would not seek reelection, I received hundreds of requests from groups who wanted to honor me in some way.

I asked that all such offers be concentrated into this one effort. The money raised tonight will be combined with the remainder of my campaign fund to set up a scholarship foundation to help needy and deserving students get a college education.

Nothing is more important to success in American life than a good education. I believe that, because of my own experience and because of what I expect to be the rising demands of the next century.

I once needed help and got it.

Now, fate has provided me the opportunity to help others. I'm grateful for that opportunity. And I'm grateful to you for helping to make it possible.

I've been proud to serve the people of Maine in the United States Senate. It's a great honor, the greatest of my life. But when the 104th Congress convenes in January, I will not be there to take the oath of office as a United States Senator.

My decision not to seek reelection was based solely on my personal concept of public service. I will miss the Senate. I will miss my colleagues. Most of all, I will miss public service.

I've been in the private sector and then in the public sector, and I'm now returning to the private sector. I take nothing away from private life when I say that nothing can ever give the deep and meaningful satisfaction that comes from public service.

Public service gives work a value and meaning greater than mere personal ambition and private goals.

Public service must be and is its own reward, for it does not guarantee wealth, popularity, or respect.

It's often frustrating. But when you do something that will change the lives of people for better, then it's worth all the frustrations.

We are the most fortunate people ever to have lived, to be Americans, citizens of the most free, the most open, the most just society in human history. Ours is virtually the only government in history dedicated to opening doors, not closing them.

In America today, I believe anyone can go as far and reach as high as work, talent, and education allow. We can't equalize effort or talent and we shouldn't. But we can provide equal opportunity—the promise to everyone of a fair chance to succeed.

It's because of the promise of America that I was able to become the Majority Leader of the United States Senate.

Whatever new problems arise, whatever unforeseeable challenges come, if we can keep that promise alive for our children and theirs, America will never lose her way. For me, that's the purpose of public service, its inspiration and finally, its reward.

Thank you for your support, your trust, and your friendship.

TRIBUTE TO SENATOR GEORGE J. MITCHELL

(Mr. FOLEY asked and was given permission to speak out of order for 5 minutes.)

Mr. FOLEY. Mr. Speaker, this is an unusual event. It is unusual for several reasons. First of all, it has not been, in the past, ever permissible for Members of the House to speak of other Members of the Congress, of the other body, and certainly not in any way that might imply any question of their motives or character.

We are here, of course, to praise one of the great Senators of this century, and to praise him by name and to embrace him with bipartisan enthusiasm, conviction, respect, admiration, and gratitude.

This Congress will see two giants of our institution leave after many years of service. BOB MICHEL, who has just left the floor, the distinguished Republican leader, leaves with the admiration and respect of every Member of this Chamber, Republican and Democrat; and GEORGE MITCHELL, after 5 brilliant years as majority leader of the U.S. Senate, is voluntarily retiring as a Senator from Maine.

These have not been easy times for leaders. I think we, all of us who have had some responsibility, recognize that. One of my favorite stories about a previous Speaker, probably apocryphal, but I like it, is about Thomas Brackett Reed, who came from the same State that GEORGE MITCHELL now represents so well.

Speaker Reed was a powerful Speaker, a Speaker who had enormous sway over this body. One of his constituents from Maine, he then represented the whole State of Maine in one single congressional district, wrote to him and asked him for a copy of the rules and regulations of the House of Representatives, to which Mr. Speaker Reed grandly replied by sending his constituent an autographed photograph of himself.

The days have long passed when a Speaker or majority leader can symbolize personal control and regulation and direction of any legislative body. And, of course, it is right that that should not be so. But I would hazard a little bit on the border of the rules of the House to say that the other body makes it particularly difficult for a leader.

There is a phrase that I have heard on that side of the Capitol that "99 is not enough", which means that a leader must almost obtain unanimous consent day after day, time after time, to bring issues forward and to resolve them, and GEORGE MITCHELL has used his extraordinary skills of conciliation and compromise, and his great qualities of courage and patience and knowledge, time after time, year after year, day after day, to bring the other body to some of its greatest legislative achievements.

He is a man who has never forgotten to whom he is responsible, the people of the State of Maine, but he has also recognized the broader responsibility to the country and to the world that his high office has required and made possible. He has always remembered

the circumstance of his own upbringing and the fight every day for decency and opportunity and comfort, for which his family struggled as immigrants to the United States.

He has not forgotten that every day in this Chamber and in the Senate we have the responsibility of remembering what those who have sent us here expect of us, our conscientious concern for their welfare, their dignity, their future, and their values, and a day-by-day effort to achieve, perhaps in a way that they will never even know about, much less remember, a benefit to their future and the future of their children and their grandchildren.

GEORGE MITCHELL has held that responsibility high. He has represented the State of Maine, he has represented the United States and the other body, the Senate of the United States, with such great dignity and effectiveness, that he serves as a model, not only for every majority leader that will follow him, but for leaders in both parties and in both bodies.

He is deliberate, tenacious, logical, precise, judicious, brilliant in his knowledge of the law and of the subjects of which he has made himself a particular master, dedicated to the institution in which he has served, and formidable. Everyone who has come in contact with GEORGE MITCHELL knows that he can be a strong, a vigorous, a determined, and a committed party leader. And he has sometimes even been criticized for the zeal and the determination and the effectiveness of his leadership.

But he also knows that legislation is the art of compromise and conciliation, and that at the end, we must bring together these two great bodies in the final legislative resolution. And time after time, on environment, on crime, on clean air, on issues that relate to reform of the Congress, on health care, on government, on public service and war and peace, his voice has been a voice not only of conviction, but of resolution, compromise, and conciliation.

From his early apprenticeship with Senator Muskie mentioned by BOB MICHEL, through his leadership of the Democratic Party in Maine, his service as assistant county attorney, nominee for governor, U.S. attorney, and U.S. district judge, he has been a man of extraordinary ability and accomplishment. He is a born leader. It has been a great pleasure to work with him.

He has many, many values and characteristics that all of us want to recall as we recall our service with him. He has always been a person of extraordinary personal integrity, not only in the normal and understandable sense of that word, but in terms of his intellectual honesty. His honesty, his word, his ability to see the issues clearly and without blinking at the difficulties and the challenges. He has been as patient and as hard working and as controlled in his determination to achieve the ultimate goal as any leader, as any Member, I have ever served with.

We know that he will have great success in his future endeavors. All of those qualities and characteristics, all of that strong character, that New England character that he has brought with such great achievement to the leadership of the U.S. Senate, will avail him in private life to continue to leave his mark, to continue to help those with whom he comes in contact, in and out of public service, for the future of our country, in everything that he undertakes to do.

I am proud to have known him. I salute him and wish him well in the future. All of us in this Chamber, I know, would want me to express for them our best wishes for every success in the future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GEPHARDT). After consultation with the majority and minority leaders and with their consent and approval, the Chair announces that during the joint meeting to hear an address by Mr. Nelson Mandela, only the doors immediately opposite the Speaker and those on his right and left will be open. No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 30, 1994, the House will stand in recess, subject to the call of the Chair.

The House is now in recess.

Accordingly (at 10 o'clock and 26 minutes a.m.) the House stood in recess subject to the call of the Chair.

□ 1051

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY MR. NELSON MANDELA, PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

The Speaker of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort Mr. Nelson Mandela into the Chamber: The gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentleman from Maryland [Mr. HOYER]; the gentleman from California [Mr. FAZIO]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Illinois [Mr. MICHEL]; the gentleman from Georgia [Mr. GINGRICH]; the gentleman from Texas [Mr. ARMEY]; the gentleman from New York [Mr. GILMAN]; the gentleman from New York [Mr. FISH]; the gentleman from California [Mr. DELLUMS]; the gentleman from Michigan [Mr. CONYERS]; the gentleman from Ohio [Mr. STOKES]; the gentlewoman from Illinois [Mrs. COLLINS]; the gentlewoman from Maine [Ms. SNOWE]; the gentleman from Georgia [Mr. LEWIS]; the gentleman from Maryland [Mr. MFUME]; the gentleman from New Jersey [Mr. PAYNE]; the gentleman from Connecticut [Mr. FRANKS]; and the gentleman from Florida [Mr. HASTINGS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort Mr. Mandela, the President of the Republic of South Africa, into the House Chamber: The Senator from Maine [Mr. MITCHELL]; the Senator from Rhode Island [Mr. PELL]; the Senator from Massachusetts [Mr. KENNEDY]; the Senator from New York [Mr. MOYNIHAN]; the Senator from Oklahoma [Mr. BOREN]; the Senator from Illinois [Mr. SIMON]; the Senator from Illinois [Ms. MOSELEY-BRAUN]; the Senator from Wisconsin [Mr. FEINGOLD]; the Senator from Kansas [Mr. DOLE]; and the Senator from Wyoming [Mr. SIMPSON]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Indiana [Mr. LUGAR]; the Senator from South Dakota [Mr. PRESSLER]; and the Senator from Vermont [Mr. JEFFORDS].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Associate Justices of the Supreme Court of the United States.

The Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered

the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 12 minutes a.m., the Doorkeeper announced Mr. Nelson Mandela, the President of the Republic of South Africa.

The President of the Republic of South Africa, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you Mr. Nelson Mandela, the President of the Republic of South Africa. [Applause, the Members rising.]

ADDRESS BY NELSON MANDELA, PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA, BEFORE A JOINT MEETING OF THE UNITED STATES CONGRESS

Mr. MANDELA. Mr. Speaker, Mr. President, Members of Congress, this we understand fully, that it is given to very few, who came from outside the shores of this country, to stand in this lofty Chamber to address you, the lawmakers of the United States of America.

And so we speak today feeling the great weight of an extraordinary and elevating circumstance that you have extended this rare honour to us twice in our lifetime in a period of less than half-a-decade.

We extend our humble thanks to you all and to the millions of people you represent. We express our gratitude that you have thus, as an Irish patriot once said, given to a subaltern all the tribute that is due to a superior.

When last we were here, we came to thank you for the things you had done which had flung open the prison gates of our troubled land and enabled the leaders of our enslaved people to tread the soil of our country unhindered.

We came to salute you for the place you had taken in the universal assault on apartheid, which had made it possible that once more the authentic organisations of our people should speak for the people freely and without seeking the permission of those who sought to ensure that the people had no voice except the voice of subservice.

We came also to share with you our dreams of genuine independence, democracy and the emanicipation of all our people, you whose forebears had, at earlier times, dreamt of independence, of democracy and of the emancipation of all the people of these United States.

The time that has passed since then has given it to us to come back to you to speak not of a dream deferred, of which your fellow-countryman Langston Hughes spoke.

The history that cannot be unmade has enabled us to repeat in this Chamber the poetry of the triumph of the oppressed.

For, as the representatives of centuries of white minority rule bowed to the results of the democratic process, the people did, like your fellow-countryman, Martin Luther King Jr, cry out: "Free at last, free at last, thank God Almighty we are free at last."

We were moved that even at that first moment of celebration, representatives of the American people were present among us to help us sing and louder sing of freedom, justice and peace.

We were moved because you, like the great humanity to which we all belong, had committed your own human and material resources to ensure that for the first time in the entire history of our country, the people had the possibility to elect a government of their choice, without let or hindrance.

When the proclamation rang out that the elections had in the substance been free and fair, we knew that we could proudly return to these shores to say: Dear friends, brothers and sisters, your wishes and ours have been realised; democracy has won the day.

We were humbled and inspired that you honoured us again by sending a delegation of eminent Americans to join us at our inauguration.

As we began our new journey into a new future, we took the presence in our country, of so weighty a group of emissaries of what is good in the American consciousness, to be a declaration which none could either forget or ignore, that you stand by our young democracy and commit your prayers to its everlasting success.

Along the uneasy road to the victory of the cause of democracy and fundamental human rights, we, like the great revolutionaries who were the founders of this Republic, have had to rest the capacity of our people to break new ground in the history of human evolution.

Principal among these was, on the one hand, the willingness of the erstwhile minority rules to concede political power without first resorting to such resistance as would reduce our country to a wasteland.

On the other, was the ability of the oppressed majority to forgive and accept a shared destiny with those who had enslaved them.

That both black and white in our country can today say we are to one another brother and sister, a united rainbow nation that derives its strength from the bonding of its many races and colours, constitutes a celebration of the oneness of the human race.

It represents the triumph of that intangible nobility of spirit which, in a divided and unequal world, makes for peace and friendship among the peoples.

At the end, the bloodletting stopped. At the end, goodwill prevailed. At the end, the overwhelming majority, both black and white, decided to invest in peace.

In the end, it is all this that the ceremonial drums sought to salute as they throbbed to a rhythm both African and universal.

But in the fullness of time, they too ceased to beat. Their powerful rhythms have been replaced by the great pulsations which represent and reflect a new society in formation. New challenges stand ahead of us.

The flame of freedom, under whose light we danced in joyful abandon, has thrown an unrelenting glare on the great human tragedy on which was built the tarnished, tinsel glitter of an unjust society.

As we look and look again at the reality that freedom brings, we see together with T.S. Eliot that we are, still:

In the uncertain hour before the morning
Near the ending of interminable night
At the recurrent end of the unending . . .
While the dead leaves still rattled on like tin
Over the asphalt where no other sound was . . .

The dead leaves that still rattle on over the asphalt, and "the awareness of things ill done and done to others' harm" which Eliot decried, speak to the pervasive poverty that afflicts our society; the despair of millions who are without jobs and without hope; the unborn whom we know will be born disabled and die before their maturity, because of poverty; the darkness that engulfs millions because they are both illiterate and innumerate; the many who will be victims of rape, robbery and other violent crimes because hunger, want and brutalization have warped and condemned many a human soul.

What we speak of is not unknown to this and other societies across the globe. And yet it is a reality which assumes its own special place because it superimposes itself on new and as yet fragile democratic institutions, democratic institutions that have sprouted out of the turbulent African soil.

This situation carries the features of a foundation that is, naturally, still in the process of setting. It represents the recurrent end of the unending process of the betterment of the human condition. It is to that unending process that we must turn our attention.

The question that arises is whether we shall embark on that road walking alone or whether you will be with us, having decided thus, in the process of the exercise of your own sovereign will.

It is perhaps right that we sit together again to evaluate this circumstance, to measure whether there is in it anything which demands of our people and yours that we enter into a compact founded on the imperatives of mutual gain.

The new South Africa has been born out of, and into a new age of great change. Because, perforce, we describe

our country's transformation in words that have a familiar meaning, because they originate in the mists of time—democracy, justice and peace—we too may not yet see that this is a transformation born out of and into a new age of great change.

The new age will surely demand that democracy must also mean a life of plenty. As the images of life lived anywhere on our globe become available to all, so will the contrast between the rich and the poor within and across frontiers and within and across the continents, become a motive force impelling the deprived to demand a better life from the powers that be, whatever their location.

As the possibility of nations to become islands, sufficient unto themselves, diminishes and vanishes forever, so will it be that the suffering of the one shall, at the same time, inflict pain upon the other.

In an age such as this, when the fissures of the great oceans shall, in the face of human genius, be reduced to the narrowness of a forest path, much revision will have to be done of ideas that have seemed as stable as the rocks, including such concepts as sovereignty and the national interest.

What we speak of is the evolution of the objective world which inexorably says to all of us that we are human together or nothing at all.

The phrase you use, the concept of your being which is fundamental to the understanding of your society, the notion of a "melting pot," has, in time, begun to address a reality that encompasses the globe.

In the world of mundane things, as opposed to the celestial and the imaginary, a buyer is a buyer. The profits that your great corporations make, derive from whoever has the capacity to purchase their products and services, regardless of whether the customers are Chinese or African, Indian or American, European or Arab or Polynesian, male or female, young or old, Christian, Jew, Hindu, Moslem or Animist.

The success of your entrepreneurs, and with it the capacity of your society to give work to your citizens, rests on the fact of the elevation of every person, anywhere in the world, to the position of a free actor in the market place.

It will perhaps come to pass that the imperatives of this commercial market place will produce that magical elixir which the great thinkers of all time have searched for, which sought to convince all societies that the assertion was true and self-evident that whatever our different complexions, whatever our different racial characteristics, whatever our different gender features, we are nonetheless all of us part of one, indivisible and common humanity.

It will perhaps come to be that this interconnectedness will produce among you, the distinguished members of these Houses of Congress, as among other actors on the world stage, policies which will spring from a common recognition of the fact that success or failure in the conduct of human affairs, can no longer be measured within the limited sphere defined by national boundaries that are the legacy of an ancient reality, away from which life itself has moved society a thousand leagues.

If what we say is true, that manifestly, the world is one stage and the actions of all its inhabitants part of the same drama, does it not then follow that each one of us as nations, including yourselves, should begin to define the national interest to include the genuine happiness of others, however distant in time and space their domicile might be.

You, honourable members of the U.S. Congress, are part of and represent the most powerful Nation in our universe. I am, on the other hand, an African.

I come out of a continent with whose travails and suffering you are very familiar. You will therefore understand it easily why I stand up to say that for such a powerful country as yours, democracy, peace and propserity in Africa are as much in your national interest as ours.

Because I am an African, you will, I am certain, understand why I should stand here and say that it is our deeply held belief that the new world order that is in the making must focus on the creation of a world of democracy, peace and prosperity for all humanity.

Is the time therefore not upon us when we should cease to treat tyranny, instability and poverty anywhere on our globe as being peripheral to our interests and to our future.

Has not the end of the paralysis in world affairs, which resulted from the conflicts of the cold war and the threat of a nuclear holocaust, posed to us all the challenge to redefine the purposes of the world's system of international relations.

Can we not, then, move from the negative to the positive! The situation of conflict between two competing systems having been brought to an end, do we not now move away from the negative, of the global destruction of one system, to the positive, of the global creation of the conditions which will make it possible for all peoples to enjoy the right to full human dignity.

We are deeply moved by the commitment which the great people you represent, and which you yourselves and the President of the United States have made, that you will stay the course with us as we strengthen democracy in our country, ensure stability born of freedom and banish poverty and deprivation.

You have taken these positions not out of a sense of condescending pity for our people but because you have felt and recognised that our success advances the very principles on which this country is founded.

Such recognition can never be an end in itself. It must surely be the beginning of a process of embarking on actions that reinforce the independent activities of the peoples to address these matters.

If all of this is true, then great countries, such as this one, and great institutions such as the United Nations, the International Bank for Reconstruction and Development, the International Monetary Fund and the European Union, must begin to put as a purpose central to their policies and actions, the creation of a world of democracy, peace and prosperity.

For the very first time in the history of humanity, we have arrived at the point where it has become possible to pose this challenge. That possibility has arisen from the fact that, given the will, humanity does in fact have the means to begin the creation of the new world order whose central features we have sought to define.

One of your poets, Walt Whitman, has written of an age that must dawn, when every hour of the day will bring peace and happiness to all the people of these United States, and not the uncertainties of the uncertain hour before the morning, of which T.S. Eliot spoke.

Here is what he wrote:

Lo, the most excellent sun so calm and haughty,
The violet and purple morn with just-felt breezes,
The gentle soft-born measureless light,
The miracle spreading bathing all, the fulfill'd noon,
The coming eve delicious, the welcome night and the stars,
Over my cities shining all, enveloping man and land.

Shall we not awaken to the challenge of our times and bend every effort to achieve so magnificent a resuit!

I do firmly believe that the people of this country, who have done so much to write the history of the world, have the vision, the wisdom and the daring to strive so that what is good shines over the cities and the villages of that world, enveloping man and land.

Once you set out on this road, no one will need to be encouraged to follow.

Surely, the order of the day is forward march.

Thank you.

[Applause, the Members rising.]

At 11 o'clock and 48 minutes a.m., the President of the Republic of South Africa, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justice of the Supreme Court of the United States.

The ambassadors, ministers and charges d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 12 noon, the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until the hour of 12:30 p.m.

□ 1233

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SCHUMER] at 12 o'clock and 33 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. WISE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 1520. An act to amend the Petroleum Marketing Practices Act;

H.R. 4379. An act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes; and

H.J. Res. 417. Joint Resolution providing for temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4455. An act to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; and

H.R. 4489. An act to authorize appropriations to the Natural Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, 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 amendment of the Senate to the bill (H.R. 6) "An Act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, 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 House to the bill (S. 2060) entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes."

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

S. 2384. An act to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes.

PROVIDING FOR CONSIDERATION OF S. 455, PAYMENTS IN LIEU OF TAXES ACT

The SPEAKER pro tempore. The unfinished business is the question of the vote on House Resolution 565.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on agreeing to the resolution, House Resolution 565, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 28, not voting 22, as follows:

[Roll No. 493]

YEAS—384

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—28

Ballenger
Barrett (WI)
Fawell
Franks (NJ)
Gilchrest
Gunderson
Hefley
Hoke
Kanjorski
Klug
Miller (CA)
Morella
Murphy
Penny
Petri

Porter	Schaefer	Vento
Ramstad	Sensenbrenner	Yates
Roth	Taylor (MS)	Zimmer
Royce	Torkildsen	
Sabo	Upton	

NOT VOTING—22

Applegate	Gallo	Slattery
Bentley	Istook	Sundquist
Blackwell	McCandless	Towns
Brooks	McCurdy	Tucker
Carr	Moran	Washington
Crane	Oxley	Whitten
Dornan	Ridge	
Ewing	Rohrabacher	

□ 1257

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

Messrs. KLECZKA, BARCIA of Michigan, and McINNIS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote as announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4278, SOCIAL SECURITY DOMESTIC EMPLOYMENT REFORM ACT OF 1994

Mr. GIBBONS submitted the following conference report and statement on the bill (H.R. 4278) to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act:

CONFERENCE REPORT (H. REPT. 103-842)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4278), to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Domestic Employment Reform Act of 1994".

SEC. 2. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES.

(a) THRESHOLD REQUIREMENT FOR SOCIAL SECURITY TAXES.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE.—

(A) GENERAL RULE.—Subparagraph (B) of section 3121(a)(7) of the Internal Revenue Code of 1986 (defining wages) is amended to read as follows:

"(B) cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (including domestic service described in subsection (g)(5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in subsection (x)) for such year;".

(B) APPLICABLE DOLLAR THRESHOLD.—Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"(x) APPLICABLE DOLLAR THRESHOLD.—For purposes of subsection (a)(7)(B), the term 'applicable dollar threshold' means $1,000. In the case of calendar years after 1995, the Commissioner of Social Security shall adjust such $1,000 amount at the same time and in the same manner as under section 215(a)(1)(B)(ii) of the Social Security Act with respect to the amounts referred to in section 215(a)(1)(B)(i) of such Act, except that, for purposes of this paragraph, 1993 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)(II) of such Act. If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.".

(C) EMPLOYMENT OF DOMESTIC EMPLOYEES UNDER AGE 18 EXCLUDED FROM COVERAGE.—Section 3121(b) of such Code (defining employment) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(21) domestic service in a private home of the employer which—

"(A) is performed in any year by an individual under the age of 18 during any portion of such year; and

"(B) is not the principal occupation of such employee.".

(D) CONFORMING AMENDMENTS.—The second sentence of section 3102(a) of such Code is amended—

(i) by striking "calendar quarter" each place it appears and inserting "calendar year", and

(ii) by striking "$50" and inserting "the applicable dollar threshold (as defined in section 3121(x)) for such year".

(2) AMENDMENT OF SOCIAL SECURITY ACT.—

(A) GENERAL RULE.—Subparagraph (B) of section 209(a)(6) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended to read as follows:

"(B) Cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (including domestic service described in section 210(f)(5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in section 3121(x) of the Internal Revenue Code of 1986) for such year;".

(B) EMPLOYMENT OF DOMESTIC EMPLOYEES UNDER AGE 18 EXCLUDED FROM COVERAGE.—Section 210(a) of such Act (42 U.S.C. 410(a)) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(21) Domestic service in a private home of the employer which—

"(A) is performed in any year by an individual under the age of 18 during any portion of such year; and

"(B) is not the principal occupation of such employee.".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to remuneration paid after December 31, 1993.

(B) EXCLUDED EMPLOYMENT.—The amendments made by paragraphs (1)(C) and (2)(B) shall apply to services performed after December 31, 1994.

(4) NO LOSS OF SOCIAL SECURITY COVERAGE FOR 1994; CONTINUATION OF W-2 FILING REQUIREMENT.—Notwithstanding the amendments made by this subsection, if the wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid during 1994 to an employee for domestic service in a private home of the employer are less than $1,000—

(A) the employer shall file any return or statement required under section 6051 of such Code with respect to such wages (determined without regard to such amendments), and

(B) the employee shall be entitled to credit under section 209 of the Social Security Act with respect to any such wages required to be included on any such return or statement.

(b) COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

"SEC. 3510. COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.

"(a) GENERAL RULE.—Except as otherwise provided in this section—

"(1) returns with respect to domestic service employment taxes shall be made on a calendar year basis,

"(2) any such return for any calendar year shall be filed on or before the 15th day of the fourth month following the close of the employer's taxable year which begins in such calendar year, and

"(3) no requirement to make deposits (or to pay installments under section 6157) shall apply with respect to such taxes.

"(b) DOMESTIC SERVICE EMPLOYMENT TAXES SUBJECT TO ESTIMATED TAX PROVISIONS.—

"(1) IN GENERAL.—Solely for purposes of section 6654, domestic service employment taxes imposed with respect to any calendar year shall be treated as a tax imposed by chapter 2 for the taxable year of the employer which begins in such calendar year.

"(2) EMPLOYERS NOT OTHERWISE REQUIRED TO MAKE ESTIMATED PAYMENTS.—Paragraph (1) shall not apply to any employer for any calendar year if—

"(A) no credit for wage withholding is allowed under section 31 to such employer for the taxable year of the employer which begins in such calendar year, and

"(B) no addition to tax would (but for this section) be imposed under section 6654 for such taxable year by reason of section 6654(e).

"(3) ANNUALIZATION.—Under regulations prescribed by the Secretary, appropriate adjustments shall be made in the application of section 6654(d)(2) in respect of the amount treated as tax under paragraph (1).

"(4) TRANSITIONAL RULE.—In the case of any taxable year beginning before January 1, 1998, no addition to tax shall be made under section 6654 with respect to any underpayment to the extent such underpayment was created or increased by this section.

"(c) DOMESTIC SERVICE EMPLOYMENT TAXES.—For purposes of this section, the term 'domestic service employment taxes' means—

"(1) any taxes imposed by chapter 21 or 23 on remuneration paid for domestic service in a private home of the employer, and

"(2) any amount withheld from such remuneration pursuant to an agreement under section 3402(p).

For purposes of this subsection, the term 'domestic service in a private home of the employer' includes domestic service described in section 3121(g)(5).

"(d) EXCEPTION WHERE EMPLOYER LIABLE FOR OTHER EMPLOYMENT TAXES.—To the extent provided in regulations prescribed by the Secretary, this section shall not apply to any employer for any calendar year if such employer is

liable for any tax under this subtitle with respect to remuneration for services other than domestic service in a private home of the employer.

"(e) GENERAL REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section. Such regulations may treat domestic service employment taxes as taxes imposed by chapter 1 for purposes of coordinating the assessment and collection of such employment taxes with the assessment and collection of domestic employers' income taxes.

"(f) AUTHORITY TO ENTER INTO AGREEMENTS TO COLLECT STATE UNEMPLOYMENT TAXES.—

"(1) IN GENERAL.—The Secretary is hereby authorized to enter into an agreement with any State to collect, as the agent of such State, such State's unemployment taxes imposed on remuneration paid for domestic service in a private home of the employer. Any taxes to be collected by the Secretary pursuant to such an agreement shall be treated as domestic service employment taxes for purposes of this section.

"(2) TRANSFERS TO STATE ACCOUNT.—Any amount collected under an agreement referred to in paragraph (1) shall be transferred by the Secretary to the account of the State in the Unemployment Trust Fund.

"(3) SUBTITLE F MADE APPLICABLE.—For purposes of subtitle F, any amount required to be collected under an agreement under paragraph (1) shall be treated as a tax imposed by chapter 23.

"(4) STATE.—For purposes of this subsection, the term 'State' has the meaning given such term by section 3306(j)(1).".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following:

"Sec. 3510. Coordination of collection of domestic service employment taxes with collection of income taxes.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) EXPANDED INFORMATION TO EMPLOYERS.—The Secretary of the Treasury or the Secretary's delegate shall prepare and make available information on the Federal tax obligations of employers with respect to employees performing domestic service in a private home of the employer. Such information shall also include a statement that such employers may have obligations with respect to such employees under State laws relating to unemployment insurance and workers compensation.

SEC. 3. ALLOCATIONS TO FEDERAL DISABILITY INSURANCE TRUST FUND.

(a) ALLOCATION WITH RESPECT TO WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking "(O) 1.20 per centum" and all that follows through "December 31, 1999, and so reported," and inserting "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1994, and so reported, (P) 1.88 per centum of the wages (as so defined) paid after December 31, 1993, and before January 1, 1997, and so reported, (Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,".

(b) ALLOCATION WITH RESPECT TO SELF-EMPLOYMENT INCOME.—Section 201(b)(2) of such Act (42 U.S.C. 401(b)(2)) is amended striking "(O) 1.20 per centum" and all that follows through "December 31, 1999," and inserting "(O) 1.20 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 1994, (P) 1.88 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1993, and before January 1, 1997, (Q) 1.70 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1996, and before January 1, 2000, and (R) 1.80 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to wages paid after December 31, 1993, and self-employment income for taxable years beginning after such date.

(d) STUDY ON RISING COSTS OF DISABILITY BENEFITS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall conduct a comprehensive study of the reasons for rising costs payable from the Federal Disability Insurance Trust Fund.

(2) MATTERS TO BE INCLUDED IN STUDY.—In conducting the study under this subsection, the Commissioner of Social Security shall—

(A) determine the relative importance of the following factors in increasing the costs payable from the Trust Fund:

(i) increased numbers of applications for benefits;

(ii) higher rates of benefit allowances; and

(iii) decreased rates of benefit terminations; and

(B) identify, to the extent possible, underlying social, economic, demographic, programmatic, and other trends responsible for changes in disability benefit applications, allowances, and terminations.

(3) REPORT.—Not later than October 1, 1995, the Commissioner of Social Security shall transmit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the results of the study conducted under this subsection, together with any recommendations for legislative changes which the Commissioner determines appropriate.

SEC. 4. NONPAYMENT OF BENEFITS TO INCARCERATED INDIVIDUALS AND INDIVIDUALS CONFINED IN CRIMINAL CASES PURSUANT TO CONVICTION OR BY COURT ORDER BASED ON FINDINGS OF INSANITY.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by inserting "and Certain Other Inmates of Publicly Funded Institutions" after "Prisoners";

(2) by striking "(x)(1) Notwithstanding" and all that follows through the end of paragraph (1) and inserting the following:

"(x)(1)(A) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual for any month during which such individual—

"(i) is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed), or

"(ii) is confined by court order in an institution at public expense in connection with—

"(I) a verdict or finding that the individual is guilty but insane, with respect to an offense punishable by imprisonment for more than 1 year,

"(II) a verdict or finding that the individual is not guilty of such an offense by reason of insanity,

"(III) a finding that such individual is incompetent to stand trial under an allegation of such an offense, or

"(IV) a similar verdict or finding with respect to such an offense based on similar factors (such as a mental disease, a mental defect, or mental incompetence).

"(B)(i) For purposes of clause (i) of subparagraph (A), an individual shall not be considered confined in an institution comprising a jail, prison, or other penal institution or correctional facility during any month throughout which such individual is residing outside such institution at no expense (other than the cost of monitoring) to such institution or the penal system or to any agency to which the penal system has transferred jurisdiction over the individual.

"(ii) For purposes of clause (ii) of subparagraph (A), an individual confined in an institution as described in such clause (ii) shall be treated as remaining so confined until—

"(I) he or she is released from the care and supervision of such institution, and

"(II) such institution ceases to meet the individual's basic living needs.";

and

(3) in paragraph (3), by striking "any individual" and all that follows and inserting "any individual who is confined as described in paragraph (1) if the confinement is under the jurisdiction of such agency and the Commissioner of Social Security requires such information to carry out the provisions of this section.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act.

SEC. 5. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 204 of the Social Security Act (42 U.S.C. 404) is amended by adding at the end the following new subsection:

"(f)(1) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

"(2) For purposes of paragraph (1), the term 'delinquent amount' means an amount—

"(A) in excess of the correct amount of payment under this title;

"(B) paid to a person after such person has attained 18 years of age; and

"(C) determined by the Commissioner of Social Security, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.".

(b) CONFORMING AMENDMENT.—Section 3701(d) of title 31, United States Code, is amended by inserting ", except to the extent provided under section 204(f) of such Act (42 U.S.C. 404(f)), " after "the Social Security Act (42 U.S.C. 301 et seq.)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to collection activities begun on or after the date of the enactment of this Act and before October 1, 1999.

SEC. 6. NURSING HOMES REQUIRED TO REPORT ADMISSIONS OF SSI RECIPIENTS.

(a) IN GENERAL.—Section 1631(e)(1) of the Social Security Act (42 U.S.C. 1383(e)(1)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of making determinations under section 1611(e), the requirements prescribed by the Commissioner of Social Security pursuant to subparagraph (A) of this paragraph shall require each administrator of a nursing home, extended care facility, or intermediate care facility, within 2 weeks after the admission of any eligible individual or eligible spouse receiving benefits under this title, to transmit to the Commissioner a report of the admission.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to admissions occurring on or after October 1, 1995.

SEC. 7. RULE OF CONSTRUCTION.

Until March 31, 1995, any reference in this Act (other than section 3(d)) or any amendment

made by this Act to the Commissioner of Social Security shall be deemed a reference to the Secretary of Health and Human Services.

And the Senate agree to the same.

SAM GIBBONS,
DAN ROSTENKOWSKI,
J.J. PICKLE,
ANDREW JACOBS, Jr.,
HAROLD FORD,
BILL ARCHER,
JIM BUNNING,
RICK SANTORUM,
Managers on the Part of the House

DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
JOHN BREAUX,
BOB PACKWOOD,
BOB DOLE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4278) to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SOCIAL SECURITY DOMESTIC EMPLOYMENT REFORM ACT OF 1994

1. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES (SEC. 2 OF HOUSE BILL AND SEC. 2 OF SENATE AMENDMENT)

Present law

Individuals who hire domestic employees such as baby-sitters, housekeepers, and yard workers are required to withhold and pay employment taxes when the worker's wages exceed certain thresholds. (Individuals who hire domestic workers who are properly classified as independent contractors to provide these services are excluded from these requirements.) For Social Security, the wage threshold is reached, generally, when an employer pays $50 or more per quarter to a domestic employee.

However, wages paid to domestic employees hired by farm operators are subject to the thresholds that are used for determining coverage for agricultural employees. For these employees, the wage threshold is reached if either (1) the farm operator's total farm payroll for a year is $2,500 or more, or (2) the wages paid to an employee in a year are $150 or more. (This latter test applies only if the farm operator's total payroll for a year is less than $2,500.)

For Federal unemployment insurance (FUTA), the threshold is reached when an employer pays $1,000 or more in a calendar quarter to one or more domestic employees.

When the $50 threshold is reached, the employer must file a quarterly report (Form 942) with the Internal Revenue Service, submitting with it the required Social Security tax for both the employer and the employee. The employer must also provide the employee and the Social Security Administration with a Wage and Tax Statement (Form W-2) at the end of the year. When the $1,000 unemployment insurance wage threshold is reached in any calendar quarter, the employer must file a report (Form 940) with the IRS at the end of the year, submitting the required tax.

In addition, employers of domestic workers must: notify employees who may be eligible for the earned income tax credit of the existence of this credit; withhold income tax if the employee requests it and the employer agrees; file and pay State unemployment insurance tax in each quarter in which the State unemployment insurance wage threshold (equal to the $1,000 Federal threshold in 45 States) is reached; and, in some States, report wages paid to domestic employees to the State for purposes of State income tax.

House bill

Reporting

The bill requires individuals who employ only domestic workers to report on a calendar-year basis any Social Security or Federal unemployment tax obligations for wages paid these workers and authorizes the Secretary of the Treasury to revise Federal Form 1040 to enable such employers to report both taxes on their own Federal income tax returns.

The bill also requires the Secretary of the Treasury to provide to domestic employers a comprehensive package of informational materials, including all requirements of Federal law and a notification that they may also be subject to State unemployment insurance and workers compensation laws.

Threshold

The bill changes the threshold for withholding and paying Social Security taxes on domestic workers from $50 per quarter to $1,250 annually in 1995.

Indexing

The bill indexes the threshold for increases in average wages in the economy, rounded to $50 increments.

Farm service

The bill does not apply to domestic service on a farm.

Estimated taxes

The bill includes domestic employers' Social Security and Federal unemployment taxes in estimated tax provisions. Employers may satisfy their tax obligations through regular estimated tax payments or increased tax withholding from their own wages.

State unemployment

The bill authorizes the Secretary of the Treasury to enter into agreements with States to collect State unemployment taxes in the manner described above.

Age limitation

No provision.

Effective date.—Generally applies to remuneration paid in calendar years beginning after 1994.

The bill adjusts the Social Security tax threshold retroactively to $1,150 for 1993 and to $1,200 for 1994. No underpayment of taxes could be assessed (or, if assessed, could be collected), effective on or after the date of enactment. No refunds would be provided.

Senate amendment

Reporting

Same as House bill.

Threshold

The amendment changes the threshold from $50 per quarter to an annual threshold equal to the amount required for one quarter of Social Security coverage (estimated to be $630 in 1995).

Indexing

Same as House bill, except the amendment would use a technically different indexing mechanism.

Farm service

The amendment applies to domestic service on a farm.

Estimated taxes

Same as House bill, except no estimated tax penalty would apply to an underpayment of these taxes if they were paid on or before April 15 (or the date the return of the employer is filed, if earlier.)

State unemployment

Same as House bill.

Age limitation

The amendment exempts from Social Security taxes any wages paid to a worker for domestic services performed in any year during which the worker is under the age of 18.

Effective date.—Generally applies to remuneration paid in calendar years beginning after 1994 (same as House bill). Exemption for workers under the age of 18 applies to services performed in calendar years beginning after 1994.

No provision with respect to retroactive adjustment of the threshold for 1993 and 1994.

Conference agreement

REPORTING

The conference agreement follows the House bill and the Senate amendment.

The Secretary of the Treasury continues to have regulatory authority to allow States to pay the employment taxes for certain public assistance recipients who employ household workers. Several States have agreements under which the State handles the appropriate Federal employment taxes for household workers employed by public assistance recipients under State programs.

THRESHOLD

The conference agreement provides that the threshold is $1,000.

INDEXING

The conference agreement follows the House bill and the Senate amendment by indexing the $1,000 threshold. Indexing will occur in $100 increments, rounded down to the nearest $100.

FARM SERVICE

The conference agreement follows the Senate amendment.

ESTIMATED TAXES

The conference agreement follows the House bill, except that estimated tax penalties will not apply to amounts affected by the conference agreement until 1998. The conferees intend that the Internal Revenue Service disseminate the informational materials required by the statute so that taxpayers will be fully apprised of the provisions of the conference agreement (including the provision related to estimated taxes).

Individuals not required to make estimated tax payments (including by having income taxes withheld from their wages) are not required to begin making estimated tax payments (or wage withholding) solely as a consequence of the conference agreement. Individuals otherwise required to make estimated tax payments (including by having income taxes withheld from their wages) are required, after 1997, to include amounts affected by the conference agreement in those estimated tax payment (or wage withholding).

STATE UNEMPLOYMENT

The conference agreement follows the House bill and the Senate amendment.

AGE LIMITATION

The conference agreement follows the Senate amendment, except that the exemption for workers under the age of 18 would not apply to individuals whose principal occupation is household employment. Being a student is considered to be an occupation for purposes of this test. Thus, for example, the wages of a student who is 16 years old who also babysits will be exempt from the reporting and payment requirements, regardless of whether the amount of wages paid is above or below the threshold. On the other hand, for example, the wages of a 17 year-old single mother who leaves school and goes to work as a domestic to support her family will be subject to the reporting and payment requirements; she will consequently obtain Social Security coverage with respect to those wages.

Effective date.—The $1,000 threshold is effective for calendar year 1994. The simplified reporting system, as well as the other provisions of the conference agreement, are effective January 1, 1995. Refunds would be given for payroll taxes on wages paid in 1994 when the total wages that an employee receives from an employer are below the $1,000 threshold.

There will be no loss of Social Security wage credits with respect to amounts refunded for 1994. To provide information reporting the ensure that there is no loss of credits, an employer who would have been required to file a Form W-2 (without regard to the enactment of these provisions) will continue to be required to do so, and will be required to report wages paid for the whole year in the "social security wages" box, even though the employer will receive a refund of any Social Security taxes paid.

Example 1.—Assume Employer A pays a domestic employee R $500 in wages for calendar year 1994. A has been making quarterly payments of the payroll taxes due on these wages. A will not be required to make any further quarterly payments of payroll taxes with respect to 1994 that are due on or after the date of enactment of the conference agreement. A can obtain a refund of payroll taxes previously paid. Employee R will get Social Security credit with respect to the $500 of wages.

Example 2.—Assume Employer B pays a domestic employee $1,500 in wages for calendar year 1994. B has been make quarterly payments of the payroll taxes due on these wages. B must continue to make quarterly payments of payroll taxes to the remainder of 1994.

Example 3.—Assume Employer A will pay domestic employee R $500 in wages for calendar year 1995. Because the amount of these wages is below the $1,000 threshold, A is not subject to reporting.

Example 4.—Assume Employer B will pay domestic employee S $1,500 in wages for calendar year 1995. Because the amount of these wages is above the $1,000 threshold, B is subject to reporting.

2. REALLOCATION OF A PORTION OF THE OLD-AGE AND SURVIVORS INSURANCE PAYROLL TAX TO THE DISABILITY INSURANCE TRUST FUND (SEC. 3 OF THE HOUSE BILL)

Present law

Employees and employers each pay a Social Security payroll tax of 7.65 percent of earnings up to a specified ceiling. The self-employed pay at the combined employee-employer rate. The employee and the employer share of the payroll tax is allocated to the Old-Age and Survivors Insurance (OASI), the Disability Insurance (DI), and the Hospital Insurance (HI) programs at the following rates:

Calendar years	OASI tax rate (percent)	DI tax rate (percent)	HI tax rate (percent)
1994–99	5.60	0.60	1.45
2000 on	5.49	0.71	1.45

House bill

The provision would increase the employee and the employer rate of tax for the DI program from 0.6 percent to 0.94 percent, with commensurate reduction of the rate of the OASI tax. Beginning in 2000, the DI tax rate would be reduced to 0.90 percent, with a commensurate increase of the rate of the OASI tax. The rate of tax would be:

Calendar years	OASI tax rate (percent)	DI tax rate (percent)	HI tax rate (percent)
1994–99	5.26	0.94	1.45
2000 on	5.30	0.90	1.45

In addition, the Secretary of Health and Human Services would be required to conduct a comprehensive study of the reasons for rising costs in the DI program. The study would determine the relative importance of: (a) increased numbers of applications for benefits, (b) higher rates of benefit allowances, and (c) decreased rates of benefit terminations in increasing DI program costs. It would also identify, to the extent possible, underlying social, economic, demographic, programmatic, and other trends responsible for changes in DI applications, allowances, and terminations. No later than December 31, 1995, the Secretary would be required to issue a report to the House Committee on Ways and Means and the Senate Committee on Finance summarizing the results of the study and, if appropriate, making legislative recommendations.

Effective date.—The provision would apply to wages paid after December 31, 1993, and to self-employment income for taxable years beginning after this date.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House provision, with an amendment making the allocation to the DI trust fund 0.85 percent of payroll for the employer and employee, each, for the years 1997–99. The resulting tax rates are:

Calendar years	OASI tax rate (percent)	DI tax rate (percent)	HI tax rate (percent)
1994–96	5.26	0.94	1.45
1997–99	5.35	0.85	1.45
2000 on	5.30	0.90	1.45

The Commissioner of Social Security would be required to provide the study by October 1, 1995. The conferees understand that the Social Security Administration may not have sufficient data to provide as full a report as the Congress may want by the October 1 due date. The conferees expect that the Commissioner will supplement the October 1 report with any subsequent findings and recommendations that the Commissioner may wish to make no later than December 31, 1995.

3. LIMITATION ON PAYMENTS TO INCARCERATED CRIMINALS AND CRIMINALLY INSANE INDIVIDUALS CONFINED TO INSTITUTIONS BY COURT ORDER AT PUBLIC EXPENSE (SEC. 4 OF THE HOUSE BILL AND SEC. 4 OF THE SENATE AMENDMENT)

Present law

Generally, Social Security benefits may not be paid to any individual who is confined in a penal institution pursuant to a felony conviction. (This provision does not apply to an individual who is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law and, as determined by the Secretary, is expected to result in the individual being able to engage in substantial gainful activity upon release and within a reasonable time.) Benefits to qualified family members of incarcerated felons continue to be paid.

When an individual is confined to a public institution pursuant to verdict related to a felony offense for which he or she was found to be not guilty by reason of insanity, the Social Security Act provides no limitation on benefit payments.

House bill

The provision would:

Apply the limitation on Social Security benefit payments, which currently applies only to incarcerated felons, to all individuals convicted of an offense punishable by imprisonment for more than one year;

Repeal the exception to the limitation for inmates participating in court-approved rehabilitation; and

Extend the limitation to criminally insane individuals who are confined to institutions by court order at public expense in connection with an offense punishable by imprisonment of more than one year. The court order must be issued pursuant to a verdict of guilty but insane, a verdict of not guilty by reason of insanity, a finding of incompetence to stand trial, or a similar verdict or finding based on similar factors (such as mental disease, mental defect, or mental incompetence).

The limitation would continue to apply until such time as the individual is unconditionally released from the care and supervision of the institution to which he or she was confined and the institution ceases to meet the cost of the individual's basic living needs.

A similar limitation would be placed on Medicare Part A hospital insurance (as well as on Medicare Part B supplemental medical insurance in cases where eligibility for Part B is conditioned on eligibility for Part A).

To enforce the ban, the Secretary of Health and Human Services would be authorized to require from institutions the names and Social Security numbers of the individuals confined there under the conditions described above.

Effective date.—The provision would apply to benefits for months commencing after 90 days after enactment and with respect to items and services provided after this 90-day period.

Senate amendment

The amendment would suspend payment of any Social Security benefit payable under title II of the Social Security Act to any individual while confined in any public institution, if the individual had been found guilty of a felony offense but insane, or not guilty of a felony offense by reason of insanity or other similar disorder. Federal or State

agencies having jurisdiction over institutions where such individuals are confined would be required to furnish such information as the Secretary of Health and Human Services may require to carry out this provision.

Effective date.—The provision would apply with respect to benefits for months commencing after 90 days after enactment.

Conference agreement

The conference agreement generally follows the House provision, modified to:

(1) maintain the current exception for prisoners in court-approved rehabilitation;

(2) maintain Medicare eligibility for individuals whose cash benefits have been suspended due to their confinement;

(3) provide that benefits will be reinstated to individuals who are released from an institution to which they were committed pursuant to an insanity verdict, so long as the institution ceases to meet the individual's basic living needs; and

(4) provide that an individual is not to be treated as confined to a prison or other penal institution during any month throughout which he or she resides outside such institution at no expense (other than the cost of monitoring) to the institution or the penal system (or, if the penal system has transferred jurisdiction over the individual to another agency, at no expense to the institution, the penal system, or that agency).

The fourth modification addresses an issue that has arisen because of the development of highly sophisticated electronic surveillance technology. Relying on such technology, courts and prisons are confining growing numbers of individuals to their homes, where they can now be effectively monitored. SSA's policy response to this practice is two-fold: In cases where an individual is confined to home by court order, the agency will resume payment of monthly benefits. However, in cases where an individual is confined to home without such an order (e.g., because of crowding in a prison), SSA continues to suspend benefits.

The conferees disagree with SSA's policy in the second instance. The conferees believe that payments should be resumed for any month in which a prisoner resides outside a correctional facility at no expense (other than the cost of monitoring) to the penal system.

4. ADDITIONAL DEBT COLLECTION PROCEDURES (SEC. 3 OF THE SENATE AMENDMENT)

Present law

The Omnibus Budget Reconciliation Act of 1990 permits the Social Security Administration to collect overpaid Social Security benefits from former beneficiaries by reducing these individual's Federal tax refunds when other efforts to collect the overpayment have failed.

In addition, certain debt collection procedures are available for use by most Federal agencies. Those include provisions enabling Federal agencies to recover debts owed to them by offsetting other Federal payments to which the debtor may be entitled (called "administrative offset"); to report delinquent debtors to credit reporting agencies; and to contract with private debt collection agencies to recover delinquent debt. The Social Security Administration (SSA) is prohibited from using these three debt collection procedures.

House bill

No provision.

Senate amendment

SSA would be authorized to use three procedures that are available to other Federal agencies: administrative offset, reporting delinquent debtors to credit reporting agencies, and contracting with private debt collection agencies.

These procedures would be available for use only for the purpose of recovering any delinquent amount owned by former Social Security beneficiaries who were paid benefits not due. The term "delinquent amount" is defined to mean an amount (1) in excess of the correct amount of payment under title II of the Social Security Act, (2) paid to a person after the person has attained age 18, and (3) determined by the Secretary, under regulations, to be otherwise unrecoverable.

Effective date.—The provision would apply to collection activities begun on or after the date of enactment and before October 1, 1999.

Conference agreement

The conference agreement follows the Senate amendment.

5. NURSING HOMES REQUIRED TO REPORT ADMISSIONS OF SSI RECIPIENTS (SEC. 5 OF THE SENATE AMENDMENT)

Present law

Supplemental Security Income recipients, or their representative payees, are required to report to the Social Security Administration any change in the recipient's status (e.g., income, resources, living arrangements) that may affect the amount of benefits to which the recipient is entitled. Generally, when an SSI recipient enters a nursing home for an extended period, and payment for the recipient's care is being provided by Medicaid, the amount of the recipient's SSI benefit is reduced to no more than $30 per month, beginning with the first full month of residence. Because nursing home admissions are not always reported promptly to SSA, some SSI recipients receive more benefits than they are entitled to receive in the months following their admission.

House bill

No provision.

Senate amendment

Nursing home administrators would be required to report to SSA the administration of any SSI recipient within two weeks of the recipient's admission, so that SSA can make timely adjustment in the amount of the recipient's SSI benefit.

Effective date.—The provision is effective for admissions to nursing homes occurring on or after October 1, 1995.

Conference agreement

The conference agreement follows the Senate amendment.

SAM GIBBONS,
DAN ROSTENKOWSKI,
J.J. PICKLE,
ANDREW JACOBS, Jr.,
HAROLD FORD,
BILL ARCHER,
JIM BUNNING,
RICK SANTORUM,
Managers on the Part of the House.

DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
JOHN BREAUX,
BOB PACKWOOD,
BOB DOLE,
Managers on the Part of the Senate.

Mr. GIBBONS. Mr. Speaker, I call up the conference report on the bill (H.R. 4278) to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the conference report be considered as read, and that any points of order against the conference report or its consideration be waived.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. BUNNING] will be recognized for 30 minutes.

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

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume. I do not intend to take up that much time.

Mr. Speaker, this is a good conference report. The chairman of the subcommittee who handled this legislation is here to go over the fine points and details of it.

Mr. Speaker, I ask that I be permitted to yield the balance of my time to the gentleman from Indiana [Mr. JACOBS], chairman of the subcommittee, who handled this legislation, and that he be permitted to yield such time as he sees fit.

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

There was no objection.

□ 1300

PARLIAMENTARY INQUIRY

Mr. JACOBS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. ROWLAND). The gentleman will state his parliamentary inquiry.

Mr. JACOBS. Has the gentleman from Kentucky [Mr. BUNNING] been yielded the customary 50 percent of the time?

The SPEAKER pro tempore. The gentleman has been yielded 30 minutes.

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

Mr. Speaker, I begin by commending my co-chairman, the gentleman from Kentucky [Mr. BUNNING]. It has been a long effort, it has been an entirely cooperative effort, and, therefore, to that extent it has been a pleasant effort to correct the egregious wrong that has occurred by the inadvertence of the U.S. Government to the taxpayers of this country.

Mr. Speaker, almost 2 years ago it was discovered that the threshold for household employers to pay Social Security taxes on domestic workers had remained $50 for 40 years. Now at the same time the threshold for getting any credit for paying the tax had been

more than indexed during those 40 years. Two years ago the Government discovered the error, and got right on it now, and 2 years later, finally, it is being corrected; or, putting it another way, one might say that the wheels of justice will never get a speeding ticket.

This report, this conference report, does the following:

It allows household employers to file their obligations for Social Security taxes on an annual rather than quarterly basis. Moreover it allows them to file those taxes on their 1040 forms that they are filing anyway. It makes the threshold heretofore $200 per year, $1,000 per year, and, as a token of apology to the American people, it makes this retroactive to the first day of this year, of 1994, refunds the taxes paid by any household worker or employer on wages that did not cross the threshold of $1,000.

It has other features such as indexing by $100 the amount of the threshold into the future. It has a provision dealing with people who do not file 1040 forms alone, but also estimate their taxes because of self-employment.

It has another principal feature, which is correcting an anomaly of a law that was passed in 1980 that forbade Social Security payments to felons in prison. The anomaly was, although I can personally testify that the law in 1980 was intended to deny those same benefits to murderers and other wrongdoers who were declared criminally insane and incarcerated anyway, some have read the statute not to cover those individuals. This would correct that anomaly, and while it is correcting that anomaly, it raises sufficient funds for the trust fund to allow for the change that I have just described, including the retroactive refund for those who do not cross the threshold of $1,000 for the year 1994.

Mr. Speaker, I look forward with avidity to hearing from my colleague, the gentleman from Kentucky [Mr. BUNNING] who is from where my mother is from, and I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. PETRI] to speak out of order.

DIRTY TRICKS

(By unanimous consent Mr. PETRI was given permission to address the House out of order.)

Mr. PETRI. Mr. Speaker, the use of bogus polls to spread ugly rumors is a campaign practice the media and campaign reformers should look into.

Here is how it works: A so-called pollster calls every household and asks a series of questions such as, "Do you plan to vote for Smith or Jones?" "What if you learned that Smith steals candy from children?" "Would that change your vote?" "What if you learned that Smith is fighting four paternity suits and his mother complains he never comes home for Christmas? Would that change your vote?"

Now, obviously, the charges have to be more plausible than those—but they do not have to be true. They can be totally misleading. They are designed to spread ugly rumors.

And you can never find these polls listed in the disclosure forms campaigns are required to file. Instead, separate groups which are allied with a political party do the dirty work technically separately from the actual campaigns.

During the final weeks of the campaign, these bogus pollsters will be calling every household in some areas to spread rumors about candidates' positions on pay raises, Social Security, and who knows what else.

I understand that Wisconsin and Ohio are the greatest victims of this technique. But you can bet it will become nationwide if it is allowed to go unquestioned.

We should tighten the campaign disclosure laws so people will know when somebody allied with a campaign tries to pull this dirty trick. Or at least, the media should expose it.

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

Mr. Speaker, It is a pleasure to be here for Congress' second major piece of Social Security legislation this year, and for the final action in a process that the House started back in March of last year.

This was when the Social Security Subcommittee held the first of the three hearings on the provisions in the conference report.

I would like to commend my colleague, ANDY JACOBS, the chairman of the Social Security Subcommittee, for his diligence, persistence, and perserverance.

He is a pleasure to work with, and I thank him for another great effort.

This legislation addresses three problems. The first is one made famous by the hapless Zoe Baird.

Singlehandedly, Ms. Baird has done more to publicize the law that provides Social Security protection for nannies and other domestic employees than the IRS and the Social Security Administration have been able to do combined.

As a result of the publicity that surrounded Zoe Baird, a lot of hard-working and normally law-abiding American taxpayers woke up to a terrible realization—that they were tax cheats and lawbreakers.

I'm sure that Congress, back in 1951 when domestic workers were first covered under Social Security, never intended to make lawbreakers out of householders who hire cleaning ladies and parents who hire babysitters.

But, that is just what happened when it set the wage threshold at $50 a calendar quarter, and never provided for any increase as the years went by.

A $50 quarterly threshold was probably more than adequate back in 1951, and easily exempted the occasional cleaning lady or babysitter earning a $1 an hour a day or two a month. Today, $50 is just over a day's pay at minimum wage.

The conference report before us addresses these problems. First, it raises this outdated $50 in wages paid in a calendar quarter to $1,000 paid in a year.

Now, I would have preferred a higher amount based on the fact that the $50 threshold amount was never indexed.

I strongly supported the $1,800 threshold that was passed by the House last year, only to be stripped from the budget reconciliation bill at the insistence of the Senate—or even the $1,250 threshold that was in the House version of this legislation.

But I also appreciate the need to protect Social Security eligibility for those who spend their lifetimes cleaning other people's homes—many of whom are low income women.

I believe that the $1,000 threshold, which will be indexed, should be high enough to protect these employees and still relieve the average householder of the burden of having to report wages of someone they occasionally employ in their home.

This legislation exempts teenagers under 18 who babysit or mow lawns.

Because Americans who employ babysitters and cleaning ladies have been expecting Congress to fix this problem for over a year now, I am pleased that the House conferees were successful in making these provisions retroactive to January, 1994.

It took 40 years to recognize and deal with this problem.

Going back to the beginning of this year was the least Congress could do for average Americans who occasionally hire people to look after their children or mow their grass.

The legislation also allows householders who hire domestic workers to report and pay their employees' Social Security taxes as part of their personal tax returns, rather than have to complete all sorts of complicated additional paperwork.

Because it will be easier for householders to pay the Social Security taxes on their domestic workers, more domestic workers will end up getting the same Social Security credit that other workers get toward disability or retirement benefits.

The second provision transfers a small part of the revenues now going into the Social Security retirement trust fund to the disability trust fund.

The Social Security retirement trust, which the actuaries say has enough money to last until 2036 while the disability trust fund will run out of money as early as next spring if we don't act now.

Currently, the disability program pays over $3 billion a month in benefits to almost 4 million severely disabled workers and their families.

We recognize, however, that this transfer is just a Band-Aid, and that

the administration has to take a serious look at why the disability program is in trouble.

We are looking forward to getting the study they have been doing on this serious problem by October of next year.

We will also be closely monitoring SSA's efforts to clear up its disability backlogs and do disability reviews.

In my opinion, SSA's failure to do these reviews and take nondisabled people off the rolls has not only contributed to the program's financial problems, but to the public's lack of confidence as well.

There are serious problems at SSA, but it will be an independent agency next year, unfettered by HHS. We will be expecting the leadership of this independent agency to do something about those problems.

The third provision is also overdue. Congress voted—14 years ago—to prohibit payment of Social Security benefits to criminals like the Son of Sam, who are being completely supported at the taxpayers' expense as they serve out their time behind bars.

This provision likewise prohibits payment of benefits to those who have committed terrible crimes, but who are found not guilty by reason of insanity, and are institutionalized at taxpayers' expense instead of imprisoned.

To allow the criminally insane to collect benefits is an affront to the families of the victims of their terrible acts, as well as to hard-working taxpayers.

Mr. Speaker, it has been a long haul, but we have finally taken action on problems that have been around a long time.

This legislation will help millions of average Americans do the right thing for those they employ to care for their children or clean their homes.

It will help ensure that the millions of severely disabled Americans and their families will continue to receive benefits without worry.

And it will stop benefits to the criminally insane who are already institutionalized at taxpayers' expense.

I am pleased that we are considering this important legislation today, and I urge its speedy passage.

□ 1310

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

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

Mr. Speaker, I omitted one point that the world, or at least this part of it, ought to know, and that is that this bill also exempts all domestic workers under the age of 18 except in the case of a young person who works full-time, perhaps as a child, works full-time, has not reached the age of 18. That person would be covered under the payment of the taxes and the $1,000 threshold.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the conference report before us contains a measure which will help thousands of workers across the country. It will update the threshold at which employers must start paying taxes for their domestic employees. This is what we now call the nanny tax. It is much-needed legislation, and it is long overdue.

The nanny tax threshold was set more than 40 years ago and remains to this very day, until this very moment, artificially low. Today, if you use a baby-sitter or someone to mow your lawn on a regular basis, you probably owe this tax. And while the law was never meant to address the 14-year-old baby-sitter, that is exactly what it has done.

It is necessary that we safeguard people who perform domestic work. The law was never about the person who shovels your walk, or the person who mows your lawn, or about the baby-sitter. It was about people who proudly, with dignity, do domestic work.

When employers fail to pay this tax, workers who have multiple employers can find themselves ineligible for benefits after a lifetime of work. This is not right, and this legislation will change this.

This conference report raises the threshold at which taxes must be paid to $1,000 annually, and requires the taxes to be filed only once a year. Can you imagine, and some of you can, what it is like to have to file a tax for your domestic worker four times a year? Anyone who has tried to do it can truly understand why many did not. The IRS code had become anachronistic in this whole area. And as a result of the law becoming outdated, people who worked day in and day out, and worked hard, but who worked for a number of employers, were not getting their Social Security taxes paid correctly.

As I stand here today, I hear about the gridlock, I hear about how Congress does not know how to do anything. I hear about how we cannot move forward and help the American people.

The nanny tax is an example where we can, in a bipartisan fashion, make it easier for the American people to do their duty and obey the law. With this legislation, we make it much less likely that someone who wakes up in the morning and works maybe 5 days a week, sometimes 7 days a week, at domestic work, proudly, will find that their employer has not paid the Social Security tax.

We have achieved this in a bipartisan fashion. We have achieved it in a bipartisan fashion in the House of Representatives, and we have achieved it in a bipartisan fashion on the Senate side. We have achieved this without loading it up with a number of amendments. And we have achieved it in the way we should legislate.

□ 1320

We are passing legislation that may not get much attention in the newspapers or the media who say we cannot do anything, but it will be noticed by the thousands upon thousands of domestic workers who now can count on the fact that their employer only has to fill out one form, once a year, when they do their income tax return.

Numerous Members contributed to this success.

I stand here and thank the acting chairman of our committee, the gentleman from Florida [Mr. GIBBONS], to thank the gentleman from Indiana [Mr. JACOBS], who truly understood what was happening here, and to thank Mr. ARCHER and Mr. BUNNING on the other side of the aisle. I'd like also to offer my thanks to Mrs. MEEK, whose commitment to this legislation is second to none, and Mr. HOUGHTON, who was also instrumental in passage of this bill and he is to be commended. I thank Senator MOYNIHAN for his help, and all the other people involved. This bill is not for the elite of America, this is not for the well-known names, it is for the working men and women who have to count on their Social Security. This is for working people. It is also for the men and women of America who want to obey the law and just cannot quite figure out the forms and the back and the forth and the up and the down. With this change, they can be law-abiding citizens.

Mr. Speaker, this is a solid achievement and should be recognized as such.

Mr. BUNNING. Mr. Speaker, I yield 4 minutes to the gentleman from Texas, [Mr. ARCHER], the ranking member on the full Committee on Ways and Means.

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

I rise in support of H.R. 4278 with a great deal of compliments and accolades to both the chairman of the Subcommittee on Social Security, the gentleman from Indiana [Mr. JACOBS], and the ranking Republican, the gentleman from Kentucky, [Mr. BUNNING]. I also want to note that another member of our committee, the gentleman from New York [Mr. HOUGHTON], contributed a great deal toward the development of this bill.

It is truly a bipartisan bill. It is something that needs to be done, actually has needed to be done for a long time to correct a situation where one of the Nation's basic laws has been in effect but not effective. Because we are not dealing with business people who are used to the process of withholding from the payroll of employees. We are dealing with people who are average citizens in the home, employing other average citizens in the home, employing other average citizens to do work in the home.

This bill corrects the problem by streamlining and simplifying the process for the employer, makes it easier to

understand and to comply with the law, and sets a threshold below which it is not necessary to go through the administrative red tape because the numbers are so low that the cost of administration does not justify the added effort. So it is long overdue and something that I believe would serve the benefit of both the person who employs someone in the home and the person who works in the home.

In addition, as the chairman of the subcommittee knows for many, many years I have devoted a great deal of attention to Social Security, along with him, to attempt to shore up and stabilize the fund so that Americans could have more confidence in it. There is a part of this bill that has been alluded to that is exceedingly important, that takes away Social Security benefits from the criminally insane who are already being supported by the taxpayers while institutionalized.

The injustice of paying benefits to such individuals has cried out for correction for many, many years. This bill finally corrects it, and takes that load off of the Social Security fund. In doing so, it helps to stabilize it for the future.

So on all counts, this bill makes sense. It is in the interest of the taxpayers. It is in the interest of the Social Security beneficiaries. It is in the interest of all Americans, and I urge its adoption.

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

Mr. Speaker, I would like to thank the ranking member of the Committee on Ways and Means for the outstanding job that he has done on our committee. He mentioned shoring up Social Security has been one of his priorities since he first was ranking on the Subcommittee on Social Security. He has worked actively on Social Security issues for over a decade. I want to thank him for his leadership and guidance, particularly on this bill, and all the bills that we take up in the Subcommittee on Social Security.

It is a pleasure to be here, Mr. Speaker, for Congress' second major piece of Social Security legislation this year, and for the final action in a process that the House started back in March of last year. This was when the Social Security Subcommittee held the first of the three hearings on the provisions in the conference report. I would like to commend my colleague, ANDY JACOBS, the chairman of the Social Security Subcommittee, for his diligence, persistence, and perseverance. He is a pleasure to work with, and I thank him for another great effort.

This legislation addresses three problems.

The first is one made famous by the hapless Zoe Baird. Singlehandedly, Ms. Baird has done more to publicize the law that provides Social Security protection for nannies and other domestic employees than the IRS and the Social Security Administration have been able to do combined.

As a result of the publicity that surrounded Zoe Baird, a lot of hard working and normally law-abiding American taxpayers woke up to a terrible realization—that they were tax cheats and law breakers.

I am sure that Congress, back in 1951 when domestic workers were first covered under Social Security, never intended to make law breakers out of householders who hire cleaning ladies and parents who hire babysitters. But, that just what happened when it set the wage threshold at $50 a calendar quarter, and never provided for any increase as the years went by.

A $50 quarterly threshold was probably more than adequate back in 1951, and easily exempted the occasional cleaning lady or babysitter earning a dollar an hour a day or two a month. Today, $50 is just over a day's pay at minimum wage.

The conference report before us addresses these problems. First, It raises this outdated $50 in wages paid in a calendar quarter to $1,000 paid in a year. Now, I would have preferred a higher amount based on the fact that the $50 threshold amount was never indexed. I strongly supported the $1,800 threshold that was passed by the House last year, only to be stripped from the budget reconciliation bill at the insistence of the Senate—or even the $1,250 threshold that was in the House version of this legislation.

But I also appreciate the need to protect Social Security eligibility for those who spend their lifetimes cleaning other people's homes—many of whom are low-income women. I believe that the $1,000 threshold, which will be indexed, should be high enough to protect these employees and still relieve the average householder of the burden of having to report wages of someone they occasionally employ in their home. This legislation exempts teenagers under 18 who babysit or mow lawns.

Because Americans who employ babysitters and cleaning ladies have been expecting Congress to fix this problem for over a year now, I am pleased that the House conferees were successful in making these provisions retroactive to January 1994. It took 40 years to recognize and deal with this problem. Going back to the beginning of this year was the least Congress could do for average Americans who occasionally hire people to look after their children or mow their grass.

The legislation also allows householders who hire domestic workers to report and pay their employees' Social Security taxes as part of their personal tax returns, rather than have to complete all sorts of complicated additional paperwork. Because it will be easier for householders to pay the Social Security taxes on their domestic workers, more domestic workers will end up getting the same Social Security credit that other workers get toward disability or retirement benefits.

The second provision transfers a small part of the revenues now going into the Social Security retirement trust fund, which the actuaries say has enough money to last until 2036, to the disability trust fund, which will run out of money as early as next spring if we do not act now. Currently, the disability program pays over $3 billion a month in benefits to almost 4 million severely disabled workers and their families. We recognize, however, that this transfer is just a bandaid, and that the administration has to take a serious look at why the disability program is in trouble. We are looking forward to getting the study they have been doing on this serious problem by October of next year.

We will also be closely monitoring SSA's efforts to clear up its disability backlogs and do disability reviews. In my opinion, SSA's failure to do these reviews and take nondisabled people off the rolls has not only contributed to the program's financial problems, but to the public's lack of confidence as well. There are serious problems at SSA, but it will be an independent agency next year, unfettered by HHS. We will be expecting the leadership of this independent agency to do something about those problems.

The third provision is also overdue. Fourteen years ago, Congress voted to prohibit payment of Social Security benefits to criminals like the Son of Sam, who are being completely supported at the taxpayer's expense as they serve out their time behind bars.

This provision likewise prohibits payment of benefits to those who have committed terrible crimes, but who are found not guilty by reason of insanity, and are institutionalized at taxpayers' expense instead of imprisoned. To allow the criminally insane to collect benefits is an affront to the families of the victims of their terrible acts, as well as to hard-working taxpayers.

Mr. Speaker, it has been a long haul, but we have finally taken action on problems that have been around a long time. This legislation will help millions of average Americans do the right thing for those they employ to care for their children or clean their homes. It will help ensure that the millions of severely disabled Americans and their families will continue to receive benefits without worry. And it will stop benefits to the criminally insane who are already institutionalized at taxpayers' expense. I am pleased that we are considering this important legislation today, and I urge its speedy passage.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I appreciate the opportunity to be here today, in support of the conference agreement on what has become known as the nanny tax.

Mr. Speaker, when people think about the problem that average citizens have had reporting and paying the Social Security taxes on domestic workers, they usually think in terms of younger families who employ babysitters to look after their children while they work, or enjoy an occasional night out.

In fact, this has been a problem for many senior citizens as well. Many of us know from watching our own parents and grandparents that, as people get older, they fight to retain the dignity that comes from being independent. They do not want to burden their children, who are busy trying to raise their own families—or who live too far away to provide regular help. So, they hire individuals to come into their home to do some of the tasks that they find difficult to do—clean the house, take care of the lawn, things like that.

As we know Mr. Speaker, senior citizens are among our most law-abiding citizens. They want to do the right thing. And they know better than anyone the value of earning enough Social Security credit to qualify for benefits in retirement. Unfortunately, up until now it was very difficult for them to do the right thing when it came to paying the Social Security tax on domestic workers they hire because of all of the extra, complicated paperwork they have been required to complete four times a year in addition to their annual tax return.

Mr. Speaker, this legislation streamlines the whole process of paying Social Security taxes on domestic workers by raising the threshold to $1,000 a year instead of $50 a quarter, and, more importantly, by doing away with burdensome quarterly returns, and allowing householders—young and old—to pay the tax on their personal tax return. By so doing we will be removing the worry of dealing with burdensome paperwork every 3 months from the minds of senior citizens who want to do the right thing as taxpayers when they hire domestic workers who help them to remain independent.

In closing, I commend the gentleman from Kentucky for his efforts and leadership on this legislation, and I join with him and my colleagues in urging its speedy passage.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I would like to thank my colleague, the gentleman from Kentucky [Mr. BUNNING], who has been so helpful on this whole process and also to the chairman of the subcommittee, the gentleman from Indiana [Mr. JACOBS], who has been so wonderful as well.

I would like to take issue with my colleague from Connecticut who said today's piece of legislation is an indication of how well Congress works. To the contrary, I think it is an indication of how extraordinarily difficult it can be around here to get the simplest thing done.

My colleague may remember that this all began in January of 1993, when one of the President's Cabinet nominees suddenly discovered she had not paid the Social Security that was due one of her workers for years. What was even more frightening was that Americans all over this country who go to work and pay the bills and try to keep their nose clean discovered that they were breaking the law because they were not filing Social Security payments if they simply paid somebody $50 in a 3-month period.

In this day and age, if Members have three boys like I do and they go out to the movie once a month and out to dinner and then hire somebody to shovel the snow, bango, they are over the limit and they have broken the law.

So in February of 1993, I introduced one of the first variations of legislation to try to fix this problem and worked very closely with a number of my colleagues around the House. And within a couple of weeks, we had more than 50 cosponsors to try to solve the problem, which included annual reporting, as today's bill does, which required also an annual cost-of-living increase, as today's piece of legislation does. And then we found ourselves amazingly in front of the Committee on Ways and Means doing hearings, and it seemed like full steam ahead.

Then it was in the budget bill, and then it got stripped out last year in a conference fight with the Senate.

□ 1330

Then we found ourselves in February of 1994, nearly a year after the original bills had been introduced, nearly a year after the first hearings had begun, and we were stalled out. And so at that point, my colleagues, the gentleman from Oregon [Mr. KOPETSKI], and the gentleman from Wisconsin [Mr. KLECZKA], both Democrats, and the gentleman from Pennsylvania [Mr. SANTORUM], also on the Committee on Ways and Means, a friend of mine, began to try to urge the Senator from New York [Mr. MOYNIHAN] and our colleagues in the other body to get moving so we could finally get this done. We almost found ourselves in a situation again this week where it died in conference once again, where we had a $1,800 threshold, a $1,200 threshold, a $1,000 threshold and a $670 threshold.

In a final gesture to good, common sense and in a final tribute again to my colleagues from Kentucky and Indiana who managed to stick with this and bulldog all the way, we find ourselves with a very important piece of legislation today which solves the problem which says you have an annual $1,000 standard, a cost of living increase, and for the millions of Americans who discovered way back in January of 1993 they were law-breakers will discover when they file their income taxes next April, they are no longer law-breakers, in fact they can comply with a law which is now meaningful and intelligent and much more germane in 1994 than the 1950's piece of legislation we found ourselves with.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON], a member of the subcommittee, who has done an exceptional amount of work on this legislation.

Mr. HOUGHTON. Mr. Speaker, I would like to talk about a couple of individuals. First of all, the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Indiana [Mr. JACOBS]. They have done an extraordinary job. But I have got to talk about the people that I have worked very closely with on this, the gentlewoman from Florida [Mrs. MEEK] and the gentlewoman from Connecticut [Mrs. KENNELLY]. They really have stuck to this, they put their heart into it, and I would like to feel that they were of help to the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Indiana [Mr. JACOBS] in pulling off this legislative coup which we thought was going to go down the drain about 24 hours ago.

Very briefly, I happen to be an optimist. I know that it is difficult to get legislation through here, having seen what happened to GATT and the delay of that, the fact that this could come to a conclusion, I am really very happy about. Some people could think this is not in the league of finance reform or of crime legislation or things like that, but I think it is very important. There was a problem out there, it was not being fixed. Not only were people not paying their taxes, but also, very importantly, those making a minimum amount of wage were not getting Social Security credit, and not really understanding it. The solution was there, the package was put together, I think it is a good bill, and I very strongly support the conference report on H.R. 4278.

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

Mr. Speaker, I would like to thank the gentleman from New York [Mr. HOUGHTON], my colleague on the subcommittee, for his remarks and for his continued support during this process. He has been extremely concerned about getting the nanny tax problem solved.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. MCCRERY].

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

Mr. Speaker, I want to thank him for his valiant efforts on the part of hard-working Americans who will benefit from this change in the law, and also the gentleman from Indiana [Mr. JACOBS] on the Democratic side, I thank him for his unyielding efforts to get this law simplified.

The Members of the Congress now have an opportunity to do something that we seldom do here, and, that is, to make the lives of many hard-working Americans across this country a little bit simpler, a little bit less complicated, a little bit less burdensome. Usually what we do on this House floor has the opposite effect. But this bill finally is one that can make things better for folks who try to abide by the law, who work hard, and also provide a job for somebody in their community.

My wife works, and so we happen to have someone who comes in and keeps our baby boy. We have gone through this hassle of filing all the forms necessary, and, of course, paying the taxes. It is a real disincentive. I was just talking to another Member who said that when he and his wife had a similar circumstance a few years ago, they hired someone and the hassle was so great that after keeping that person on the job for just a little while, they decided to let the person go, because it just was not worth the hassle. That is the effect of the law that is on the books now that we do not hear about too often, people actually losing jobs because of the hassle that Congress has imposed upon those families who need to have somebody to come into their home and keep their children during the day.

This bill is a great effort on the part of the members of the Committee on Ways and Means who have worked so hard to make this provision in the law less complicated and it is a great opportunity for all of us as Members of the House and Members of the Congress to do something that will not only make lives less complicated in this country but also give the opportunity for more people to go to work in this country. Any time we can do that, we ought to do it.

I urge all of my colleagues to vote in favor of this legislation.

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

Mr. Speaker, I would like to conclude our side by thanking the chairman of the Subcommittee on Social Security for his extreme hard work in solving some of the problems in the conference, and the staff that worked with him on solving those problems.

It is not easy to come out with the numbers that we came out with, but it is only through our chairman's hard work that we were able to accomplish this. I really cannot say enough kind things about the gentleman from Indiana [Mr. JACOBS] and the hard work that he has done on this. I think generally speaking that is how good bipartisan legislation comes about. I know the gentleman in the chair also has had a lot of experience in that. I would like to thank everybody involved in this whole piece of legislation.

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

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

Mr. Speaker, before making the customary motions, I too would like to express specifically my gratitude first of all to the gentleman from Kentucky [Mr. BUNNING]. It is just a pure pleasure and an example I think to all Members of the Congress and really all citizens of our country that if you are a different religion, if you are of a different party or whatever, if we truly do all want the same things, namely, justice, fairness, civility, that you can do it even with honest difference of opinion in a very pleasant way. That has been my experience working with the gentleman from Kentucky.

None of God's children is a waste of skin. My mother's favorite quotation is from an old Senator, I think, from Arizona who said, "There is so much good in the worst of us and so much bad in the best of us that it hardly becomes any of us to say very much about the rest of us." That is the best way to legislate. We have honest differences of opinion, although I must say that the gentleman from Kentucky [Mr. BUNNING] and I have gone in lockstep on this obvious problem.

I also pay my compliments to the Senator from New York [Mr. MOYNIHAN]. He has been a stalwart both with the independent agency and also in clarifying and straightening this problem out; and the gentleman from Wisconsin [Mr. KLUG], as has been indicated, has made an enormous contribution, been devoted to the cause, and a number of other people, including the gentleman from Louisiana [Mr. MCCRERY] who spoke here today. I thank those who were kind enough to compliment my own efforts and I return those compliments greatly.

Mr. Speaker, in a free society, the best statecraft is reasonable laws. Reasonable laws will be adhered to because most people that God put on earth are reasonable if you get to know them. Reasonable laws will be obeyed. Unreasonable laws will not be obeyed. Today we have the opportunity to make a law that has been enormously unreasonable reasonable. It is a happy day for all Americans.

GENERAL LEAVE

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 4278, the legislation under consideration.

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

There was no objection.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of this conference agreement to simplify and streamline the payment of Social Security payroll taxes on domestic workers for the first time since 1950.

It will increase the number of employers who comply with the law, and it will assure that more workers will receive much-needed protection under Social Security.

No one ever intended that Americans be required to pay taxes on occasional babysitters or yard workers. But, that is what has happened over time.

This bill will take care of that problem by exempting this type of occasional work from Social Security taxes. At the same time, it will protect full-time nannies, housekeepers and other domestic workers by assuring that they receive Social Security coverage.

Second, the bill will reduce paperwork for employers by permitting them to file their employment taxes on their own annual 1040 income tax forms.

The agreement also assures the short-term solvency of the disability insurance trust fund by following the recommendation of the Social Security trustees and allocating a small portion of the existing Social Security payroll tax into that fund.

Without it, the disability insurance fund would become insolvent in 1995.

The House acted responsibly in 1993 and passed both these provisions as part of the budget agreement. But, we were forced by the Senate to drop the provisions from that conference.

It is time for us to fix these problems.

I strongly support this agreement.

Mr. BUNNING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JACOBS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. FORD of Tennessee. 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 423, nays 0, not voting 11, as follows:

[Roll No. 494]

YEAS—423

Abercrombie	Bachus (AL)	Barrett (WI)
Ackerman	Baesler	Bartlett
Allard	Baker (CA)	Barton
Andrews (ME)	Baker (LA)	Bateman
Andrews (NJ)	Ballenger	Becerra
Andrews (TX)	Barca	Beilenson
Archer	Barcia	Bereuter
Armey	Barlow	Berman
Bacchus (FL)	Barrett (NE)	Bevill

Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Applegate
Bentley
Coyne
Dingell
Gallo
Slattery
Stark
Sundquist
Tucker
Washington
Whitten

□ 1402

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI

The SPEAKER pro tempore (Mr. ROWLAND). Pursuant to the order of the House of Wednesday, October 4, 1994, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of House Joint Resolution 416.

□ 1403

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 416) providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, with Mr. MAZZOLI in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 5, 1994, 1 hour and 34 minutes remained in general debate. The gentleman from New Jersey [Mr. TORRICELLI] has 45 minutes remaining, and the gentleman from New York [Mr. GILMAN] has 49 minutes remaining.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, last evening Members of the House began an important debate concerning the American occupation currently in Haiti. Members from all perspectives, recognizing the importance of our actions and the three alternatives before the institution, began, I think, a thorough review of each of the options.

Today we continue that debate. At this point, yielding to Members on this side of the aisle of each perspective, while the gentleman from New York [Mr. GILMAN] does the same, I would like to begin by yielding 5 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise today in support of the Committee on Foreign Affairs' amendment and in opposition to the Michel substitute.

But I think I would like to talk a few minutes about both concerns and principles of United States involvement in Haiti as well as some of my perspective as to the role of United States intelligence in dealing with the problems in Haiti.

When the United States decided to get involved in Haiti, I had some concerns, particularly United States involvement in a possible military action that could result in casualties to soldiers without congressional authorization.

I also had concern about the lack of a clear mission. At the beginning, this mission looked rather fuzzy, it involved the policing and nation-building in Haiti, and it also looked like there was a lack of a deadline, an end point as to our role in the Haitian situation.

Now, a lot of that has crystallized in the last few weeks, partly because we have had a successful military operation in Haiti. Some of those concerns still remain.

However, I do think there are certain principles which govern our role in Haiti and are more clear today than they used to be. No. 1, the United States does have a historic role in preserving democracy in the Caribbean. We did it in Grenada, we did it in Panama. Haiti is a nation in chaos, and it does matter, because unless there is some order brought out of that chaos, there will be a continual massive amount of illegal immigration into the United States of America.

We have already received tens of thousands of Haitians, in fact it may be hundreds of thousands, come to this country because of the political and economic instability of that country, particularly the human rights violations.

So that flow will not stop without political stability and economic rebuilding. And the United States involvement to try to restore democracy

in Haiti and move to a nonmilitary solution to some of those economic problems will have more to do with stopping that massive amount of Haitian immigration to the United States than anything else.

So I guess my point is something I say to my constituents at home, that it is important to build democracy in the Caribbean for its own sake because that spills over to other countries, the Dominican Republic and maybe Cuba, which is a republic we so desperately want to see free. But in addition, there probably was no other way to stop this massive illegal immigration of Haitians into this country without some form of military action.

Now our troops are there. I want to get them out as quickly as possible. I fear for our casualties. There is no way to absolutely prevent that from happening.

□ 1410

But anything that is done to jeopardize the safety of those troops I think is disgraceful and is something we ought not to be on record for. That is why I think the Committee on Foreign Affairs' resolution, which has a responsible, but flexible, deadline, is a lot more realistic than the Michel proposal which calls for basically the immediate withdrawal of troops which will put our troops in jeopardy and which all our military officers, I believe both in Haiti and in the Pentagon in our country, unanimously oppose doing that. They fear for the lives of the troops if that resolution is adopted.

Now let me just mention quickly a word about the role of intelligence. Early on, before the military action took place, there was a lot of discussion about the fact that our intelligence, particularly our Central Intelligence Agency, did not have an objective view of Haiti or of President Aristide, and that was in fact harming the move towards democracy in Haiti, and quite honestly I did not find that to be totally true, although I do admit that at least some of the public perception was not particularly encouraging in terms of a clear position of our Government and how intelligence affected policy. But I will tell my colleagues that in advance of the soldiers coming to Haiti and in connection with their current presence our intelligence has been superb, and our military commanders have told us that without any kind of quality of intelligence, both in terms of satellite pictures and in terms of the information as to the nature of where Haitian military was located, the nature of possible insurrections taking place, that our soldiers would have been in harm's way much more than they currently are now.

So let me just summarize by saying that I would like to see these troops out of there as quickly as possible, but to take them out tomorrow, as the Michel resolution implies, would harm them, be very dangerous to their lives. We need to have this action completed as quickly as possible, but done in a responsible way, to create the institutions of democracy in order to avoid a continued, massive, illegal immigration of Haitians into this country.

So, given those reasons, Mr. Chairman, I appreciate having been yielded to by the gentleman from New Jersey [Mr. TORRICELLI], and I rise again in support of his resolution.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH], a senior member of our Committee on Foreign Affairs.

Mr. LEACH. Mr. Chairman, all Americans are relieved that United States Armed Forces did not have to fight their way into Haiti. The 11th-hour mission led by former President Carter at least partially succeeded in rescuing the administration from a diplomatic and political crisis of its own making: both a hostile invasion and a divisive constitutional debate over war powers.

Nevertheless, the unparalleled awkwardness, indeed ad hoc oddness, of administration policymaking toward Haiti cries out for congressional as well as historical review.

Two issues, in particular, are profoundly troubling to this Member: the articulation of what must be described as a new Clinton doctrine of geographical propinquity that is apparently to become the rudder for American military intervention in the Western Hemisphere, and the cul de sac implications of failed American diplomacy toward Haiti which left the administration no policy option except intervention.

Even as we breathe a sigh of relief at a bloody invasion scenario avoided, it is well worth pondering not only how Washington got into this mess, but how we extricate ourselves from our newly assumed responsibility for superintending Haitian affairs. After all, the exit policy will surely be more difficult to craft than the entrance, with long-term moral and financial accountability impossible to project at this time.

Like most Americans, I listened respectfully to administration justifications for its intervention in Haiti. The White House has its reasons. I just don't find them compelling.

The principal justification advanced for the U.S. intervention is that the United States has a responsibility to act to put an end to egregious human rights abuses close to our shores. But no modern doctrine of U.S. foreign policy suggests that geographical proximity should be the basis for U.S. military intervention absent a genuine national security threat.

I emphasize modern doctrine because stripped of its multilateral veneer, the rationale advanced for the United States intervention in Haiti eerily echoes the Roosevelt corollary to the Monroe Doctrine, which was precipitated by one President only to be repudiated a generation later by his fifth cousin. Specifically, in 1904 Teddy Roosevelt justified establishing an American protectorate over the Dominican Republic by issuing a corollary to the Monroe Doctrine, committing the United States to "the exercise of an international police power" in the Caribbean in order to remedy "flagrant cases" of "wrongdoing or impotence." The corollary was subsequently abandoned by Franklin Roosevelt with the establishment of his Good Neighbor Policy. FDR rightly concluded that United States intervention was a counterproductive means of protecting U.S. strategic interests as well as establishing stability and good governance in Latin America.

Some 60 years after the demise of the Roosevelt corollary, it would appear gunboat diplomacy is back in vogue. The new Clinton doctrine of geographical propinquity in substance has committed the United States to again exercise an international police power in the Caribbean. The obvious philosophical and foreign policy question is whether there are any boundaries to this assertion of broad U.S. police authority in the Caribbean or elsewhere in the Western Hemisphere.

With respect to human rights, no one disputes that egregious abuses have occurred under the de facto Haitian regime. All Americans condemn such acts, as we do all human rights violations wherever they occur. All Americans support commonsense efforts to ameliorate and hopefully end the tragic suffering of others, whether it be in Cambodia, El Salvador, Haiti, Rwanda, or the Sudan.

But if a combination of human rights abuses and geographical propinquity is the controlling standard for U.S. military intervention in the Western Hemisphere, is the United States also prepared to invade Cuba to depose Fidel Castro and remove his oppressive regime, which has not only been much cited for abuse of civil liberties, but is rooted in Marxist orthodoxy and, from time to time, export-oriented revolutionary zeal? Does Port-au-Prince pose a greater national security threat to the United States than Havana, if any at all?

Our humanitarian rationale, as reasonable as it may be, begs the question of why for consistency reasons the administration would not now be militarily intervening to stop the bloody welter of violence in Bosnia, why it is not acting to stop the shocking and senseless ethnic slaughter of hundreds of thousands in Rwanda, or intervening in Burma and other countries suffering under the thumb of brutal military misrule.

Policymakers might rightly point out that a healthy respect for the limits of American power demands prudential restraint, but nonetheless the

manifest inconsistencies in our human rights policy are self-apparent.

It is also troubling that this intervention—in a setting where no tangible threat to international peace and security exists—may set a dangerous precedent for the use of force by Russia, China, or other regional powers such as Iran or Iraq in their own backyard. It would be the height of naivete to believe that Moscow has supported the United States action in Haiti without the full expectation that this precedent could be widely applied in any number of trouble spots in Russia's "near abroad."

Clearly, the precedent of United States intervention in the Caribbean is precisely what Moscow likes, because any United States doctrine of intervention implicitly can be used to prop up new versions of the Brezhnev doctrine. We can properly point out that United States actions were preceded by United Nations and Organization of American States approval, and that our goal is democracy building rather than colonialist control, but to potential hegemonists lurking in the Kremlin or Zhongnanhai these circumstances may be considered merely legalistic niceties. While process may be America's most important product, to aggrandizing potentates the world over the deed is more important than the rationalization.

The contrast between the responsible internationalism that hallmarked the Bush approach to coalition building in the gulf war and this administration's intervention in Haiti could not be more worrisome or striking.

Ironically, if one American political party has been historically identified with the advocacy of collective security and the multilateral diplomacy it implies, it is the Democratic Party. Collective security was the watchword of Woodrow Wilson, who literally drove himself to death defending the principle against strident critics. Franklin Roosevelt, arguably the greatest President of this century, insisted that collective security principles be espoused in the Atlantic Charter, in authoritative statements of American war aims in World War II and ultimately in the Charter of the United Nations.

In this context, it is well worth recalling that in the gulf war President Bush courageously chose to step outside both the isolationist and go-it-alone interventionist themes that have ambivalently represented much of this century's conservative tradition.

While the campaign sloganeering of candidate Clinton promised an even more "assertive multilateralism" than practiced by his predecessor, the incoherence and vacillation in administration policies have left internationalists in full retreat. The effectiveness and prestige of the United Nations is in serious doubt because of the failure of Washington to lead and understand the obligations of power. The squandering of hard-earned good will and the failure to offer the world credible leadership has contributed to a corrosive crisis of confidence in the United Nations. Lacking enlightened American leadership, U.N. reform has become passe. Collective security, far from appearing newly credible, increasingly is discredited.

The hubristic intellectual abandonment of the internationalist ideal has progressed so far that this administration has naively embraced a trendy new liberal realpolitik that would delegate world order to a few great powers, complete with responsibility to keep the peace in their spheres of influence. Such is the bottom-line rationale for this intervention. Such precedent can only be described as alarming for peoples aspiring to embrace or keep freedom in such disparate regions of the globe as the former Soviet Georgia, the Indian subcontinent, and Taiwan.

In the context of foreign policy decision making related to Haiti, it is fair to ask whether there are distinctions of judgment relating to United States actions over the past decade in Grenada, Panama, the Iran-Contra affair, the Persian Gulf war, and Somalia.

Issues of foreign policy must be considered within a broad philosophical rubric as well as on a case by case basis in the context of the times. Judgments, as in all human experience, can be close, sometimes inconsistent, often involving a weighing of interests and values themselves not easily calculable.

This Member, for instance, was particularly vexed by the scandal of process as well as judgment that led to the United States intervention in Nicaragua and its sorry evolution into Iran-Contra. The Reagan administration attempted to trade arms for hostages and thence use certain proceeds to further a dubiously legal war in Central America without legislative sanction—indeed, under the Boland amendment, contrary to legislative guidance. Trying to out-Kissinger Kissinger, inexperienced geostrategists within the National Security Council surmised that by making overtures to Iranian moderates a basis could be developed for bettering relations with post-Khomeini Iran. A tale of immaturity and deceit ensued, which included blatant stretching of law and the Constitution.

With respect to Panama, both American lives and vital interests were more directly at stake. The extraordinary unilateral announcement by a head of state, Manuel Noriega, of a state of war with the United States, coupled with the indefensible killing of an American serviceman, and existence of United States treaty rights as well as vital interests in the Panama Canal gave President Bush no credible option except to take serious notice. In the background as well was the unprecedented circumstance that Noriega had been indicted in a U.S. Federal court for complicity in drug smuggling.

At the crux of the Iraq crisis was an undisguised threat to every linchpin norm of civilized international behavior. Iraq's brutal bid for regional hegemony threatened not only security in the Persian Gulf but the integrity of the international system itself. The United States and the world community simply had a compelling interest in preventing Saddam Hussein and his fellow Iraqi militarists from swallowing a neighboring state, brutally oppressing its population, as well as developing a nuclear arsenal and other weapons of mass destruction.

While the international community countenanced (in retrospect, too readily) Saddam Hussein's internal human rights abuses, it could not responsibly tolerate external aggression, particularly where it so clearly involved a bold strategy to control such a large part of the world's crude oil supply.

Somalia was from the beginning a high-risk intervention. At its inception the United States stood on unprecedentedly high moral ground. For the first time in modern history a great power's military capabilities were marshalled for a singular humanitarian objective: to feed a population in a country of negligible strategic interest. Problems, however, soon developed as one of the significant power groups in Somalia refused to cooperate with diplomatic efforts to develop consensus power sharing. As violence mounted, the administration, without thinking through the consequences, allowed U.S. forces to be dragged into taking sides in an ongoing civil war with the goal and therefore the broader responsibility of nation-building. Feeding we did well; nation-building proved more difficult. As the American people looked at television reports of the struggle in Somalia, they came to the conclusion that vital American interests were not at issue. Hence: withdrawal, blamesmanship (particularly of the United Nations), and the specter of an American ambassador abandoning his embassy, with a note stuck to the door: "Americans advised to leave the country."

While distributions of food in Somalia could be supported, jeopardization of American lives could not.

In real life, things are never as clear-cut—nor as funny—as they are in the movies. But I was concerned a decade ago that Grenada would turn out to be a rerun of the comedy, "The Mouse That Roared." In the film, a tiny nation provoked a war with the United States in order to be the beneficiary of the billions of dollars in aid America traditionally lavishes on its vanquished adversaries.

In real life, there are also gray areas where human judgments must be made, just as there are gray areas in the law

where legality is ill-defined. In Grenada a Marxist-leaning head of state had been brutally deposed and murdered by leftist thugs who feared he was countenancing moderation. President Reagan chose to reconstitute gunboat diplomacy and while the intervention proved to be controversial in the hemisphere and, to some extent in Great Britain, the good news is it appears to have worked, with the people of Grenada even erecting a statue to the former president.

Haiti could prove as successful, but there are aspects of history and Haitian culture which make intervention in this French and Creole speaking island with its voodoo-influenced culture substantially more difficult than in Grenada.

Cautionary evidence is amply supplied by previous United States experience this century with military intervention in Haiti. The United States invasion of Haiti in 1915 and subsequent 19-year occupation ultimately failed to build a stable basis for democratic and representative self-government. According to the February 7, 1930 report of the so-called Forbes Commission to President Hoover on conditions in Haiti, "the failure of the occupation to understand the social problems of Haiti, its brusque attempt to plant democracy there by drill and harrow, its determination to set up a middle-class—however wise and necessary it may seem to Americans—all these explain why, in part, the high hopes of our good works in this land have not been realized."

As it did by blithely expanding the United States and U.N. mission in Somalia from humanitarian assistance to side-choosing nation-building, the administration also risks undercutting U.S. domestic support for the United Nations that President Bush's U.N.-authorized action in the Persian Gulf did so much to establish. There can be little doubt that support for the United Nations at home is more likely to be undermined than advanced if it is put in a no-win situation as the United Stats presses to withdraw and have our presence replace by others even more reluctant to take responsibility. The setting is complicated further by the fact countries on the Security Council—but not the elected Members of the U.S. Congress—were asked by the administration in advance to authorize the potential use of American military power.

The administration has suggested that it was obligated to intervene in order to stop the outflow of Haitian refugees and asylum seekers. Common sense suggests that we have a clear interest in controlling our borders. But common sense also indicates that American military intervention is neither the most appropriate nor effective means of controlling illegal refugee flows. Such reasoning might suggest we intervene in every democracy as well as dictatorship in this hemisphere. The way to deal with problems of illegal economic migration is through trade and economic development, not the U.S. Marines.

In this regard, refugee outflows from Haiti were in part precipitated by the on-again, off-again offer to screen Haitian boat people aboard leased ocean liners as well as United States naval vessels, and until now the crippling international economic embargo against the hemisphere's most cruelly impoverished country.

The administration also has contended that the United States must intervene with military force to "preserve stability and promote democracy in our hemisphere." But, as demonstrated in Haiti's own cultural experiences, there are few examples in world history of the successful establishment of democratic institutions at the point of another country's guns.

The goal of promoting social stability and democratic governance in Latin America is not a subject of serious debate. Such has been consensus, bipartisan policy for decades. The issue in Haiti is means, not ends.

To the extent that a new Clinton Doctrine of democracy building has been established for American military intervention in the Western Hemisphere, could it possibly be appropriate to use the awesome military power of the United States to intervene in Venezuela or Peru, where certain constitutional safeguards have been suspended, or in Guatemala or El Salvador or even Mexico should serious political instability threaten to rend those fragile democratic societies? This Member is doubtful.

The administration seems to equate the forcible restoration of President Aristide with the institutionalization of Haitian democracy. But bringing democracy to Haiti entails far more than the forcible return and military protection of a flawed political leader. If we are indeed committed to building a civil society and ensconcing democratic norms in Haiti—a country largely lacking traditions of temperate governance—then surely the President must forthrightly explain to the American people that the achievement of that objective can only occur over a protracted period of time and will necessitate the commitment of substantial American resources.

The final administration argument for intervening in Haiti rests on the assumption that American credibility was at stake. More precisely, Presidential, as contrasted with United States, credibility became an issue because of the cul de sac implications of administration policy. The administration trapped itself in a policy box of its own making. Once sanctions were imposed and once they proved unsuccessful levers for toppling the de facto government; once force was suggested and the international community asked to approve; once sanction-driven refugee flows increased, the administration had the option of either lifting or substantially modifying its sanctions policy and threatened use of force—that is, admitting failure—or intervening—that is, risking American lives. It chose the latter over the former, and only President Carter's mission averted a blood-letting landing.

Accordingly, it is none too soon to commence a reassessment of the policies with which this President backed himself into the military option. Such a review is particularly appropriate because it appears that in the final measure the determination which led to the decision to intervene related primarily to concern for Presidential pride rather than the U.S. national interest.

From a broad historical perspective, this has been a century of American leadership. One reason the world embraced our leadership is that when limb and purse have been on the line, Americans have always shown resolve. Now, ironically, the world is watching in bewilderment as Americans demonstrate a reluctance to accept the leadership of their own President. Absent in the public today is a sense of confidence in this administration's stewardship of U.S. foreign policy. Innately the public senses that the administration's policies are bereft of conviction, commitment and purpose.

In the context of assessing a President groping for identity, and what appears to be a desire to wield the symbols of power, the question must be asked: What is North Korea or any other potentially hostile country going to make of a circumstance in which American purpose is described in a Presidential address, only to be changed a few hours later by a former President?

As much as I would like to give the benefit of doubt to this President in an awkward foreign policy dilemma, it is nonetheless impossible to do anything except register substantial concerns not only about the ongoing United States intervention and occupation of Haiti, but the intellectual rigor and methodology of decisionmaking that led to it.

In sum, no compelling United States national interest is at stake in Haiti; no modern doctrine of American foreign policy supports intervention; no attention seems to have been given to the unfortunate precedent established for sphere of influence interventions by other less-well-motivated powers in other parts of the world; no clear strategy exists for extricating the United States military from a potential Somalia-like quagmire; and no one has prepared the American people for the long- as well as short-term financial costs at issue.

While the intervention may have appeared low-risk in the wake of the

Carter mission, events of recent days have shown there is serious potential for American troops being trapped in a dangerous crossfire of intra-Haitian strife.

A misjudgment has been made. Let us recognize the dedication, competence and courage of our Armed Forces, but bring our young men and women home as soon as possible

The Michel approach best represents American views, American heritage, and American values.

Mr. TORRICELLI. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, let me thank the gentleman from New Jersey [Mr. TORRICELLI], the subcommittee chairman, for extending me this time on this serious subject matter, especially since it is so close to the time that we have just heard from Nelson Mandela, and I think all of us in this Chamber felt a sense of pride in seeing how a bloodless revolution had taken place in South Africa and to hear him say that, while he was a prisoner in his cell, the inspiration that he received, and even today as he comes back as President, the feeling that he has knowing that the United States of America, a country that truly knew and understood what freedom was all about, its willingness to fight and win it, how he comes back here now depending on our support.

Mr. Chairman, I think the sense that we feel as Americans when we find other countries' freedom in jeopardy, that no matter what differences we have as Democrats or Republicans, that we do feel a sense of pride when we see the countries waving their flags of democracy and to know that we played a part of that. Whether we are talking what happened in World War I or World War II, America has always been there and always stood as a symbol for justice, and that is why I think that when for the first time they had elections in Haiti it was the United States that was able to sit down with the military and to play a meaningful role in making certain that they, for the first time, will have elections.

My God, with all of the problems that African-Americans have had in this country to be able to vote, even our people never had to suffer what Haitians did as they heroically went to the polls, were being shot down, but standing up and going right back again, determined that they were going to vote.

□ 1420

When it settled and we looked around, even though the candidate that was supported by the United States secretly did not win, still there was for the first time in recent history or in the history of Haiti a duly-elected person was elected as President, and that was President Aristide. It was rough. Maybe he did not do some of the things that Americans would like to see him do. Maybe he was not an American type of President. Maybe he was not what some of the Republicans or Democrats would have had running in their national convention. But one thing was abundantly clear, that as it related to what the Haitian people want, this man received an overwhelming vote, something that we would say in our elections was indeed a mandate.

In the middle of the night, a handful of military officers, all of them trained in the United States, as we might suspect, went in collusion with the ruling class in Haiti and together they were able to overthrow the Presidency and to have this President run into exile.

It was no great surprise when President Bush stood up and said, not in this hemisphere do you do this. It was President Bush that said that no fragile democracy would have to fear ambitious generals in this hemisphere. And behind him came our present President, Bill Clinton, and reiterated what America stood for.

Oh, there was a lot of talk as to what was in our national interest. Should we put our troops in harm? There were reports from the CIA that the man was in hospitals in countries that he never visited. There was a terrible thing going against his character and reputation but, nevertheless, we stood our guard and we said that we will go to Governors Island, and we will sign an agreement. And we will participate with civilized nations saying that Aristide would return and democracy would return and America would be on the side of democracy.

And the whole world heard what we were saying. The Organization of American States heard what we were saying. The United Nations heard what we were saying. And we said we would back it up.

Well, I do not know what is in our national interest. I never told Bush to say he was leader of the free world. I never told this President to say that he was prepared to assume that responsibility. I never wrote the new world order. I never told fragile governments to depend on the United States of America to protect their freedom. But it was said and we were proud of the fact that they said it.

Then all of a sudden, it appeared as though those who signed that agreement at Governors Island decided that they were not going to keep it. And they chased away a battleship that was not just the American flag but the flag of all civilized nations in the international community. And the military went on to kill the officers that were in the Aristide cabinet, to kill the people who were innocent, to kill the people in the villages and the towns that supported Aristide. And even though the unpopularity continued, even though there were certain people that continued to create something like we were dealing with a lunatic and not the head of a nation, even though heads of nations who had met Aristide said he was sane, even though President Clinton said that this man was responsible, still the political drums continued to beat and people were saying that we should not go into Haiti.

I will not go into the record, but I know many of my Members will go into the record to see how is it that we can change so fast politically and to determine what is in our national security interest this time under this President and why things were so different under another President. And today we debate the question as to whether or not you, you, and you should supersede the intelligence of our military that are there in Haiti and for you to tell them what time they have to come back home.

On November 30, 1950, some Chinese whom I do not know saw fit to shoot me in North Korea while I was there in the second infantry division as a part of United Nations forces. How we would have felt at a time when we were trying to defend the ground that we fought for that you who sent us there would tell us what time we had to get out.

It just seems to me that there comes a time where we have to take our party labels and put them aside and say that if indeed the President, Republican or Democrat, is indeed the commander in chief, why do we not leave it up to him. Why would we threaten our troops that are there in harm's way and tell them that we have a better idea?

How many of us are involved in knowing what the situation is, what the strategy is? How would we know how many people are there just to test the will of the people of the United States to make certain they know what they will and will not do. What was our national security interest when we invaded Grenada with international forces and how many Members stood up on the floor that are standing up today and willing to say that we ought to get them out right away or they should never go there in the first place.

And the biggest hoax of them all, the invasion of Panama. Was it not to stop narcotics flow? Was it to get rid of General Noriega? Was it to protect the canal? Was it because an American was injured. Give me a break.

We did it because we had the power to do it. We did it because we said we were going to do it, and nobody here said what time we had to get out. And nobody here even knows whether they are still there in Panama.

And also I would like to say that when we went into the Persian Gulf, I do not know how many people got letters from their relatives saying let their people go. I do not know how many rallies you had within your district. I do not even know how your

heart just burst with pride as we protected the royal family in Kuwait. But I can only think of three reasons why we went into the Persian Gulf: oil, oil, and more oil. And no one said it was time for us to get out from protecting that oil.

But all of a sudden in this country, which is half of an island in the Caribbean, we are now saying that we know what is best for Haiti. We who sometimes are not even being considerate of the fact that we knew what was best for the Haitian people whomever to elect.

Somebody on that side of the aisle called this President some of the most vicious names we ever called the head of a friendly government. He is not on this floor today. But I hope he will come back now and say that I hope he has more respect for at least our military people than he did for a person that was elected.

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

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

Mr. ROHRABACHER. You are asking about what our national security interests were in Grenada, for example. Was it not true that they were building an air base that was capable of taking Russian bombers? Were not the people that assassinated the leader there in Grenada actually in alliance with the Soviet Union and would have indeed put military bombers on the ground?

Mr. RANGEL. Mr. Chairman, I was impressed with the argument that we had 20 white students that got caught up in Grenada and we had to rescue them. That moved me. But cut it out on the airport.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I was a little disappointed in the last statement of my friend, the gentleman from New York [Mr. RANGEL], about the 20 white students in Grenada. I do not know whether they are white or black or what they were. But I know there were far more than 20 and I know that they felt that their lives were in danger, whether or not they were black or white, we had a right to support and defend and protect and rescue them from the people who were running Grenada who were allied with Fidel Castro and the Kremlin in Moscow.

That should not be an issue at all whether they were black or white. I am disappointed that the gentleman even raised that issue.

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

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I would like to apologize to my distinguished friend. I took the occasion to check out their background. To me it would not have made any difference at all. I was only stating that as a matter of fact, that they were white. But I would agree with the gentleman. I would be more emotionally upset if they were white or black than telling me about the Air Force.

Mr. YOUNG of Florida. I thank the gentleman. I knew that that was not what was in his heart. It just came out in the heat of the debate.

□ 1430

Mr. Chairman, the gentleman made another comment. That is why I asked to follow the gentleman from New York [Mr. RANGEL]. He said we should listen to our troops about what should be happening in Haiti.

But our troops are not making the decisions about what is happening in Haiti. The decisions are being made here in Washington. Many of them are being made based on what press reports they are getting back from Haiti.

I would rather have our troops make the decision about what we do in Haiti than some of the people who are making them, because I think they are making wrong decisions. Our troops should not have been there in the first place.

I would say to the gentleman, he made the point we should not impose our decision on the troops in Haiti. They do not want to be there. I was there Saturday with the gentleman from Pennsylvania [Mr. MURTHA], our distinguished chairman. We talked to the troops. Many had just come from Somalia. They have been deployed all over the world. They have had very little time off between deployments.

This administration is sending American troops to do police actions and other types of actions around the world as they are diminishing the number of troops available to do it.

Mr. Chairman, we cannot do more with less. This Congress, with the help of the administration, is providing a lot less, but we are making a lot more commitments and a lot more deployments. That is not right. That is not in the best interests of our American troops. I can tell the Members that they told us over there their morale is not very high.

Now about the difference in Haiti and Grenada or Haiti and Lebanon under President Reagan. I did not vote to support Reagan in going to Lebanon, because I saw the mistake there. I did not vote to expand our mission in Somalia, because I saw the mistake there.

We cannot take soldiers who are warriors, who are there to defend us and our national interest, and turn them into policemen, or burial details, or messengers. That is not what they were trained for, it is not what they were hired for.

As the bottom-up review has brought our assets down, we have to be careful how we commit those assets in the future.

Mr. TORRICELLI: Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I stand here in support of an amendment which is to be offered at a later moment, known as the Murtha-Dellums amendment. First, however, Mr. Chairman, let me say with the deepest of sincerity that I have the highest admiration for the young men and young women in the American uniforms now serving in Haiti. They are there representing our country, carrying the American flag.

They have proven themselves to be able, to be highly trained, to be well motivated. They are performing their tasks as the true professionals that they are. I think as a Nation, regardless of how any of us come down on this issue, we should thank those service men and women for their capable and professional job that they are doing.

They are operating in an extremely dangerous situation. They are performing a difficult and unprecedented mission. They are showing extremely good judgment, and they are showing restraint, and all Americans in this body and elsewhere should be proud of them for their service to their nation and to the uniforms that they wear.

We should say no, Mr. Chairman, to a date certain. If I may review my record on the issue of Haiti with this body, I was pleased that the Haitian occupation by the Americans was not hostile. I was very concerned that Americans could have been injured or killed.

I commend former President Carter, Senator NUNN, and General Powell for their diplomatic victory last month. I had a longstanding opposition to our occupation of Haiti. Last July I wrote President Clinton, cautioning him against invasion, but I also added in that letter that should he find it necessary to do so, that we should go in, complete the mission, and withdraw our troops.

I believe, Mr. Chairman, that we should get our troops and our military out of Haiti as soon as possible when our mission has been accomplished.

There is a critical nature to the situation in Haiti. Our troops are taking down the military and disarming security forces. American military policemen are starting to gain control of the streets. The coalition of military forces are beginning to replace the American troops. Haitian refugees are beginning to return to Haiti. President Aristide is about to return and resume his democratic control.

It is not up to us to tie the hands of the military commanders. If we were to come up with a date certain, it would give advantage to the enemies of democracy in Haiti. They know they can wait the United States out.

It says we do not have the staying power, endangering the lives of our

service men and women. It invites personal attacks by Haitians on our troops, it restricts our soldiers doing their jobs and forces them to work under an arbitrary drop-dead date to do their tough mission. It ties the hands of General Shelton to control events and influence action by the new Haitian Government, and defeats our exit strategy.

The date certain imposes an artificial obstacle that hinders our military forces in achieving our long-term objectives in Haiti. They are there. That is a fact of life. We should give the military leaders the opportunity without a drop-dead date to do their job and to do it well.

I commend them on an excellent performance thus far, and I know that they will complete their mission, come back home to America with the appreciation of all of the people here in our country.

Mr. Chairman, Harry Truman once displayed on his desk a small sign, and we can see this same sign at the Truman Library in Independence, MO. It says "The buck stops here." Truman's expression applies to everyone who has ever occupied that Oval Office. It now applies to this Commander-in-Chief.

I know what Harry Truman would tell us: The buck stops with this President. He would say that the Congress should not tie his hands, especially when American service men and women are making progress in achieving our objectives in Haiti. Their mission is clear. When they have completed it, I want them to come home as soon as possible.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, there have been so many unanswered questions regarding this situation in Haiti. I wish we had had this debate before we made the decision to go, because there is no defined national interest, in spite of what people say, none to warrant us being there.

Now that we are there, by the way, without the consent of the Congress, or the American people, for that matter, I think the highest priority that we need to ask is, what is our purpose in Haiti? What is our mission? Why does the White House have to clarify and alter the mission day by day? Things keep changing.

What are the responsibilities of our troops in Haiti? I know they have said they do not really know in some cases. Why did we only send U.S. combat troops to what is supposed to be an international peacekeeping mission?

The President keeps constantly referring to the U.N. resolution regarding Haiti, which states it is an international mission with international backing. Where are the international troops and support we need, when there are 19,000 United States troops in Haiti right now and no U.N. troops involved? Maybe a few from the Caribbean republics are starting to filter in in small digit numbers.

With an ill-defined mission our troops are wondering every day what their duties are. Are they there to stop violence, to stop looting and chaos in the streets? Are they there to be a Haitian police force? If so, when did these duties become the job description of the U.S. military? They are trained as combat troops.

Today we learned the American taxpayer is going to pay Haitian police force wages for a couple of months. Wow.

Are our troops there to ransack people's homes looking for guns, or are they there to pay $50 to $300 in U.S. taxpayer dollars for guns and rocket launchers? I do not think so.

In the latest reports today we learned that our own CIA helped assemble the anti-Aristide police force that we are now trying to disarm. I ask again, what is our purpose in Haiti?

What is the cost of this mission? The money for 1994 was transferred out of our military operations budget, preventing our troops from training, and in my view, severely hampering our U.S. military readiness. We still have no idea what it is going to cost us in 1995.

Must the American taxpayer again fund more supplemental appropriations, just to support this ill-formed mission? We need full details of how much this mission will cost.

Why are we restoring Aristide? He is an accused drug trafficker. He is certainly not supporting the United States. He is refusing to sign an agreement not to hold our forces liable for their actions. He is the one who asked us to intervene. Where is his support now?

□ 1440

Are these not valid questions we ought to ask and we ought to get answers to? This administration continues to involve our Armed Forces in conflicts with no clear or consistent mission or goal. Americans do not want, do not need and do not deserve this sort of defense. This kind of policy-making is dangerous to our servicemen and women and dangerous to the future of America.

With so many unanswered questions, it is imperative that we remove our troops from Haiti immediately. I ask Members to support that resolution. Let us get them out of there now.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. Chairman, today we are belatedly considering the matter of the U.S. intervention in Haiti. This debate comes a little too late. The President clearly should have come to Congress for authorization for his use of the Armed Forces before the troops were on their way to an armed invasion.

And though I share the Nation's relief at the lack of hostilities and the apparent cooperation of Haiti's military rulers, I fundamentally disagree with the policy pursued by the administration. I do not believe United States Armed Forces should be serving as a de facto police force in Haiti. I disagree with the arrogant premise that we can march into this sorry nation and build democratic institutions where they have never existed. I am concerned about the open-ended financial commitment we are taking on when we take responsibility for the Western Hemisphere's economic basket case.

The administration has no apparent policy other than one of reacting to the latest outbreaks of violence. I cannot in good conscience support this risky, expensive, and probably futile police action. I cannot give my seal of approval to this operation, which is what the resolution offered by Mr. TORRICELLI seems to do.

I am voting today against the resolution offered by the Republican leader, Mr. MICHEL, in favor of the resolution offered by Mr. DELLUMS and Mr. MURTHA.

I agree with the Republican leader's basic contention: That the President should not have ordered United States troops into Haiti. In particular, it is quite clear to me that the President was prepared to invade Haiti without congressional authorization. The President and his advisers are wrong—dead wrong—in their view that congressional authorization for an act of war is less important than the authorization of the United Nations.

However, I am disturbed by the change of heart among many of my Republican colleagues on the limits to the President's power to make war. When Ronald Reagan and George Bush occupied the White House, Republicans in Congress were nearly unanimous in their support for almost unlimited presidential warmaking powers. They fought attempts by me and others in this body to limit Presidential wars. It is amazing how many Republican Members of this institution have gotten religion on the subject of war powers now that a Democrat is in the White House

The unfortunate truth is that our troops are now in Haiti. Both the Michel and Dellums resolutions call for a prompt, safe, and early withdrawal of those troops. Both resolutions require an accounting to Congress of the cost of this policy. I agree with both resolutions on these points.

Mr. DELLUMS, to his credit, has maintained a principled and consistent position on the question of Congress' role in these matters. I will support his resolution. The Republican proposal, on

the other hand, adds nothing of substance to the Dellums resolution. What is worse, it reeks of partisan politics. I will vote against it on those grounds.

This episode underscores the need for Congress to revisit the War Powers Resolution. I have introduced legislation in every one of the last four Congresses to substantially amend the War Powers Resolution and make it a more effective instrument for restraining illegal Presidential warmaking. If my Republican colleagues are serious about their new-found belief in Congress' role in warmaking, they should join me in my efforts to strengthen the War Powers Resolution.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, first let me address the issue that this is some type of partisan attack on the President. Everybody in this body realizes that the decision to send troops into Haiti had very much more to do with the President's own political position in the United States than it had to do with the national security interests of this country. That is why he went to the United Nations rather than coming to Congress to plead his case to justify this mission.

We all know that he unjustly attacked President Bush during the last election over his Haitian policy, and President Clinton has been doing handstands and acrobatic moves ever since then trying to get himself out of the predicament that he put himself into by unjustly attacking President Bush's policy.

This invasion happened because he painted himself into a political corner. Now our military people are having to pay by putting themselves in danger's way. Today we are in effect being asked to authorize the military occupation of Haiti retroactively.

Mr. President, you are a little late. It leaves a bitter taste in the mouth of the American people to see that the President of the United States now feels more obligated to seek approval from the United Nations than from the Congress of the United States when ordering the use of the United States military.

Mr. Chairman, neither the President nor anyone else has justified this military occupation in regard to our own country's national interest. It just has not been justified at all. Using boat people, as we heard earlier today, to justify the expense and the danger to our own military personnel is a joke. It is transparent. It is obvious to anyone that the administration's own economic blockade of Haiti is what caused the exodus in the first place. It is what caused the crisis. This was a crisis of President Clinton's own making. The cold war is over. The American people deserve a break. We have shouldered the defense and the stability of the world for decades.

Yes, during the cold war there was some justification for the use of our military personnel in different parts of the world. The Communists were dedicated to destroying democracy. They were a major threat to the Western World, as was fascism, Naziism and Japanese militarism before that. The cold war is over. The American people can no longer afford to police the world. We cannot afford to right every wrong by force of arms. It is not fair to our defenders to try to make them do so. It will break our bank, it will cause a loss of life with no justification to our own national security.

Furthermore, this policy—which apparently is our policy now, if democracy is in trouble anywhere, we can send in American troops—will not succeed unless our own vital interests are at stake. We should not be committing American military personnel.

This is not to say that we should not always be on the side of freedom and democracy and human rights. These are universalities that we should side with. That does not mean, however, that we should be committing our troops every time democracy is in the balance.

The fact is, the issue of freedom, the issue of democracy, even in this case, if we say that is a justification, it is not so clear cut in Haiti that this is a justification. President Aristide, who we are trying to place back into power by putting our own people's lives in danger and spending probably $1 billion in the process, is an unstable, anti-American Marxist. The conflict that led to his exile was a dispute with his own elected Parliament. Yes, he was elected. So was his Parliament.

Yes, by and large the forces of General Cedras are the bad guys, there is no doubt about that, but it is not so clear that Mr. Aristide, who threatened to burn to death his opponents, is the good guy. What should be evident is that this is not our fight. It is not in our national interest. Our troops should never have been sent. Now Congress should do everything we can to get our military personnel home now as soon as possible.

Let us make sure that our troops, our people who defend our lives, our well-being in the United States of America—for Pete's sake, let us get them home so they can spend the holidays with their families. At Thanksgiving and Christmastime, they should be home with their families unless it is in the national security interest of our country, and Haiti is not worth the life of one American soldier.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

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

Mr. MCCLOSKEY. Mr. Chairman, one thing we are all certainly sure of on both sides, and one would hardly have to mention, is the fact that Republicans and Democrats united have massive concern for the welfare and the safe return of all our troops. That is not a real topic of debate. The question is, what is the best use of national policy right now and military power? I say this with some sadness as to distinguished colleagues on the Republican side that from time to time I have worked occasionally, occasionally critically of the President on some very major foreign policy issues, and I really respect their past help and current goodwill.

□ 1450

But Mr. Chairman, truly it boggles my mind given the situation and the possibly, I say possibly extreme perils that our troops could be in in Haiti right now, to have a major House contingent on that side of the aisle to speak and demand not leaving the place on a date certain, not at any particular time in the future after greater stabilization, but in essence to start it now, and if it does not start now to have an absolute binding mandate passed, come January 21 to remove all U.S. forces immediately. I am very curious, for example, if there were deep consultations on the Republican side with people of immense respect on a bipartisan basis such as General Powell. Quite frankly, I doubt it.

There is no doubt that President Clinton could have acted on this in a better and more direct way. I agree that he should have brought it to the Congress and educated the American people and asked for a vote, and we all would have abided by that vote. But the fact is the forces are there now. We cannot say we do not have an interest in a significant country so close to our shores. The refugees washing up on the shores of Florida have been a problem for the population, the authorities of Florida, to say the least.

The brutality that is going on has been going on in Haitian torture chambers and our troops have acted very bravely and in essence as saviors and liberators. Also the simple fact is that we have made a commitment in this area. It should be stopped in a rational and intelligent way. Surely we can trust the President, our top military and State Department authorities, so to speak, to make that judgment. Every one wants them out, but we want them out in a stable and dignified way, hopefully with greater peace in that region.

As to Aristide's credentials, regardless of any fault in his background, even my dear friend, the gentleman from California [Mr. ROHRABACHER], has admitted that he is surely less the bad guy, and I do not consider Aristide a bad guy, than General Cedras. It is

General Cedras's prisons that are being liberated. He is still the overwhelmingly popular President of Haiti.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentlewoman from Kansas [Mrs. MEYERS], a member of our Committee on Foreign Affairs.

Mrs. MEYERS of Kansas. Mr. Chairman, I must express my opposition to the idea of retroactively authorizing President Clinton's ill-advised military operation in Haiti. The President did not feel it was necessary to ask Congress for this authorization before he ordered the invasion—indeed in his speech to the Nation he did not even once mention Congress—and we should not authorize after the fact what Congress would not have voted to authorize before the fact.

We have voted to support the troops, and commend General Powell, Senator NUNN, and President Carter for negotiating the agreement that prevented an invasion. As General Powell said, this agreement saved us from seeing American youngster killing and being killed by Haitian youngsters. But the purely military phase of the operation was never in doubt—everyone knew that the Haitian armed forces would put up no more than a feeble fight against the American troops. But now that we have entered the Haitian quagmire, the problem is getting out of the morass and getting our forces home.

Congress must now assert its constitutional authority and demand our military be withdrawn from Haiti as quickly as possible. I accept the concerns expressed by our military leaders when they urge us not to set a specific cutoff date for the mission. But we must make it clear that Congress stands with the American people in opposition to the commitment of American military forces in Haiti. This mission does not serve our vital national interests, and inhibits our abilities to react to true threats to our national security that may emerge.

Despite the assurances given to the House Foreign Affairs Committee by Deputy Secretary of State Strobe Talbott just last week, "Mission Creep" has already occurred. Our military people are having to assume control over functions in Haiti that they did not plan to.

Our mission is now even more confusing and ambiguous than it would have been after an invasion. If we had forced our way in, our troops could have maintained order under occupation procedures that are well established under international law and that the military could implement until there was legitimate civil authority to hand it over to. On the other hand, the agreement requires our troops to cooperate with the de facto authorities—the very ones we have come to force out of office. Meanwhile, President Aristide is dragging his feet on signing a Status of Forces Agreement that would provide guidance on the policy for our military presence. So our young military men and women now must stand between the forces of thuggish repression on one hand and the forces of lynch mob justice on the other.

Finally, I would like to express my concern about the unfortunate attempts by some participants in the debate over the months to paint opposition to sending troops to Haiti as being racially motivated. Other proposed military interventions, such as Bosnia, have generated controversy as well. It is wrong to make accusations that differences of opinion on crucial issues of national security are generated by vile prejudice. Surely, we can debate this issue on a higher plane.

We have a choice, we can insist on pulling our troops out quickly, or we can submit to the Clinton administration keeping our young men and women in Haiti for years. And we will indeed be there for years. The President himself said so. He said most of our troops would be out quickly—that means some of them will not.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 4 minutes.

Mr. TRAFICANT. Mr. Chairman, Harry Truman was brought up in this debate. As Commander in Chief, Harry Truman did absolutely not one thing without the approval of Congress. The Congress of the United States declared war and said, "Commander in Chief, you're the boss. But now we give you authority to go over there."

I want to take this debate a little bit back to what I think is problem with our policy. No one person in America can declare war or place America's troops in harm's way. That is clearly the constitutional mandate of the people, the Congress. We have turned our backs so long that we have delegated that power to the White House.

I am not knocking President Clinton. I believe President Clinton is doing what he thinks is right. I think we have gone too far in allowing this type of business to go on, and it has got to stop. We have become the policemen for the world. To tell the truth, after it is over, we will stay on as the neighborhood crime watch. We put the lives of our young people at stake, and we throw billions of dollars overseas and no one has taken a look at this minimum wage country over here with 25,000 murders a year and the American people screaming for Congress to help us.

Congress, get back to the Constitution.

But now I want to talk about Haiti. Regardless of how we feel, the President made a commitment. We are over there. We have now really put our hands on Cedras. We have overpowered them.

The United Nations is supposed to come in as soon as we do that. I stand here today as a Democrat. I support the Michel-Gilman substitute. United Nations, go now and bring our 20,000 troops home, now. That is what the people in my district want. That is what is just.

We did not turn our backs on the Haitians. But now Congress cannot keep turning the other check and delegating to the White House this power this is truly ours.

There are several other things I want to talk about. There have been troubling connections revolving around Aristide. Drug informants considered to be reliable say he is connected with the Colombian cocaine cartel and had agreements with Escobar.

I talked to my friends on both sides and they said, "We don't think that's true, JIM. We think Aristide is solid." I am not the Secretary of State. I do not know. But let my say this: Our noble intent is to help establish democracy in Haiti.

□ 1500

Let us make sure we at least investigate these at least rumors to make sure we are not helping some drug cartel send more drugs to this country.

I think now our troops have gone in and they have put out the fire. We pay billions of dollars to the United Nations. The United Nations go in now and do some peacekeeping. Bring our troops home now.

For my Democrat friends, I do not know if the Michel-Gilman substitute is going to pass. If it does not pass, I will support the initiatives to do something, to at least put some process by the Congress of the United States into this mix.

Ladies and gentlemen, it is the people's Government. They empowered us to make those types of decisions, and we are allowing Presidents to take our foreign policy and put it in harm's way outside of constitutional authority. I even think we should review this War Powers Act.

I think enough is enough.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in opposition to House Joint Resolution 416, or any attempt to set an arbitrary deadline to withdraw our troops from Haiti.

This is not an easy position for me to take today because I am probably going against the wishes of my leadership. But I fear politics may be a blinding reason today.

Military leaders have asked Congress, and Gen. Collin Powell has told us directly, to give the President's policy in Haiti a chance to work. While we

can raise concerns and questions about how this administration develops and implements foreign policy, our men and women in uniform should not pay the price for our dissatisfaction.

I staunchly opposed President Clinton's Haitian policy and his decision to send our troops to Haiti. But it is now a fact of life that those troops are there, and they must have our full support to carry out their mission.

I want to see our troops withdrawn as soon as possible. I join my colleagues in demanding that President Clinton clearly define our policy in Haiti, and there are provisions in this resolution to do that.

But this resolution also authorizes United States troops in Haiti until March 1, 1995. Where is the information about their mission, or the details of an exit plan, which we should have in hand before making any decision about when to pull our troops back home. We should press the President for answers and information, but we should not hamstring our troops with an arbitrary deadline.

This resolution I fear is an attempt to embarrass the President and gain votes in an election. Of all issues with which to play politics, I urge my colleagues to leave this one alone. We Republicans have always supported our military and fought here on the House floor to provide our commanders the resources necessary to carry out their missions. Sadly, it appears that this may not be the case today.

I urge my colleagues to resist the political temptation to vote for this resolution. Support our troops and vote "no."

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON], the distinguished deputy majority whip.

Mr. RICHARDSON. Mr. Chairman, let me first commend the gentleman from Nebraska [Mr. BARRETT] for the excellent statement that he just made.

I think it is critically important that when it comes to issues affecting American national security and American troops, we must try as much as we can to keep politics out of it. Let me say that I think all of us, Republicans and Democrats, a majority in this body, are pleased that the United States did not have to resort to an invasion of Haiti. I think for that, we owe President Carter and SAM NUNN and Colin Powell a debt of gratitude. I think we can all be united on that and that we should do everything we can to protect the agreement that they negotiated. That agreement calls for an October 15 withdrawal of the Haitian military leaders, the return of Aristide, an amnesty provision, and political stabilization plan of safety guaranteed by American troops.

I think the Republican substitute explicitly repudiates that policy and all current American policy on Haiti with an immediate withdrawal. This provision, needless to say, the Republican substitute, is strongly opposed by the American military, and I have a letter written by the Chairman of the Joint Chiefs of Staff and William Perry, the Secretary of Defense, to the Speaker underscoring that.

I think what would happen if we had immediate withdrawal is, first, we would jeopardize the safety of American troops. We would undermine the Carter-Nunn-Powell agreement. We would damage American credibility in the world. We would send a signal to Haiti's military leaders that they can come back and perhaps plan their return. In the end, we would really be ending Haiti's quest for democracy.

We would also undermine President Aristide's return, and we recognize that some questions have been raised by his leadership. I think, however, that the man has grown in the last 2 years and recognizes the need for reconciliation. I think he is ready to be a good President.

Mr. Chairman, of all the approaches today that we are debating, I think that the Torricelli-Hamilton approach and the Committee on Foreign Affairs approach is the soundest. The Foreign Affairs approach sets a March 1 deadline for the authorization of United States troops in Haiti. That does not mean that they all have to get out on that date. It means that on March 1, we can review the situation and debate it again. It also paves the way to move into the multinational phase, the U.N. phase, of the peacekeeping operation.

What the Torricelli language also does is establish a clear, strictly limited mission for American forces. I think we need to do that because there has been confusion about what their role is. Are they police or peacekeepers? The language also requires that American troops serve only under U.S. commanders.

I think the gentleman from Pennsylvania [Mr. MURTHA] and his approach is a good one, too, and can be supported, but the Torricelli approach reflects more what the American people want. They do want us to end our mission in Haiti, to ensure that American troops are not killed, but they want us to make sure that we contribute to Haiti's democracy. They want to make sure that we have a positive role helping to end the quagmire that has been set up by the Haitian military leaders.

We must not damage the President's credibility. We must not proceed with a policy that feels best right now, but isn't the best policy. We must adopt policy that is reasonable, that sets a goal for withdrawal, that respects international obligations, that respects the will of the American people and that protects our troops. Most importantly, we should adopt a policy that our troops support and that the American military commanders support.

I think the Torricelli-Foreign Affairs approach is supported by our foreign policy establishment. Perhaps they cannot say that; perhaps they are saying that they do not want any fixed deadline, but the March 1 deadline in the Torricelli language is not a deadline. It is basically a call for the Congress to again assume its rightful role in the war-making powers and debate this issue once again.

But clearly the immediate withdrawal language in the Republican substitute is not good foreign policy, is not good for American credibility, it is opposed by the American military, and I think it would not send a good signal to our troops in the field.

Mr. Chairman, I am placing in the RECORD at this point the letter to the Speaker from the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, as follows:

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We are writing to express our opposition to any legislation that would require U.S. military operations in Haiti to end on a fixed date.

We have developed a phased plan that encompasses the introduction of U.S. forces, establishment of public order, gradual reduction in U.S. force level, transition to a U.N. mission, and withdrawal of U.S. troops. According to this plan, the initial phase of predominant American involvement will end in a matter of months, and the UNMIH phase will end with the inauguration of a new, democratically elected President of Haiti in early 1996.

However, it is too early in the operation to set fixed dates. For the operation to succeed and meet the intended schedule with minimum risk to U.S. personnel, our military forces need to proceed with achieving objectives, not meeting fixed deadlines. The success of the operation to date is due largely to the force commander having the freedom both to devise and implement military plans and to make necessary adjustments as circumstances change on this ground. A fixed end date would deprive us of this advantage.

More important, a legislatively required withdrawal date would change the dynamic on the ground and affect the actions of our friends and those who oppose us. Those who oppose us will find reasons to try to outlast us. Our friends—including those who would support us in the MNF and those who would relieve us in UNMIH—might find excuses not to join us. Also, if Congress were to direct a withdrawal from Haiti now, our troops would lose an important psychological advantage they now enjoy. The bottom line is that the dynamic created by a mandated withdrawal date could make the situation more dangerous to our troops.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
WILLIAM J. PERRY,
Secretary of Defense.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me this time and for the additional

time that he has given me this afternoon.

About the speaker who just left the well, I want to compliment him for the personal effort that he made prior to this issue becoming full blown. He tried hard to try to make this thing work without having to have a military intervention, and I take my hat off to him. I am just sorry it did not work.

I have to disagree with that speaker though about his support of the particular resolution that would have us keep things status quo today and debate it again March 1. Mr. Chairman, I do not want to have this debate again on March 1.

I want those Americans who are in Haiti to be out of Haiti long before March 1, and we should not have to debate this again.

I am also opposed to setting a specific date. Some of you may be surprised at that, but I have never supported setting a specific date to withdraw American troops from anywhere, that is dangerous. It puts American troops who are trying to withdraw in a dangerous position, because the other side, the potential threat, has a target. They know when something is going to happen. They can melt into the woodwork and come out at a time that they decide to make it difficult for the Americans as they do withdraw. And that is dangerous.

□ 1510

Mr. Chairman, my main concern is not putting Aristide back in the president's palace; my main concern is the safety of the Americans who are in Haiti today, and getting them out of harm's way as soon as we possibly can.

Those of us from Florida have a fairly long history of working with the problems dealing with Haiti. We know there are problems there. We deal with them a lot in our own State.

But I have to say this: That as sad as the conditions are in Haiti, and they are very sad, the standard of living, the lifestyle, the poverty, that is sad. Mr. Chairman, I am convinced that if we were to annex Haiti as a territory or a State of the United States, we probably could not make a massive change in that sad situation in one or two generations. It is that bad.

The other problem is there are many places like Haiti in our own hemisphere. And in fact right here in America there is some of that same poverty. We ought to be concerned, as concerned about that as we are about Haiti.

The point I am making is Haiti did not threaten the national security of the United States, Haiti did not threaten any of our national interests here at home or abroad.

The entire mission, based on the meetings that I have had the opportunity to sit in as a member of the Committee on Intelligence and the Appropriations Subcommittee on Defense, the whole mission is to put Aristide back in power. Well, our friend from Ohio, Mr. TRAFICANT, I thought made a very powerful statement in questioning whether Mr. Aristide is the right person for us to put our bets on.

I have an idea that if the full record were known and if some of the policymakers were listening to their intelligence community, they would recognize that if Cedras is bad, and I am sure he is, that Aristide is probably every bit as bad. I believe some of the reports of our intelligence community that tell us that.

Now, there is something that bothers me, the comments about partisanship. You can go back through the record in the time that Chairman DELLUMS and Chairman MAZZOLI and I came to the House together, look at the record, and you will not find a partisan statement by this Member on any issue. I disagreed with the War Powers Act, for example. I offered a substitute. I did not think the President should have that much power.

I disagreed with President Reagan sending the Marines to Lebanon. And that policy was proved wrong. So there has been no partisanship on my part. I have stayed out of the partisan fights. My job has been doing things that were right, my job has been in intelligence and national security since I have been here doing what is in the best interest of the United States.

If we send troops to war, send them with the best training possible and with the best equipment and technology possible, but do not send American troops to places where they are in harm's way for no reason relative to the mission of the United States military and for no reason other than to become a police officer on some street in Port-au-Prince, Haiti.

Mr. Chairman, we cannot do it all, we just cannot do it all. We should not be turning our military forces into policemen. They are trained to defend this Nation, and the people of our Nation and their interests wherever they might be. But they are not trained to become policemen in a battle between Cedras and company, Aristide and company, the FRAPH, the FAH'O the attaches or whoever they might be. The unfortunate issue here is that the numbers of military personnel we have in uniform today have decreased to a dangerous level, yet they are being assigned to more and more missions.

As we visited with our troops last Saturday in Haiti, we found some of these young men had just come from another mission, another deployment. You have got to give the military some time at home with their families. You cannot keep them on constant deployment.

Protect our men, bring them home, and let us not try to be policemen of the world's problems.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to speak to my friends in this House on both sides of the aisle. I would like to address them as both an American and as a Caribbean person.

I was here at the time of the invasion of Grenada. I remember what it was like. I remember that on my side of the aisle there were many, many questions about that invasion. I supported it because I knew what was going on down there. And I remember that the House sent a delegation there, and I remember that the present Speaker of the House was a member of that delegation, Dick Cheney, who was a Member of the House at that time, was a member of that delegation, and I was also.

We investigated it and we came back, and I remember that this House and particularly this side of the aisle did nothing to undermine our President or our troops.

We must support our President. I must admire the gentleman from Nebraska for his statement this morning, the courage that it took.

We have to take politics out of these issues. Politics must end at the water's edge.

Our young President showed tremendous courage when he called back those planes and accepted that agreement. That took political courage, and our troops were able to enter Haiti without a shot being fired.

We have to be very proud of our military; how much they have learned and now they are conducting themselves. Look at what is going on in Haiti and the way these young soldiers, men and women, are conducting themselves and making our country look good.

Just a little while ago all of us were here in the House and we were applauding President Mandela. Did we hear what he was saying? How could we applaud Mandela sincerely and take some of the positions that are being espoused here on this floor today?

And remember this, that President Aristide was elected democratically by the people of Haiti. We, the United States, yes, we stand as a great chance for the people of Haiti. And they are good people.

Mr. Chairman, they need this chance. Do we want this responsibility? No, we do not want it, but we are the only superpower in the world, and with that comes a lot of responsibility.

Are the American people up to it? That is what we are going to find out.

Should we have a date certain? Should we tell the American troops, "We want you out now, start pulling out"?

Every one of you knows that that would be the worst possible thing that we could do for our troops, for our country.

Let us stand behind our President and stand behind the troops.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to express my opposition to President Clinton's ill-advised policy in Haiti. The President ordered 15,000 United States troops to Haiti in a blatant disregard for congressional consultation and approval. Unlike the case of Grenada, American lives were not at risk. Unlike Panama, our national security interests were not threatened. And unlike the Persian Gulf, the President acted without congressional approval. While I support our troops, we must set a timetable to bring our service men and women home and eliminate the huge costs this occupation promises to accrue.

Let me quote from the Forbes Commission's report on the United States occupation of Haiti 65 years ago: "The educated public opinion and literate minority in Haiti are so small that any government formed in these circumstances is liable to become an oligarchy. Until the basis of political structure is broadened by education—a matter of years—the government must necessarily be more or less unstable and in constant danger of political upheavals."—I stress a matter of years, folks. In 1994, with 64 percent of the population illiterate and annual per capita income at $320—are we prepared for "a matter of years?"

Sixty-five years ago, the United States built roads, railroads, and sewage systems. However, Haiti remained mired in poverty. Today, as the Haitian political problems continue to deepen, the country's physical infrastructure—roads and bridges—continues to erode and will require large investments of capital in the near future to assist the country. Are we ready for such an investment?

Mr. Chairman, we invaded Haiti in 1915—an occupation that lasted 19 years. The similarities between the State of Haiti then and the State of Haiti today in 1994 are striking. Do we know what we are getting ourselves into today? Are we prepared for a 19-year occupation? Is history destined to repeat itself? I hope not.

I am opposed to House Joint Resolution 416 primarily because it grants retroactive authorization for the President's decision to send troops to Haiti. I support Gilman-Michel that provides for House and Senate votes under expedited procedures no later than January 21, 1995, on a resolution requiring the withdrawal of United States forces from Haiti within 30 days after the date of enactment. More importantly, the resolution states the sense of Congress that President Clinton initially should not have ordered the occupation of Haiti.

□ 1520

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I am distressed at the magnitude of human suffering that has been endured by the Haitian people since the coup which toppled President Aristide from power. However, I believe that our Nation's military policy must be dictated by factors other than sympathy. Factors like the safety of American lives and the security of American interests. And the fact is that the United States has no national interest in Haiti which justifies our military presence there.

Haiti's military is tiny, ill-equipped, and poorly trained. And Haiti is 736 miles from the United States. Let's face it: Haiti is not a threat to us in any way. What it is, is a disaster waiting to happen, and it is foolish to believe otherwise.

As much as I wish it were not so, the truth is that Haiti has never had true democracy. In all their troubled history, the Haitian people have been oppressed, exploited, and terrorized by a succession of dictators, and the results of one democratic election—even backed up by the armed might of the United States—are not enough to establish the rule of reason and democracy in Haiti.

Although I am relieved that we did not actually invade Haiti, I think we have jumped into the middle of a minefield and we must tread very carefully. There was never any doubt that we could carry out a successful invasion of Haiti—the question all along has been: What to do once we were on the ground? In spite of my opposition and the opposition of the American people to taking that initial step, we are on the ground now. What are we going to do? The last time we went into Haiti, we were there for 17 years.

I am extremely concerned for the safety of our young men and women in uniform, who are facing situation where the rules are always changing, and a landscape which is unfamiliar and fraught with danger. I do not want to see another Mogadishu, and I believe that our military involvement should be short-lived.

I do not support setting a firm withdrawal date, since that would further jeopardize our troops, but I do think we should invite the multilateral forces from the United Nations into Haiti now and withdraw our troops as soon as possible thereafter. We have no national interest in Haiti. We should not have gone there in the first place. And we should get out as soon as we can.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman from Florida [Mrs. FOWLER] for her supporting remarks. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, the President seems to be repeating the tragic mistakes made in Somalia by putting our Armed Forces in a dangerous situation with an unclear mission.

Congress must not stand idly by.

As one who has always stood firmly behind our brave troops, I am increasingly alarmed about their safety as part of the occupying force in Haiti.

It is unfortunate that Congress was not given the opportunity to vote on the Haiti operation until today.

The President has clearly put a higher priority on consulting the United Nation, whose approval he sought months ago, than in consulting the U.S. Congress.

Mr. Chairman, the resolution before us today is a Sham. Although its retroactive authorization of the Haiti operation expires next March—over 5 months from now—the President can extend the authorization permanently.

In fact, the President has said that United States troops might remain in Haiti until 1996 as part of a U.N. "nation-building" force.

Let us be up front about what is happening today. There is only one purpose for this resolution—to provide cover for some Members of this body before they go home for elections.

It simply does not provide the needed congressional oversight of President Clinton's misguided, open-ended and ill-defined policy in Haiti.

Congress should not abdicate its responsibility to the American people. We must not simply write the President a blank check for the Haiti operation and adjourn for the year.

With this resolution the President can spend billions of taxpayer dollars to order United States troops to serve as Haiti's police force or even as Aristide's personal security force.

Mr. Chairman, "mission creep" has already started. Our brave soldiers trained for battle have become Haiti's cops.

It was just 1 year ago, when the United States suffered severe casualties in Somalia. How can the President forget so soon the lessons that were learned in Somalia?

It was not until the United States became a nation builder in Somalia that serious problems arose and United States soldiers were killed and wounded.

Our goal today should be to end the Haiti mission and begin the orderly withdrawal of United States troops immediately. Let's get our troops out now.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

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

As the debate on Haiti continues throughout the day, every once in a while we do hear some partisan snipes, not from everybody certainly, but every once in a while that does occur, and I want to make two quick remarks.

In 1965, Mr. Chairman, I was with a battalion of marines that landed in the Dominican Republic to protect them from a coup sponsored by Castro. I was 19, and I can tell my colleagues all of the ground troops at that particular point did not care anything about partisanship in Washington, and we can be sure that none of those troops down in Haiti care anything about partisan snipes. So let us keep the debate in my judgment where it ought to be: what we can do for the troops in Haiti.

Many of us were against the initial invasion. I know I was. No one here wants United States occupation of Haiti. No one wants United States troops to become police forces for the Haitians, or for Mr. Aristide, or for anybody. All of us want our troops home in an orderly manner, and we want them to come home safe; we want the mission to be a success; and we want an orderly, safe withdrawal of our troops home soon, and we all want, and we should work for, the Haitians to accept the responsibility of their own country and to restore their own democracy.

We have troops in Haiti now; we want those troops home, and the last comment I want to make is that if we want the mission to be a success, if we want the transition to be taken over by the United Nations, if we want our troops home safe, and while they are there we want them to remain safe and in an organized, orderly operation; I emphasize, and I cannot emphasize this enough, we should not place a date on their withdrawal.

We should make sure that the President tells us everything that is going on, including what the mission is, the status of our troops, what our troops are doing, what the cost is, where the money is coming from. We should be apprised of this situation almost on a daily basis. But we should not, for our troops' sake, set a date for their withdrawal. Let us bring them home soon.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO], a member of our committee.

Mr. MANZULLO. Mr. Chairman, the time to get out of Haiti is now. We have no business being there. Every day we're there is another chance one of our brave military personnel could be killed or wounded.

The President has embarked on a dangerous and reckless course of action—a mission without a policy.

Don't we even have memories that last more than 1 year? Remember how all the Somalians rejoiced at our initial intervention. We vainly thought that we could do anything in Somalia. Yet, what happened? The minute we went beyond administering humanitarian aid and began tinkering with Somalian society our soldiers were ambushed, killed, and dragged through the streets.

Who can forget those images? Yet, we're repeating those very same mistakes in Haiti. What happens once Mr. Aristide assumes power on October 15, conveniently after we adjourn? Will U.S. military personnel be caught in firefights between pro-Aristide forces and the Haitian military. What if General Cedras does not leave Haiti? Will we decide to fight the Haitian military and police?

And when we win, what will we do then? Call on the United Nations? What a joke. Our military will become the law enforcement arm of Mr. Aristide. Strobe Talbott, Deputy Secretary of State, said Mr. Aristide has been given a "bum rap."

How ironic. We're using U.S. military personnel to reinstall a priest defrocked because of his belief in violence; a charismatic leftist anti-American leader who supports autocratic ways of setting disputes, including putting burning tires on a person's neck and inciting mob violence to intimidate opponents. This is the man chosen by President Clinton to "restore" democracy, the man who, in violation of the Haitian Constitution, replaced members of the Haitian Supreme Court and local mayors with his supporters. This is the man who extols the virtues of Che Guevera, Castro's minister of revolutionary terrorism? And we put the lives of our fighting forces at Stake for him? How long will it be until he stirs up the Haitian people to say, "Yankee Go Home?" Will American troops be targeted by these mobs?

It's time we get out. The sooner the better. I encourage all my colleagues to vote for any resolution that sends a message to this administration: Get our forces out of Haiti. Get them out now, before one gets killed; now, before anymore are wounded.

□ 1530

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, politics stop at the border. Each and every Member of Congress, each and every American must always stand united in confronting any foreign foe.

Our military personnel who stand on the frontlines of these struggles must have our full and uncompromising support.

Those Americans in harm's way always have our full support. They also deserve our measured judgment not to put their lives at risk unless the national security of the United States is at stake.

We must simultaneously respect the President's prerogatives as Commander-in Chief and fully exercise Congress' power of the purse.

I believe we can do both. It is a solemn responsibility that falls on us today. We must exercise it properly.

We will be failing our troops, failing their families, and failing the American people if we fail to answer the following simple questions posed by my constituents.

Is there a national security interest in Haiti? Do we have goals and objectives for our forces? Is there a strategy which would lead to the withdrawal of our forces? Is our policy consistent with the Monroe Doctrine, which has been an unaltered part of our policy in this hemisphere for nearly two centuries? The answer to these questions is no, no, no, and no.

No, we should not involve ourselves in the occupation of a country where we have no national interest, no clear objectives, and no exit strategy.

We owe it to our troops to vote for their immediate withdrawal. We owe it to our troops for no missions without objectives. We owe it to our troops to vote never to place their lives in the hands of the United Nations. Each and every one of us was elected to fulfill these responsibilities. We owe it to the American people and to the troops to do no less.

On July 28, I authored a bipartisan letter urging the President not to occupy Haiti and not to violate the Monroe Doctrine by placing U.N. forces in that violent land. The President unfortunately chose a different path.

I cannot in good conscience reverse course and support a policy which risks American lives and compromises our historic traditions without an explanation of the threat to our national security.

Mr. Chairman, I say to my colleagues, there should only be two considerations when you vote today, the safety of our troops and the well-being of our Republic.

Only one of the amendments before us meets this test. Only the Michel amendment calls for the immediate withdrawal of our forces and provides a mechanism to insure their withdrawal. Only the Michel amendment upholds the Monroe Doctrine by rejecting U.N. command. Only the Michel amendment puts our troops and America first. I ask my colleagues to please join me in voting for our troops and for our democracy. Please join me in voting for the Michel amendment.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, this debate on the United States liberation of Haiti is a very significant one. It is basically a nonpartisan debate, and this is a debate where some minds may truly be changed. Some of the Members of this body are sincerely searching for a way to fully develop an updated

Western Hemisphere foreign policy approach for the new world order. As we go into the new world order, we must resolve to never allow a band of armed criminals to hijack a nation as they did in Haiti.

We must never again allow the United States CIA or any other agency of our Government to support armed criminals in the overthrow of a democratically elected government

The United States has always dominated the political and economic life of Haiti, since the time of Thomas Jefferson. The Haitian Army was created by the occupation force of the United States Marines. Most of the foreign businesses in Haiti are American owned. Thousands of Haitian refugees seeking entry to this country have confronted our Nation with a moral dilemma of great magnitude. Our posture in the world and our vital interests are very much interwoven with the future of Haiti. We have dominated Haiti in the past but this liberation action, fostered by President Clinton, should be a new beginning.

Without wholesale interference in its affairs, Haiti can manage its own affairs. Haiti is not Somalia. Haiti has a constitution. The people of Haiti are not divided down the middle. There is not a civil war raging in Haiti.

President Jean-Bertrand Aristide is the people's choice, and Aristide is a great man, trusted and revered by the Haitian people. Aristide has a cabinet and there is a legislature. Haiti has a middle class which can produce the necessary diplomats and technicians. There are thousands of Haitians who live in New York and Paris and across the world who are willing to go home to help rebuild their nation. There is no need for a long occupation of Haiti. We are removing the criminals and the killers and that is the primary purpose of the United States liberation of Haiti.

I oppose any resolution setting a date certain for the withdrawal, but the people of America should be reassured that the Haitians will repay this investment. They will go it alone. They can go it alone. They can rebuild their nation.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I thank my distinguished colleague, the gentleman from New York, for yielding time to me.

Mr. Chairman, I was opposed to invasion, and I am opposed to occupation of Haiti. Even Mr. Aristide, the man who we would restore to power, opposed this action. Indeed, even after our troops landed and took control of the streets, Mr. Aristide had to be pressed by our diplomats to say thank you. Imagine, our forces in harm's way, and this man offering a half-hearted thank you and faint praise for their efforts.

As officials of our government, we should never undermine our troops, and we do not. We stand squarely with them. We need to make sure that if they need additional support, materiel, weaponry, or armor, similar to what happened in Somalia, we should make sure that they get it.

We need to understand that history does repeat itself, sometimes more rapidly than others. We need to understand that those who refuse to learn from history are forced to repeat it.

One year ago I stood in this well and I called for Mr. Aspin's resignation after the debacle in Somalia. I do not want to have to repeat history again with another Secretary of Defense. We need to set a deadline, all right. The deadline that we need to set is for Mr. Aristide to go back to Haiti.

It is about time that that gentleman took up his own responsibilities and returned to his homeland and led those people. I cannot believe that he stays here in Washington under armed guard, living in the lap of luxury, while our troops are putting out fires and disarming the people of Haiti. He travels with an entourage. Our troops travel with M-16's. Support the Michel-Gilman amendment. Let us have a vote in January to require an orderly and staged withdrawal of our troops and a United Nations takeover of that situation.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, thank God for the CONGRESSIONAL RECORD. I was afraid that the memory loss that affects us as we age was affecting me at an unduly rapid rate. Having gotten here in 1981, I was ready to swear that I had heard the overwhelming majority of Republicans assert that the President had the right to send troops into foreign countries when he thought it was in the national interest without congressional authorization.

I had this distinct recollection that Republicans said "When we invade a country, especially in our hemisphere, to restore democracy and to confront a dictator, that is a very good thing." Then I saw President Clinton doing exactly what I had heard, I thought I had heard the Republicans talking about for 14 years, and I began to worry whether or not I was hearing voices; worse, I was hearing Republican voices say things that they did not believe.

However, some people on my staff fortunately got out the CONGRESSIONAL RECORD. I found that no, my memory is not deteriorating any more rapidly than my age would indicate.

In the case of Lebanon, in the case of Panama, in the case of Grenada, in the case of Kuwait, Republican Members consistently used arguments which today they are repudiating because one thing has changed: The partisan nature of the person in the Presidency.

Republicans have said "Let us eschew partisanship." They have been engaged in it consistently throughout.

Let me, for instance, say, when people talk about liberation versus invasion, "If you cannot distinguish between force for subjugation and force for liberation, then it is difficult to discuss this matter with you." That is not me, that is the gentleman from Illinois [Mr. HYDE]. It is the gentleman from Illinois [Mr. HYDE] who said "If you cannot distinguish between force for subjugation and force for liberation, it is difficult to discuss this matter with you." Well, maybe he is not discussing the matter with himself.

We were told that to go into Grenada and free up the people from an oppressive regime was a good thing. People have said, "Aristide is not a perfect Democrat." He is not, but compared to the Emir of Kuwait, he is Ghandi.

People would argue that going into Kuwait was a great thing for human rights, to restore that repressive regime, but I do not think the Iraqis should have invaded. The Emir of Kuwait is better for the people of Kuwait than Saddam Hussein, but if he was a Democrat, I am a pumpkin.

However, we are told that Aristide, who won an election, does not deserve this kind of support. We have sent troops into a country where their arrival has been able to be accomplished without any American deaths due to our being there, where the people are overwhelmingly happy, where the result will be to restore an elected president.

I think, Mr. Chairman, that there is only one thing that makes my Republican friends angrier than when President Clinton does something that they think is wrong. It is when he does something that looks right. That is what we have here.

We have a situation where, applying principles that Republicans themselves have argued for 14 years, President Clinton has taken an action that has made Americans very popular in Haiti and that, with no loss of American life and with savings of Haitian life, is going to restore democracy. That is what they do not like, that Bill Clinton is accomplishing it.

Mr. GILMAN. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The Chair would advise that the gentleman from New York [Mr. GILMAN] has 6 minutes remaining, and the gentleman from New Jersey [Mr. TORRICELLI] has 3 minutes remaining.

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

Mr. Chairman, it is my understanding we are now ending the general debate provided under the unanimous-consent request, and are about to engage in a 1-hour debate on the rule.

Mr. Chairman, the President acted on his own in committing United States

forces to occupy Haiti. Each of us is now being given the opportunity to decide for ourselves whether the President acted wisely.

Though we respect the arguments expressed so eloquently by the gentleman from New Jersey [Mr. TORRICELLI] on his resolution, House Joint Resolution 416, I have come to a different conclusion about just what his proposal will accomplish.

Mr. Chairman, let us be certain about what the House will be doing if it adopts the Torricelli resolution. It is important to know that supporting the Torricelli resolution means we would be retroactively authorizing the deployment of United States troops in Haiti. In approving the Torricelli resolution, we would be blessing a mission that we know to be dangerously vague and a policy that long ago substituted force for diplomacy.

We would also be accepting President Clinton's definition of what our troops should be doing in Haiti, even though ambiguous objectives, improvised rules of engagement, and ever-expanding tasks laid upon our military have rendered that definition virtually open-ended. That, Mr. Chairman, is a recipe for disaster.

Second, the March 1 termination of authorization in the Torricelli resolution has no teeth. On March 1, the President can—if he chooses—simply continue with his plan to deploy 2,000 to 3,000 U.S. troops in a U.N. peacekeeping mission through February 1996.

Under the rule we will be considering in a few minutes, that March 1 date in the Torricelli resolution would be watered-down even further by giving the President yet another escape hatch to extend our authorization unilaterally and permanently.

Third, the Torricelli resolution does not protect our troops from being placed under foreign command in a U.N. peacekeeping mission.

Fourth, and perhaps most importantly, we can do much better. The Michel-Gilman substitute, made in order under the proposed rule, will better reflect the will of the American people. Our substitute differs from the Torricelli resolution in the following significant and positive ways:

For one, it does not authorize this mission in Haiti. To the contrary, it expresses the sense of the Congress that the President "should immediately commence the safe and orderly withdrawal of" our troops from Haiti.

Second, our resolution does not authorize U.S. participation in U.N. peacekeeping.

Third, the Michel-Gilman resolution requires that any United States military personnel in Haiti "shall remain under the command and control of" United States officers at all times.

Accordingly, Mr. Chairman, I urge my colleagues to vote "no" on Torricelli. Save your vote for the Michel-Gilman substitute. Our alternative reflects the will of the American people and protects our troops by calling for their immediate withdrawal from Haiti.

Mr. Chairman, I have no further requests for time on this segment of our unanimous consent request.

Mr. TORRICELLI. Mr. Chairman, I yield the balance of our time to the gentleman from Massachusetts [Mr. OLVER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. OLVER] is recognized for 3 minutes.

Mr. OLVER. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

Mr. Chairman, I strongly support bringing our troops home as soon as possible, but I come to the well to ask my colleagues to give their full support to the members of the armed services and to make their jobs, which they are performing very well, as easy as possible.

Unfortunately, some Members seem to want to go against the best judgment of our military commanders by setting a specific deadline for withdrawing U.S. troops. It does not take a rocket scientist to understand the words of the Deputy Secretary of Defense, and I quote: "Setting an arbitrary deadline to complete this mission will endanger these military forces."

If that is too hard to understand, General Shelton, the commander of our forces in Haiti, put it much more simply when he said, "We would endanger our forces by moving too fast."

□ 1550

We are debating the safety of American service men and women while they execute a mission clearly in the long-term interest of the United States.

This country has used U.S. forces overseas in support of our interests 234 times since the founding of our country and only in 3 cases has the Congress set a deadline for troop withdrawal. Over the past 200 years, Congress has overwhelmingly understood that we should avoid micromanagement of military operations. By setting a withdrawal date, Congress instantly changes the dynamic in the field and makes it harder for those troops. Furthermore, if we demonstrate a lack of resolve, we are simply inviting more attacks on our troops wherever they are in the world.

However, I want to draw attention to the magnificent job our troops are doing. Who can fail to be moved by the images of a jubilant Haitian people immensely grateful for being freed from a vicious oppression, and yet restraining themselves from taking retribution? Who can fail to be moved by Haitian citizens taking the weapons that have been used to kill their friends, relatives, and neighbors and turning them over to our marines?

I believe it is wrong to claim that we have no interest in supporting a peaceful transition from the thugs who brutalized Haiti to the legitimate elected government.

I want to remind my colleagues that Haiti's elections, which were internationally monitored and certified as free, Jean-Bertrand Aristide ran in a field of 11 and received 70 percent of the vote. That is a popular mandate unmatched by any leader in the western hemisphere and no American President has ever received such a mandate. The people of Haiti certainly thought that they were on the road to democracy in that election.

My colleagues should also remember that during the election process and while President Aristide was in office in Haiti, very few Haitians were attempting to leave the island compared to the thousands upon thousands who fled the cruel repression of the attaches and fraph.

Clearly it is in our interests to have a law-abiding government that provides the routine government services which make everyday life and commerce possible in any country.

We need a stable government in Haiti, not an outlaw regime driving huge numbers of refugees into neighboring countries.

I commend the President for restoring a legitimate, stable government in Haiti through negotiations. I support bringing our troops home and tell my colleagues that the way to do that is not to set a deadline that puts more American lives at risk, it is to let them do their jobs. Support the Dellums-Murtha substitute.

The CHAIRMAN. All time for general debate has expired. Pursuant to the order of the House of Representatives on Wednesday, October 5, 1994, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MINK of Hawaii) having assumed the chair, Mr. MAZZOLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution—House Joint Resolution 416—providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 416, LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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H. RES. 570

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 further consideration of the joint resolution (H.J. Res. 416) providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti. All time for general debate under the terms of any previous order of the House shall be considered as expired. After further general debate, which shall be confined to the joint resolution and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be considered for amendment under the five-minute rule and shall be considered as read. The amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and the Committee of the Whole. No further amendment shall be in order in the House or in the Committee of the Whole except those printed in part 2 of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment except as specified in the report. All points of order against the amendments printed in the report are waived. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

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

Madam Speaker, House Resolution 570 is the rule providing for the consideration of House Joint Resolution 416, providing limited authorization for the United States-led force in Haiti, and providing for the prompt withdrawal of the United States Armed Forces from Haiti. Under this rule all time for general debate under any previous order of the House shall be considered as expired. The rule provides further general debate of 2 hours, and it provides that the joint resolution shall be considered as read. Under the rule, the amendments printed in part 1 of the Rules Committee's report to accompany this resolution shall be considered as adopted in the House and in the Committee of the Whole.

Madam Speaker, no further amendment, except those amendments printed in part 2 of the report of the Committee on Rules are in order in the House and in the Committee of the Whole. The part 2 amendments are to be considered in the order and manner specified in the report, with debate time also specified in the report. These amendments, Madam Speaker, are as follows: First, a substitute amendment by Mr. MICHEL; second, a substitute amendment by Mr. DELLUMS, MURTHA, HASTINGS, and DICKS; third, a substitute amendment to be offered by Mr. TORRICELLI and HAMILTON. These part 2 amendments are not subject to amendment except as specified in the report, are considered as read, and are not subject to a demand for a division of the question. The rule waives all points of order against the amendments in the report. The rule also provides for the consideration of the part 2 amendments under the procedure known as king-of-the-hill in which the last amendment to pass, shall be considered as finally adopted and reported to the House. Finally, the rule provides a motion to recommit with or without instructions.

Madam Speaker, this rule expeditiously brings to the floor the important resolution which provides limited authorization for the participation of United States troops in the multinational force in Haiti, and provides for the prompt withdrawal of our troops when it is time to go home. Debate was started yesterday through a unanimous consent agreement and this rule will allow all further consideration of this important foreign policy issue.

As one who has spent a good portion of my time fighting poverty and hunger, I must say I am deeply concerned about our policy in Haiti. Early on I advised the administration that I did not think we should invade Haiti. Haiti was not a threat to U.S. interests and security, and our record of previous occupation after the 1915 invasion was not a successful one.

However, Haiti's people are suffering. Their poverty and helplessness is beyond most people's comprehension. Haiti's hospitals have no medicine, its people have very little food, and the infrastructure is almost nonexistent.

As a matter of fact, during this debate there has been hardly a word said about the poverty of these people.

Madam Speaker, for many years, I have heard people in this country, many in this House of Representatives, cry out for democratic systems of government. And rightfully so. Now that our troops are on Haiti's soil, helping to keep order and stability so a democratically-elected government can return, and humanitarian assistance can flow, we must support them. To pull the rug out from under our troops now is not fair to men and women who are doing good jobs. Nor is it fair to the people of Haiti, who have perhaps the only shot they will get at democracy, and the hope of a better standard of living. We need to complete our mission and get out. This is not the time to shift direction in mid-course.

It is the time, however, to call upon our allies to provide some help. Peacekeeping and humanitarian responsibilities should not fall upon the United States alone. The United States has provided over one million meals every day to children, pregnant and lactating mothers, orphans, and the old and sick in Haiti over the last 3 years. The United States has always responded to its moral obligations to help the poorest of the poor countries. But just as we cannot be the world's policemen, we cannot be the world's only humanitarians. Our allies must help, and I intend to continue to call upon them.

Madam Speaker, this resolution is a carefully crafted one which provides for fair consideration of this difficult issue. I urge my colleagues to join me in adopting the rule.

□ 1600

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

Madam Speaker, exactly 1 year ago today I stood in this well and implored the Clinton administration to re-think its misguided approach toward the developing crisis in Haiti. At that time, the U.S.S. *Harlan County* was preparing to carry more than 600 United States troops to Haiti, in anticipation of the transition date under the Governors' Island Accord.

One year ago I raised a question that I believe is still valid today, as we watch more than 20,000 American troops occupy Haiti and prepare for yet another planned transition date. On that day I said, "Let us ask this question of the administration: Could you look your son or daughter in the eye and say 'This is why you are going to Haiti?' There is no Answer." Today there is still no good answer.

The administration would have us believe we are restoring democracy—at the barrel of a gun—and reinstalling a democratically elected—if erratic—President who was overthrown by Haitians 3 years ago. In reality, we are perilously close to taking sides and getting hopelessly entangled in a longstanding, sometimes vicious civil war.

Over the course of the past year I have followed the machinations of this bungled foreign policy, seeking at many junctures to offer thoughtful criticism and reasonable alternatives. Yet the administration turned a deaf ear—not just to me, but to the entire Congress and to most of America, preferring instead to take us further down

the road toward military entanglement in Haiti.

Now, finally, the Congress is being brought into the debate. Today we are belatedly being asked to provide an after-the-fact authorization for a policy that has no clear definition, a very unconvincing and fuzzy rationale and almost complete lack of support among the American people.

I think most Members understand that the appropriate time for this debate in Congress would have been before 20,000 young Americans were sent to Haiti to serve as referees, police forces, and nation-builders in a country where brutality, instability, and civil war have ruled for 200 years. But that debate never took place.

Instead, now that troops are already in harm's way, the House Democratic leadership is finally moving. We are now presented with the Torricelli proposal, a measure designed to offer retroactive cover to a failed policy and make this Congress complicit in a series of terrible decisions.

I strongly oppose the Torricelli resolution. Instead, I urge my colleagues to examine the Michel-Gilman substitute—a proposal that explicitly rejects the decision of the President to send United States troops to Haiti and withholds any sort of authorization for this Haiti policy.

The Michel-Gilman language calls for an immediate commencement of withdrawal of United States troops from Haiti. It establishes a timetable for the administration to report to Congress about the Haiti mission and its costs—information that has so far been practically impossible to gather. In my view, the Michel-Gilman proposal is a much more accurate reflection of American public opinion on this subject, and this House should adopt it.

Unfortunately, Mr. Speaker, the rule before us today is stacked against adoption of the Michel proposal. It uses the arcane but wickedly effective process known as king-of-the-hill to give Mr. TORRICELLI a chance to trump the Michel-Gilman proposal, as well as a third option to be offered by Messrs. DELLUMS, MURTHA, HASTINGS, and DICKS. Up in the Rules Committee my friend Mr. DREIER sought to level the playing field by stipulating that the proposal with the most votes should prevail—but we were outvoted. So, king of the hill it is.

Mr. Speaker, I am also troubled that this rule self-executes some additional language into the base text of the Torricelli proposal—language that will no doubt be hard for some Members to swallow, given its explicit authorization of the mission, its provision of a giant out for the President from the get-out-of-Haiti termination date and its assessment of the War Powers Act. I urge Members to read the fine print of this rule very carefully to be sure you know what you are voting for—since a "yes" vote on the rule is also a "yes" vote on an authorization that terminates March 1, 1995, unless the President certifies that additional time is needed; and it is a "yes" vote on language presented by Mr. SKAGGS that says the Constitution would have required the President to gain prior approval from Congress before committing U.S. troops.

Finally, Mr. Speaker, this rule has shut out several worthwhile proposals offered by Mr. COX and Mr. ROYCE—one dealing with specific requests for cost estimates of the Haiti mission and one seeking to ensure that U.S. troops do not get sucked into some nebulous U.N. chain of operations.

Overall, Mr. Speaker, although I am gratified that at long last this House is being given the chance to seriously debate our foreign policy vis-a-vis Haiti, I regret that it has come about in such a convoluted and belated way. I am upset at the contortions and contrivance all for the purpose of trying to make the Clinton administration look better; history will never be kind to the ineptness, mismanagement, and indecision of this odyssey of inconsistency. I do oppose this rule because of its structure—and I oppose the Torricelli resolution because it is toothless about getting our troops out and it tries to paint a smile on an operation I can't smile about.

Mr. Speaker, I support our troops. America stands behind them and we urge their earliest possible return.

I include for the RECORD rollcall votes in the Committee on Rules on House Joint Resolution 416, as follows:

ROLL CALL VOTES IN THE RULES COMMITTEE ON THE RULE FOR H.J. RES. 416, HAITI AUTHORIZATION RESOLUTION, WEDNESDAY, OCTOBER 5, 1994

1. Dreier En Bloc Motion to Make in Order 2 Cox Amendments—Amendments by Rep. Cox (CA) to: (1) Express sense of House that it disapproves the policy of military occupation of Haiti which was undertaken without congressional approval; and (2) That the President should submit to Congress within 5 days after enactment a complete accounting of funds expended in Haiti and a specific authorization for funds in the remainder of the fiscal year. Rejected: 4–7. Yeas. Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Derrick, Wheat.

2. Dreier Motion to Make in Order Royce Amendment—by Rep. Royce (CA) would prohibit any U.S. troops in Haiti to be under foreign command. Rejected: 4–7. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Derrick, Wheat.

3. Dreier Motion to Change King-of-Hill Procedure—Rule would be amended to provide that the substitute adopted receiving the most affirmative votes, instead of the last adopted, shall be the one considered as finally adopted and reported to the House. Rejected: 4–7. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Derrick, Wheat.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	103	31	30	72	70

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

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

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

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 5, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A	A: Voice Vote (Oct. 5, 1994).
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A	F: 83–339 (Oct. 5, 1994).
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A.	
H. Res. 570, Oct. 5, 1994	MC	H. J. Res. 416: U.S. in Haiti	N/A	N/A.	

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

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

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

Madam Speaker, I opposed the invasion of Haiti. I believe that the Congress should assert its constitutional responsibility and authority to declare war whenever the United States is in a situation where it is considering offensive military action. I am sorry that my President, this President of the United States, did not make it clear that he would seek that approval. I think he and every other President should, and is required to, under the Constitution.

I do understand how it is in our best interests to see stability and progress in Haiti. Peace in our region is good for all nations. Democracy in Haiti and the surrounding nations not only sets a good example, but is what America has always been about.

Finally, the illegal immigration from Haiti was creating problems which even my Republican colleagues would have to concede were unbearable, not only for the State of Florida but for many other States. As long as the political and economic instability continued in Haiti, more illegal immigrants would risk their lives to come to our shores. It is part of the national interest of the United States to make certain that illegal immigration is at least diminished if not stopped.

Finally, I doubt our long-term mission in Haiti, if we contemplate being there until we have economic and political stability. I worry that the United States can never achieve that goal by itself. Democracy is really new to Haiti. They have not seen it. They have to come to understand democratic institutions and how they will work. It will take some time.

Economic stability is an even greater challenge in a nation where the average annual income is $250 a year.

Many of my Republican colleagues have criticized President Jean-Bertrand Aristide. He is not to their liking. The fact is he received 70 percent of the vote in a closely monitored election, the first democratic election in the history of Haiti. The fact is if we refuse to accept Aristide's leadership, we refuse to accept the verdict of democracy, and quite honestly, it really calls in question our commitment to it.

I would like to see a different leader, but the fact is the Haitians have spoken through a democratic process, and we must stand by their choice.

□ 1610

Today the people of this Nation, through their elected Representatives, will make a policy choice on Haiti. There are three choices in the House: the Republican approach says "immediate withdrawal"; one of the Democratic approaches says "as soon as possible"; and the final one says "March 1, 1995" giving the President some latitude to extend it with explanations and concurrence by Congress.

I am about to make my decision on those choices, but I will tell you there is one that is totally unacceptable. The Republican alternative calling for immediate withdrawal has been characterized by military leaders as one which would jeopardize the 20,000 men and women in uniform serving in Haiti today. I will not, I cannot, in good conscience support a Republican alternative which would endanger the life of one of our soldiers, sailors, marines, or airmen in Haiti.

It is far better for us to take the military advice, to make sure our kids and our fellow citizens are protected in Haiti, and that we have an orderly withdrawal at the appropriate moment.

Mr. GOSS. Madam Speaker, I yield 4 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I thought about bringing a pail full of water into the Chamber. If I had it with me, I would stir it up and splash it around and then I would stop for a few seconds.

And you know what? After a few seconds, that pail of water would look just the same as it did when I first brought it in—despite all of the stirring and splashing.

Well, Mr. Speaker, I sadly fear that Haiti is much the same as that pail of water. We can send in 15,000 troops, 20,000 troops, 25,000 troops—you pick a number. But the moment those troops leave—probably even before they leave—Haiti is more than likely to go right back to what it has always been.

It is very sad, indeed tragic, but Haiti's problems have defied rational solution for two centuries.

Throughout its 190 year long history as an independent nation, Haiti has never really known democracy, and it has rarely known stability.

Even now, Haiti does not face a single problem that lends itself to solution by outside military intervention and occupation.

Chronic underdevelopment and poverty.

Ecological disintegration.

Massive social and economic inequities.

No judicial system.

No police force.

Very little economic infrastructure.

No sustained history or experience with democratic rule.

Madam Speaker, I say this—not to sit in judgment of the Haitian people, but merely to illustrate the dimensions of the problem our forces are now up against.

The issue in Haiti is not a matter of restoring democracy and rebuilding the country—it is a matter of starting from scratch.

Mr. Speaker, earlier this century our troops occupied Haiti for 19 long years. At that time, Haiti was practically the 49th State. But did anything really change? We all know the answer to that.

Nothing has ever been settled in Haiti with any degree of finality. Not in the past. And it is not likely to get settled now.

If the President honestly thinks he has discovered the solution to Haiti's problems after 190 years of tragedy, why does he not share that information with the Congress? Why does he not share that information with the Organization of American States?

And, most importantly of all, why does he not seek congressional support and authorization for this intervention in Haiti?

Madam Speaker, America is always most effective abroad when we are united at home. But the President simply has not been able to persuade either the Congress or the American people concerning the wisdom or value of this policy toward Haiti.

Madam Speaker, I realize that Members of Congress rarely have the luxury of casting a comfortable vote. We usually have to decide between various policy alternatives that differ from each other only to the degree of their respective shades of ambiguity.

That is certainly the case with Haiti today. The situation there is fraught with dilemmas, and we do not face an easy vote here in the House.

But I have decided that one plausible course of action is clear: We should commence immediately a safe and orderly withdrawal of U.S. forces from Haiti.

That is the only policy option I can support wholeheartedly, in the absence of any compelling and comprehensive plan to incorporate Haiti into the sphere of America's vital interests.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services.

Mr. DELLUMS. Madam Speaker, I thank my colleague for his generosity.

First, let me say that I rise in support of the rule, and I appreciate the fact that the Committee on Rules saw fit to allow this gentleman and others to offer an alternative that will be discussed on the floor of these chambers momentarily.

Let me with the remainder of my time offer this thought: During the course of the debate, Madam Speaker, the issue of what is and is not in the interest of the United States will be discussed on a repeated basis. What is in the national security interest of this country will be raised on numerous occasions during the course of this debate.

I would ask my colleagues to consider these thoughts, some of which I have repeated before: I would suggest to you in no uncertain terms that the day the Berlin Wall crumbled down, the day that the cold war ended, the day that the Soviet Union dissipated, the day that the Warsaw Pact disappeared, all of us began to step forward into uncharted waters, into a period of tremendous transition, into a period of change. And so, Madam Speaker, there are no post-cold-war experts.

We had brilliant Ph.D.'s and thinkers who could talk about the calculations of the cold war add infinitum, but there is no one human being on this planet, not one human being in these Chambers who is an expert in the post-cold-war world.

This moment is evolving, and I would suggest to all of you that none of us at this moment are precise about what we believe to be in the national interest of this country. At a minimum it ought

to be something open for discussion and open for debate, and all of us ought to be willing to take off old labels, old stripes, remove old thinking and old paradigms and come to this moment intellectually honest enough to say that is, indeed, in the national interest of this country. What is, indeed, Madam Speaker, in the national security interest of this country ought to at minimum be something that is open for debate, new definitions, new ideas. The world is new.

I do not know about any of you in these Chambers, but just a few hours ago when President Mandela stood there to address us, my heart soared, because many of us in these Chambers stood arm in arm and fought to bring about the reality of freedom and democracy in South Africa. When Nelson Mandela stood there and said, "I am an African," chills went up this gentleman's spine, as he illuminated on a magnificent vision of the world, expansive and brilliant, that talked about the fact of the oneness of our human experience and the interrelatedness and interdependence of all of our struggles and the fact that it is, indeed, in the interests of the United States that the world be free, be peaceful, couched in the principles of justice and democracy and self-determination and rule by the people and no violation of human rights.

We sat here, and our hearts soared, and I thought if good enough for America, if good enough for South Africa, why not the people of Haiti? They are not on this planet?

If we could cheer Mandela's speech of how interrelated we are, some came away who were prepared to set Haiti free as an island unto itself.

I would submit to all of you here that it is, indeed, in the interest of the United States that democracy flourish, that freedom reign, that peace be the reality, and I am prepared, Madam Speaker, to challenge any Member in this Chamber that would, indeed, suggest that it is not in the interest of a great Nation, the United States, ostensibly the greatest democracy on the face of the Earth, that is not prepared to stand in defense of freedom and democracy a few miles off the shore of this Nation.

□ 1620

Madam Speaker, every time I turn on the television set and see black faces in Haiti smiling and cheering, being able to speak freely about the brutality and the oppression that has been visited upon them, freely now because America stands there holding back the forces of brutality and pain and oppression, my heart soars. I feel proud for a moment, Madam Speaker, to be on the side of justice, just as I felt proud with the United States when it found itself on the right side of history and we attempted to bring South Africa not to its knees but to wisdom.

I feel good today that American people are in Haiti not by virtue of an invasion. Madam Speaker, all of you know I came to these Chambers in 1971 as an advocate of peace. I have never once stood here to raise my voice in the name of force. With all the anger and the pain that was inside me when I looked at oppression in South Africa, many of you remember I stood here and said, "But I do not ask you to use force, because I am a man of peace."

And if President Clinton had invaded Haiti, I would have challenged our President because I continue to believe that peace and nonviolence is a superior way of engaging in conflict resolution.

So I am happy that our forces did not hit the beach killing Haitians with Haitians killing Americans. But now they are there, and it would seem to me that we ought to allow them to be there to create the kind of stability that would allow the triumph of the human spirit, that would allow people to rise above the pain and oppression that has been their reality.

This is not some primitive country. Maybe they live in some poverty-stricken conditions, but these are human beings with magnificent spirits, no less magnificent than South Africans, no less magnificent than Americans.

So, Madam Speaker, as we go forward, I ask all of my colleagues let us not be cavalier about what is in the interest of the United States in the context of the post-cold war world that at a bare minimum ought to be subject to debate.

I hope that at the end of this discussion America stands as cleanly and as firmly at the end of the debate as it did at the end of debate on apartheid in South Africa, we stand up for the freedom of people in Haiti.

Mr. GOSS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. DORNAN].

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

Madam Speaker, may I have the attention of my good friend from California? And I do mean my friend. We have not crossed intellectual swords in a long time. The gentleman is such a great orator I will have to play off some of his best lines.

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

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

Mr. DELLUMS. I thank the gentleman. I like to think that I think a little bit, too.

Mr. DORNAN. I am not setting the gentleman up as an Irishman, the gentleman knows I am sincere.

No. 1, we were on the right side of history all during the cold war. When I walked the streets of Haiti and saw City Soleil, as I said last night, I thought what I thought when I walked the streets of Saigon, Danang, cities all through Africa and Asia: These are God's people. Mothers nurse their babies, coo back at them. Fathers want to take their boys to do a little fishing, something I saw going down a road near the Pearl River in Vietnam. But I do not recall the same level of eloquence or passion when the subject was Nicaragua or Cambodia or Laos or Vietnam. Bosnia, maybe; Rwanda, yes. But these are all God's children, but we cannot be everywhere at once.

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

Mr. DORNAN. I yield to the gentleman, my friend.

Mr. DELLUMS. I thank the gentleman. I would simply like to ask my colleague, is he questioning this gentleman's integrity with respect to my feelings about democracy and freedom?

Mr. DORNAN. Of course not. I would never accuse the gentleman of selective passion. Never. But do we all have different areas where we focus sometimes a little more love and attention and where we might be more willing to send American troops? You bet.

I was activated in my Air Force captain's uniform to fly, not a fighter, not a bomber, but a rescue seaplane around the island of Hispaniola and Cuba in the summer of 1965. We lost 27 men to bring peace to the city of Santo Domingo in the Dominican Republic. There were 172 wounded.

Look how close that is to what happened in Somalia. There we had 30 dead in action, 27 in 1965 in Santo Domingo, 204 wounded in Somalia, 172 wounded in Santo Domingo. You know how long we were there? 17 months. How long are we going to be in Haiti? God only knows.

Do I want a precipitous withdrawal, does HENRY HYDE, does PORTER or BEN or JERRY? No, we do not want to leave tomorrow if it is going to cause a riot or put our men at risk. And we all know that the poorest of the poor—and that country is 80 percent illiterate—those most hungry will be the soonest to die in a conflict there. But what makes me so concerned is that Haiti is likely to explode in civil violence whenever we leave, whether now or a year from now. We should never have pulled the *Harlan County* out of that harbor on Columbus Day a year ago next week. Never should we have turned tail and run. But the gentleman, an ex-marine, had better listen to this ex-Air Force guy when I tell you that what makes this policy even more rotten is that the architects of this policy all took student deferments, some literally avoided the draft at every turn and some dodged the draft and had their induction notices politically suppressed through connections in the State of Arkansas. S.Sgt. Donald Holsted, with a wound in his gut, lies in Walbrook Hospital down in Fort Bragg right now. Has Aristide sent him flowers, a card of condolence?

Can Holsted show something from Aristide to his wife and two small children? No.

We have Americans in harm's way big time now. I will try to go down and have Thanksgiving with them. I will try to go down next week. Here is the information I want to learn—there is no time. I will put that in the RECORD.

I will tell you this, there is no military mission, no military objective other than what we both share, to stop people from brutalizing one another. But that is a job for a police force, not the 10th Mountain.

I heard the term police action used to describe Korea by Harry Truman, I heard it from the Secretary of State and from Lyndon Johnson when we first went into Vietnam. This is not a police action.

Our young men and women are wearing body armor, they are in danger. There are rumors that both sides want them killed. One side thinks this is another Somalia and a few dead Americans will cause us to pull out. The other side thinks dead Americans will keep us there so that our 10th Mountain Division can become personal bodyguards for Aristide. It is an insecure environment.

And defense funding—the gentleman is an expert, I am supposed to be an expert—where is this money coming from? We are not supposed to refer to the gallery, but how many people up there want to cough up 50 bucks to buy back rusty old weapons from Haitians who have been killing one another for years. We may be stuck there a long time.

My opinion changes from day to day on what I believe will be the level of bloodshed, but I will tell you this: Aristide better call Sgt. John Holsted because we do not know if his wound has changed his eating habits for life, or if he will only live to 60 instead of 80. A gut shot is a terrible thing. In the Civil War it meant certain death, no matter what side you were on.

We have one man with a gut shot, and I will say what I have said every day here for a week, it is a miracle that no American has died other than two suicides. We had a suicide in Somalia, we had a shark death, we had a car crash, and we had a drowning in a pool in Mombasa on R&R. I am talking about combat deaths.

One wounded, no deaths yet; I am praying, I am holding my breath.

We had better defeat this rule. We had better vote for Michel-Gilman in this House today.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I thank the gentleman for yielding this time to me.

Let me say as briefly as I can, with as much enthusiasm and without the passion that we have just been treated to, that I am moderate or conservative Democrat and make no apologies to anybody for it.

□ 1630

I felt that the President should not have become involved and should not have committed the Armed Forces of the United States in Haiti. I wrote him to that effect. I shared the opinion of many who were here. However, the President did not agree with me, and it was his right not to agree. We can argue this constitutional question all we want to, but, as my colleagues know, about Panama, and about Grenada, and about Lebanon, and on, and on, and on, they do not need Congress.

Well, the fact is, my colleagues, that the Armed Forces of the United States are committed there, and they deserve to have the support of this Congress without all this bickering and whining.

Do we want to say to those who wish us ill that those troops that are dug in at some place, that company commander with his lieutenants, and his private soldiers, and others, that at a certain time the enemy knows that their time runs out, pack up the stuff, put the bullets back in the bags, get on the bus, and get on the boat, and come home. It is ridiculous.

I suggest we give the President an opportunity to work this matter out. I did not agree with him, but he deserves our support to try to bring this matter to a conclusion at the earliest possible time. He does not deserve, nor do our troops who are in harm's way deserve, the bickering of this body on this occasion. We should say to them, the President has made the decision; we support him. If he made the wrong decisions, the voters will deal with him.

But do the best you can, Mr. President, to bring this to a conclusion at the quickest possible time. We support you. You are the President of all of us, and we support the troops. Bring them home soon, if you can.

If that has not happened in a year or in 6 months, we revisit it, but not now.

Mr. GOSS. Madam Speaker, I yield 4 minutes to the distinguished ranking member of the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I rise in opposition to the portion of the rule which provides a king-of-the-hill procedure in consideration of legislation regarding President Clinton's decision to intervene militarily in Haiti.

While I do not want to delay our debate and vote on the military intervention, I am troubled by the self-executing nature of this rule.

In my view, no rule should be allowed to dictate the will of the House. Yet the provisions in part 1 of this rule effectively negates the decision of the Committee on Foreign Affairs to set a nonbinding target date of March 1, 1995, for ending the current U.S.-led phase of the military occupation.

Part 1 of this rule automatically inserts into the provision establishing the March 1 target date a mechanism by which the President can extend the target date indefinitely. If the President exercises this authority—and he certainly will if he wants to keep United States forces in Haiti past March 1—Mr. TORRICELLI's House Joint Resolution 416 is converted from an attempted limitation on United States involvement in Haiti into an unlimited, permanent authorization for that involvement.

An amendment such as this, which turns the will of the Foreign Affairs Committee upside down, should be decided on the House floor after a full and fair debate and not behind the closed doors of the Rules Committee.

The king-of-the-hill procedure provided in this rule is blatantly unfair. This procedure is clearly designed to favor one of the three competing resolutions on Haiti—Mr. TORRICELLI's resolution—and to the disadvantage of the other two amendments.

I would urge my colleagues not to be confused or misled by the parliamentary sleight of hand in this resolution.

This is a debate between resolutions offering stark choices on Haiti: Choices between a call for immediate commencement of the withdrawal of United States troops from Haiti, with an enforcement mechanism, between such a call without an enforcement mechanism, and between these and what amounts to a permanent authorization for an open-ended United States military presence in that country.

Only the Michel-Gilman resolution states that United States forces initially should not have been sent to Haiti and that their withdrawal should be commenced immediately. It further provides for an expedited congressional vote on whether to mandate the withdrawal of our troops if they are not out of Haiti by January 21 of next year.

Accordingly, Madam Speaker, I urge my colleagues to vote no on prolonging the occupation of Haiti by our troops in our current policy toward Haiti by voting for the Michel-Gilman resolution and against the Dellums and Torricelli substitutes. Our troops have effectively opened the door in Haiti for the U.N. peacekeepers. I say, "Let them out now. Come in and take the place of our Armed Forces."

Mr. HALL of Ohio. Madam Speaker, I yield 4 minutes to my friend, the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Madam Speaker, the United States is currently involved in a military operation in Haiti. We are there because it is in our national interest to maintain regional stability in our hemisphere. The situation in Haiti prior to the United States intervention—that of wide-spread human rights abuses and tens of thousands of Haitian citizens fleeing for United States

shores—had continued for too long with no end in sight.

I was pleased to see that an aggressive military invasion of Haiti was averted last month. For that we must give thanks for the efforts of President Clinton and the negotiation team led by former President Carter, Senator NUNN and General Powell. Their leadership in this crisis, along with the hard work and determination of our men and women in the Armed Forces, has been invaluable.

There are many who say that what we have done in Haiti is too much, and we must get our troops out of there as quickly as we can. I tell you, though: if we pull out of Haiti too soon—leaving the country and its people before a stable and democratic government is in place—all our efforts will have been wasted. In deed, we will have made the situation worse.

Without a governing structure, the civil situation would deteriorate to the point where any sort of order would be impossible. Even the abusive Cedras regime will look good compared to the situation we would leave behind. We have gone into Haiti to rid it of a corrupt and abusive military government, and we are succeeding in this mission.

However, until they have established a strong, democratic structure to replace it, we must continue to present a stabilizing force.

This morning, most of us sat in this room and listened to President Mandela of South Africa. He thanked us and all the American people for our commitment of energy and resources in the cause of democracy in South Africa.

We applauded him when he told of how, for the first time in the history of his country, "the people had the possibility to elect a government of their choice, without let or hindrance."

Democracy—the right to choose one's own government—has been denied to the people of Haiti. Should we value their future any less than that of the courageous leaders of the new Government of South Africa.

If anything, Haiti's future stability is as important and interrelated to the United States than South Africa's. We must continue our strong presence in Haiti until stability and democracy are returned.

I am concerned for the safety of our men and women involved in Operation Uphold Democracy. I am concerned for their families and all the people who care about them.

And I want them to come home as quickly as possible. However, they have a job to do, and any arbitrary deadline for removing our troops from Haiti is short-sighted nit-picking of the worst kind. Our troops must leave when the job is finished and not before.

The United States cannot pay lip-service to the ideals of freedom and democracy without the courage and the determination—and, indeed, the responsibility—to act in their name as well. We have done that in Haiti, and we must follow through with our mission there. When that mission is complete, then—and only then—should we bring our troops home.

□ 1640

Mr. GOSS. Madam Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE], a senior member of the Committee on Foreign Affairs.

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I just feel put upon by this rule, because in voting for the rule, which is the only way we can get a debate on this issue and express the will of Congress, we have to accept the passage of an amendment that is constitutional nonsense. That is the amendment that says under the circumstances existing prior to concluding the Port-au-Prince agreement, the Constitution would have required the President to obtain the approval of Congress before ordering United States Armed Forces to invade Haiti.

Now, that just is not so. That was not the law when Reagan went into Grenada, it was not the law when we went into Panama, it was not the law in the gulf. We Republicans have always asserted the President's constitutional right as Commander in Chief under the Constitution to put the troops in, but the ultimate power, the power of the purse, rests with Congress. If we do not like it, we can cut that off. But to have to accept this misstatement of constitutional law to pass the resolution is wrong, and it is unfair.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in support of the rule. It will incorporate into House Joint Resolution 416 a provision I authored stating the sense of Congress that, under the circumstances prior to the agreement negotiated by the negotiating team led by President Carter, the Constitution would have required the President to obtain the approval of Congress before ordering Unites States forces into Haiti to remove the de facto regime.

On September 18 we had a close call. An armed invasion of Haiti was launched with no authority from Congress, and then fortunately recalled. Had the invasion continued it would have been a constitutional tragedy.

It is important that Congress go on record clearly on this point: the invasion the administration started lacked the constitutionally required approval of Congress. For us now to remain silent about this would only encourage some future President again to ignore the constitutional requirement for Congress to act before the country goes to war.

Let me make it clear what my provision does not do. It does not attempt to limit in any way the inherent authority of the President, the Commander in Chief of our Armed Forces, to respond as necessary to any national emergency involving an attack on or imminent danger to the citizens, territory, or Armed Forces of the United States.

My provision does assert the clear constitutional authority of the Congress to grant its explicit prior approval before the United States launches a planned invasion of another country. The records of the Constitutional Convention show that when the drafters vested in Congress the power "to declare War," they meant not only a formal declaration of war, but also the general category of decisions about initiating offensive military operations against another country. James Wilson, an author of the Constitution, put the rationale this way: "It will not be in the power of a single man or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large."

The assertion of congressional authority is not some vain struggle for turf or prerogative with the executive branch. The requirement for a debate and vote in Congress is not an end in itself, but a means to a greater end; it provides an effective measure of the understanding and support of the American people for such a grave undertaking as war. The Founders appreciated the need for such understanding and support, and they saw the Congress, as the proxy of the people, as best able to make the decision.

The last time our Government faced this situation was before the Persian Gulf war. After resisting a vote in Congress for some time, President Bush eventually recognized that it was necessary. The public debate and vote in Congress worked as the Founders intended when they vested the war power in Congress—increasing public understanding, confirming public support, and giving the President and our military forces the political legitimacy and moral support that was crucial to their success. If, on the other hand, the American people through Congress had registered opposition to the proposed war, the country would not have been put in the dreadful position of fighting a war that did not have support at home.

I was pleased that President Clinton was able to achieve an agreement to remove Haiti's military leaders without an invasion and without American bloodshed. At the same time I remain deeply troubled that the President was willing—up until the very moment that an agreement was signed with the de facto authorities in Haiti—to launch

an invasion without congressional approval.

In the case of the Haiti crisis, there was not even a "fig leaf" claim of some emergency requiring unilateral presidential action. No one was claiming that we faced such a sudden threat that there was no time for Congress to act. And no one was claiming that there were American citizens in danger who needed to be rescued.

The country would not be as divided and confused as it currently is about our presence in Haiti if the President had sought the congressional authority he needed for an invasion. A congressional debate and a vote would have forced the President to make a clear case to the American people to support his claim that serious national interests were at stake in the Haiti crisis. The administration would have been forced to provide a clear plan, to discuss the objectives for a military operation and eventual transfer to United Nations authority, in other words, to make its case.

Passage of House Joint Resolution 416 with the "prior authorization" provision will demonstrate to future Presidents that this Congress was not willing to roll over when its constitutional prerogative on war powers was disregarded. It will encourage future Presidents to come to the Congress and make their case before making the grave decision to take the country to war. By voting for the provision and the resolution, we will make an unequivocal statement, establishing that we will follow the Constitution.

Mr. GOSS. Madam Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding time.

Madam Speaker, I simply respond to my dear friend from Colorado that I would just suggest to you that recent history shows that a state of war is a legal state. Congress has the only power and authority to declare war. But those declarations are anachronistic. They are not used anymore, because in Vietnam, had we declared war, trading with the enemy laws would have kicked in. Russia and China would have felt obliged to support their ally by declaring war on us, and that starts a very serious train of events.

So wars are just not declared. States of belligerency, those things occur, police actions, but nobody declares war. So Congress is really out of the loop as far as a formal declaration of war is concerned.

However, Congress controls the purse strings. In the snap of a finger, Congress can stop it if they want to. A President is foolish if he does not consult with at least the leaders. That is what his obligation is to do. It is one of the prudence, not of law.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Madam Speaker, I would just like to continue the discussion with the gentleman from Illinois [Mr. HYDE] on this. I think it is relatively clear, although its obviously not clear to all of us, that the history attending the adoption of this particular language in the Constitution suggests that it was not intended to be read narrowly, to deal with a mere formality, with a liberal declaration of war only, but rather included in its ambit those acts of this Government that initiated offensive military action, especially invasions from a standing start, as we almost had going into Haiti; as we did have going into the Persian Gulf. It does not merely contemplate the formal act of declaration. In fact, the elaboration on the word "declare" in the minutes of the Constitutional Convention, and in other attending documents, was that it should be read much more broadly in an offensive military context and in contradistinction to the powers of the Chief Executive to act in defense of the country.

That is the point we are trying to make. To wait until we are left with only the remedy of the power of the purse—as the gentleman from Illinois suggests—still gives one man the power to take this country to war. That is not what the Founders intended.

Mr. GOSS. Madam Speaker, I yield 15 seconds to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Speaker, we are going to use up our time trying to get the last word.

Madam Speaker, I just want to say if the gentleman will read the history of the Barbary pirates and Jefferson sending our ships over there, you would understand when all this started.

Mr. GOSS. Madam Speaker, I yield 2 minutes and 45 seconds to my colleague, the distinguished gentleman from Florida [Mr. MICA], who knows something about this problem firsthand.

Mr. MICA. Madam Speaker, the past two weeks have been awfully expensive for the American taxpayer. First, we had Mr. Yeltsin here asking for trade, and we promised him aid, aid to the tune of $1 billion. Then this administration told Russia to lower its taxes and cut redtape to attract business.

Several years ago during a trade mission to the Baltics, everyone there told me they wanted to trade with the United States. As I returned home, our cargo planes were delivering humanitarian aid to Russia, while the Japanese were opening the largest trade and business fair Moscow had ever seen.

Today we had Mr. Mandela here, and once again the American taxpayer got zapped. Think of what great economic progress we have made in South Africa.

Several years ago the United States was doing $4 billion worth of trade with South Africa and the Japanese had a $1 billion market there. Last year Japan had a $4 billion market in that country, and we dropped to $1 billion.

But do not worry, American taxpayers. President Clinton has now pledged $100 million of your money to South Africa.

Last year, Mr. and Mrs. America were presented with a $2 billion price tag for a failed military mission in Somalia. Somalia also got a bargain basement humanitarian aid package of another $500 million. Here we are now, my colleagues, with another chance to take the American taxpayers to the cleaners.

□ 1650

In Haiti look what the administration has accomplished:

In 1 short year our economic embargo has turned the poorest nation in this hemisphere into a basket case.

We've destroyed every manufacturing job and, since our occupation, finished off any surviving Haitian or American business interest.

We've put the entire island nation on a Clinton-style U.S. taxpayer financed welfare plan.

Now, with this rule we are being asked to justify one of the greatest foreign policy disasters of our time.

Madam Speaker, my constituents already pay for U.N. peacekeeping forces.

Today we must not ask the American taxpayers to pay again to keep 20 thousand troops on a misguided mission. I cannot in good conscious vote for or condone this folly.

Mr. GOSS. Madam Speaker, I yield 3 minutes and 30 seconds to my distinguished colleague, the gentleman from Florida [Mr. STEARNS], who has great knowledge about this subject.

Mr. STEARNS. Madam Speaker, I rise today in support of the Michel resolution to bring American troops home from Haiti.

The vast majority of the Members of this House—both Democrats and Republicans—know that the United States has no genuine national interest at stake in Haiti. The American occupation of Haiti was the last stop-gap measure in a long line of nonpolicies that has proceeded without any semblance of rationality of strategic planning.

Today, America's young men and women serving in Haiti are in the untenable position of policing a civil war, without coherent missions, goals or rules of engagement. As we have seen too many times in the past, this is a recipe for disaster. Only the professionalism of our forces on the ground and the good judgment they have shown, have allowed us to avoid tragedy thus far.

It is the responsibility of this Congress to remember the lessons learned in Vietnam, Lebanon, and Somalia. We should not commit our troops to a military engagement that does not

have the support of Congress or the American people. We should not put them in the middle of a civil war. And we should not risk their lives on a matter not directly related to our national security.

We have before us today, three resolutions. The resolution in the dominant position under the so-called king-of-the-hill rule—or, as I like to call it the crime-on-the-hill rule—should be a nonstarter for most Members. It fails to state the fundamental principle that the President should have come to Congress for an authorization of the Haiti operation. It also relies on the President to include Congress in decision-making on this policy—something he has repeatedly failed to do.

On the other hand, I commend the authors of the other two alternatives before us. The distinguished Republican leader, Mr. MICHEL, has offered a resolution that provides for the immediate and orderly withdrawal of American forces from Haiti, prohibits American troops from being placed under foreign commands and restores congressional authority and accountability.

I would also like to commend Mr. DELLUMS, MURTHA, DICKS, and my colleague from Florida, Mr. HASTINGS on this resolution. The consistency of principle on these matters is admirable. Unfortunately, that resolution is nonbinding, does not provide for the immediate departure of American forces, allows our forces to serve under foreign commands and does not reaffirm Congress' role in this process strongly enough. Some Members who support the principles of the Michel resolution might be tempted to also vote for the Dellums-Murtha resolution also.

However, because of the way this rule has been structured, a Member cannot vote for the Dellums resolution without effectively voting against the Michel resolution.

A member cannot vote for this resolution without removing provisions for the immediate withdrawal of American troops and a firm reassertion of congressional authority over the commitment of our troops overseas.

There is only one way to ensure that those vital conditions are met: vote "yes" on Michel, "no" on Dellums-Murtha and "no" on Torricelli-Hamilton.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Madam Speaker, I rise in strong support of the rule.

Mr. GOSS. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Madam Speaker, it is about time that we are debating Haiti here in the Congress. When you consider the rule that we are discussing here and how we are going to debate Haiti, all I have got to say is, you ought to be ashamed of yourselves. You are gaming the system. You are loading the dice. Or as my friend, the gentleman from Iowa [Mr. NUSSLE], says, you are stacking the deck in favor of your resolution.

Why can we not have an honest debate? Why cannot Members come to the floor of this House, the people's House, and debate a resolution where they can offer amendments, where we can change language and where the people's will can be discussed and the people's will can be presented back to the people and to the President?

That is not what is going to happen here today. We have got a system that says, we are going to have three resolutions. It is not which one gets the most votes. It is not which one is in which place. We get to vote for one and, if it passes, does not mean anything. Because we are going to vote for two more. And if they pass, that does not make any difference on the second one. It is only the last one that comes here that passes that actually becomes the resolution, expressing the people's will.

We wonder why the American people are disgusted with this institution when we bring rules like this to the floor and game the system.

What we are doing is we are tying to fool the American people and they are not being fooled. The fact is, we ought to have an open and fair process here today, when we discuss this very important issue that the American people want discussed. And it is not open and it is not fair. And after 40 years of one-party control, it is no wonder the American people are saying goodbye.

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

The SPEAKER pro tempore (Mrs. MINK of Hawaii). The gentleman from Florida [Mr. GOSS] is recognized for 1½ minutes.

Mr. GOSS. Madam Speaker, we have heard a good deal as we have gone along. What we have is a bad rule here, but we have a necessary debate. We have got three choices.

The first choice, the Michel-Gilman choice, is going to say the President should not have ordered the troops in. That is the sense of Congress. We should start an immediate withdrawal. We should have reports on it. We should set up a congressional commission and have some accountability. That is a pretty clear choice. Since we do not like it, we are going to control it and we are going to find out what happened.

The second choice is Dellums, Murtha, Hastings, and Dicks. This is a sense of Congress that talks about a prompt and orderly, that is not quite as urgent as an immediate, withdrawal. It is a sense of Congress. It calls for some reporting, but it is absolutely meticulously neutral on the subject of whether we should or should not have put troops in Haiti.

It seems to me part of our job in Congress is to stand up and make the tough choices. If we have got 20,000-plus troops standing down there where tough choices mean something to them in terms of life or death, seems like we ought to render a little stronger opinion than we have no opinion on whether they are there. I do not think much of that choice.

Then the last choice is the choice that is offered by the gentleman from New Jersey [Mr. TORRICELLI] and the gentleman from Indiana [Mr. HAMILTON], that says what the President does is terrific. We all want to get behind that and say that was great policy.

I point out that was not such great policy, because the President said the only thing we could do was invade. But the President was wrong. Former President Carter, Colin Powell, SAM NUNN came along and said, "Mr. President, if you negotiate this, we do not have to go in there shooting."

□ 1700

The President was wrong. It is absolutely amazing that we are being asked to endorse something that is blatantly wrong and has been proven so. I urge a "no" vote on the rule and a "yes" vote on the Michel substitute.

Mr. HALL of Ohio. Madam Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. HALL of Ohio. Madam 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 241, nays 182, not voting 11, as follows:

[Roll No. 495]

YEAS—241

Abercrombie	Boucher	Collins (MI)
Ackerman	Brewster	Conyers
Andrews (ME)	Brooks	Cooper
Andrews (TX)	Browder	Coppersmith
Bacchus (FL)	Brown (CA)	Costello
Baesler	Brown (FL)	Coyne
Barca	Brown (OH)	Cramer
Barcia	Bryant	Danner
Barlow	Byrne	Darden
Barrett (WI)	Cantwell	de la Garza
Becerra	Cardin	Deal
Beilenson	Carr	DeFazio
Berman	Chapman	DeLauro
Bevill	Clay	Dellums
Bilbray	Clayton	Derrick
Bishop	Clement	Deutsch
Blackwell	Clyburn	Dicks
Bonior	Coleman	Dingell
Borski	Collins (IL)	Dixon

Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—182

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
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Boehlert
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Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Applegate
Bentley
Gallo
Quillen
Slattery
Sundquist
Tucker
Valentine
Washington
Wheat
Whitten

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Slattery for, with Mrs. Bentley against.

Mr. Tucker for, with Mr. Quillen against.

Mr. SKEEN and Mr. GOODLING changed their vote from "yea" to "nay."

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MINK of Hawaii). Pursuant to House Resolution 570 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 416.

□ 1722

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 416) providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, with Mr. DERRICK, Chairman, in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, all time for general debate pursuant to the order of the House of Wednesday, October 5, 1994, had expired.

Pursuant to House Resolution 570, there will now be a further period of general debate.

The gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 1 hour and the gentleman from New York [Mr. GILMAN] will be recognized for 1 hour.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DELLUMS], the distinguished chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for his generosity in yielding me this time.

Mr. Chairman, I rise in support of our troops, in support of our President, in support of Operation Uphold Democracy, and in opposition to a date-certain withdrawal for United States troops from Haiti.

The United States taking a leadership role in Operation Uphold Democracy underscores the fact that the end of the cold war has resulted in a redefinition of America's security interests. No longer is the defeat of communism the raison d'etre of U.S. foreign policy. Instead, new and creative thinking must be applied to the myriad, multifaceted challenges that confront us in this rapidly changing world. As I stated in the context of the debate on South Africa the cold war doctrine allows the world to understand what we stand against, but do we stand for what is in our national interest? That is open to debate and exploration.

The days of cookie-cutter foreign policy formulation are over. All of us in this Chamber must now meet with courage and clarity of thought the new challenges that are being thrust upon us in this rapidly changing post-cold-war world.

In the period that Operation Uphold Democracy has been in existence, United States troops have managed to provide hope where there was once only desolation, installed restraint where brutality had long held sway, and conveyed to all Haitians the importance of forbearance and self-control during this very sensitive period of transition towards the restoration of democracy in Haiti.

It is now up to the Congress to ensure that the United States stays the course long enough to ensure that our participation in the multinational force and the U.N.-led mission yields lasting results.

I commend General Shelton and the thousands of men and women in the U.S. armed services currently serving with compassion and professionalism in Haiti. And I commend President Clinton and the many analysts, advisors, and practitioners throughout our Government who found a way to enable

the United States to face this post-cold-war challenge.

During the cold war, American power and global pre-eminence were measured in terms of our capacity to confront the then-mighty Soviet Union either directly or through surrogate wars in Third World nations. Multibillion-dollar weapons systems and the world's best trained fighting men and women set our Nation apart from the world's other military establishments. It is my hope, however, that the end of the cold war will heighten our awareness that America's greatness can also be demonstrated in ways other than we grew used to during decades of cold war rivalry. Our readiness to work with the world community to devise strategies to undergird democracy, promote individual liberty, and halt macabre and sustained brutalization of peoples beyond our shores are also worthy of our consideration and support.

The use of U.S. troops in such actions raises many difficult, but important, questions:

Do we have the means to accomplish the mission?

Are the political, economic and humanitarian consequences of inaction considered unacceptable by the the United States and the international community?

Are our Nation's interest in promoting democracy and economic stability abroad advanced in the process?

What is the required level of consultation between the legislative and executive branches of our Government?

For which types of operations is congressional authorization required?

These are important questions with which we are now forced to grapple now that the cold war is over.

With regard to the operations aspects of Operation Uphold Democracy, I must commend the flexibility that our troops have exhibited under the leadership of General Shelton. This has facilitated the correction of operational weaknesses as soon as they have become obvious and, as result, the operation has proceeded thus far without any major setbacks.

Nonetheless, there will be moments of crisis.

This operation is not free of danger. There will be casualties.

And so, it is incumbent upon us all to prepare the American people, and ourselves, for these difficult moments—if moments of crisis and setback are not to give way to despair and defeat. The important point to remember, Mr. Chairman, is that Operation Uphold Democracy represents a new global commitment in the post-cold-war world to uphold and defend democracy. And this is an effort in which the United States of America and every person in this Chamber should be proud to be a part.

Mr. Chairman, I have never heard any of my colleagues, from either side of the aisle, even suggest that the United States become involved in every or even most of the low-intensity conflict that will continue to emerge around the world. Nonetheless, we must be prepared to recognize that there will be those occasions when the suffering of defenseless human beings may be so grave, the repercussions of that crisis within our own borders so great, and our ability to make a difference so clear, that the use of troops in a nontraditional, post-cold-war context may indeed be appropriate.

For my part, I am very pleased that this intervention occurred permissively. I would have had great difficulty accepting an invasion as our only means of supporting the democratic aspirations of the Haitian people. Now that our troops are on the ground in Haiti, having entered without the use of force, we must seize the opportunity to ensure that our mission—to facilitate the restoration of democracy—is executed effectively. We must not Mr. Chairman, jeopardize the safety of our troops by signaling to those who do not want democracy the exact date by which our troops will leave—regardless of what does or does not develop on the ground. Instead we should do all we can to ensure that our mission is executed as quickly and as effectively as possible.

Haiti does not have a long-standing history of democracy. That is a point that has been made repeatedly and it is true. It is also true, however, that Haitian people have risked life and limb over many years to free themselves of dictatorship via the electoral process, a goal they managed to achieve—against great odds—in December 1990. Undergirding their determination to re-enter the world community of democratic nations, despite years of extreme oppression, is indeed worthy of U.S. support.

We must allow United States troops in Haiti to stay long enough to complete the task at hand, free of congressionally mandated withdrawal dates. I am not advocating a multiyear presence but I am urging that we allow our President and the U.S. troops now on the ground the time needed to ensure that Operation Uphold Democracy will succeed.

This would not only in the best interest of the People of Haiti, it would also be in the best interest of our own country.

□ 1730

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in opposition to the Torricelli resolution, House Joint Resolution 416. My opposition is based on two issues.

The first is that if we mean to call for a withdrawal, then we should say so. The second is that if we mean for our troops in Haiti to remain under United States control then we should say so.

Instead this resolution would in effect allow for 6,000 United States troops to be under U.N. control and then left down there in Haiti as long as the President deems it necessary—simply by his certification that its somehow in the national interest. We would not be guaranteed another vote on his decision. That is both disingenuous and unacceptable.

Operational control of American troops, and thus the responsibility for their safety and ultimately, their lives, must remain strictly American, not U.N., not Haitian, not foreign. Period.

When I pressed the author, and the Assistant Secretary of State in hearings, it became clear that both the intention and the effect is to maintain U.S. control only in the first phase of the operation, next week for example, but in the next phase, the so-called U.N.-led multinational force phase, the resolution's prohibitory language would not apply.

The American people are in no mood to have the wool pulled over their eyes like this.

Neither the majority of the American people, nor the majority of Members of Congress, approved of this operation beforehand, nor do they today.

The President acknowledged as much when he stated to the American people that the mission would be short-lived, would not involve nation-building or peace-keeping, and would not involve the use of United States troops to rebuild the Haitian economy.

The President did not say our troops would be needlessly at risk serving as riot police and bodyguards.

Clearly the American people and the Congress remain skeptical about the mission, its purpose, and the likelihood of a successful outcome—successful not as defined by "Restoring Aristide," but by the more immediate and tangible definition of the minimum loss of American lives.

Given the highly controversial and uncertain path by which the present situation of United States troops in Haiti evolved, the additional uncertainty of foreign command is simply too much. Anything short of a solid date for ending this experiment is both meaningless and careless.

There is no compelling national security case for handing over operational control over United States troops in Haiti. There has been no dialog between the administration and this body, or the American people, resulting in a consensus for doing so. Common sense shows there won't be, and clearly that is why this language is trying to cover it up.

On this week's anniversary of the tragic death in Somalia of 18 U.S. servicemen, the wounding of 78, and the capture of another, it is abundantly

clear that United States troops in Haiti will always be in imminent danger of combat and casualties.

We owe it to our soldiers and their families to ensure that their safety will be the subject of focused and committed leadership, from the Commander in Chief through to the entire Pentagon chain of command; not Boutros-Boutros Ghali or some unknown general of his choosing.

□ 1740

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of the Dellums-Murtha-Hastings amendment.

On this very day, on this very floor, His Excellency, President Nelson Mandela, spoke to us about many things. He spoke to us about the prison gates of Robben Island. He spoke to us about the triumph of the oppressed. He invoked the name of Martin Luther King, Jr., and he spoke to us of freedom, democracy, peace, and prosperity. And finally, he thanked us from walking down that road with him together.

Mr. Chairman, I support the President's determination to walk down the road of freedom, democracy, peace, and prosperity with the people of Haiti.

Before our eyes we have seen one of the coup leaders leave the country, we have seen the armed thugs and rapists turned in by the Haitian people, and we have seen the marginalization of the once-mighty paramilitary types who could roam the streets and act with impunity.

Mr. Chairman, democracy is about electing a person to govern. When the Haitian people elected President Aristide, they demonstrated to the world their commitment to peace, democracy, prosperity, and reconciliation. We know that despite the facts, the CIA tried to discredit the choice of the Haitian people through false reports of mental illness. We know also, Mr. Chairman, the CIA reports claiming that President Aristide is not a man of peace are also false.

What is true, Mr. Chairman, is that President Aristide has consistently demonstrated that nation-building, peace, and unity are his platform. President Aristide has never supported necklacing and during his 8 months in office there was not one single incident. Neither the CIA nor the State Department has been able to support any accusation that President Aristide advocates necklacing. So, Mr. Chairman, why are my colleagues on the other side still singing this same old song?

The entire international community holds Nelson Mandela up as democracy's symbol. However, Mr. Chairman, only 6 short years ago, Mr. Mandela was reviled by even some people in this Chamber. Mr. Mandela publicly described President Aristide as a man exactly like he—a man of democracy doing his utmost to ensure a better life for his people. These two democratic leaders will meet today. These two democratic leaders will discuss nation-building and reconciliation. And quite frankly, Mr. Chairman, these two leaders represent democracy, peace, and goodwill.

We all love oldies but goodies, but the record being played by the gridlock gang is scratched. Thank goodness Nelson Mandela helped set the record straight.

Nelson Mandela stands as a beacon of hope for peace and justice throughout the world. He is a man of peace because he has forgiven the guards, the police, the military that imprisoned him. He has retained the Ambassador that defended the apartheid regime. He has included South Africans of every political party in his Cabinet. We applaud his courage and his ability to forgive his enemies and the enemies of democracy in South Africa.

Somehow we believe antidemocratic white South Africans can be reformed and that democracy can take root in South Africa. In contrast, members of the opposition would have us write-off Haiti. They would have us abandon the Haitians who risked their lives to vote for President Aristide.

When we listen to these people we end up on the wrong side. They were on the wrong side in South Africa, Namibia, Angola, Zaire, and Mozambique. They are on the wrong side in Haiti.

We can actually define the new world order that is dawning before us. This new order must be a world of democracy, peace, and prosperity for all humanity.

We must support President Clinton, our troops, and our policy to restore true and lasting peace in Haiti. I urge my colleagues to support the Hastings-Dellums-Murtha amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, if we learned anything from our experience as a nation in Vietnam and later Somalia, it was that while we can argue all day whether the President may commit troops before going to Congress—there are three important questions that must be answered before the sons and daughters of America are put in harms way:

First, is there a specific definable national interest at stake?

Second, can that national interest be advanced by military action—which includes specifically when and on what terms the action will be concluded?

And the third and most important lesson we learned from Vietnam, does the military action have the support of the American people?

The occupation of Haiti fails on all three grounds.

We are elected to serve the interests for our constituents and to support the Constitution, not a caucus, not a President, but the American people.

The people of this country overwhelmingly do not want our troops in Haiti. The Michel-Gilman substitute ends the occupation and brings our troops home that is what is important, please support this amendment.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to strongly oppose any attempt to set a specific, arbitrary date for the withdrawal of our troops now committed to Haiti.

I do so as one who opposed our original policy to commit troops to that country. I clearly stated my opposition to our policy then, but made clear that should our troops ultimately be committed—I pledged my total support for the troops, their safety, and their mission.

I come to this debate with some knowledge of military action, having served in Vietnam for over 6 years in direct contact with the enemy. I saw first hand the damage done when politicians make military decisions.

Let us be sure we all understand what today's debate is all about. This debate is no longer about our policy toward Haiti as it regards the commitment of troops to that country. That debate ended when the President sent in over 20,000 troops into Haiti a couple of weeks ago. This debate is now 100 percent about whether or not this Congress will make an articulate statement that clearly supports our troops now committed and that acknowledges our confidence in the United States military commanders in Haiti to carry out their mission quickly, safely and in the best interests of the Nation.

I personally have total confidence in our commanders to do the right thing in leading our troops in Haiti to accomplish their mission. There is simply no question of their professional ability, their commitment, or their desire to leave Haiti as soon as possible.

Let us not make the mistakes of Vietnam here today. Don't you remember how the Vietnam war was micromanaged in Washington? Don't you remember how we tied the hands of our field commanders? Don't you remember how we left the troops in the field to suffer the psychological burden of serving their Nation in a foreign land without political or public support?

Well I do remember. I remember with great pain the fact that our troops serving at great risk in Vietnam became political punching bags for those who may not have agreed with the policy of multiple administrations. That circumstance ultimately cost us American lives in Vietnam.

Let us not repeat the mistakes of the past. Let us send a clear message to

our troops that we have the utmost respect for their bravery, their sacrifices, and for their willingness to serve this great Nation. At the same time, let us not tie the hands of our troop commanders as they carry out their mission. Above all, don't set an artificial time certain when troops must be now removed from Haiti. The lives of our troops may very well depend on our military commanders' ability to determine when the troops can be removed safely.

Yes, we all want to bring our troops home as soon as possible. No, we will not tolerate mission creep. Yes, we all want to successfully bring stability to Haiti and restore democracy there. But, I submit that no one in this body is better qualified to determine precisely the proper time for troop withdrawal than are our commanders in the field.

Let us do the right thing here today—support the Murtha/Dellums/Hastings/Dicks resolution. It is the right message, at the right time, and directed to the right people.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, before I begin let me be clear about one thing: The President of the United States has now deployed over 25,000 of our military personnel to a duty in and around Haiti.

Whether I agree with their assignment or not, I support our men and women in uniform.

They are the best in the world and any criticism of their presence in Haiti is not criticism of them. But rather, a critique of the decisionmaking process that sent them there.

BAD OPTIONS

Mr. Chairman, we have a bit of a mess on our hands. The resolutions we have before us attempts to put the best face on a series of bad options.

On one hand, we are told that we cannot allow the President of the United States to have an open-ended authorization to keep our military forces on the ground in Haiti. On the other hand, we are told that establishing a date certain for withdrawal would be extremely dangerous for our personnel and diminish the chances that the President's mission will succeed.

And still further, there are those of us who feel very strongly that our servicemen and servicewomen should never have been sent to Haiti in the first place.

I count myself in this group and will vote "no" on the Torricelli resolution and give only qualified support to the Republican substitute. Our withdrawal from Haiti should be immediate and complete.

NO NATIONAL INTEREST

Let me state this clearly: President Clinton's decision to occupy Haiti is wrong. Of course America condemns the military coup led by General Cedras in 1991 and the resulting years of human rights violations. But when did we become the police force for the world?

We have no direct vital national economic or strategic interest at stake in Haiti and yet the President is risking the unnecessary loss of American lives for a cause that does not enjoy the support of the American people.

The President has set about restoring democracy in a land that has never known democracy.

This is nation-building in the wake of failure of the Somali effort at a time when we have our own nation-fixing to do here at home.

AND THERE ARE DOLLARS COST TO THE UNITED STATES

This military action, no matter how limited, will require a costly, long-term United States presence in Haiti. And tragically, I believe the cost will be tallied in both U.S. taxpayer dollars and in the lives of U.S. soldiers, sailors and airmen.

On the first count, we have already spent over $200 million in costs associated with the refugee and sanctions enforcement operations of the Coast Guard and the Navy. We are still waiting to see what the final pricetag will be for Operation Restore Democracy which started on September 19. There are preliminary estimates that this total will far exceed $1 billion.

And that's not counting what the Office of Management and Budget has euphemistically labeled reconstruction assistance—humanitarian programs, tearing down and then rebuilding the Haitian military, reconstructing the Haitian police force. And there will be costs associated with building a new Haitian economy—establishing a economic and a physical infrastructure where it does not exist now.

UNITED STATES CASUALTIES WILL COME

From where we sit today, these fiscal costs are staggering. But so will be the cost to our national spirit when our military men and women start being pawns in the coming Haitian civil war. And it will happen, my colleagues. We all know it.

□ 1750

Supporters of Cedras and the military junta have a clear motive to attack Americans so they will leave. On the other hand, supporters of President Aristide have been accused of plotting to attack Americans and blame the violence on the junta so that Americans will stay. In this violent equation the only losers are wearing U.S. uniforms. The President has pushed our military into Haiti, and those of us who believe it was wrong not to seek congressional approval should stand up now. The Congress should bring them home now. The plan offered by the gentleman from New Jersey [Mr. TORRICELLI] fails that objective. The Michel plan is marginally better. But under my plan I would say the motto should be, "You'll be home for Christmas." That is when our people should be coming home. Under the Clinton plan, and other plans, it will only be in their dreams. Home for Christmas should be our goal.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, at this point in the debate that has gone on for many hours it is difficult to express many new thoughts, so let me just point out with whom I agree and with whom I disagree. The gentlewoman who spoke before me was quite right in saying that we have a mess on our hands and that many of us here today find ourselves having been opposed to this mission in the first place, but trying to sort through what is best now that we have the situation on the ground, and like many others, including the gentlewoman and the gentleman who offers the resolution today, I start my analysis by asking what is in the best interests of our troops, what is in the best interest of the young men and women who our Commander in chief has sent to Haiti, but what I have heard disturbingly often on this floor today is, "I support the troops, but."

"I support the troops, but I don't want to sanction the mission," or, "I support the troops, but I must vote for a date certain to tell my constituents when they are coming," or, "I support the troops, but I have to express my opposition to this mission, and this is the way to express my opposition to the mission."

The fact is, if we support the troops, there should be no buts. Every military leader I have talked to, every individual experienced in military matters that I have talked to, including a constituent who I spoke to just recently who is a Marine himself, whose son was in Somalia, and I spoke to his son after he came home from Somalia, says the same thing:

"Don't tip your hand. Don't tell your enemy what you will or won't do. Let them think you will do anything. Keep them guessing." I was not even happy, I say to the gentleman from New Jersey [Mr. TORRICELLI], when the gentleman from the Defense Department spoke before our committee and answered questions about what they would and would not do. That, I thought, gave too much information away.

The option before us that comes closest to supporting the military leaders on the ground is the Dellums-Murtha amendment. It requires careful reporting, it keeps the administration on a short leash, it gives us the information we need, it does not prevent us from moving to remove them immediately if this Congress decides that it needs to do it, but it does not tie the military's

hands, it does support our troops, and I will be supporting that option in today's debate.

The CHAIRMAN pro tempore. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. REED) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1754

LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI RESOLUTION

The Committee resumed its sitting.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I think there are two obvious conclusions that ought to begin any discussions of a resolution here this afternoon, and the first is Haiti is not the enemy. We are not at war with Haiti, my colleagues; let us understand that; and, second, let us understand that the Congress ought to never control the conduct of foreign policy when military hostilities are involved. However, my colleagues, I say, when you take those two premises, you quickly, I think, come to some conclusions based on experience, and I would invite every one of my colleagues, especially my colleagues on the Democratic side of the aisle, to think back to how we handled the whole situation in Central America during the early 1980's. Now we did not have troops in a hostile situation there either, but what did we do? We authorized American commitments for a certain period of time, and then each time as we neared that date of expiraiton, we came back and considered where we were at and what we should do from this point forward.

I have to tell my colleagues in all honesty that I am not excited about any of these three resolutions, and anybody who wonders whether Congress ought to conduct foreign policy ought to read all three of them, and they will come to the conclusion that we should not. But that does not give us an answer; does it? So then let us look at the resolutions and understand what they do.

The Michel resolution says that we should not have occupied Haiti, we should immediately begin orderly withdrawal, and if we have not completely withdrawn by January 3, 1995, a resolution will automatically be introduced to consider withdrawal within 30 days.

The Dellums-Murtha resolution is simply a sense of Congress supporting prompt and orderly withdrawal. So it is a sense of Congress that means nothing, and makes us feel good, covers us back home, and asks the President, if it is convenient for him, to report to us on a monthly basis.

The third resolution, the Torricelli-Hamilton resolution, authorizes troops until March 1, 1995, and so we are now ex post facto authorizing troops, and we are putting a limit on the authorization. Sounds good. I was all excited and thought I was going to vote for the Hamilton-Torricelli resolution, and then I read further, and it says, "But if the President decides he wants to keep the troops longer, later, because of national interests, he can do that."

So it does not mean anything at all. It is not a limited authorization. It just says, "Feel good. We are going to sanctify what the President has done, and we are going to give him the automatic carte blanche to do that."

So, Mr. Chairman, I say to my colleagues, if you have concerns about Haiti, and I think every one of us does, and if you are looking for a way in which Congress can have the constitutional authority we have to review our role, the earliest and best opportunity to do that is with the Michel resolution. I'm not here to tell you the Michel resolution is proper public policy, but I'm here to tell you it is the best of the three alternatives before us this evening, and so I encourage you to give it your support.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I have listened very intently at the debate this afternoon. I rise to support the Torricelli-Dellums-Murtha-Hastings amendment, and I want to say that people do not seem to understand, for some reason, that the President of the United States, President Clinton, is in no way obligated to seek their formal approval. He does not need their authority to go and invade Haiti.

We are not at war with Haiti. If Congress wants war with Haiti, they have to declare war with Haiti. The President has not done that.

So, Mr. Chairman, there is no real reason for us to stay here all afternoon debating whether or not we should be in Haiti. The fact is we are in there, and we are in there, and now that we are in there, Mr. Chairman, we must do something.

I have been to Guantanamo. I have gone to the hospital ship *Comfort*. I have seen our military men with the sensitivity and the feeling to collar the young starving babies that come off the ships from Haiti. I have seen our military there. We must support them. We must undergird them. We cannot come here every day with a lot of pious platitudes and never say to our military people, we support the kind of action you're doing in Haiti. We know you're not at war. You are there trying to keep the peace if we will let you.

□ 1800

You are doing your very best, and we salute that. Our military personnel need a pat on the back. We must support the Dellums-Hastings-Murtha amendment. We must defeat the Michel substitute. Who has a time clock and who knows how to assess how long it is going to take to do what needs to be done in Haiti? The President of this country is authorized to do that. Congress is not. So we must look at those things.

I want to also say, why do we ask other people? Some of us really do not have the sense of humanity that we need to respond selectively, Mr. Chairman, and differently to suffering people, when the people involved are not people who look exactly like you. We are all akin to the holocaust victims; we are akin to the Arabs on the West Bank; we are akin to the Moslems in Bosnia and Serbia; to the Catholics and Protestants in Ireland; and to the victims of tribal atrocities in Rwanda.

Mr. Chairman, I do not think everyone is fit to contribute to the policy making in this global village. This Congress has to get with it.

The CHAIRMAN pro tempore (Mr. DELUGO) took the chair.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today we finally debate an issue that should have been brought to congressional attention and to the attention of the American people before September 19, that is, before we sent one American soldier to Haiti.

Nonetheless, we stand here tonight instead to debate three very different options for action. No. 1, the Dellums bill. It says that our troops should stay as long as the President deems possible. No. 2, the Torricelli resolution says that our troops are authorized through March 1, 1995.

Only the third resolution, the Michel-Gilman resolution, demands that the President withdraw our troops immediately. And for those of us who did not support the President's decision to send forces into Haiti without a stated mission or without an exit strategy, we will not praise that decision now.

Only the Michel-Gilman resolution makes that clear. So I ask my colleagues, why are we waiting until

March 1, 1995 to bring our forces home? Will someone tell us what will change? What are we waiting for? What are we hoping for? An economic resurgence? A stable infrastructure? A citizenry totally embracing democracy? And if that does not occur by March 1, then what?

We wait a little longer.

No. On October 15, Cedras says he will be deposed and Aristide will return. We can and we should do absolutely no more. Because every day we have our troops in Haiti waiting for some sign, they are in danger. And they are not really sure why either. In a recent exposé by the New York Post, a journalist detailed the marines' uneasiness at their role, and told of their inability and frustration to tell the good guys from the bad. He wondered out loud, I am still trying to figure out my mission over here. Did I join the Marine Corps, or did I join the Peace Corps?

Which brings us to another critical decision between the resolutions. Only the Michel-Gilman resolution demands that U.S. troops under all circumstances remain under U.S. control.

Have we not learned our lessons from Somalia, where our forces were asked to become part of a U.N.-led peackeeping effort? Have we not learned from watching the daily disasters in Bosia that U.N. peacekeepers are placed in untenable situations? Only the Michel-Gilman resolution says loudly, not our troops.

I urge my colleagues to support the Michel-Gilman resolution. The White House has yet to tell us why we are in Haiti; the sponsors of the other resolutions have yet to tell us what we are waiting for; and our troops have yet to know just what their role is and is to be.

Mr. Chairman, let us bring them home, let us salute their courage, let us thank them for their sacrifice, let us praise them. But let us bring them home.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong opposition to the Michel amendment and in support of the Dellums-Murtha amendment. No one in the Democratic Caucus has been more persistent in warning of the pitfalls involved in Haiti.

But today we come to an issue which we must judge given the realities as they exist today. The first reality is that we do have a national security interest in operations within Haiti, and that interest is to prevent the uncontrolled immigration of people into the United States.

I ask those people who strongly urge that we immediately withdraw, what will that do to our ability to control our borders and prevent the exodus of frustrated, bewildered, and perhaps terrorized Haitians? I would suggest if we leave precipitously, they will cling to our ships, hang on to the skids of our helicopters, they will leave there as fast as possible, and that national security interest we undercut by the Michel amendment.

We also have a second security interest, a noble interest, supporting democracy. That was an interest recognized by everyone in this Chamber. It was recognized by the Republicans when they advanced the Goss proposal in May of this year, which called upon us to contribute to the long-term democratic stability of Haiti. That still is an interest.

But the real reality we face today is the reality that we have American troops on the ground. One of the greatest privileges of my life was to command paratroopers in the 82d Airborne Division. When I saw those young men getting ready to go on those planes, my heart went out to them. I was relieved physically when those planes were turned around, and I know those young men probably said they wanted to go into a fight, but that is the bravado of youth.

We averted a major military operation through the peaceful intervention of our forces into Haiti, but there are still American soldiers on the ground. The Michel proposal would undercut their ability to control tactically their environment, because when they ask local Haitians for help, for intelligence, for support, they would be responded to by, "Why? You are leaving immediately, if not sooner." When they looked into a crowd, they would not sense that they had control, but rather that that crowd knew that next day there would be fewer and fewer and fewer Americans.

In every military operations, Grenada, Panama, we have stood by our troops. We must stand by them today. Reject the Michel amendment, support the Dellums-Murtha amendment.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. SPENCE], the distinguished ranking Republican on the Committee on Armed Services.

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

Mr. Chairman, I rise in strong opposition to the administration's Haitian policy.

As we enter the third week of the United States military occupation of Haiti, it is becoming increasingly clear that United States combat troops are the wrong instrument to use in trying to invigorate whatever few elements of Democracy exist in Haiti.

Yes; we will succeed in facilitating the return of President Aristide. And if that was the extent of our mission, we could bring all of our troops home starting next week.

But the administration plan goes beyond merely returning Aristide to power—it will have U.S. troops serving as his protectors and palace guard for the remainder of his Presidential term.

Mr. Chairman, this policy is deeply flawed.

U.S. troops on the ground today are performing a difficult mission with the valor and competence that we have come to expect from our fine young men and women in uniform. But, they have been placed in the midst of a political mine field with no discernible military misison—just a political one.

Establishing democracy in Haiti is a worthy objective, but in the final analysis, it can only be achieved by the Haitians themselves and not at the gun point of our occupation force.

Therefore, Mr. Chairman, it is my belief that the President made a grave mistake in sending United States forces to Haiti in the first place.

But since he already crossed that line in spite of overwhelming congressional and public opposition, we must now focus on securing the immediate and orderly withdrawal of all United States military forces from Haiti.

Later in this debate we will consider three different resolutions addressing the question of how long United States forces should remain in Haiti and under what conditions.

I believe the withdrawal should start immediately, but that debate lies ahead.

At that time, I want to raise two issues of critical importance to the integrity and safety of our military forces—the difficulties of operating under U.N. command and the readiness implications of overcommitting our military forces around the world.

Mr. Chairman, the administration would have us believe that our troops will be withdrawn in a matter of months at which time this entire mess will be handed over to the United Nations.

In reality, when, and if the United States is able to hand off this operation to the United Nations, a transition we all ought to be skeptical of, the follow-on operation will essentially be a U.S. operation in all but name.

This is the same sequence that we followed in Somalia—the United States goes in strong, stabilizes the situation, and then hands off to the United Nations. But just like in Somalia, the reality in Haiti will be that this handoff will simply be to ourselves. That is, the United States will be handing off to a so-called U.N. force that is principally comprised of American Forces. And, like in Somalia, it will be the United States component of this U.N. force that will be expected to continue doing the heavy lifting of providing security, logistics, intelligence, and, I suspect, nation building. Even though we assert that United States troops will not be nation building in Haiti, that is exactly the course we are already embarked upon.

This means that the operation will change from a U.S. Force of 20,000 troops with the capability to deal with most any security threat the Haitians could muster, to a dramatically reduced U.N. force of 6,000 troops under U.N. command. Other than the American contingent of this U.N. force, the additional forces will be comprised of a patchwork of nations chosen more for political and diplomatic symbolism than for fighting or peacekeekping effectiveness.

Mr. Chairman, we are repeating history only 1 year after that tragic weekend firefight in Mogadishu. We paid for our policy mistakes in Somalia with the blood of our troops.

We should be smart enough not to allow United States Forces to be placed under a United Nations force commander, even if the U.N. agrees to make this officer an American.

Such an arrangement may appear politically attractive, but as we found in Somalia, it creates dual chains of command that guarantee confusion, dissention and wastes precious time in making critical tactical decisions in the heat of battle.

There is no reason why the United Nations and the international community cannot take the entire nation building operation from the United States in Haiti, As the largest financial contributor to the United Nations, United States taxpayers will still pick up the tab on at least 32 percent of the cost of rebuilding Haiti under any scenario. But we shouldn't ask our constituents to place thousands of their sons and daughters under the pale blue flag of the United Nations and run the risk of repeating the mistakes of Somalia once again.

Mr. Chairman, the other point that deserves mention is that United States Forces have been deployed to Haiti at a time when our military forces are already stretched beyond the breaking point. They are not on the edge, but instead, our forces have started to fall of the cliff and readiness is beginning to suffer to an extent we collectively vowed, after the 1970's, never to repeat again.

While the administration has indicated it intends to seek a supplemental appropriation to offset the costs of the Haiti operation, it is unclear when such a supplemental would be approved, and whether it will fully compensate the services for the billion of dollars that Haiti is bound to cost the Department of Defense.

Beyond the fiscal costs, this administration's fondness for peace operations is straining a military force structure that has been significantly reduced due to the Clinton budget cuts.

In simple terms—resources are down but commitments are up. Let me cite some specific examples of the problem. In the Marine Corps, due to funding shortages, 7 East Coast aircraft squadrons were grounded for the month of September.

For instance, one Marine Corps aircraft squadron based in North Carolina usually flies 476 hours a month to maintain operational proficiency. Last month it flew zero hours.

In the Navy, 162 aircraft from active flying units have been put in giant ziplock bags because we do not have the money to fly them.

In the Army, entire divisions are starting to report reduced readiness ratings, indicating a reduced ability to go to war.

The Air Force is facing similar problems as recently demonstrated to Secretary Perry during his trip through Germany.

Mr. Chairman, I could go on in greater detail on this issue and I will at another time.

But the point is that this was the grim readiness picture of our forces before the administration decided to send over 20,000 troops on another peacekeeping adventure in Haiti. Every day the situation worsens.

Beyond the simple dollar costs, there are human, operational and training costs that cannot be recouped by supplemental appropriations. Before our eyes we are witnessing a steady decline in the operational readiness of our forces to carry out their primary mission of fighting and winning wars in defense of American national interests.

Mr. Chairman, in a few days, we will leave Washington for our respective home States and leave the fate of United States operations in Haiti in the hands of the Commander-in-Chief, Bill Clinton. That should give all Americans cause for concern. The debate today may or may not, influence where we are in Haiti when the 104th Congress convenes next year, but we must take this opportunity to voice our loud and determined opposition to the administration's plan to maintain United States Forces in Haiti, under U.N. command, through at least 1996.

Let us bring our men and women in uniform home now, their job in Haiti is done.

□ 1810

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, not long ago, this Chamber debated its authority in foreign policy and the United States role in Haiti. Prior to the agreement by President Carter and General Powell, many Members on both sides of the aisle called for congressional approval of intervention if the President deployed troops for the purposes of military engagement. Fortunately, the agreement reached avoided the need for an invasion. And no one described it better than General Powell. We avoided seeing young Haitians killing young Americans and young Americans killing young Haitians. In times of crises, many often argue that congressional debate can lead to procrastination, delay, and diffusion of American purpose. Many question the Constitution and where authority lies to call for military action. While past experience has dictated this authority lies with the President, it is the responsibility of Congress to debate, to air reservations and concerns, and to express approval or disapproval. It is our responsibility as an institution and it is our responsibility to the American people.

Now we all support our troops and their mission, and while we all hope for stability and peace in Haiti, this mission must continue to be clearly defined. The current situation is still extremely tense and the role of United States troops is still questioned by both the American public and the Haitian people.

The demands on our troops appear to be growing since their successful landing. If our troops are to be effective, specific objectives must be set for our operation in Haiti while the United States maintains its presence. Our policy must be clear and consistent. The role of our Forces spelled out, stabilization brought about, and an orderly transfer of authority must be among our goals. We must do this as swiftly and effectively as possible and in the meantime we commend our troops for a flawless landing and for giving hope to the Haitians who have been unbelievably mistreated—we heard about the brutality these people suffered but now we have seen it. This horrible mistreatment must be stopped and our military returned to our own shores knowing they have ended a human nightmare.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS].

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

My colleagues, two reference points:

First, this past Monday, retired Army Lt. Col. Larry E. Joyce observed the 1-year anniversary of the loss of his son, James Casey Joyce, who was killed in Somalia. Colonel Joyce reflected upon the loss of his son and the 44 members of the Armed Forces who died in Somalia and expressed and reminded the Nation of the terrible price we pay when brave men and women in uniform are sent to enforce what he called "an invalid foreign policy." That policy decision ended in a military debacle that cost 18 Rangers their lives and resulted in a policy of negotiation and eventual withdrawal. So today, while General Aidid is still in control, it is warlord repression as usual. And the question must be asked for what did our Rangers die?

Reference point No. 2: As we debate these resolutions, we should all be reminded of the advice of former Senator

Richard Russell, the Georgia Democrat who was chairman of the Senate Armed Services Committee during the Vietnam war.

He said,

> I shall never knowingly support a policy of sending even a single American serviceman to risk his life unless the entire population and wealth of our country, all that we have and all that we are, is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

The fatal error is not in setting dates for withdrawal or trying to cut our losses when things go wrong but incurring them at all in places that do not involve our fundamental interests.

The basic error that has been and is being made by this administration is the misuse of the American military. Too many times our Armed Forces, our men and women in uniform are being asked to be policemen or social workers distributing welfare and assistance to victims of failed political and social orders all throughout the world.

I do not mean to argue we cannot do that. But the point is, using our military for those means is misusing the military. And it is more fundamental than that.

Part of the Ranger creed is that they take care of their own. The motto of our U.S. Marine Corps is Semper Fidelis, always faithful. We Marines are told that if we are pinned down, we are part of the greatest fighting force in the history of the world. And if any Marine gets into trouble, we will send in the squad, the platoon, the company, the regiment, the division and, if necessary, the whole damn Marine Corps. And we have never been stopped yet.

Some would say that these days of commitment are gone, that we face new challenges. Things have changed. I think the gentleman from California [Mr. DELLUMS], referred to that.

The rules of military engagement and the value of each American life have not changed. We do not commit American men and women to possible combat situations where the military mission is not clear and where there is no specific mission.

Our former Marine Commandant, Al Grey, was fond of saying every Marine was a warrior in defense of his country. Not today. No, not today.

Today our military have become peacekeepers, traffic cops and social workers in an effort to restore democracy where none has existed. And until the first member of the American military dies in yet another nonmilitary mission, let us not let that happen. Before that happens, let us bring them home.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

□ 1820

Ms. NORTON. Mr. Chairman, I rise in support of the Dellums amendment to leave Haiti as soon as responsibly possible. It is the only position consistent with our role in the world today.

Mr. Chairman, this debate has been about something that has never happened. There is no war or invasion, such as in the Persian Gulf, where the President came and asked our permission, or Grenada and Panama, where he did not. Our troops went in after an agreement that averted war and invasion had taken place. They are embarked on a peacekeeping mission which has no resemblance to war or invasion.

Mr. Chairman, I have been amused to watch Members in role reversal tonight Members who have urged, pressed, and insisted upon military action in the past are now playing the roles of doves and isolationists, using the very language that they have criticized in others.

It appears that their views turn not on the mission, but on who is Commander-in-Chief. Moreover, they feed the notion that the problem with this mission is that the country that is benefiting is Haiti. Many of those most critical of this benign peacekeeping mission would sign on today to a full-scale invasion of Cuba. For them oppression is not oppression unless the oppressors are communists, even if there is no difference in the atrocities that are committed.

There is really only one question before the body, Mr. Chairman. That is, whether there is a sufficient national interest for our troops to remain until the earliest date they can responsibly pull out. Is it in our national interest to uphold our agreements? Is it in our national interests to control our borders? Let us ask the people of Florida about that one. Is it in our national interest to promote democracy and stop terrorism a few hundred miles off our shores?

Haiti is in our sphere of influence, whether we like it or not. There is no way to turn our heads on that without ceding our role as a world power.

Those who define our national interest only in military terms have to tell me what we were doing in the Persian Gulf. There was no country there that, as such, was a threat to the United States of America.

Mr. Chairman, this debate is irrelevant because the mission is already winding down. The Caribbean troops are in. Democracy is already at work. An amnesty already has been enacted. The date for the return of President Aristide has been announced as October 15. The Haitian people's response to our troops has been one of overwhelming gratitude.

To leave precipitously or on a date certain invites the antidemocrats to bide their time. It gives the enemies a time frame to plan a violent counterrevolution to the nonviolent change now taking place. It has no relation to the work that needs to be accomplished, And it risks wasting all we have put into this mission by pulling out, leaving more, not less, chaos.

Mr. Chairman. A great power does not cut and run from a mere peacekeeping mission.

Before this mission began, the question was asked: What would success look like? Turn on your television tonight, look at the relationship between our troops and the Haitian people, and you will see.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, Desert Storm was not a threat to anybody? An invasion of another country, stole nuclear triggers out of San Diego, developed nuclear weapons, controlled and wanted to control the energy sources of two-thirds of the value in the world, and that was not a threat? I am glad the gentlewoman is not controlling our military.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, let me just say, first of all, that we do care about our troops in Haiti and that we want them brought home safely. Because we want our troops out quickly does not mean we are not concerned about their safety.

I have a good friend, the gentleman from New Jersey [Mr. TORRICELLI] who is one of the sponsors of this resolution. I think he is a dedicated servant of the people. I value his friendship.

However, I do believe this legislation is open-ended. It gives the President the ability to keep our troops there indefinitely. We do not think that is in order.

We did not send our troops there. The Congress did not send our troops there. The American people did not want them there. The President did it by himself, and everybody in this Chamber knows it.

Mr. Chairman, I believe this was done largely for political reasons. Why do I say that? Let me read to you what Dante Caputo, the former special U.N. Envoy to Haiti, who resigned the day after the invasion, had to say.

In a memo to the U.N. Secretary General, Boutros Boutros-Ghali, he said "The President of the United States' main advisors are of the opinion that not only does this option constitute the lesser evil, but that it is politically desirable." They wanted the troops in there just before the election because they thought it would improve the President's numbers and his party's numbers and help them in the elections this fall.

Mr. Caputo went on to say, "The United States acted as a brake to a diplomatic solution, creating a situation where intervention became nearly inevitable." What he was saying was that there was a diplomatic solution that could have been reached, but the President and his administration deliberately put the brakes on diplomatic negotiations because he wanted the troops to go in there for political reasons.

That is unforgivable, because young Americans' lives are at risk unnecessarily, because we could have solved this diplomatically.

Mr. Chairman, when people start talking about the illegal aliens coming across the water and coming into the country, fleeing oppression, we have a much bigger problem with Mexico. We are getting over 1 million people a year coming in from there. If we are going to divert resources to protect our borders, that would be the first place.

If we used the Coast Guard down in the Caribbean, we could solve the problem, so that is a red herring, saying that we cannot protect our borders. We can if we wanted to use the facilities available to us.

Let us talk about Mr. Aristide. Mr. Aristide, according to a drug cartel informant, got a sack full of money from the drug cartel to bring drugs through Haiti. In addition to that, this man we want to put in, who is no lover of democracy, believes in putting tires around people's necks, filling them with gasoline, and burning them to death.

We have his speeches. We have his speeches where he advocates that sort of thing. We are risking American lives to put this man in power? He is a person who was kicked out of his religious order because he incited riots in Haiti, and yet we are risking American lives to keep this man in power.

Mr. Chairman, this was done for political purposes by the Clinton administration, in my view. It was done to put this man back in power who is no lover of human rights or democracy. We are endangering Americans' lives unnecessarily. It is not in our national interest to do so, and we should bring our troops home immediately, as quickly as possible, at the same time ensuring their safety as we get them out of there.

If we had a grave national interest I would say keep them down there, but there is no national interest. It is only political posturing by this administration, and it has backfired on them, because the American people know what they are doing. They are going to show their disapproval of this administration, of what they have done, on November 8.

Many of my colleagues on that side of the aisle know what is going to happen and they see it in the cards. Mr. Clinton made a big, big mistake. Let us not cost young American lives because he had this political goal in mind. young Americans' lives should not be risked for a political goal.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS], the distinguished deputy majority whip.

Mr. LEWIS of Georgia. Mr. Chairman, I rise today to speak in favor of the Dellums-Hastings-Murtha amendment. Our mission in Haiti, the mission of our young men and women in uniform, is not a charge of war but a declaration of peace, an affirmation of our belief in human rights, democracy and self-determination. Let us not pull the rug out from under the feet of our troops.

We are there, in Haiti, to restore democracy, to renew freedom, to revive hope for the people of that small and desperate country. We have been summoned by the spirit of history to do what we can, to do what we must, to do what is right.

Whether you agree or disagree with our policy, now is the time to stand with our troops, to support them, to give them the freedom they need to accomplish their mission of peace. It is unthinkable, unheard of, to tie the hands or our men and women in uniform when they could be in harms way. Let us not, let us not for one moment, dictate disengagement from Washington when our troops are engaged in peacemaking so close to home.

The young men and women of the United States Armed Forces are fighting for the destiny of democracy. They are responding not to the battlecry of war but to the gasping calls of a people yearning for peace, freedom, hope, and democracy.

We are not there, we are not there in Haiti to conquer, but to liberate. Not to destroy, but to build. Not to divide, but to bring together. Not to enslave, but to set free. Not to make war, but to make peace.

Let us make peace. Let us not dictate to our military, our very able people there on the ground, when we should leave. We all want to leave Haiti as soon as possible, but let us leave when the time is right, when the atmosphere is right, when our job in done, when there is a true, real, and just peace.

Mr. Chairman, I said back in 1963, on the steps of the Lincoln Memorial during the original march on Washington in which Martin Luther King, Jr. made his famous "I have a dream" speech: "One man, one vote, that is the African cry, that is our cry today." And so, Mr. Chairman, that is the cry of the people of Haiti today, more than 30 years later. As President Nelson Mandela told us here in this Chamber today, the cry for freedom has been heard in South Africa, so must it be heard in Haiti, right here in our hemisphere.

We should be proud of our troops. We should support them on their mission. We should support the Dellums-Hastings-Murtha amendment.

□ 1830

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I would not believe it unless I heard it with my own ears just last night. I heard our Secretary of Defense, William Perry, get on television and he said, "We've done great things in Haiti." He said, "The parliament has met."

Well, Mr. Secretary, the parliament met, but it met behind barbed wire, it met under armed guard, and it met with the force of 20,000 American troops. And it met to consider a reprieve for murderers.

Then he said the mayor of Port-au-Prince has returned, as if it was some triumphant return. He did not tell you that they had not confiscated all the grenades, they had confiscated some of the guns but they had not confiscated the grenades, and one was lobbed into a crowd and people were killed. What is going to happen when our troops leave?

Then I heard him say the head of the feared police fled, and we have established a peace there.

When the parade of October 15 comes and Mr. Aristide is hoisted to shoulders of his countrymen and there is a great parade and celebration, something will be lacking in that country, and something that we have created will exist in that country. That is going to be bitterness and that is also going to be something that existed in that country before we went there, and that is social and civil problems that we will not resolve even sending 100,000 American troops and sending billions and billions of hard-earned American taxpayers dollars to that nation.

Maybe, my colleagues, we should have sent 20,000 businesspeople instead of 20,000 troops. Maybe we could have done more for Haiti's poor. The problems of Haiti's poor are no different that America's poor. What they need are jobs and good education and opportunity. Actually by that formula, we could have done much more to raise the standard and the tide in this poor country than by the steps we have taken and the steps we are about to condone here.

Unfortunately, the other side and the liberals just do not get it. They will spend more money, they will put lives at risk, and where will we be? We will be right where we are today. We will be right where we are with Somalia. We will have a disaster on our hands and the American taxpayers will be the recipient of the large bill.

Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], my good colleague, for his tremendous work on this issue. He is to be congratulated for offering to this House and to the American people the greatest service and

commentary relating to this sad situation.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from New Jersey for yielding me the time.

Mr. Chairman, nearly a century ago, Daniel Webster said, "God grants liberty only to those who live it and are ready to guard and defend it."

In 1990 with the election of President Aristide, the Haitians found democracy but they were unable to defend it. United States troops are now in the process of building democracy and teaching Haitians how to protect this fragile freedom. I firmly believe, Mr. Chairman, that Haitians must assume this protective role without United States personnel and as soon as possible.

I have carefully read all 3 resolutions and I encourage my colleagues to do the same. I believe the words in the Murtha-Dellums resolution best reflect a rational and fair foreign policy to both Haitians and Americans.

First, the Murtha-Dellums substitute calls for a prompt and orderly withdrawal of all U.S. troops as soon as possible. Our troops must come home sooner than March 1.

Second, it recognizes that the President should have sought the approval of Congress prior to sending United States troops to Haiti. I have made it clear that I did not support an invasion of Haiti.

Third, our mission should not be democracy-building. For over 180 years, the Haitians have been unable to build democracy. We could not build it in 19 years of occupation earlier this century.

In the end, the best United States policy will allow Haitians to be vigorous in the defense of their own hard-fought freedom. It is their voice, not the voice of a United States Congressman or a United States Marine, that must be heard if liberty is again to triumph and endure in Haiti.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, the primary question which is to be investigated is when and how we are to withdraw from Haiti. The second question is what we shall do in the meantime.

This statement clearly frames today's debate on the fate of thousands of American men and women in Haiti as we speak. However, I must admit that it is a borrowed statement. In fact, I borrowed this statement directly from the Forbes Commission report of 1930 studying our occupation of 1915 to 1934.

If I may borrow another statement, this is deja vu all over again.

Yes, we are back in Haiti, trying again to stabilize the nation and sow the seeds of democracy. And, yes, the difficulties that we face today in this respect are similar to the difficulties we faced back then. Simply put, Haiti has no tradition of liberty and democracy.

I have with me a list I will submit for the RECORD, a record of the fate of every Haitian leader since that nation gained its independence in 1804.

Of the 40 leaders, only a handful have left office peacefully, either through retirement or death due to illness or natural causes. The rest have not met such kind fates.

Haitian leaders have been murdered in prison, blown up, poisoned, overthrown, and even dismembered. Countless others, including most recently, President Aristide, have fled to other countries.

Haiti does not have the foundations of democracy. Democracy cannot be imposed at gunpoint by American troops. Rather, it requires a national consensus and political culture, institutions responsible and responsive to the people, and an independent judicial system. Merely casting votes does not constitute democracy.

However, our troops are being asked yet again to protect a democracy that does not exist. Mission creep has already seen us embarking down the slippery slope toward nation-building that proved so tragic in Somalia just a year ago.

Every Member in this Chamber surely supports our troops in Haiti. However, many such as myself do not support the policies that have placed them there, or that keep them there to carry out an undefined, open-ended mission.

Again, as it was asked in 1930, we must ask today: "When and how should we leave Haiti, and what should we do until then?"

I ask my colleagues to reject the administration's policy and support the Michel amendment.

Mr. Chairman, I include for the RECORD the list of Haitian leaders, as follows:

NEXT, PLEASE—HAITI'S RULERS SINCE INDEPENDENCE

Jean-Jacques Dessalines, 1804–06, shot.
Henri Christophe, 1807–20, suicide.
Alexandre Petion, 1807–18, died of illness.
Jean-Pierre Soyer, 1818–43, fled to France.
Charles Herard, 1843–44, fled.
Philippe Guerrier, 1844–45, died of old age.
Jean-Louis Pierrot, 1845–46, unknown.
Jean-Baptiste Riche, 1846–47, unknown.
Faustin Soulouque, 1847–59, fled to Jamaica.
Fabre Geffrard, 1859–67, fled to Jamaica.
Sylvain Saenave, 1867–69, executed.
Nissage Saget, 1870–74, retired.
Michel Dominigue, 1874–76, fled to Jamaica.
Boisrond Canal, 1876–79, fled to Jamaica.
E. Felicite Saloman, 1879–88, fled to France.
F. Florvil Hyppolite, 1889–96, apoplexy.
Tiresias Simon Sam, 1896–1902, fled.
Nord Alexis, 1902–08, fled to Jamaica.
Antoine Simon, 1908–11, fled to Jamaica.
M. Cincinnatus Leconte, 1911–12, blown up.
Tancrede Auguste, 1912–13, poisoned.
Michel Oreste, 1913–14, fled to Jamaica.
Oreste Zamor, 1914, murdered in jail.
J. Davilmar Theodore, 1914–15, fled.
J. Vilbrun Gullaume Sam, 1915, dismembered.
American occupation, 1915–1934,
Stanio Vincent, 1930–41, resigned.
Elie Lescot, 1941–45, fled to Florida.
Dumarsals Estime, 1946–50, overthrown.
Paul Magloire, 1950–56, overthrown.
J. Nemours Pierre-Louis, 1956–57, resigned.
Franck Sylvain, 1957, overthrown.
Daniel Fignole, 1957, overthrown.
Francois Duvalier, 1957–71, died of illness.
Jean-Claude Duvalier, 1971–86, fled to France.
Henri Namphy, 1986–88, stepped down.
Leslie Manigat, 1988, overthrown.
Henri Namphy, 1988, overthrown.
Prosper Avril, 1988–90, fled.
Ertha Pascal-Trouillot, 1990, taken hostage.
Jean-Bertrand Aristide, 1991, fled to America.
Cedras Junta, 1991–94(?).
American occupation, 1994–.
Taken from: The Economist; September 24, 1994; p. 21.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, amidst the gamesmanship that is being played to gain political advantage, I urge that we support the men and women in our armed forces who are seeking to achieve democracy just 700 miles from our border. First and foremost, we support the principles behind this mission, a return to democracy in Haiti. It is vital to stop the brutality of the military regime that overturned the will of 70 percent of the Haitian people. The rule of the military leaders was a reign of terror that included murder of church leaders and Aristide backers. Rape, torture and a climate of fear was a means of repression. It is within the interests of the United States of America to halt this pain in a nation so very close to us. Every day that Cedras, Francois, and Biamby ruled the streets of Haiti was another day of embarrassment to our Nation, which is the sole remaining world leader. It is important that we halt the tyranny which was leading to an unacceptable influx of immigrants, when immigration is one of the most compelling issues confronting us.

We believe that we will end this mission as soon as possible, that the President will bring back our troops as soon as the job is done, as soon as we have finished the job, as soon as is possible.

□ 1840

It would be wrong to set an arbitrary deadline for withdrawing the troops in this mission, and it would set a dangerous precedent for future efforts. I can just see, or just hear or imagine the people like Cedras, the criminals that they lead hiding up in the hills and saying let us just wait until March 1. Then we will go back down, start to

murder again, start to wound again, start to rape again and take over that country again. We cannot let that happen.

Let us do what is right. These people are our neighbors. They are only just a few miles from our shores. They want democracy. They want our help. We have read the reports in the papers, "We love you. Thank God you're here. Our prayers have been answered. You've given us liberty."

Let us continue to support those people in their quest for democracy. Let our troops stay there, get the job done, and then get back as soon as possible.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, the President had months to consult Congress. He had time to scrap two aircraft carriers and army helicopters. He went to Haiti, consulted the United Nations but not the United States. He went to Vietnam, to the U.S.S.R., but not the United States of America. He avoided Congress and denied men and women the protection under the Geneva Convention if there had been a battle, and there almost was.

The President himself denied, along with the Secretary of Defense, armor. It cost the lives of 22, not 18, rangers and 77 wounded, and it took 5 hours under U.N. control to get them out.

If Members want to be bipartisan, support Michel-Gilman or even support the Dellums-Murtha language. But let us take out the partisanship.

The Hamilton-Torricelli is under a king-of-the-hill, and guess what, the last one on the king-of-the-hill praises the President. Let us not play Jane Fonda tactics and politics. Let us support our troops, but take the politics out of it and support the first Republican one, the second, which is a Democratic proposal, and I have no qualms with that. But it is a sacrilege to support and say the President did a good job in this.

Day three the President said there was a multinational force that was going to invade. On day three there was not a single multinational troop in Haiti. When our troops took the risk, there was not a single one, and as of yesterday there were only 10. Mr. Chairman, how many are we going to have in this multinational force in peacekeeping? How much are we going to pay?

Aristide or Dracula, Cedras or Saddam Hussein, both of them are bad, and the exploits of both have been brought up.

But I would ask when they say there have been no casualties, talk to the troops that had the 6 months on cruise and then had to turn around and go to Haiti under exercises, and talk to the alleged suicide victim who did not have time to take care of his domestic problems so he allegedly committed suicide, or talk to the sailor or the soldier that had a bullet in his gut sitting in the hospital because he is in Haiti and say there are no casualties. That is wrong.

I would ask Members to support either Michel-Gilman or Dellums-Murtha. I will support both. But not the political Torricelli and Hamilton that praises the President.

We want to support our troops, absolutely. I think Members on both sides of the aisle do. But do not play political football with this. Support the troops. It is wrong.

Mr. TORRICELLI. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I am one who had grave reservations about a military invasion on Haiti. But circumstances have changed in short time. I was pleased, therefore, by the success of the Carter-Powell-Nunn mission. It is an opportunity. And I think it would be a mistake to squander the opportunity which diplomatic achievement has been given us.

If there is any lesson to draw from the brutal war in former Yugoslavia, it is that stopping hostilities once they have started is far more difficult than preventing them from beginning in the first place. Our troops in Haiti are doing just that—maintaining a secure environment so that we prevent another Yugoslavia on our doorstep.

Haiti's history tells us that transitions of power have proved to be difficult periods. This time around, though, the presence of our troops is preventing the kind of widespread violence which has proved nearly impossible to recover from in the past.

We are giving democracy a chance in Haiti. That is key to encouraging reconciliation in that polarized society, and key to promoting our interest in democracy and stability in the Caribbean.

I still have concerns about our role in Haiti, and I want our troops brought home as soon as possible and in a safe manner. However, I am certain that it would be a disservice to the men and women who are performing admirably in a difficult mission to pull out the rug from under their feet. That is precisely what the Michel substitute would do.

Mr. Chairman, no matter what anyone thinks about our involvement in Haiti, we should understand that passage of the Michel substitute will only serve to embolden those who wish to harm our young men and women on the ground.

Our military leaders have told us that any attempt to set a date certain for withdrawal could have drastic consequences for the success and safety of the mission in Haiti. Mr. Speaker, it is easy for us to make armchair decisions within the safety of these four walls, but we should think about the effect of such decisions on our soldiers in the field.

On September 27, General Sheehan of the Joint Chiefs of Staff told the Foreign Affairs Committee that U.S. forces currently enjoy a tactical advantage. He told us that tactical advantage would evaporate if we set a date certain for withdrawal.

The success of military operations requires the retention of an element of surprise. You're opponent should be kept off balance and left to guess your next move. Setting a date certain would have the effect of handing our military plans over to potential adversaries on a silver platter.

The three substitutes before us are similar in several respects:

They require regular reports to the Congress on military operations.

None specifically authorizes U.S. participation in the U.N. phase of the operation.

Both Dellums and Michel require a report on Human Rights violations.

Both Michel and Torricelli set out procedures for expedited joint resolutions on the withdrawal of forces.

The big difference is that the Michel substitute compromises our military mission by announcing to the world a deadline—January 3, 1995.

Our military commanders are the best ones to decide how to protect the safety of the soldiers serving under them. They have told us that we will jeopardize their security if we set a deadline for withdrawal.

Mr. Chairman, we should not subjugate our military operations to poor political decisions. Unfortunately, that is what the Michel substitute does. I urge my colleagues to defeat the Michel substitute and support the Dellums and Torricelli amendments.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I rise today in opposition to the committee resolution because it endorses the President's Haiti policy, and would allow our troops to remain there until March 1 at least of next year.

I will support, though, the Michel substitute. But I would have preferred a stronger alternative which would order the immediate withdrawal of our troops from Haiti.

United States policy in Haiti has been a disaster, and on a more bipartisan note, it has been a disaster through Republican and Democrat administrations. It started under George Bush and was strengthened and carried forward under Bill Clinton.

□ 1850

The economic sanctions have done nothing to get dictators out of Haiti or out of Cuba but have caused a flood of refugees trying to reach the United States. We need to rethink our economic sanction policy, because it does nothing to remove dictators.

There are a number of countries around the world where dictators are in control, and we do not use economic sanctions against them. In fact, just the opposite, we deal with them on a friendly basis.

In this, and yet in other cases, the policy of sanctions has failed. In fact, there is no justification for sanctions or for putting Americans at risk in Haiti.

When our troops went in, the President failed to clearly explain what the policy was and what the mission was, or possibly the President failed to explain and give us his true agenda. He chose possibly not to inform us that we might be engaged in nation-building.

I would just say in closing that what was the lesson that we learned in Vietnam if we are into Haiti with the same type of policy?

Mr. TORRICELLI. Mr. Chairman, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER], the distinguished chairman of the Democratic caucus.

Mr. GILMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

The CHAIRMAN pro tempore. The gentleman from Maryland is recognized for 6½ minutes.

Mr. HOYER. Mr. Chairman, I rise today to urge support for the Dellums-Murtha-Hastings substitute which expresses a sense of the Congress supporting an orderly and organized withdrawal of American troops without imposing an arbitrary deadline. Passage of either competing resolution, calling for either immediate withdrawal or the imposition of a March 1 deadline could harm the peacekeeping mission in the troubled Haitian nation. An arbitrary deadline would undermine our strategy, reduce our flexibility, and endanger our troops. An arbitrary deadline could lead to widespread chaos in Haiti and a mass exodus of refugees to the shores of the United States.

If we are to achieve our goals, we must stand united in our support for our brave troops and the fine job they are doing as a neighboring country—one besieged by human rights violations until their arrival—returns to democratic rule. Their presence has helped to alleviate additional widespread bloodshed. Moreover, Haitians who were once fearful of wrongful arrest and torture for their democratic advocacy have taken to the streets to praise and advocate democratic principles and beliefs.

The goal of preserving democracy in the Western Hemisphere is a legitimate and important keystone of our foreign policy.

Mr. Chairman, in 1991, in an address to the OAS, President Bush's then Secretary of State, James Baker, said, and I quote, "The test we face is clear, to defend democracy, to stand united as a community of democracies, to make clear that the assault on Haiti's constitutional government has no legitimacy and will not succeed." Secretary Baker went on to say, "Let the coup plotters in Haiti and any one who dream of championing them know this: This hemisphere is united to defend democracy."

My friends, we sent almost a half-million troops across the Atlantic Ocean and through the Mediterranean Sea to Saudi Arabia without a vote, and the reason we had no vote in that fall of 1990 was because President Bush asked Speaker FOLEY, "Do not bring this to a vote, because it will undermine our strategic interests and it will diminish my ability to project America's position as it relates to our strategic and tactical interests," and we had no vote, notwithstanding the fact there were some on this floor in my party, yes, perhaps even for partisan reasons, asking for such a vote.

Secretary Baker said that we could not let stand the overthrow of democracy. How many of my friends and colleagues with whom I have voted a number of times on security issues have stood as it related to Grenada, Panama, Nicaragua, Libya, Lebanon, and, yes Iraq, to say that we needed to stand together as a country, stand together as a Nation as we projected the interest of democracy across the waters?

Haiti is close by. Secretary Baker enunciated the policy of the Bush administration, and to his credit, President Clinton reiterated that America would not allow in this hemisphere a democracy to be overthrown.

Let us then come together, not as Republicans, not as Democrats, but as Americans committed to democracy, knowing full well that the last superpower on Earth, indeed, the last best hope on Earth of making sure that the international community is safe and secure from democracy, still has the will and still has the unity to project that power.

But it is not just a strategic interest. It is not just political. It is tactical as well; for, yes, our young men and our young women, the best of our country, are on the ground in the service of their country, in the service of democracy, in the service of freedom, and their commander in chief on the ground. Lt. Gen. Henry Shelton, says, "I am not in favor of setting a date per se at this point."

I am one of the biggest fans of the minority leader in this House. He is a man who fought for this country in the Second World War. He is a hero. But I suggest that he is egregiously in error in suggesting a time certain withdrawal.

There is no more dangerous policy than telling the enemy on this date at this hour we will withdraw. There is hardly a military commander who will not echo the words of General Shelton. He went on to say, "I think that when we do that," that is, set a time certain, "we automatically tip our hand to the adversary in terms of when we are going to leave."

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

Mr. HOYER. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, the Michel-Gilman measure does not have any date certain, I just wanted to clarify that with you.

Mr. HOYER. I apologize if I misstated the thrust of the amendment which I understand suggests immediate withdrawal. Am I correct?

Mr. GILMAN. It is the sense of Congress that we are asking for an immediate orderly withdrawal.

Mr. HOYER. I understand, and I understand the difference, and to the extent I misstated, I appreciate it.

Mr. Chairman, I understand that the alternative measures would impose arbitrary deadlines for withdrawal that would undermine our mission objectives. The Michel-Gilman substitute would order an immediate withdrawal and the Torricelli-Hamilton substitute would impose a March 1 deadline for withdrawal.

Ladies and gentlemen, I urge your support for the Dellums-Murtha-Hastings substitute. It is the best strategy to reach our mission goals, and it is in the best interest of those men and women who are standing on the frontlines in defense of democracy in the name of America.

Let us stand with them this night.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. You know, I do note that the gentleman from Maryland that just had spoken in his reference to the war in the Persian Gulf, while the gentleman from Pennsylvania [Mr. MCHALE] and myself were in the Persian Gulf war, I note for the record that he voted no on the use of force while I was in the desert.

Mr. President, you have embarked on a liberal crusade to return a defrocked Marxist anti-American priest to power in Haiti. I disagree with the President's utopian foreign policy based on the idea democracy can be enforced around the world at the point of a gun.

Military intervention will not solve the social, economic, and political problems of Haiti.

The President wants us to restore democracy in Haiti, but we cannot restore by force that which never was.

I fully support the brave men and women of the U.S. Armed Forces in Haiti who are serving in almost impossible circumstances attempting to accomplish a vague, ill-defined, and ever changing mission. My military service taught me that if it does not look right, does not smell right, or feel right, something probably is not right.

□ 1900

One of our troops in Haiti must have felt the same way when he said, "It feels like Somalia all over again."

Despite Administration claims, our forces are already experiencing mission creep that will expand our commitment into 1996 while we conduct nation building operations under the United Nations command.

You see occupying Haiti was a bad idea 6 months ago, it was a bad idea on September 19, and it is a bad idea to occupy that country today. Therefore, I urge my colleagues to vote yes on the Michel-Gilman substitute and no on the Torricelli-Dellums-Hastings amendment.

I say to my colleagues do not take so much out on the President. Equal blame is shared by the Democratic leadership that blocked us from having hearings on this issue before there ever was a military occupation in Haiti.

We should not be having these hearings while we have troops on the ground, but we have been placed in that difficult circumstance, and I believe our troops understand.

God bless them.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. I thank the gentleman for yielding this time to me.

Mr. Chairman, as a veteran I served 2 years in the U.S. Army and still in the National Guard as a weekend warrior. I was one of those that did not support any type of military invasion of Haiti, but I am very pleased that we were able to go into Haiti without any loss of life.

I congratulate our President, and I congratulate our Armed Forces for being able to accomplish that objective. I know I have had a lot of people ask me at home, "Well, what authority does the President have to send troops into a crisis area?" He has those authorities through the War Powers Act.

But we also know in Haiti that thugs and criminals took over this country.

Are they not doing the same thing in the United States of America? Neighborhood by neighborhood? And are we going to just sit idly by and watch it and do nothing to stop it?

If we are going to preserve our democracy, we are going to have to fight for it, and every generation is going to have to fight for it. Surely we have a great country, but if you look at the great democracies of the past, the average longevity of the great democracies of the past is 200 years. The United States of America has already celebrated its 200th birthday about 30-plus years ago. But it is up to all of us to be interested in what happens next.

I know a lot of Republicans are still upset with themselves when Beirut/Lebanon took place and President Reagan and the decisions that were made in Beirut, where we lost 241 U.S. Marines, they were lost in a car bombing of the barracks. And because of that all of us, whether we be Democratic or Republican or the like, want to ask questions about what is our mission? Is our objective clear? But I think all of us know that we are on the ground now, and just as I said a while ago, we have not had any loss of life, thank God.

Let us set a specific date for the withdrawal of our troops, but let us also support our troops and preserve democracy in this hemisphere.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, there is literally so much to cover and so little time. The pity is that some of it could affect the votes coming up here. But we will just have to do the best we can. There is one game in town tomorrow, an Armed Services Committee hearing on Haiti, and I would recommend that all Members avail themselves of the privilege to sit in any committee room in this House, even a closed one, by merely getting the permission of the chairman, in this case Mr. DELLUMS.

I know that Mr. TORRICELLI works as hard as anybody on these foreign affairs issues, and he will be there tomorrow. Elliott Abrams is coming. It is going to be a pretty good list of people. But it is going to be a little bit after the fact. But we must try to get educated tomorrow at this Haiti hearing. We have good panels on both sides.

That is No. 1. No. 2, I just checked the wire service stories, and this is hot, hot, hot, 6:42, AP, open. Cedras is saying the United States is pressuring him and his lieutenants to get the hell out of the country before the October 15th date and take Felipe Biamby with him.

Now there is a wife involved here, every bit as tough as Miss Hillary, and her name is Yanic, Yanic Cedras. She is saying, "Stay our ground and die in our country."

Cedras and Yanic have a home in Spain. Maybe we can get them to go to Spain, where he can be like Juan Peron and Evita working crossword puzzles, taking breakfast in bed, and watching blood flow in the streets of Haiti from both sides.

The big question is how many young Americans are going to shed blood for this—and as a practicing stumbling Catholic, weigh my words and try to gainsay what I am about to say—self-excommunicated priest who was kicked out of the Salesians of Don Bosco for inciting mobs to violence and murder, which did happen, and who is now rolling in money?

We have made, through our State Department, available to Aristide all of the frozen Haitian funds. He is probably the only ex-priest who is a multi-multimillionaire with $40 million at hand.

But here is something brand new. This is an unclassified communique from the State Department, intercepted by one of our Senators. We are now taking $2.58 million of our tax dollars, Mr. Chairman, from AID that we use to feed starving people and sire it to Anotide's transition team. Will we give it to Cherubin, who was down in Guantanamo looking for female company at night when he was supposedly recruiting from those boat people down there, policemens?

Here is an article from the Nation, that says we paid Emmanuel Constant, head of FRAPH. FRAPH, for those of you who hate acronyms, is the Revolutionary Front for the Advancement of Progress in Haiti. We paid him intelligence dollars. He called us and said, "I am going to have a few guys on the docks demonstrating against the U.S.S. *Harlan County*"—that would be a year ago in a few days—and he said, "It is OK though, come on in." The left hand did not know what the right hand was doing. We never sent word to the U.S.S. *Harlan County*. As a result, America was embarrassed. This whole thing reminds me of Peter Sellers in "The Mouse that Roared." I want to put in an article, an article by one of the best military writers in America, Harry G. Summers, Jr.

(The article referred to is as follows.)

U.S. TROOPS NEED A CLEAR MISSION

(By Harry G. Summers Jr.)

If you liked Mogadishu, you'll love Port-au-Prince.

Just as Smith Hempstone, then the U.S. ambassador to Kenya, warned all too correctly in 1992 that Mogadishu was likely to be a repeat of the 1983 Beirut disaster where 241 U.S. servicemen were killed in the bombing of the Marine barracks there so Port-au-Prince is all too likely to turn into another Mogadishu, where 18 U.S. servicemen were killed in failed 1993 attempt to capture Somali warlord Gen. Muhammad Farrah Aidid and the U.S. mission collapsed in disarray.

Tuesday in Port-au-Prince, U.S. troops could be seen on TV standing idle by, uncertain of their goals and limits, while Haitian police beat to death a demonstrator welcoming their arrival.

Outrageous. The least any government can do for its soldiers is make their mission clear and give them the tools to achieve it.

One of the chief tools for doing that is through the military's "rules of engagement." Those rules specify the level of force that can be employed.

Unlike Beirut, where Marines were standing guard with unloaded weapons, in Mogadishu they were fully prepared to use whatever force was necessary to safeguard themselves and the relief effort.

They did not have to wait to be fired on before they could take action. Authority was given to use deadly force, not only to respond to an attack but also to pre-empt any likely attack. And they had the right to use whatever force was necessary in proportion to the threat to defend against civilian mob action and riots as well.

The Somali thugs then controlling the streets got the message. If you value your life, don't fool with the Americans or you will suffer the consequences. Sufficient order was established that the relief supplies could began moving to the countryside, and by all accounts the initial mission was a success.

But by then the Clinton administration had come into office, and it had more grandiose plans.

Instead of just protecting distribution of relief supplies, the U.S. military would stay in Somalia for "nation building," and to that end (as it had done in Lebanon a decade earlier) take sides in the ongoing struggle for power there.

When 18 U.S. servicemen were killed in a futile attempt to arrest Somali strongman Aidid, the U.S. effort ended, as in Beirut, in ignominious retreat.

While the original rules of engagement for the planned invasion of Haiti have not been released, it is safe to assume they were similar to the initial rules for Somalia.

As in Somalia, the presumption was that there was no legitimate government in Port-au-Prince and that the dictatorship of Lt. Gen. Raoul Cedras would have either collapsed in the face of the invasion or would have been overwhelmed by physical force.

U.S. forces would have been given the authority to use all necessary force to restore and maintain order until President Jean-Bertrand Aristide could reassume power and a legitimate government with a new military and police force could take responsibility for maintaining law and order.

But, initially at least, such rules of engagement went down the drain when a negotiated settlement was reached for the peaceful transition of power. The invasion turned into a landing party, with the mission of U.S. military forces ambiguous at best.

"We are not in the business of doing the day-to-day law and order (or) resolving or quelling any demonstrations," said Gen. John Shalikashvili, the chairman of the Joint Chiefs of Staff, "unless these demonstrations or this level of violence becomes so great that it threatens the overall stability and security of our multilateral force, and then we will intervene."

But the uproar back home that ensued when American troops stood helplessly by while Haitian policemen clubbed at least one demonstrator to his death soon forced a change in the rules.

"The use of unnecessary force is a matter of concern to us," said Lt. Gen. Henry Hugh Shelton, the U.S. commander on the scene, adding that if the Haitian forces fail to take the appropriate measures, " we will take the next step." The Pentagon lawyers later reportedly stated that the rules of engagement permit use of deadly force to protect Haitian civilians.

For the U.S. military, it is the worst of all possible worlds. As dangerous as overthrowing Cedras and maintaining law and order would have been, at least the tasks would have been clear. But now the military is deployed countrywide with the mission changing hourly in response to domestic pressure.

In retrospect, it would have been far better if the troops had remained aboard ship as a potent reminder to Cedras to honor his promise to step down. While a withdrawal back to the ships now would send precisely the wrong message, to have the troops remain dispersed across the country serves no useful military or political purpose. Instead, it sets them up as targets for all those who would disrupt a peaceful settlement.

But instead of getting them out of harm's way, White House Chief of Staff Leon Panetta has said, "We're going to increase patrols." He unwittingly is setting the stage for a Mogadishu-like disaster where American casualties would force a premature U.S. withdrawal. Instead of increasing their vulnerability, now is the time to withdraw our forces from the streets and gather them in defensible enclaves, ready if need be to underwrite with force the transition of power from Cedras next month to Jean-Bertrand Aristide.

The CHAIRMAN pro tempore (Mr. SWIFT). The time of the gentleman has expired.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, again we find our Nation's finest young men and women in uniform performing brilliantly in difficult circumstances and in a dangerous situation in Haiti. They are bright, they are highly trained, and thank God they can think on their feet. Everyone in this Chamber supports them.

But, Mr. Chairman, there are no clear national interests for the United States to be in Haiti. Moralism is not the basis for an effective foreign policy. Innovation is not a foreign policy.

Mr. Chairman, I opposed the involvement, the intervention in Haiti, from the beginning. I opposed the sanctions. And I even supported an alternative by the gentleman from Florida [Mr. GOSS] to try to help support democratic movement from within the country.

However, the problems in Haiti are social, they are economic, and they are political and have been for over 200 years. This intervention is not going to solve those problems. The U.S. military is not in the business of nation-building. The mission is not defined. We have to ask now much is it going to cost? Where do we get the money? And are we going to continue to cut operations and maintenance budgets in order to pay for this indefinite engagement?

It drains our readiness, and already we start to see the mission creep. Those here today say, "Well, don't tie our hands now that we are there in." We should have come to this body in the first place, the same way we did in the gulf, which I supported the use of force in the Gulf. But we should have had that debate months ago.

□ 1910

The mission originally was to provide a stable and secure environment. Now it is to provide law and order and build democracy.

There is a different kind of mission creep I worry about, the one I saw in a cartoon about a Haitian sign maker. The first sign said, "God bless America." The second sign said, "Welcome, Marines." And the third sign said, "Yankee, go home."

Democracy cannot be built on the back of one man. It needs institutions, and it is going to take years.

Mr. President, Mr. Speaker, bring our troops home.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], my friend, for yielding this time to me.

My colleagues, last year, October 3, 1993, we learned a lesson when 18 Rangers were killed, and they were pinned down in Mogadishu in Somalia, and we were forced to rely, because we did not have armor and we were not able to retrieve them with an American quick reaction force from the 10th Mountain Division, we were forced to rely on a Malaysian and Pakistani component of the U.N. forces, and we learned a lesson, and that was that reliance on a multinational force for quick combat relief is a very complex and a very difficult thing and, sometimes, a very time consuming thing, and it can cost lives. We learned that lesson, I think.

Many Members stood up on this floor and vowed that they would always vote to keep American troops away from U.N. leadership, and I say to my colleagues now, "Whether or not you learn a lesson, a military operation is always subject to a test when the next military operation occurs, and at that point we discover whether or not we learned the lesson."

Did we learn the lesson about the problems with U.N.-led U.S. forces? The answer, I think if we pass the Michel resolution, the Michel-Gilman resolution, is yes because the Michel-Gilman resolution has a clear prohibition at all phases of this operation against American troops being led by U.N. commanders. The Torricelli resolution has a partial ban; that is, it bans U.N. leadership of the present American military operation in Haiti, and I would ask all my colleagues to turn to page 9 to see that ban manifested. But it says nothing about UNMIH; that is, the U.N. forces, the occupation force, that follows the American military mission.

It was under the United Nations occupation force in Somalia on October 3, 1993, that we found out that we had great problems. Our problems initiated when we had to get American speaking drivers of the Malaysian and Pakistani armor while our Rangers were pinned down in Mogadishu. Our problems persisted, and precious hours went by as we tried to arrange coordination with the Pakistanis and with the Malaysians, and finally, as we fought our way through the city with those Pakistani and Malaysian tanks, they stopped. They stopped two blocks away because the firefighting became very severe, and the Pakistanis said, "We aren't going any further," and so the Americans that ultimately rescued what was left of our Ranger forces had to go the last two blocks with no armor.

The message that came through to every American family that had a young man in uniform was this:

Having an American commander who is accountable, who has the welfare of his troops furthermost in his mind and as his primary mission, is the person

we want to have commanding those troops.

Only the Michel resolution has a total ban on U.N. command of American troops. Every family that has a young person in uniform in this country has a stake in the Michel resolution.

I say to my colleagues, "Let's pass it."

Mr. TORRICELLI. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, this evening I rise in support of the Dellums-Murtha-Hastings amendment. Throughout all the debate that we have heard, and will hear, there is one truth, and that is our military leaders know best, and while it is fine to say we support our young men that are on the ground, the real way we could support them is to do what the military strategists believe makes sense, and that is not to set a date certain, not to telegraph our intentions to our enemies, but rather to allow for an orderly process wherein they can execute or withdraw after their mission is complete.

I think an appeal to common sense is in order at this point, that we not tell our enemy what we are going to do, that we not allow them to provoke us, and that we not allow them to defeat our efforts which, so far, have been highly successful.

Some say we do not have a national interest at stake. I disagree. We have an immigration crisis impacting our country's shores. We have a prospect of regional instability throughout our own hemisphere. We have a human rights crisis in our backyard in which murder, rape, and beatings have become the order of the day, and we have the responsibility to nurture democracy.

I would note that I am offended by those who repeatedly say, "Well, Haiti has never had democracy." Well, neither has Russia, but it does not seem to me we have given up on them. In fact our policy of decisiveness has been successful. Thanks to our President, former President Carter, Senator NUNN, and Colin Powell we landed, not invaded. Francois has left. We have an agreement in place for the removal of Cedras. We are, in fact, enforcing an agreement on which Mr. Cedras previously reneged. We have an amnesty program in place, and we have a commitment of a U.N. peacekeeping force.

Today, my colleagues, we are paying the price of world leadership. Lip service is insufficient. Today in Haiti we are trying to discourage a precedent in the Western Hemisphere, and that precedent would be thuggery over democracy. We should not allow thuggery over democracy. The military will always have the guns, so it is insufficient to say the Haitian people should provide for their own democracy. The Haitian people have spoken. They want democracy. Seventy percent voted for President Aristide.

We have an opportunity, and, as I have indicated, we have met with considerable success to support and nurture that democracy. I hope we will not pull the rug out from under our young men before they complete that task.

Mr. GILMAN. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from New Jersey [Mr. SMITH], the ranking Republican on the Subcommittee on Western Hemisphere Affairs.

Mr. SMITH of New Jersey. Mr. Chairman, the laudable goal of helping Haiti reclaim its fledgling democracy, stop human rights abuses, end hunger, mitigate disease, promote justice, encourage economic reform and create jobs is not in dispute.

All of us want the best for Haiti and an end to the hatred and violence.

All of us want the dictatorship ousted.

All of us want true reconciliation to commence for a people who have suffered excruciating pain.

It is Mr. Clinton's new ways and means to that goal, however, that most Americans find unacceptable and troubling.

After a series of gaffes and major policy reversals on Haiti and elsewhere around the world, including Somalia and China—which only served to confound and confuse the brutal dictatorship concerning U.S. resolve—remember the U.S.S. *Harlan County*—the President has now put thousands of U.S. soldiers at risk of death or maiming in Haiti to effectuate Mr. Aristide's return.

Yes, President Aristide was elected with a popular mandate of approximately 70 percent. And, notwithstanding serious concerns about his past embrace of violence, there was a consensus that a peaceful negotiation was justified out of respect for the ballots cast by the Haitians themselves.

I suppose one could rationalize the diplomacy designed to cause his return with the hope that even if his past was pockmarked with violence, the international presence and spotlight of world scrutiny might chill acts of revenge or score-settling and new acts of violence.

But now that President Clinton has ordered U.S. soldiers to risk dying for Mr. Aristide, now that the United States is in the process of forcibly restoring him to power with bullets, bayonets and crowd control gear, there can no longer be any delay in a comprehensive probe of Mr. Aristide's past record. His behavior in office, which will likely resume on or before October 15, has now become our direct responsibility for which we are morally responsible. Past is often prologue. As the Spanish-born philosopher George Santayana so aptly put it in his novel The Life of Reason (1905), "Those who cannot remember the past are condemned to repeat it."

Diplomatic niceties and "useful fictions" should not be employed to cover up exactly what Aristide has done in the past.

The question remains, has President Aristide ever incited mob violence?

Exactly what was Mr. Aristide talking about on September 27, 1991 when he told a rally: "If you catch one, do not fail to give him what he deserves. What a nice tool! What a nice instrument! What a nice device! It is a pretty one. It is elegant, attractive, splendorous, graceful, and dazzling. It smells good. Wherever you go, you feel like smelling it. It is provided for by the Constitution, which bans macoutes from the political scene * * *."

Is there anyone who seriously doubts that President Aristide was talking about necklacing, that barbaric practice of assassination where the victim is bound, his arms tied or hacked off and a gasoline-filled tire put around his neck and ignited? In Haiti, necklacing is called "Pere Lebrun" [Father Lebrun], the name of a popular Haitian tire dealer.

I have seen the videotape of this rally where some of Mr. Aristide's supporters were brandishing tires and machetes.

What exactly prompted the Salesians in 1988 to throw Father Aristide out of their order for "incitement to hatred and violence and a glorification of class struggle?" His exclusion from his religious order raises serious questions.

In testimony before the Senate Foreign Relations Committee in May 1993, Mr. Clinton's Assistant Secretary for Inter-American Affairs Alex Watson said, "There was ample evidence that President Aristide incited intimidation or violent behavior among his followers."

Secretary Watson's testimony is that there is "ample evidence" of inciting violence. Journalist Mark Danner, writing in the New York Review of Books in October 1993, of his visit with Aristide in March 1986, describes the days following the downfall of the Duvalier dictatorship:

> It was during the early days of the dechoukaj—the "uprooting" that followed the fall of the dictator Jean Duvalier in 1986—that I first visited the Church of St. Jean Bosco—Angry crowds of poor Haitians surrounding an unlucky Tonton Macoute—and hacking him apart with machetes. Other Macoutes were stoned, or covered with gasoline and burned alive. Their remains were left lying in the sun to be further abused, or in some cases they were paraded through the streets like war trophies: a bloody severed head speared on the end of a pole; a shrunken, charred torso lashed to a wooden strut like a roasted pig.
>
> I stood and marveled at the justice of the people, Father Aristide told me—startling me with the passion in his voice—How could he, a priest, call such acts "justice"? How could he countenance mobs burning men

alive in the streets? "One must know when to look at the acts of the people and judge them as a psychologist, not as a priest," he replied. "Our consciences should be clear—these Mascoutes were Satan," he said intensely, leaning forward until his face was only a few inches from mine. We saw Satan Incarnate in certain of these Mascoutes. It was the people who decided to act; and in this they were doing God's work.

Two major Aristide opposition figures were killed in the days immediately prior to the coup: Roger Lafontant—who led the pre-inauguration coup attempt—was murdered under Lavalas orders in his jail cell on September 27; democratic politician Sylvio Claude, was necklaced by pro-Aristide mobs in Les Cayes the following day.

What was Mr. Aristide espousing when he wrote in his "In the Parish of the Poor: Writings from Haiti," published in 1990:

Look at their machetes. The blades are rusted, the handles dirty. The peasants let the knives hang at their sides except when they are working in the field. But don't be fooled. A machete is useful in almost any situation. Those rusty blades are long and sharp. They remind me of Bolivar's sword. That is, taking their future into their own hands.

Mr. Speaker, the events leading to the coup against Aristide were accompanied by an escalation of violence by Aristide supporters. In August, then Prime Minister Preval was implicated in financial corruption. When the parliament called him for questioning in order to dismiss him, mobs surrounded the building, and some were holding tires etched with the names of Parliamentarians; on September 3, Aristide himself appeared in the Chamber with a vase of flowers, which Haitians interpreted as floral decorations for the graves of his opponents.

On August 4, Mr. Aristide addressed a youth rally not long after a life sentence given to Roger Lafontant, who had unsuccessfully attempted a coup. Mr. Aristide suggests that the Constitution did not provide for death by necklacing but it does not bar the practice:

Mr. Aristide said:

Was there *pere lebrun* inside the courthouse? [audience yells no] Was there *pere lebrun* in front of the courthouse? [audience yells yes] Did the people use *pere lebrun*? [audience yells no] Did the people forget it? [audience yells no] Did they have the right to forget it? [audience yells no] Do not say that I said it. [laughter]. In front of the courthouse, for 24 hours, *pere lebrun* became [word indistinct]. The Justice Ministry inside the courthouse had the law in its hands, the people had their cushion outside. The people had their little matches in their hands. They had gas nearby. Did they use it? [audience yells no] That means that the people respect [audience yells the constitution] does the constitution tell the people to forget little *pere lebrun*? [audience yells no]

The people are the law, meaning what they do is constitutional. The law respects the Constitution.

When the people heard: life in prison, the people forgot their little gas and little *pere lebrun*. Was *pere lebrun* used on that day? [audience yells no] if it had not gone well, would the people have used *pere lebrun*? [audience yells yes] Therefore, when through education one learns how to write *pere lebrun* and learns how to think *pere lebrun*, one does not use it when it is unnecessary. One learns how not to use it; where not to use it. [end recording].

Mr. Chairman, the way some Aristide advocates derisively dismiss allegations and testimony concerning his support of violence only diminishes their credibility—it does not answer the charges which need to be honestly and painstakingly addressed.

Mr. Michel/Gilman amendment demands an honest assessment of the human rights abuses committed by either faction from December 15, 1990–December 15, 1994. This is a good start, although the probe must go deeper. There should be no coverup of the truth. I remind my colleagues that the Torricelli legislation does not require this.

The Michel/Gilman amendment gives the House the opportunity to express opposition to the deployment itself and that the President should immediately commence the safe and orderly withdrawal of United States Armed Forces from Haiti and should conclude that withdrawal as soon as possible in a manner consistent with the safety of those forces.

Of course this debate—and vote—should have been conducted prior to the invasion and occupation of Haiti but all efforts to do so were stymied by the administration and the House Democratic leadership.

Another pertinent question remains as to whether politics and the November elections had anything whatsoever to do with the U.S. invasion of Haiti and the timing of that operation.

Mr. Chairman, last week at a Foreign Affairs Committee hearing, I asked Deputy Secretary of State Strobe Talbott this question, and exactly what U.N. Envoy to Haiti Dante Caputo meant in a confidential memo that represented the U.S. position on Haiti "as a test case for which the U.S. has to have found a solution before November?"

Mr. Caputo, a former Argentinian foreign minister, also wrote in a memo to U.N. Secretary General Boutros-Ghali on May 23, that:

The Americans see in this type of action a chance to show, after the strong media criticism of the Administration, the President's decision making capability and firmness of leadership in international political matters," and pointed out that a U.S. armed deployment was "politically desirable" and that "the current opposition of public opinion to an armed invasion will change radically once it has taken place."

The credibility of these statements are of particular value when one recalls that it was Mr. Caputo who brokered the Governor's Island Agreement between General Cedras and President Aristide. In protest of the U.S. invasion, Mr. Caputo resigned as U.N. envoy to Haiti hours after the invasion—a loss of a competent statesman who heavily cared about the future of Haiti.

Mr. Talbott, for his part last week, denied before our Committee ever referring to November in his conversations with Mr. Caputo or that domestic politics had anything to do with the decision to invade Haiti.

The American people and this Congress have a right to know if the November elections had anything whatsoever to do with President Clinton's decision to invade.

For now, the jury is out and Americans have a right to know the answer.

Mr. Chairman, the Michel/Gilman amendment also requires that the administration provide Congress with details and information concerning:

The costs of military operations in and U.S. assistance to Haiti.

Planning for the withdrawal of U.S. forces from Haiti.

Reconvening of Congress after adjournment if events in Haiti so warrant.

Provisions for House and Senate votes under expedited procedures no later than January 21, 1995, on a resolution requiring the withdrawal of U.S. forces from Haiti within 30 days after the date of enactment.

Finally, the establishment of a congressional commission to make recommendations on U.S. policy toward Haiti.

In June, Mr. Chairman, I introduced a resolution which would have established a congressional commission to seek appropriate policy options in Haiti during the occupation of Haiti by the U.S.-led force in Haiti. The resolution, H. Con. Res. 264, has bipartisan support, including the Chairman of the Western Hemisphere Affairs Subcommittee. The Commission provided for in Section 8 of the Michel/Gilman Amendment would consist of House and Senate leaders responsible for decisionmaking on the Committees on Foreign Affairs, the Armed Services, Appropriations, and Intelligence.

I believe the Congress needs the benefit of an assessment of the humanitarian, political, and security conditions in Haiti. A report would be rendered in 45 days. And, the report would assess the status of U.S. force levels and mission, the humanitarian needs of the Haitian people, and designs of withdrawal of U.S. forces and transferring responsibilities to the U.N. Mission in Haiti [UNMIH]. Further, it would outline appropriate post-intervention policy options for the multinational force, Friends of Haiti—U.S., Canada, Venezuela, and France—private sector development, electoral development and training for institutional development.

In addition to travel to Haiti, meeting with President Aristide newly restored to his office, Members of the

Parliament, private, non-governmental organizations, and religious leaders, the Commission would garner advice from recognized experts on Haiti and Haitian culture, human rights, health and social welfare, political institution building, and security training.

Mr. Chairman, I remind my colleagues that in 1983, then-Speaker O'Neill sent a congressional delegation to Grenada following the U.S. invasion in Grenada to assess the situation. The official House delegation was headed by then-Majority Whip Tom Foley and Minority Leader Bob Michel.

In 1991, I was part of the Speaker's congressional commission which went to northern Iraq following the Gulf War to assess the special needs of the Kurds who fled into the mountains and into Turkey. The assessment was helpful in garnering congressional support for the humanitarian mission there. Of course this commission would take a comprehensive look at the situation and suggest solutions.

In closing, Mr. Speaker, I fully support the Michel/Gilman amendment which, I believe, reflects the concerns of the American people. I urge strong support of the amendment.

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Mr. GILMAN. Mr. Chairman, I have no further requests for time, but would like to commend the distinguished member of the Subcommittee on Western Hemisphere Affairs on the Committee on Foreign Affairs for his long-term concern with relation to the Haitian issue.

The CHAIRMAN pro tempore (Mr. SWIFT). The time of the gentleman from New York [Mr. GILMAN] has expired.

Mr. TORRICELLI. Mr. Chairman, I, too, would like to thank the gentleman from New Jersey [Mr. SMITH] for his interest and commitment on the question of Haiti, not simply this week but for some period of time, and for his eloquent address.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I thank the distinguished gentleman from New Jersey for yielding time to me.

Mr. Chairman, we are not here tonight to debate whether or not the United States should invade Haiti. With over 20,000 American troops already on the ground in Haiti, that question is moot.

Rather, we are here to consider our options for completing our mission and getting our troops home as quickly and safely as possible.

I would hope that everyone in this Chamber feels as strongly as I do that as long as American troops are on the ground in Haiti, we must do everything we possibly can to support them. Similarly, we should all agree on the need to complete our mission and get our troops out of Haiti in the quickest and safest manner possible.

Unfortunately, I do not think I have heard as much partisan rhetoric and circuitous reasoning as we are hearing tonight. I am seriously troubled by the deliberate attempts of some in and out of Congress to undercut President Clinton's efforts to deal with this situation. He is our President. Yet, many in this Chamber do not want him to succeed.

Many of these critics were not heard when we invaded Grenada and Panama during the Reagan and Bush administrations. For example, we keep hearing over and over again in this debate that it is not in our national interest to keep the peace and restore democracy in Haiti.

The fact is, it was the Bush administration which initiated America's policy to restore democracy in Haiti, following the military coup which ousted President Jean-Bertrand Aristide on September 30, 1991. It was the Bush administration that told the Organization of American States that this coup was wrong, and that it was in the national interest of the United States to work to restore President Aristide to power.

It has always been my policy to give the President the benefit of the doubt in conducting foreign affairs, whether that President was a Republican or Democrat. The President is our Commander-in-Chief. We cannot all be Secretaries of State.

It is time to tone down the rhetoric, close ranks behind President Clinton and give his policy a chance to work, just as we did in the Persian Gulf, Panama and Grenada.

This constant second-guessing of the President does little more then encourage General Cedras and his cohorts to thumb their noses at us, and gives little comfort to the thousands of American men and women who are putting their lives on the line this very moment in Haiti, and to their families here at home.

As South African President Nelson Mandela so eloquently reminded us just today, we are all part of the world community. The United States is the only superpower in the world.

Just as we helped to light the flame of freedom in South Africa, we have a responsibility to assist other nations whose people dream of freedom and democracy as well.

It is particularly important to pay attention to our own hemisphere, where instability among our neighbors affects us in a myriad of ways. For example, we cannot expect to get our own immigration policies under control until we are able to deal with the instability in Haiti, and the serious economic and political problems it is causing in this hemisphere.

Indeed, one reason why we have such problems in Central and South America is that we have neglected for too long the nagging instability in Haiti and elsewhere in our hemisphere.

If we can not provide leadership in our own hemisphere, how can we be respected by the world community? It is a matter of our own credibility.

We sought and received the backing of the United Nations to deal with the Haitian issue, and yet some here would have us walk away from that commitment. That's not leadership. It is an admission of vacillation and defeat.

Yet that is just what we will do if the Michel-Gingrich amendment calling for an immediate withdrawal from Haiti passes.

In my judgment, the Michel-Gingrich resolution is politically foolish, if not dangerously counter productive.

It would be a terrible mistake to tie the hands of our President and our current military leaders, as well as those of future Presidents and military leaders, by setting a date certain for the withdrawal of our troops from Haiti.

In the short term, such a decision would make it far more difficult for the United States to achieve its objectives in Haiti. Indeed, it simply encourages General Cedras and his cohorts to stall and disrupt as long as possible—and perhaps resort to violence against out troops—knowing that our hands will be tied once the deadline passes.

Unfortunately, that is just what the Michel resolution would do. Although the Torricelli amendment gives the President a little more leeway, it too would have the same effect.

By setting a date certain for the withdrawal of United States troops, both resolutions run the risk of shortcircuiting a policy that is working fairly well so far, and which has the best chance of restoring democracy to Haiti.

In so doing, they would escalate the dangers which our troops face in attempting to disarm those who are responsible for the violence and instability in Haiti, and make it far more difficult to restore authority to the democratically elected government of President Aristide.

By comparison, the Dellums-Murtha substitute takes a more responsible and rational approach to the situation in Haiti. It supports a prompt and orderly withdrawal of United States forces from Haiti as soon as possible, without setting a data certain for such withdrawal.

It also requires the President to submit a detailed description of United States policy in Haiti and monthly reports on the status of the military operation, so the American people will know exactly what our goals are and the progress we are making in achieving them.

While I oppose making an indefinite commitment to rebuild Haiti, the fact is, we do have to assist this hemisphere in bringing stability to that troubled country.

In the final analysis, the Dellums-Murtha amendment offers the best chance for accomplishing our goals in Haiti, reinforcing our standing in the world community, and getting our troops home quickly and safely. I urge my colleagues to support Dellums-Murtha and to oppose the Michel and Torricelli resolutions.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, let us tell the American people the truth.

We must tell them the truth because this debate involves placing the men and women of the Armed Forces of the United States in harm's way. Let us make clear what this debate is about and what it is not about.

First, this debate is not about setting a date certain for our troops to withdraw from Haiti. It fact, not one of the three resolutions that we will vote on today will commit the President to getting our troops out of Haiti.

The Gilman substitute does not—I repeat, does not—ensure that our troops will be out of Haiti by a date certain.

The Gilman amendment states the following, about a withdrawal from Haiti: Come January 3, 1995, if there are still American troops in Haiti, then a resolution will be introduced and voted in Congress no later than January 21, 1995 which requires that we withdraw from Haiti within 30 days of passage—if it passes.

In other words, the Gilman resolution simply states that we will vote on withdrawal by a date certain—not that we will withdraw by a date certain. This is an important distinction for the American people to understand. It is utterly irresponsible to claim that we are voting for a date certain. It is simply not in the language. And I would hope that my friends on the other side of the aisle would tell the truth about that. They are not committing us to getting any troops out by a date certain.

Second, the Dellums-Murtha-Hastings-Dicks substitute states that we should withdraw as soon as possible, but does not set a deadline for withdrawal, either.

But I ask my colleagues, Who is the enemy in Haiti? Who are we fighting against? I thought our enemy was General Cedras, Colonel Francois and company. The people that brutalized their fellow Haitians and plundered their country. But these people are permitted to leave with honor, without prosecution, without punishment for their heinous acts, the very same acts which President Clinton claimed were sufficient enough to meet the test of national interests. What does that say for our defense of human rights, one of our alleged pillars of foreign policy.

I think its worthy to note in this debate that the fear of a refugee influx has now risen to the level of being a national security threat. History will mark this precedent as we look at Haiti's neighbor, Cuba and other countries in the days to come.

Finally, the Torricelli-Hamilton resolution does not offer us a date certain for withdrawal, either. But it does accomplish one important objective: it sets our exit for March 1, 1995. It also gives our armed forces the time necessary to complete their mission, avoiding the concerns that our military experts have expressed, while making a strong constitutional statement about the role of Congress in such actions.

Working with the hand that has been dealt us, and due to previous congressional inaction, I have chosen to support this option as the most responsible course of action. It expresses the will of the American people but at the same time protects the valiant men and women of our Armed Forces.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, the issue today is not what our personal positions are on Haiti. The issue is not whether we support a military invasion of Haiti. The issue today is not Bill Clinton, and it should not be partisan politics.

The issue today is whether this Congress will inadvertently jeopardize the lives of young American citizens in Haiti by setting an inflexible date certain for their withdrawal.

Could anyone imagine General Eisenhower telling the Germans at Normandy that allied troops would withdraw if their mission was not successful by a certain date? Certainly not.

Could anyone imagine General Patton telling Rommel that he would retreat his tanks if his mission was not accomplished by a certain date? Certainly not. Could anyone imagine President Bush telling Saddam Hussein or General Noriega that United States troops would be withdrawn from Kuwait or Panama if his mission was not accomplished by a certain date? Certainly not.

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I would suggest, then, Mr. Chairman, that it would be just as wrong and just as dangerous for this Congress to set a date certain for the withdrawal of United States troops from Haiti. That is exactly what we are hearing from our American military leaders, including General Shalikashvili.

I hope one of the painful but important lessons of Vietnam is that whether we personally oppose or support U.S. military action in another country, it is a deadly mistake to tie the hands of our troops once they are deployed. Let us not make that mistake again here today. Let us support our troops.

We all want to bring our troops home as soon a possible, but until our young American citizens are home safely, let us not put our personal and partisan differences into a position of jeopardizing their lives. Let us support our troops. Let us let the military do its job without political second-guessing in Washington.

Mr. Chairman, I urge opposition to the Michel amendment and support for the Dellums amendment.

Mr. TORRICELLI. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to express my appreciation to him for his leadership in this area. It has really been very distinctive, important, and constructive. I am pleased to join with him in the Torricelli-Hamilton amendment. I would like to direct my remarks to that amendment, if I may, at this point.

Mr. Chairman, I think it is the best of the three choices that are before us. I would like to spell that out, Mr. Chairman. First, just to explain it, it authorizes United States military operations in Haiti until March 1, but then it has a Presidential waiver, and if the requirements are met, then the time can be expanded.

Second, it sets out limited purposes of the U.S. military operation. I will come back to that in a moment. Third, for those who oppose the United States presence in Haiti beyond March 1, it guarantees a vote on a resolution directing the President to withdraw the troops.

Mr. Chairman, the advantage of the Torricelli amendment is that it is the only one of the three that authorizes the presence of United States combat troops in Haiti. Three weeks ago, just before the President sent troops into Haiti, Members of this institution were talking all the time about the President should not commit troops without an authorization. Everybody agreed with that. Now, many Members of this institution are unwilling to authorize the presence of those troops, even after the fact.

The Torricelli-Hamilton amendment authorizes the United States presence in Haiti. It is the only amendment before us that speaks to the question of authorization. Members must step up to the plate and exercise their Constitution responsibilities. Congress should share responsibility any time U.S. troops are deployed abroad for possible combat purposes.

The Murtha-Hastings resolution does not do that. It does not authorize the presence of troops in Haiti, nor does the Michel amendment. If Congress is to play a role in difficult decisions on the use of force, Members should be willing to step up to the plate, and we do that by voting on the question of

authorization, not by adopting a sense-of-the-Congress resolution.

The sense-of-the-Congress resolution, for example, in the Dellums-Murtha-Hastings-Dicks amendment said the President should have sought and welcomed congressional approval before deploying troops, but it does not say anything about the Congress stepping up to its responsibility and authorizing after the fact.

You cannot have it both ways. Members cannot complain about no authorization beforehand, and then duck responsibility for authorization afterwards. The House tonight faces a very clear choice: Do United States troops in Haiti continue to operate solely on the President's authority, or do they also have the support and authorization of the United States Congress? I believe we should authorize.

Let me make one other point about the Torricelli amendment. It is the only amendment before us that limits the scope of responsibility of the military forces. The Dellums-Murtha-Hastings-Dicks amendment is completely open-ended. You can get into the whole business of nation building under that amendment. There is no limitation on the scope of what military forces must do.

In the Torricelli substitute, we are very specific about the limited purposes of our involvement: to protect United States citizens; to stabilize the security situation in Haiti, so that you can have orderly progress in transferring to a legitimate government; and to facilitate the provision of humanitarian assistance to the people in Haiti.

What we do not do in the substitute amendment by the gentleman from New Jersey [Mr. TORRICELLI], we do not authorize nation building. Under the Murtha-Hastings-Dicks-Dellums substitute there is not any mention of this, and it is completely open-ended.

Under the Torricelli substitute, we do not authorize United States troops to run Haiti. We do not authorize them to rebuild Haiti. We do not authorize them to create democracy in Haiti. Those are the tasks for the Haitians themselves, with help, of course, from the international community.

Mr. Chairman, the reason for the amendment in the nature of a substitute offered by the gentlemen from New Jersey [Mr. Torricelli] is that it puts the Congress on record in support of United States combat troops in Haiti, and it authorizes their presence. It outlines a clear mission, limited in time, limited in scope.

It gives United States troops a reasonable chance to accomplish their mission. It protects the constitutional prerogatives of this body, and it does not simply cede those responsibilities away, or duck the question. It ensures that Congress will come back in the 104th Congress and have the opportunity to pass judgment on the continued wisdom of this operation at a later date.

Mr. Chairman, I believe, therefore, the reason that the Torricelli substitute is superior is because it steps up to the plate and permits us to exercise our congressional responsibilities under the Constitution, and it limits the amount of time that the troops can be there, and it limits the scope of the mission.

May I say, Mr. Chairman, finally, that there are many, of course, who argue tonight for an early withdrawal, but I think that is a mistake. To pull our troops out on an early deadline simply risks the mission in Haiti.

We have many views in this Congress about whether or not we should intervene, but that question is behind us now. The troops are there, and we should see that those troops succeed, and American foreign policy succeeds in Haiti.

Mr. DELAY. Mr. Chairman, United States policy toward Haiti has been full of errors from the start. First, we based our policy for the restoration of democracy on returning to power Jean-Bertrand Aristide, a man who—although elected democratically—clearly does not govern democratically.

Aristide and his followers routinely incited mob violence and class warfare. He has publicly condoned the practice of necklacing opponents—igniting a gasoline-soaked tire around the head of an enemy and burning the victim alive. He also is believed to have personally ordered the execution of one of his top political enemies prior to being overthrown in September 1991. Aristide, moreover, routinely acted without the consent of the Haitian parliament and ignored the country's constitution.

Yet now President Clinton has committed thousands of United States troops to Haiti in the hope that General Cedras will stick to his part of the agreement brokered by Jimmy Carter and leave power so that Aristide can take his seat again as president until the end of his term.

At this time, many unanswered questions remain:

What if Aristide decides not to step down at the end of his presidential term, as he has agreed to do? Until now, Aristide has held firm to his belief that the period of his exile does not count as part of his 5-year term in office. Will the United States blockade Haiti and impose economic sanctions if Aristide remains in office past 1996, in violation of the 1987 Haitian Constitution?

What if Cedras or other members of the junta refuse to leave Haiti once they step down from power? Already Cedras has indicated that he has no desire to leave, and nothing in the agreement prevents him from staying. Imagine the kind of unrest that could ensue if he stays and decides to run for parliament this year or president next year. Will we be playing referee between the two political factions?

What if Aristide turns on us again? The Clinton administration has been able to keep Aristide fairly quiet while he has been living in Washington. Once he's back in Haiti, however, he could revert to the anti-Americanism that has been prevalent throughout his political career. In a 1990 radio interview regarding United States support for the upcoming Haitian elections, for example, Aristide claimed that "they (the Americans) want to hold our guts always in their hands. Thus, we will become economically, politically, and culturally dependent. For our part, we reject this * * *"

Perhaps the biggest question is what will we do if democracy fails to take root with Aristide's return? This is a country that, unfortunately, has never known democracy. Is the Clinton administration planning to keep United States troops in Haiti indefinitely?

Clinton has yet to define an exit strategy to identify clearly thee conditions that must be met in order to get our troops back home. At this point I fear that we could see a repeat of the failed nation-building attempt that took place in Somalia last year with the unnecessary loss of some 40 American lives.

The Hamilton resolution is a sham: it retroactively authorizes the United States occupation of Haiti, giving the President political cover if anything goes wrong; there are no provisions prohibiting appropriations for operations after the March withdrawal date so the President is under no obligation to honor it; furthermore, while the resolution seems to say that American troops will only serve under U.S. command, it does not specify whether this will hold true after the transition to a U.N.-led force takes place.

The situation in Haiti poses no threat to international peace and security, and there was never any meaningful consultation with Congress on the issue of sending United States troops to occupy the island. Furthermore, it is abundantly clear that the American people do not support this operation.

I would like to express my strong support for the Michel resolution, which states in no uncertain terms that U.S. troops should come home now. Instead of placing American young men and women in needless danger, we should be establishing ties with existing democratic institutions in Haiti for the promotion of free and fair elections, and the economic embargo of Haiti should be fully lifted to revive the economy.

Mr. KOPETSKI. This issue is a very difficult one for me to resolve. And my dissatisfaction with the options presented is evidenced by the seemingly contradictory nature of my votes.

Let me state first, that I have no issue in deciding how to vote on Mr. MICHEL's substitute. I reject it and voted against it. I believe the United States does have a national security interest in Haiti and it is necessary to place troops there. I believe it would be wrong to withdraw our troops immediately from Haiti.

I supported the Dellums substitute because it reflects many of my beliefs: it commends the performance of our men and women in uniform who once again were asked to place their lives on the line on foreign soil; and it supports the prompt and orderly withdrawal of our troops as soon as possible. I find these important promises and worthy of my vote.

What the Dellums amendment does not do is legally authorize the placement of troops on foreign soil. The substitute expresses only the sense of the Congress and is not legally binding. This is the flaw in the choice. I believe the

Congress has the constitutional responsibility to authorize legally the placement of troops on foreign soil when placed in harms way as is the case in Haiti.

The Hamilton substitute fulfills our Constitutional responsibility and legally authorizes the placement of troops. I believe I have a constitutional duty by the oath of office taken to vote to authorize the troops if I deem it necessary to have troops in Haiti. I do and I did.

The flaw in the Hamilton substitute which gave me great concern is the deadline imposed on the President to withdraw the troops. I don't support this deadline. I believe it is bad policy, if not dangerous policy, for our troops on the ground and for strategic purposes.

I believe that, as in Somalia and in the current engagement, the imposition of post authorization of troops by Congress as well as imposition of Congressional deadlines for withdrawal exposes a significant, impractical flaw in the War Powers Act. The Act needs fixing if not repeal for it places Congress in the untenable position of choosing between Constitutional duty and deference to the Commander in Chief to take first actions to protect the lives of our troops. But this is a review and action for a future Congress.

In light of the above I did vote for Mr. HAMILTON's substitute opposing the deadline but granting the legal authority which the President must have in order to have American troops in Haiti.

Though my votes are in past contradictory I was not given the choice I wanted; a legal authorization for the President to commit troops in Haiti for as long as necessary to protect our national security interests. I've done the best I could to honor my oath of office and to support good policy for America.

Mr. LEVIN. Mr. Chairman, each of the resolutions before us tonight has its serious imperfections.

I voted against the Michel resolution because I believe that it would have led to chaos in Haiti and threatened our troops.

The Dellums resolution would set no target date for withdrawing American troops from Haiti.

The Toricelli resolution sets a target date, but its retroactive authorization is unwise and easily misunderstood.

I opposed the use of force in Haiti. Now that our troops are there, I believe that we must support them. I also believe that there must be a clear mission and a target date set for their safe withdrawal.

Since none of the resolutions before us tonight adequately address my concerns, I must reluctantly vote no on all of them.

Ms. LOWEY. Mr. Chairman, I have said for months that I did not want to see United States Troops in Haiti. Like most Americans, I did not—and do not—want to see young Americans placed in harms way. And I decided tonight that my responsibility in casting votes on alternative plans for bringing our troops home was to those several thousand American troops who are in Haiti now.

If I could bring them home tonight, I would do it without question. And I continue to say that our priority now should be to turn this mission over to United Nations Forces and bring our troops safely home without delay. The key word is, without a doubt, "safely."

It would be irresponsible for the Congress to add to the danger facing American troops already stationed overseas by casting a politically motivated vote. Military experts—one after another—have said that setting in stone a date for withdrawal of our troops puts them in greater danger. In the words of Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, "The bottom line is that the dynamic created by a mandated withdrawal date could make the situation more dangerous to our troops." And that makes good common sense—I don't know of any victorious military operation in history that has been conducted after sharing key strategic information with the adversary.

My vote tonight—for the Murtha-Dellums resolution—should leave no doubt in anyone's mind about my determination to bring our troops home. I do not—and never have—supported this military action in Haiti. This resolution says—and means—that our troops should be withdrawn as soon as possible.

Finally, I want to say a word about the discrepancies between the rhetoric of tonight's debate and the reality of the alternatives before us. Yes, the Michel resolution calls for the immediate withdrawal of our troops—but read on—the resolution then delays until January 21, 1995, a vote on a resolution to require withdrawal—and that resolution, if adopted, would allow 30 days—until February 20, 1995—for the withdrawal to be complete. The committee's resolution requires withdrawal by March 1. The difference—8 days—falls far short of what the rhetoric would have us believe.

Mr. COSTELLO. Mr. Chairman, I rise today during this important debate on the resolutions regarding U.S. military involvement in Haiti.

As many of my colleagues know, I opposed the invasion of Haiti, and cosponsored legislation to require the President to seek the approval of Congress prior to any military intervention in Haiti. However, the President committed U.S. troops prior to congressional consideration, and now we have 20,000 troops in that country.

Today, we debate how best to move forward given the fact that our men and women in uniform are in Haiti, facing daily danger but as yet, thankfully, without loss of life. There are three resolutions on the floor today: one sponsored by Rep. MICHEL, urging an immediate withdrawal of troops; one by Rep. MURTHA, expressing the withdrawal of U.S. troops as soon as possible; and one by Rep. TORRICELLI, authorizing the placement of troops in Haiti and urging their withdrawal by March 1, 1995.

While I opposed an invasion of Haiti, I do not believe with 20,000 troops in that country we should pull them out today. Such a resolution sends a mixed signal to the military leaders in Haiti, undercuts the soldiers and sailors who are working for a quick and peaceful resolution to the return of exiled President Aristide, and potentially even puts them in harm's way. Therefore, I intend to vote against the Michel resolution.

The Torricelli resolution authorizes this mission retroactively, and urges a withdrawal by March 1 of U.S. troops stationed in Haiti. As an opponent of military intervention of Haiti, I do not believe that we should authorize this mission. For that reason, I will oppose the Torricelli resolution.

I intend to vote for the Murtha resolution, which calls for withdrawal of U.S. troops as soon as possible from Haiti. It is similar to the bipartisan resolution sponsored by Senators BOB DOLE and GEORGE MITCHELL now under consideration in the Senate.

The President has indicated the return of President Aristide by October 15, 1994, just a few days away. Once he has returned to Haiti, we should bring our troops home as the situation becomes more secure, and allow the United Nations security forces to take over. Our troops will have fulfilled their mission to restore President Aristide to power, and our military role will be complete. I believe the Murtha resolution allows the President to accomplish these goals and I support efforts to bring our troops home as soon as possible.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today to express my support for the Michel substitute to H.J. Res. 416. The Michel substitute is the best course of action in Haiti. From the beginning, I have opposed United States military involvement in Haiti. We need to do everything we can to get our troops home and out of harms way. I believe that the Michel alternative establishes a clear plan to bring our soldiers home. The Michel substitute is also the only alternative that prohibits U.S. forces from serving under foreign command.

Along with the fear of losing American lives, there are several reasons that stand out in my mind why we shouldn't be in Haiti. For example, who is going to assume the cost of this mission? I know the United Nations approved this occupation, but I don't see our allies opening up their checkbooks for support. I will tell you who is going to pay, the American taxpayer. The Department of Defense has already stated it does not have enough money to cover the $250 million initial cost of this operation. Estimates of the cost of the occupation are now being made as high as $3 billion. So once again the American taxpayer is going to get stuck with the bill for an occupation that the majority of Americans oppose. Something is wrong with the picture.

Another concern is the fact that President Clinton blatantly ignored the will of the American people and the Congress. Instead he turned to the United Nations, rather than the elected officials of his own country giving the people the impression that Mr. Clinton places the approval of the United Nations ahead of the American people. It is also sad that only after American troops have been in Haiti for 2 weeks that we now are addressing this issue properly on the floor of the House of Representatives. It is unfortunate that the Democratic leadership prohibited the Congress from voting on this important matter prior to the United States occupation of Haiti

President Clinton should study the rules of engagement outlined by former Secretary of Defense Caspar Weinberger. Secretary Weinberger argued that there are four principles that should be adhered to before committing U.S. troops on foreign soil: The operation should have the support of the American people and the Congress, the mission should be specifically defined, the operation should be in the strategic interest of the United States, and finally there should be a clear exit plan for our

troops. Unfortunately, the Haiti occupation does not satisfy any of these four criteria.

You may recall that this is not the first nation-building exercise for American troops in Haiti. From 1915 to 1934 U.S. forces occupied this caribbean nation to no avail. In fact, Haiti has never had a sustainable democracy.

Mr. Chairman the Michel substitute to H.J. Res. 416 is the only alternative that provides a clear plan to get United States troops out of Haiti. The Dellums and Torricelli plans fail to define a specific course of action. The Michel plan holds the President accountable to the Congress on this important matter. I believe that we are ducking our own responsibility as elected Members of the House of Representatives if we adopt the Torricelli or Dellums alternatives.

Mr. DINGELL. Mr. Speaker, I rise in support of the substitute offered by Representative DELLUMS, Representative MURTHA, and a number of my colleagues.

This resolution, unlike the others we are considering today, does not tie the fate of our soldiers to an arbitrary date. Setting either January 3, 1995 or March 1, 1995 as the date certain for the withdrawal of our forces will undercut the ability of our President to conduct foreign policy. In addition, a date certain for withdrawal will impair his responsibility as Commander in Chief to direct our armed forces.

The deadline also flies in the face of military strategy, by disregarding the need for secrecy. Affording those who do not share our interests in restoring democracy in Haiti the opportunity to plan around our exit date could expose our forces to serious dangers. Furthermore, our strategic objectives, and their potential undoing, would be tied to our departure date. I cannot think of a military leader in our history that has tied his fate to this type of policy, which has serious consequences for this and future military operations.

I was opposed to the invasion of Haiti and I continue to have grave misgivings about our current occupation. Nevertheless, the President has deployed our forces to that country to restore order and to help ensure a smooth transfer of power from Haiti's current military regime to President Jean-Bertrand Aristide. Congress must call upon the President to accomplish this mission quickly and then return home.

Our military forces are the most highly trained and professional soldiers in the world, and they deserve our support. We are asking them to perform a dangerous and ever-widening mission, under difficult circumstances, with unclear rules of engagement. Their responsibilities include protecting Haiti's citizens and political leaders from attack, and seizing weapons from paramilitary groups. Previous experience shows that nation-building and peacekeeping missions in hostile environments can place American soldiers in the difficult position of fending off attacks from local factions.

At this juncture, we need a precise mission laying out our objective and how we will accomplish it. This policy must also include clearly defined rules of engagement, and an exit strategy; not an exit date. Finally, we must commit the resources needed to give our soldiers the ability to defend themselves and to ensure their safe return.

For these reasons, I believe it is incumbent on this body to call upon the Administration to produce the most rational and even-handed policy possible. We must focus our energies on approving a measure to help guarantee that the fundamental requirements I have mentioned are met and that our forces are withdrawn from Haiti as soon as possible, with minimal risk.

Mrs. COLLINS of Illinois. Mr. Chairman, throughout my tenure in Congress I have always strongly opposed offensive U.S. military action against foreign nations except as an absolute last resort. I am a firm believer in the importance of diplomatic resolve.

However, I also strongly believe that once American troops are committed overseas and engaged in a mission as important as the restoration of democracy in the Republic of Haiti, we, as Members of Congress and as citizens of this great country, must stand firmly behind our men and women and support their efforts 100 percent. We must give our courageous and competent soldiers the moral and economic support necessary to the successful completion of their duties.

Throughout the last days of the 103d Congress, there has been a great deal of election year politics and grandstanding by those individuals whose sole purpose has recently been to damage the President of the United States. We cannot allow such tactics to sabotage our troops in Haiti.

This morning South African President Nelson Mandela addressed a joint session in this chamber and praised the United States for its diligent efforts to help break the stranglehold of apartheid in his nation and bring freedom and democracy to the South African people. Does not the United States have the same responsibilities in Haiti?

Mr. Chairman, I congratulate President Clinton for working diligently to restore democracy in the Republic of Haiti in the face of great opposition. He has shown great strength and courage as this Nation's Commander in Chief in attempting to resolve longstanding unrest in that nation in the swiftest and most nonviolent that is possible.

I urge my colleagues to support the Dellums substitute and allow the American troops to complete their mission and bring peace to Haiti and urge my colleagues to do the same.

Mr. KIM. Mr. Chairman, we are at long last debating the American occupation of Haiti. I believe we need to examine how much this occupation is going to cost. The early estimates peg our cost at $250 million through the end of this year.

Our Nation's Armed Forces have been slashed by 25 percent since the Gulf War and are unable to meet their training budgets. How are we going to pay for the occupation without further degrading our military readiness?

What are we spending our money on?

We are spending thousands of dollars to buy obsolete weapons. We are spending tens of thousands of dollars to train and pay Haitian police to sit in Guantanamo refugee camps. We have spent millions for humanitarian food relief and stood by and watched the distribution centers be ransacked.

What is our mission? Is it restoring Jean-Bertrande Aristide to power or is it to promote democracy? Aristide is no different from the military thugs we are overthrowing. Aristide advocates murder and brutality as valid tools of government. How is siding with Aristide any different from choosing sides in the chaos of Somalia? When Aristide returns, who knows what will happen? Haiti may degenerate into civil conflict. Are we going to take sides in a civil war? Are we going to invade Haiti again to replace Aristide?

What is going on? How long are we going to be in Haiti? Without answers to those questions Congress has a responsibility to end this ill-fated adventure. Our servicemen and women should never be thrown into a dangerous environment without a clear mission. And given our budgetary problems we should end this ill-advised waste of precious taxpayer dollars.

I strongly urge my colleagues to vote for the Michel substitute.

Mr. LIGHTFOOT. I rise in opposition to the resolution. I will not vote to give President Clinton a backdoor authorization for his unilateral decision to deploy troops to Haiti. Nor do I believe we should let House Democrats have any opportunity to hide from their complicity in this matter.

Like all Americans I support our troops when they are in harm's way and I pray for their safety and success. But if this operation devolves into the same nation building fiasco we witnessed in Somalia, the responsibility should rest squarely where it belongs, with President Clinton and the House Democrats who sanctioned this adventure last June.

On June 25, 1994, I offered an amendment to the Commerce, Justice, State appropriation to cut the $25 million budgeted for the United States contribution to U.N. peacekeeping operations in Haiti. That amendment was opposed by House Democrats because they decided it would unnecessarily tie the President's hands.

How ironic that we now find ourselves here today discussing a Democrat resolution which is opposed by our field commanders because it would tie the President's hands in Haiti. It's clear to me the Democrats have stuck their collective fingers into the air and suddenly discovered the American people don't want our troops in Haiti.

Well it's too late. House Democrats had several legislative opportunities to stop this madness and like Bill Clinton, you avoided your responsibility.

The President should be held accountable because he has presented the American people a fait accompli. Yes, today Congress can try and order our troops home in a safe and orderly manner. But if we are not prepared to take that decisive step, I don't think we should ignore the recommendation of our force commanders and establish arbitrary dates for the withdrawal of our troops.

I believe the President has evaded his constitutional duty by avoiding Congress in this matter. Haiti is no threat to our national security. The buildup toward our intervention in Haiti was conducted quite publicly.

Who did the President consult before launching this mission? He consulted with United Nations Secretary General Boutros Boutros Ghali, the members of the United Nations Security Council, the leaders of Caribbean and Latin American nations.

It appears Bill Clinton had time to consult with everyone but the American people. I guess we should be grateful that Bill Clinton found 10 minutes to address the American people with a half hearted attempt to justify invading Haiti on the eve of his intervention.

But Mr. Speaker, there is a bigger issue here than just our ownership of a small, useless Caribbean nation. President Clinton's action in Haiti exemplifies his administration's foreign policy.

Presidential decision directive 25, the Clinton administration's peacekeeping doctrine, was designed for situations just like Haiti. PDD–25's criteria for establishing and participating in U.N. peacekeeping operations are so vague as to justify any dubious multilateral action the President's advisors decide upon. If you can justify Haiti with PDD–25, then you can justify anything.

Under the Clinton peacekeeping doctrine, our military is no longer to defend the United States, it's no longer to be used for power projection, it's to be a global police force.

Well Mr. Speaker, Americans don't like watching American troops in Haiti entering homes and making arrests without warrants—in the name of democracy. Americans don't like watching American troops shut down television stations because we don't like what is being broadcast—in the name of democracy. And Americans don't like the idea of using American troops using American bayonets, to replacing one set of dictators with a person who has no demonstrated commitment to democracy, the rule of law or human rights.

I urge this House to support nothing less than legislation which brings home our troops—now.

Mr. JOHNSON of South Dakota. Mr. Chairman, while I have not supported an American invasion or occupation of Haiti, I want, at the outset, to make it very clear that I am supportive of the courageous men and women in uniform who are currently performing their military tasks with skill and professionalism in Haiti. I also commend Gen. Colin Powell, Senator NUNN and former President Carter for their efforts to negotiate an agreement which eliminated the possibility of a forced military entry into Haiti and the loss of life that might have entailed.

I am also supportive of President Clinton's effort to intercept Haitian refugees at sea and transport them to Guantanamo and other locations outside the United States, rather than allowing the large scale entry of Haitian refugees into Florida. Ultimately, the only long-term solution to the Haitian refugee crisis is to encourage the restoration of greater prosperity and individual security in Haiti—that goal serves the needs of both the United States and of the Haitian people. Permitting a large-scale Haitian exodus to the United States creates problems in our country and does not correct the underlying cause of the exodus—poverty and human rights violations in Haiti.

It is my view that no substantial military invasion or occupation of a foreign nation should occur without the express authorization of the representatives of the American people—Congress. I have held that view during the Reagan and Bush administrations and now express the same position during the Clinton administration. I appreciate that Presidents Reagan and Bush as well as President Clinton deny the need for congressional authority prior to this type of military action, and this difference of opinion is why I sought judicial clarification of the issue prior to Desert Storm. The Court declined to rule on meaning of the constitutional warmaking clause prior to Desert Storm because President Bush did ultimately seek a congressional vote. No such vote was taken prior to invasions of Lebanon, Panama, or Grenada and President Clinton is currently following the precedent set by previous Presidents.

I believe that the United States should execute an orderly withdrawal from Haiti in a manner consistent with preserving the safety of our troops. I have not talked to one parent in South Dakota who believes that the national interest of the United States justifies jeopardizing the lives of their sons or daughters in Haiti. Our Nation should facilitate the deployment of an international peacekeeping force as quickly as possible.

The United States can and must play some role in reducing the turmoil in Haiti, but I do not believe that our country can continue to play the role of policeman for the world, or even for our hemisphere. In situations such as this where the threat to the United States is marginal, the better strategy is to rely on international peacekeeping efforts—in which the United States will often play some significant role—in conjunction with trade and diplomatic efforts.

Mr. MANN. Mr. Chairman, I rise today in support of the Dellums-Murtha substitute to House Joint Resolution 416. As a former naval officer, who served during the Cuban missile crisis, I have firsthand experience of military operations in the Caribbean. Therefore, I take seriously the responsibility of placing the men and women of the U.S. Armed Forces in harm's way.

Had President Kennedy been schackled with a date certain for the termination of the Cuban quarantine, the Soviet Union would have successfully put nuclear missiles in Cuba.

Our senior military leaders like Joint Chiefs of Staff Chairman, General Shalikashvili; JCS Director of Operations, General Sheehan; and former JCS Chairman Colin Powell have told us that we place our troops at risk by imposing a date certain. It seems irrational to me that we would then impose a date certain, which is little more than a political solution to this military operation. U.S. troops should not be pawns in the debate between the legislative and executive branches of Government.

The plan we have before us in the Dellums substitute requires the administration to define the mission, identify the costs, estimate the duration of United States presence in Haiti with monthly reports to Congress. This substitute supports our troops without giving congressional approval to their deployment and without jeopardizing them with a date certain. I see this as the best means to successfully completing the mission in Haiti.

I know that is this partisan environment some who have never served their country in the military will criticize those of us who refuse to jeopardize our troops for political gain. While I disagreed with the decision to introduced troops into Haiti without congressional approval, now that they are there we must give them our full and unequivocal support. I urge adoption of the Dellums-Murtha substitute.

Ms. SHEPHERD. Mr. Speaker, I rise today in support of the Dellums-Murtha-Hastings-Dicks substitute to support our troops in Haiti. Now, I did not support a United States invasion in Haiti. I joined with Representative SKAGGS and Representative BOEHLERT and 137 other Members of the House in sending a letter to President Clinton in July calling upon him to gain congressional approval before initiating an invasion of Haiti. I also joined 105 of you in cosponsoring House Concurrent Resolution 276, stating that "the President is required to obtain prior approval of the Congress before United States Armed Forces may undertake offensive military action against the military leadership of Haiti."

Fortunately, the last-minute diplomatic initiative by former President Carter, former Joint Chief of Staff Colin Powell, and Senator SAM NUNN averted a bloody invasion, and for that I am deeply grateful. While I still have reservations about our Haiti policy, particularly about the wisdom of putting American troops at risk, I am cautiously optimistic about the course of events in Haiti. Our troops have fulfilled their mission with professionalism and compassion, and in the areas where United States troops are present, Haitians are once again able to express their political opinions without fear of death or torture. Our forces have dismantled the Haitian military's heavy weapons and have begun to collect guns from the Haitian policy and paramilitary groups, which will make it more difficult for antidemocratic forces to terrorize the population in the future.

The United States does have a direct national interest in the outcome of the power struggle in Haiti. If the people of Haiti feel that their political and economic situation offers them no hope, they will flood the United States as refugees. It will be far better if we can help them arrive at a political solution which will restore democratic rule and give them a chance to rebuild their country. The gradual lifting of sanctions announced by President Clinton should help restore hope and create a viable economy in Haiti. Already, Haitian refugees are returning home from Guantanamo Bay.

United States troops have now created the conditions to allow for the peaceful return of the democratic Government of Haiti. However, it looks as though an international presence will be needed in Haiti through the Presidential elections scheduled for September 1995. Therefore, I believe that we should push for a rapid transfer of responsibility to the United Nations. The urgent need now is for police, not combat troops, and the United Nations should be able to capably handle this mission.

However, I oppose an arbitrary deadline for withdrawal from Haiti. Our Nation's top military leaders have been down here begging us not to tie their hands, to let them fulfill their mission. As long as those who would threaten both our troops and democracy in Haiti are not sure when United States troops will leave, we will retain an important psychological and military advantage. Setting a date certain only encourages the opponents of democracy to dig in and wait us out. We should not give them

an advantage by letting them know our plans in advance. Support our troops and vote for the Dellums-Murtha substitute.

Mr. MAZZOLI. Mr. Speaker, I respect President Clinton as I have respected each of his predecessors in office going back to President Richard Nixon who was President when I entered the House of Representatives in 1971.

I believe that President Clinton was correct in his stance on the Federal budget last summer, and I voted for the 1993 budget bill. I thought he was right on the trade question, and I voted for his position on the North American Free-Trade Agreement. I thought he was correct on the crime issue, and I supported the crime bill, including the prevention provisions, at all stages starting at the Crime Subcommittee on which I sit.

But I believe the President is wrong in his policy toward Haiti. And I believe he should have sought congressional approval before deploying troops into Haiti.

I have studied all of the pending resolutions carefully, Mr. Speaker, and the one which provides the earliest and the best opportunity for the 104th Congress, which convenes in January, to debate and act on the question of the orderly disengagement of the United States from our occupation of Haiti and the question of the prompt and safe withdrawal of our troops back to the United States.

Therefore, Mr. Speaker, I rise in support of the resolution offered by the gentleman from Illinois [Mr. MICHEL] and I urge my colleagues to support it.

Last, Mr. Speaker, I wish to take this opportunity to address a few words to my colleagues since I will not be a Member of the 104th Congress. I wish to tell my colleagues how proud and honored and privileged I have been to sit in this assembly and to be part of the United States House of Representatives with them. I thank them for their friendship and their support, and I hope that our paths cross often in the years ahead. I love each and every one of you, and I ask God's blessings upon you.

Mr. LEHMAN. Mr. Chairman, I rise today to express my disgust at the willingness of this body to jeopardize the lives of American soldiers for the purpose of gaining a political advantage.

Though I have publicly stated that I opposed the invasion of Haiti by United States forces, I am not willing to cast a vote which could jeopardize the lives of our soldiers simply to gain political cover. Whether or not we like it, our troops are in Haiti, and as long as United States soldiers are in Haiti we must stand behind them 100 percent.

The decision to bring our soldiers home should be based on the advice of our military leaders and not politicians who are concerned about their own elections. Imposing arbitrary deadlines does nothing but undermine our armed forces. The best thing Congress can do is allow our military leaders to do their job and bring our soldiers home as soon as possible in a safe manner.

If you are looking to gain a political boost right before the election, take the easy vote. By doing so, however, you are risking the lives of American soldiers and undermining our military.

Practice good policy—not partisan politics.

Mr. CLINGER. Mr. Chairman, I rise to express my views on the current U.S. military occupation of Haiti.

My position on U.S. policy toward Haiti is clear and simple. I neither supported President Clinton's initial deployment of U.S. troops to Haiti nor do I support the current U.S. military occupation of the troubled nation. No compelling U.S. interests were at stake in Haiti. No American lives were at risk, and the United States had no vital strategic or economic concerns there. While the United States should always be committed to democracy and support democratically elected leaders, I question whether placing U.S. service men and women in Haiti to restore President Aristide is an appropriate use of our military forces.

Furthermore, it is my belief that, as commander-in-chief, President Clinton had an obligation to build public support for his policy before placing one American service member in harm's way. He should have clearly articulated our national interests and security objectives in Haiti, and allowed Congress to fully and publicly debate and vote on the merits of his policy. President Clinton's decision not to seek public or congressional support prior to the invasion and occupation of Haiti was a serious failure on his part, because if he had, the United States might not be in the troublesome position we are in today.

Although I feel U.S. military intervention in Haiti is a mistake, and U.S. troops should be withdrawn as soon as possible, I strongly oppose any congressional action to set a deadline for withdrawal or any attempt to cut off funds for military operations in Haiti.

Under the two previous administrations, I consistently joined my Republican colleagues in fending off Democratic attempts to tie the hands of the President in executing U.S. foreign policy. I argued that Congress must give the President latitude to properly carry out his responsibilities as our commander-in-chief, especially when U.S. troops are in a hostile environment. It would be contrary to my beliefs and hypocritical for me now to support any resolution that severely restricts the President's authority over foreign policy and military affairs by mandating the withdrawal of U.S. troops.

Having stated by views, I must admit I am not thrilled by any of the three alternative before us today. While none represent flawless public policy, some are clearly better than others.

I am vehemently opposed to the Torricelli-Hamilton resolution which provides an implicit endorsement of the President's policy and retroactive authorization for his actions. I cannot support authorization for continued United States presence in Haiti to carry out a poorly defined mission I do not support, and urge my colleagues to vote "no" on Torricelli-Hamilton.

Although I have misgivings about the Michel-Gilman substitute, I will vote for it because it is clearly the best of the three choices. It states that President Clinton should not have sent troops to Haiti, and urges an immediate, safe and orderly withdrawal. Although I am concerned about the fixed timetable for a congressional vote on pulling U.S. troops out of Haiti, I view this provision more as a reservation of Congress's right to revisit the issue than as a congressional deadline for troop withdrawal.

If the Michel-Gilman substitute fails, which I expect it will, I will lend my qualified support to the Dellums-Murtha substitute. Although the language is anemic and does not go far enough in expressing disapproval of President Clinton's decision to dispatch troops to Haiti, I prefer the Dellums-Murtha substitute over the base text of the resolution which endorses and authorizes the President's actions. President Clinton should not interpret this Member's vote in support of the Dellums-Murtha substitute as a vote of confidence, but instead as a denial of congressional authorization for his Haiti military operation and a forceful repudiation of his mishandling of this sorry affair.

Mr. Speaker, no matter what the outcome of the Michel-Gilman or Dellums-Murtha votes, in my mind, the only vote that truly matters, and the vote the President should be closely watching, is the vote on the Torricelli-Hamilton resolution. This is the only amendment that provides authorization for continued U.S. presence in Haiti, and therefore, the only one that endorses the President's actions. If Congress fails to adopt the Torricelli-Hamilton resolution, it will be a clear, unmistakable rejection of the President's Haitian policy, and President Clinton should recognize and understand this.

Once again, I strongly urge members to vote "no" on the Torricelli-Hamilton resolution.

Mr. VENTO. Mr. Chairman, just over 2 weeks ago, the President ordered United States troops to enter the nation of Haiti. The situation in Haiti was clear—the people of Haiti were faced with a government that forcibly assumed power, committed horrible atrocities on the people of that country, and had repeatedly refused any attempts of a peaceful return to democracy and the legitimately elected President.

President Clinton made a bold and courageous decision to return democracy to Haiti and end the intolerable conditions created by the military regime by whatever means necessary. But much to his credit, our solders did not land in Haiti under a hostile situation.

I have heard many of my colleagues rise and criticize the President for his actions. I have heard my colleagues argue that our country has no stake in Haiti; that Haiti does not effect us. Well to them I say we can either deal with Haiti's problems in the streets of Port-au-Prince or the streets of Miami.

President Clinton went into Haiti with the support of the International Community, including the United Nations and Organization of American States. He went in to protect the Americans there and to restore the democratically elected President. He ensured the safety of our soldiers when they entered the country and he has made clear their mission in Haiti. It would be reckless to demand that he withdrawal our troops before they complete their objective; and very unwise to set a arbitrary date a deadline to conclude their mission and withdrawal. We are legislators not military commanders.

Since our troops safely landed in Haiti much has been accomplished. The flow of Haitian refugees has stopped, a new Haitian Security Force is being trained, dangerous political groups have been disarmed, violence has been minimized, and the Haitian military leaders are in the process of stepping down. If our troops are withdrew prematurely, any hopes of

returning democracy and a functioning economy to Haiti will leave with them.

Although I believe the President should have sought congressional approval before deploying United States troops to Haiti, and was prepared to support such decision today commend him for maintaining America's credibility in world affairs, for taking a firm stand against human rights abuses, and for creating the safest possible environment for our troops in a potentially dangerous situation. President Clinton deserve the support of Congress.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the bill is considered for amendment under the 5-minute rule. The amendments printed in part 1 of House Report 103-840 are considered as adopted.

The text of House Joint Resolution 416, as amended, is as follows:

H.J. RES. 416

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Limited Authorization for the United States-led Force in Haiti Resolution".

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

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

(1) On September 18, 1994, the special delegation to Haiti succeeded in convincing the de facto authorities in Haiti to sign the Port-au-Prince Agreement under which such authorities agreed to leave power.

(2) On September 18, 1994, after the Port-au-Prince Agreement was reached, the President ordered the deployment of United States Armed Forces in and around Haiti.

(3) On September 21, 1994, the President submitted a report, consistent with the War Powers Resolution (50 U.S.C. 1541 et seq.), on the introduction of United States Armed Forces into Haiti.

(4) The Congress fully supports the men and women of the United States Armed Forces who are carrying out their mission in Haiti with professional excellence and dedicated patriotism.

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

(1) The United States-led force in Haiti should use all necessary means to protect United States citizens, to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti, and to facilitate the provision of humanitarian assistance to the people of Haiti.

(2) Transfer of operations in Haiti from the United States-led force in Haiti to the United Nations-led force in Haiti should be facilitated and expedited to the fullest extent possible.

(3) United States Armed Forces should be withdrawn from Haiti as soon as possible.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—Subject to subsection (b), United States Armed Forces are authorized to participate in the United States-led force in Haiti only—

(1) to protect United States citizens;

(2) to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti; and

(3) to facilitate the provision of humanitarian assistance to the people of Haiti.

(b) LIMITATIONS.—

(1) TERMINATION OF AUTHORIZATION.—The authorization provided by subsection (a) shall expire on March 1, 1995, unless the President determines and certifies to Congress in the report required by section 4(b)(3) that the continued participation of U.S. armed forces in the U.S.-led force is essential to protect U.S. citizens or vital U.S. national security interests.

(2) PROHIBITION ON FOREIGN COMMAND.—United States Armed Forces described in subsection (a) shall remain under the command and control of officers of the United States Armed Forces at all times.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the Congress reports on —

(1) the participation of United States Armed Forces in the United States-led force in Haiti and the United Nations-led force in Haiti, including—

(A) the number of members of the United States Armed Forces that are participating in such United States-led force and such United Nations-led force;

(B) the functions of such Armed Forces; and

(C) the costs of deployment of such Armed Forces; and

(2) the efforts to withdraw United States Armed Forces from Haiti, including—

(A) for the purpose of achieving a transition from the United States-led force in Haiti to the United Nations-led force in Haiti, the status of efforts to implement the Port-au-Prince Agreement and to otherwise carry out the terms of United Nations Security Council Resolutions 917 (May 6, 1994) and 940 (July 31, 1994);

(B) the status of plans to accomplish such transition to the United Nations-led force in Haiti; and

(C) the status of plans to withdraw United States Armed Forces from Haiti.

(b) REPORTING DATES.—A report under this section shall be submitted—

(1) not later than November 30, 1994, covering the period since September 18, 1994;

(2) not later than December 31, 1994; covering the period since the report described in paragraph (1); and

(3) not later than February 1, 1995, covering the period since the report described in paragraph (2).

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The requirements of this section do not supersede the requirements of the Was Powers Resolution (50 U.S.C. 1541 et. seq.).

SEC. 5. REASSEMBLY OF CONGRESS.

It is the sense of the Congress that the Speaker of the House of Representatives and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House of Representatives and the minority leader of the Senate, respectively, should monitor closely events in Haiti in considering whether to exercise any authority that may be granted to reassemble the Congress after the adjournment of the Congress sine die, if the public interest shall warrant it.

SEC. 6. JOINT RESOLUTION PROHIBITING CONTINUED USE OF UNITED STATES ARMED FORCES IN HAITI.

(A) IN GENERAL.—If a joint resolution described in subsection (b) is enacted, the President shall remove United States Armed Forces from Haiti in accordance with such joint resolution.

(b) DESCRIPTION OF JOINT RESOLUTION.—For purposes of subsection (a), a joint resolution described in this subsection is a joint resolution the matter after the resolving clause of which is as follows: "Pursuant to section 6 of the Limited Authorization for the United States-led Force in Haiti Resolution, the Congress hereby directs the President to remove United States Armed Forces from Haiti not later than 30 days after the date of the enactment of this joint resolution, except for a limited number of members of the United States Armed Forces sufficient to protect United States diplomatic facilities and personnel.".

(c) PRIORITY PROCEDURES.—

(1) INTRODUCTION OF JOINT RESOLUTION.—Paragraph (2) shall only apply to a joint resolution described in subsection (b) and introduced on or after the date on which the President submits, or is required to submit, the report required by section 4(b)(3).

(2) CONSIDERATION OF JOINT RESOLUTION—Only one joint resolution described in subsection (b) and introduced in accordance with paragraph (1) shall be considered in accordance with the procedures described in section 7 of the War Powers Resolution (50 U.S.C. 1546), except that, for purposes of such consideration, the term "calendar days" in such section shall be deemed to mean "legislative days".

SEC. 7. DEFINITIONS.

For purposes of this joint resolution, the following definitions apply:

(1) LEGISLATIVE DAYS.—The term "legislative days" means days in which the House of Representatives is in session.

(2) PORT-AU-PRINCE AGREEMENT.—The term "Port-au-Prince Agreement" means the agreement reached between the United States special delegation and the de facto authorities in Haiti on September 18, 1994.

(3) UNITED NATIONS-LED FORCE IN HAITI.—The term "United Nations-led force in Haiti" means the United Nations Mission in Haiti (commonly referred to as "UNMIH") authorized by United Nations Security Council Resolutions 867 (September 23, 1993), 905 (March 23, 1994), 933 (June 30, 1994), and 940 (July 31, 1994).

(4) UNITED STATES-LED FORCE IN HAITI.—The term "United States-led force in Haiti" means the multinational force (commonly referred to as "MNF") authorized by United Nations Security Council Resolution 940 (July 31, 1994).

SEC. . AUTHORITY OF CONGRESS TO DECLARE WAR.

It is the sense of the Congress that, under circumstances existing prior to concluding the Port-au-Prince Agreement, the Constitution of the United States would have required the President to obtain the approval of the Congress before ordering United States Armed Forces to invade Haiti to remove the de facto authorities in Haiti.

The CHAIRMAN. No further amendment to this bill is in order except those printed in part 2 of the report.

Those amendments may be offered only in the order printed in the report, only by a Member designated in the report, are considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except as specified in the report. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 103-840.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GILMAN: Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Withdrawal from Haiti Resolution".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On September 19, 1994, President Clinton introduced United States Armed Forces into Haiti for purposes of effecting a transition of power from the military regime of General Raoul Cedras to President Jean-Bertrand Aristide.

(2) Under President Clinton's plan, approximately 20,000 United States Armed Forces personnel have been deployed to Haiti and most are to remain there until, in the judgment of the United Nations Security Council, they have established a secure and stable environment and a follow-on United Nations peacekeeping force known as the United Nations Mission in Haiti (UNMIH) is capable of assuming their functions.

(3) In accordance with United Nations Security Council Resolution 940 (1994), the UNMIH peacekeeping force is to consist of 6,000 personnel and is to remain in Haiti until February 1996.

(4) President Clinton intends for United States Armed Forces personnel to comprise a substantial portion of the UNMIH peacekeeping force that will remain in Haiti until February 1996.

(5) President Clinton never requested or obtained the authorization of the United States Congress for his plan to deploy United States Armed Forces to Haiti.

(6) The incremental cost to the United States of President Clinton's planned military occupation of Haiti is estimated to total not less than $500 million and could be significantly higher. In addition, it is anticipated that the United States will provide hundreds of millions of dollars in economic and humanitarian assistance to Haiti during the military occupation.

(7) The deployment of United States Armed Forces to Haiti is adversely affecting military readiness by placing an enormous stain on a reduced military force structure and by consuming considerable resources from an underfunded defense budget.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(a) the President should not have ordered United States Armed Forces to occupy Haiti;

(b) the President should immediately commence the safe and orderly withdrawal of United States Armed Forces from Haiti and should conclude that withdrawal as soon as possible in a manner consistent with the safety of those Forces;

(c) the President should pursue all appropriate diplomatic steps to ensure that the UNMIH peacekeeping force is promptly put in place and is fully comprised of military personnel from other countries.

SEC. 4. PROHIBITION ON FOREIGN COMMAND.

United States Armed Forces in Haiti shall remain under the command and control (including operational control) of officers of the United States Armed Forces at all times.

SEC. 5. REPORT ON THE SITUATION IN HAITI.

Not later than November 1, 1994, and monthly thereafter until the cessation of Operation Uphold Democracy, the President shall submit a report to Congress on the situation in Haiti, including:

(a) a listing of the units of the United States Armed Forces and of the police and military units of other nations participating in operations in and around Haiti;

(b) the estimated duration of Operation Uphold Democracy and progress toward the withdrawal of all United States Armed Forces from Haiti consistent with the goal of section 3(b) of this resolution;

(c) armed incidents or the use of force in or around Haiti involving United States Armed Forces or Coast Guard personnel in the time period covered by the report;

(d) the estimated cumulative incremental cost of all U.S. activities subsequent to September 30, 1993 in and around Haiti, including but not limited to:

(1) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(2) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction, aid and other financial assistance, and all other costs to the United States Government;

(e) a detailed accounting of the source of funds obligated or expended to meet the costs described in subparagraph (d), including:

(1) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item and program, and

(2) in the case of funds expended from the budgets of department and agencies other than the Department of Defense, a breakdown by department or agency and program;

(f) the Administration plan for financing the costs of the operations and the impact on readiness without supplemental funding;

(g) a description of the situation in Haiti, including:

(1) the security situation;

(2) the progress made in transferring the functions of government to the democratically elected government of Haiti; and

(3) progress toward holding free and fair parliamentary elections.

(h) a description of issues relating to the United Nations Mission in Haiti (UNMIH), including

(1) the preparedness of the United Nations Mission in Haiti (UNMIH) to deploy to Haiti to assume its functions;

(2) troop commitments by other nations to UNMIH;

(3) the anticipated cost to the United States of participation in UNMIH, including payments to the United Nations and financial, material and other assistance to UNMIH;

(4) proposed or actual participation of United States Armed Forces in UNMIH;

(5) proposed command arrangements for UNMIH, including any proposed or actual placement of United States Armed Forces under foreign command; and

(6) the anticipated duration of UNMIH.

SEC. 6. REPORT ON HUMAN RIGHTS.

Not later than January 1, 1995, the Secretary of State shall report to Congress on the participation or involvement of any member of the de jure or de facto Haitian government in violations of internationally-recognized human rights from December 15, 1990 to December 15, 1994.

SEC. 7. REASSEMBLY OF CONGRESS.

It is the sense of the Congress that the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, respectively, should monitor closely events in Haiti in considering whether to exercise any authority that may be granted to reassemble the Congress after the adjournment of the Congress sine die.

SEC. 8. ESTABLISHMENT OF CONGRESSIONAL COMMISSION ON HAITI.

(a) ESTABLISHMENT AND DUTIES.—there is established a congressional commission to assess the humanitarian, political, and diplomatic conditions in Haiti and to present to the Congress a report offering appropriate policy options available to the United States with respect to Haiti. The Commission shall call upon recognized experts on Haiti and Haitian culture, as well as experts on health and social welfare, political institution building, and diplomatic processes and negotiations.

(b) COMPOSITION OF COMMISSION.—The Commission shall consist of the following Members of Congress (or their designees);

(1) The Speaker of the House of Representatives;

(2) The minority leader of the House of Representatives;

(3) The chairman and ranking Member of the following committees of the House of Representatives:

(A) The Committee on Appropriations;

(B) The Committee on foreign Affairs;

(C) The Permanent Select Committee on Intelligence;

(D) The Committee on Armed Services;

(4) The majority leader of the Senate;

(5) The minority leader of the Senate;

(6) The chairman and ranking Member of the following committees of the Senate:

(A) The Committee on Appropriations;

(B) The Committee on Foreign Relations;

(C) The Permanent Select Committee on Intelligence;

(D) The Committee on Armed Services; and

(7) The chairman and vice-chairman of the Congressional Hunger Caucus.

(c) REPORT OF COMMISSION.—Not later than 45 days after enactment of this joint resolution, the Commission shall submit to the Congress a report on the Commission's analysis and assessment of appropriate policy options available to the United States with respect to Haiti.

SEC. 9. JOINT RESOLUTION PROHIBITING CONTINUED USE OF UNITED STATES ARMED FORCES IN HAITI.

(a) IN GENERAL.—If a joint resolution described in subsection (b) is enacted, the President shall remove United States Armed Forces from Haiti in accordance with such joint resolution.

(b) DESCRIPTION OF JOINT RESOLUTION.—For purposes of subsection (a), a joint resolution described in this subsection is a joint resolution the matter after the resolving clause of which is as follows: "Pursuant to section 9 of the Withdrawal from Haiti Resolution, the Congress hereby directs the President to remove United States Armed Forces from

Haiti not later than 30 days after the date of the enactment of this joint resolution, except for a limited number of members of the United States Armed Forces sufficient to protect United States diplomatic facilities and personnel.".

(c) PRIORITY PROCEDURES.—

(1) INTRODUCTION OF JOINT RESOLUTION.—Paragraph (2) shall apply only to a joint resolution described in subsection (b) and introduced on January 3, 1995, or if the Congress is not in session on that date, the first day of session thereafter, if all United States Armed Forces have not been withdrawn from Haiti by that date.

(2) CONSIDERATION OF JOINT RESOLUTION.—Any joint resolution described in subsection (b) and introduced in accordance with paragraph (1) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such resolution shall be reported out by such committee together with its recommendations by January 18, 1995, unless such House shall otherwise determine by the yeas and nays. Any joint resolution reported or required to be reported pursuant to the preceding sentence shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on no later than January 21, 1995, or if the House in question is not in session on that date, the first day of session of such House thereafter, unless such House shall otherwise determine by the yeas and nays. The procedures described in subsections 7(c) and 7(d) of the War Powers Resolution (50 U.S.C. 1546) shall apply to further congressional consideration of any joint resolution approved by either House pursuant to the preceding sentence.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

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

Mr. GILMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the Michel-Gilman substitute now before us reflects the will of the American people and deserves the support of their representatives in this House.

Most important, unlike the Torricelli resolution, the Michel-Gilman substitute does not authorize any occupation of Haiti. Rather, it expresses the sense of the Congress that the President should not have deployed our troops there in the first place.

Our resolution provides that the President should immediately commence the safe and orderly withdrawal of United States forces from Haiti and should conclude that withdrawal as soon as possible in a manner consistent with the safety of those forces.

The Michel-Gilman substitute expresses the sense of Congress that the President should take diplomatic steps to organize a United Nations peacekeeping operation in Haiti composed of military personnel from other countries.

In the event that the President has failed to respect the will of Congress by withdrawing our forces, this substitute also provides for House and Senate votes no later than January 21, 1995, on a resolution requiring the withdrawal of U.S. forces within 30 days.

Our substitute also prohibits foreign command or operational control of United States forces in Haiti at all times.

In addition, the Michel-Gilman substitute also requires separate Presidential reports on the costs of all of our expenditures, on the troubling questions on human rights, and on plans for withdrawing U.S. forces.

Mr. Chairman, President Clinton acted on his own without any congressional authorization in deciding to occupy Haiti. Each of us are now called upon to decide for ourselves whether that was a wise decision.

Mr. Chairman, I believe we can far better respond to the will of the American people by supporting the Michel-Gilman substitute.

I believe it is time for the U.N. peacekeeping to take over, and it is time to bring our troops home. Accordingly, I urge a "yes" vote for Michel-Gilman.

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

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

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

Mr. Chairman, I rise in strong opposition to the Michel-Gilman resolution. I must say that I had an opportunity last weekend with the gentleman from Pennsylvania [Mr. MURTHA], the gentleman from Florida [Mr. YOUNG], the gentleman from New Mexico [Mr. SKEEN], the gentleman from California [Mr. DIXON] and other Members to go to Haiti. I want to report to my colleagues that what we saw there was an outstanding example of the United States being able to take troops, move them on the ground. Logistically it was another one of the great examples of our mobility and our ability to react in a crisis. I believe that there is no significant military threat to our forces in Haiti. Yes, there will be sporadic acts of violence, and we need to strengthen the police force in Haiti. We need to restructure it, clean it out of those people who are not sympathetic to Mr. Aristide and not willing to work for peace in Haiti. But to say that we should pull out and that there is no justification for being there is simply wrong and a mistake.

First of all, the United States in my judgment has a national interest in being in Haiti. We have got a terrible problem with immigration towards our country. We have the disastrous acts against people in that country, rape and murder, over the last several years by the Cedras government. The United States had every right to act and to help restore Mr. Aristide and I think he will be restored.

The best thing I saw down in that country was that the people of Haiti support the United States being there. They were very friendly to our soldiers. They want us to be there. They recognize that this gives them a chance for democracy, this gives them a chance to have a government that has been elected, a democratically elected government. To say that we should pull out immediately, that there was no reason for us to go there, I think is wrong. I am somewhat amazed and embarrassed that our colleagues on the other side of the aisle are suggesting that we did not do the right thing, that the President did not do the right thing. I think he did the right thing.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I rise in support of the Michel/Gilman substitute.

At the conclusion of my remarks earlier today, I said that wholeheartedly, the immediate, safe, and orderly withdrawal of United States forces from Haiti "Is the only policy option I can support in the absence of any compelling plan to incorporate Haiti into the sphere of America's vital interests."

I would like to elaborate on that statement by saying that not a single American soldier, sailor, marine, or airman should be committed for deployment in any operation in any country in which the United States does not have a clear, compelling, and absolutely vital interest at stake—period.

And until the President, as Commander in Chief, makes that case with respect to Haiti, I will remain convinced that we have no business being there.

Mr. Chairman, neither our citizens, the press, nor—I am convinced—many Members of Congress have any clear idea of the extent to which our military capability has been diminished since the end of the Persian Gulf war.

I am referring especially to the two pillars on which any national defense capability must be build: modernization and readiness.

I want to make a few comments about modernization first as a means of providing some context, and then I want to focus on the issue of readiness, because that is the issue which is affected most directly by ill-advised operations such as the one in Haiti.

Mr. Chairman, President Clinton came into office promising to double the defense cuts that former President Bush outlined for the period through fiscal year 1999.

Within several months of taking office, President Clinton took his own defense cut projections and doubled them!

Only then, once the fix was in, did the President decide that a study should be made of what kind of defense capability is actually necessary to meet the minimum security needs of the country.

The upshot of the whole thing is simply this: Our Government is now underfunding the minimum security needs of the country to the tune of more than $100 billion over the next 4 years.

And even that figure is suspect because the current Defense budget contains so many non-Defense items.

In the last 4 years alone, annual non-Defense spending, which is nevertheless listed in the Defense budget, has nearly quadrupled—from $3.5 billion to more than $13 billion.

Mr. Chairman, our military is only 5 or 6 years away from a modernization crisis of gigantic proportions.

Procurement, in real dollars, is down by 67 percent since 1985. Research and development, in real dollars, is down by more than 20 percent in the same period.

I cite these figures, Mr. Chairman, because General Shalikashvili has said that "Modernization is the key to future readiness."

General Shalikashvili has also said this: "Our structure is getting smaller and smaller with each year, but our commitments remain global in scope, and the range of activities we engage in are expanding."

Mr. Chairman, it is precisely that dilemma that is leading to the return of a hollow military.

Between 1989 and 1993, the number of U.S. service personnel engaged in operational deployments overseas rose from 26,000 to 154,000.

At least 26,000 more can be added to that figure now that the Haiti operation is in full swing—and we can expect to see an additional 4,000 or more personnel committed to the Haiti operation within the next few days.

What this means, Mr. Chairman, is that we now have more people committed to the Haiti operation alone than we had in our total operational deployments worldwide in 1989.

What is the practical effect of all this?

Here is one answer: The current issue of U.S. News & World Report has an article entitled "Running on Empty at the Pentagon."

Listen to these first few paragraphs from that article:

> Two marine pilots recently flew their FA-18 fighters across the country to train at Top Gun, the Navy's elite flight school in California.
>
> But after they arrived, their commanders back at Cherry Point, North Carolina informed the pilots that the unit couldn't afford to pay for the five-week course. The pilots flew home.
>
> It is the catch-22 of post-cold-war military life: From Haiti to Bosnia, crises are testing the skills of United States forces as never before.
>
> In an era of shrinking Pentagon budgets, however, such operations are also draining military coffers, curtailing vital training exercises, and idling units across the United States.
>
> Training cutbacks late in the Federal fiscal year are not unusual; but this September's freeze was the worst many senior officers have seen since the late 1970's, the height of the so-called post-Vietnam hollow Army.
>
> The situation got so bad last week that Secretary of Defense William Parry invoked a little-used law, the feed and forage act, permitting the military to spend for 1 week money it doesn't already have.

Mr. Chairman, one of the distinguished members of the Appropriations Committee, BILL YOUNG of Florida, told the House last week that 65 percent of enlisted personnel in our military are living on food stamps.

The cumulative effect of all these operational deployments from Haiti, to Bosnia, to Macedonia, to Somalia, to Northern Iraq, to Rwanda is having a dramatic impact.

Only last year, to quote general Shalikashvili again—even before the Haiti situation blew up—he said: "The current pace of operations of U.S. forces throughout the world threatens our ability to maintain a high degree of readiness to meet all contingencies."

Mr. Chairman, the Bosnian relief operation has gone on longer than the Berlin airlift.

The Air Force has flown more than twice as many sorties over Iraq since the Persian Gulf war ended than we flew during the war itself.

A Marine amphibious-ready group which was deployed off Somalia for 6 months was redeployed to Haiti after the marines had only 12 days of shore time.

I cite these examples as being indicative of what is happening to our military.

Mr. Chairman, all of these many operations around the world are chipping away at the capability of our military to meet a direct threat—a real threat—to our country.

Mr. Chairman, the purpose of some of our deployments around the world have more merit than do others.

But, Mr. Chairman, there is nothing about the Haiti situation which justifies the deployment of a single American—on-shore, off-shore, or anywhere else.

And until the President provides us with that justification, there is only one course of action.

We should commence immediately to effect the immediate safe withdrawal of our troops from Haiti.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished chairman of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I take a look at the Republican amendment and my only reaction is one of infinite sadness. What it says to me is that with troops in the field, with our friends and enemies alike in Haiti waiting to gauge our determination, this resolution would have the Congress tell everybody in Haiti that the United States is wrong, that we are going to cut out and we are going to start the process now. I just cannot imagine anyone believing that is a responsible act.

In that negative context, this resolution also raises the specter of reassembling the Congress to pull the plug on our operation in Haiti. In my view, that is a simple, open invitation for terrorists to lob bombs into American positions, and I cannot imagine that anyone thinks it is a responsible thing to do. I want to see us out of Haiti, too, but to appear to set the stage for immediate withdrawal in my view will encourage the very elements in Haiti who should be left with no doubt about the steadiness of our nerve at this point. In my view, and I am sad to say it, this amendment does not read to me like a policy document. It reads to me more like a political statement for domestic consumption. It simply appears to launch a head-on political attack on the Commander in Chief, and I very much regret that.

To those who say that we have no national interest in Haiti, let me simply point this out: In the 60's, 37,000 Haitian refugees came into this country; in the 1970's, 58,000; in the 1980's, 123,000; in one year alone in the 1990's, some 45,000; and there are 80,000 to 100,000 Haitian refugees knocking on the door ready to come in now because their economy has been destroyed in their own country and they want to go someplace else and have a better life.

I think the United States has the right to take action to control our own borders and to eliminate conditions which are causing deleterious effects within our own country. I think we have a perfect right to do that.

I also think we have a national interest in sending a message to any country who signs an agreement with Uncle Sam that we expect them to stick by that agreement. Haiti did sign an agreement with the United States at Governor's Island. Korea may very well be signing agreements with the United States. I think we have a right to expect all parties to live up to those agreements, and we ought to be sending a message to any party in the world intending to sign an agreement with the United States that if they sign an agreement, they had doggone well better keep it.

I would respectfully suggest that the Michel amendment be dismissed for what it is. It is not in my view a constructive approach to the situation at hand. I think we need to support the troops in the field. I would urge the defeat of the Michel amendment.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, like all of our colleagues in this body, I am a strong supporter of our troops. As an 8-year member of the Committee on Armed Services, I have had the honor of visiting our troops in all their deployments around the world and work hard on the committee to support them.

What I resent about what has happened in regard to our Haitian policy and the insertion of American troops in Haiti is the deliberate deception of this administration and the use of our troops for what has been called by U.N. officials, and our own State Department officials in one case, political ends. Why would I say that, Mr. Chairman?

□ 2000

Let us look at the words of the President. When the President went on national television he said to the American people it is in our national security interests to go into Haiti. He said one of the primary reasons was the tremendous amounts of boat people coming, and we just heard the previous speaker state that.

Mr. Speaker, let me quote this President from November 12, 1992, when he said,

> I think that sending refugees back to Haiti was an error, and so I will tell you I will modify that program and that process. I can tell you I'm going to change that policy.

Now here is a President who has told the American people that we are going into Haiti because of the illegal immigrants, yet he is the one who criticized George Bush's policy and said he was going to reverse the policy of stopping them from coming to our country and inviting them in. What did he think they would do, go the other way? Of course they came to America. Yet he used that deceptively with the American people as a reason for us to go into Haiti. If that were in fact the policy of this country we should invade Mexico because there are more illegal immigrants coming from Mexico than there are from Haiti.

He said that we are there to restore democracy. Then why was not the President insisting we go into Cuba?

He said that we were there to restore human rights, dignity. What about the other 20 nations that I inserted into the CONGRESSIONAL RECORD back in August who have been similarly listed by human rights organizations as the same human rights record as in fact Haiti has?

The President also deceived the American people when he said this would be a multinational effort with our allies. Mr. Chairman, where are our allies? We had Secretary Deutch before our Committee on Armed Services last Wednesday and we asked him how many American troops were in the country at that time, and he said we have 19,000 troops. We now have 21,000. And I asked him very specifically on the record how many non-American forces are in Haiti on this day, 10 days after the troops went in. He said 24. And those 24, when I asked him where they were, are in the headquarters building. They are not out there with our forces.

We say our allies are invaluable. Let me read what Reuters put out October 5, 1994. Diplomatic sources told Reuters that flight delays attempting to go into Haiti were caused partly by India's refusal to allow U.S. aircraft to fly over its territory carrying troops from a third country, and by Japan's refusal to let the United States aircraft make a refueling stop. Where is Great Britain? Where is France? Where are all of the European countries? Who do we have there? Bangladesh. Why do we have Bangladesh? Do not forget to tell the American people that we are paying the bill. We are not going to be having the Bangladesh people or country pay for the expenses, we are paying the bill. We have hired a mercenary force of Third World nations to send in a safety patrol, and we are paying all of the costs of that. At a time when we are telling the American people we do not have money, we are going to be spending up to $1.5 billion for this operation, paying for troops from Bangladesh and other Third World nations. Where is the multinational force?

Then we say we have a specific mission. I think one of our soldiers put it best in U.S.A. Today on October 3 when he was asked, "What am I doing here," this is his quote from Army Specialist Marc Pierre of New York City: "Ask anybody what we're doing here and they'll say, 'I don't know.' This is a joke."

This is not the Secretary of State, this is not the Secretary of Defense. This is one of those Army people in Haiti right now. The mission is totally clouded.

I ask my colleagues to vote for the Michel amendment. It is the only alternative here that sends a signal to this President on his misguided foreign policy.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I rise in opposition to the Michel-Gilman substitute.

Mr. Chairman, I have been in harm's way for this country and I know what it means to be concerned about whether the people of this country are behind you when you are in harm's way. I think that it is very important to recognize, as the gentleman from Texas [Mr. EDWARDS] did, that our priority at this moment is not to debate the policy considerations that got us into Haiti, but debate how we can best support our troops in order to return them safely from Haiti. We all want them out in an orderly way as soon as practicable.

I know this—if you are in a battle with an enemy you do not tip your hand. This issue is not a new experience for me. Nearly 4 years ago I stood here in the well at a time when we had deployed 500,000 American troops halfway around the world without congressional approval and people were urging that we withdraw from President Bush the authority to use force. I took this floor, and supported President Bush in his intervention in the Persian Gulf. And I went home and explained it this way:

Folks, I said, I was thinking about this real hard and my wife and I were upstairs in our bedroom at home, and I thought to myself—now what if I heard a noise downstairs, and so I go over and grab my shotgun. And I go downstairs, and sure enough, I find a burglar raking the silverware off the table and putting it in a sack. And I look at him and I say, "That's my silverware, and this is my house, and you're out of here." And he keeps raking and says, "No, no, this is my sack, and I'm going to keep this silver." I say, "You don't understand. This is my shotgun and you are leaving."

And then my wife says "Ray, your gun's not loaded."

Mr. Chairman, let us not tell our adversaries in Haiti that America's gun is not loaded. Our service men and women are at risk there. Let's support them—not yank the rug from under them. Vote against the Michel-Gilman substitute.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman. I rise tonight in support of the Michel substitute.

I would like to ask my colleagues a question. Do you believe that any of our troops, who are tonight risking their young lives in Haiti to fulfill a policy that is ill-conceived and poorly thought out by political wonks in Washington, are happy with this partisan and political debate?

I think not.

It's important to recognize that the lead sponsor of the resolution before us is the distinguished minority leader, BOB MICHEL. As he completes his last days as the minority leader, BOB MICHEL certainly did not need to take such a high profile role in this contentious debate. But it demonstrates to us all the importance that he places on getting our troops home safe and sound and the fact that we should view this debate tonight on the substance and the merits.

I will be voting "yes" on the Michel substitute because the best course of action in Haiti is to start an immediate withdrawal of our brave soldiers who have served their country with distinction and honor.

From day 1, I have opposed sending troops into Haiti and, in fact, voted

against such action last May. To me, the key questions of why we would go in to Haiti and what we would do once we were there were never answered by the President. I was appalled that the President sought the approval of the United Nations, other countries, and organizations yet neglected to consult with the United States Congress prior to United States troops going into Haiti.

Now, nearly 3 weeks after our troops landed in Haiti, the Congress finally gets its chance to vote on authorizing the use of troops in Haiti. It is nice that the Congress finally gets an opportunity to vote on such a vital matter, weeks and weeks and weeks after the United Nations had their say. However, nothing has happened to change my mind that our troops should not be there in the first place and that is why I will vote "no" on the Torricelli resolution.

Normally when we reach the closing days of a session of Congress, we find ourselves occupied in budget battles. But tonight, as we prepare to close the books on the 103d Congress, we will be voting on an issue which involves the security and well-being of our Armed Forces and a matter which the American people have been watching very closely.

It's an important test tonight for the Congress to assert its will and see that our troops are not stuck for years serving as some type of riot police in a country that does not involve our national security interests, let alone the cost in the hundreds of millions of tax dollars.

It should be an easy vote tonight for everyone here in support of the Michel substitute.

It is as simple as that.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I would like to approach this from a little bit of a different perspective. I do not have a prepared speech and had not planned to speak on this. But as someone who takes not a back seat to anybody in this House in supporting our armed forces, and I serve on the Appropriation Defense Subcommittee and am chairman of the Military Construction Subcommittee, and our focus has been on quality of life for our troops and their families since I have been the chairman for some 10 years now, but it seems to me we are leaving out one equation in this debate. The fact is our troops are now in Haiti, and we can yell and scream about the policy, and do this if we want to all night, but the fact remains our troops are in Haiti. Had I had a vote I would have not voted to send troops to Haiti, but they are there.

I remember very well a real distinguished general from Fort Bragg, NC who I spent some time with in the Persian Gulf, with Gen. Luck Steiner who is now in Korea, and gentleman who is now in charge of the operations in Haiti from North Carolina, and we have not even said what do our commanders on the ground think about this. Should we let the people know that there is probably a time certain that we are going to get out of there?

□ 2010

Because you have some remnants there that if they say they are going to get out in January, "We will just go into the mountains and we will wait them out and then we will go back and take over," and everybody will be the loser.

Now, it seems to me that we would listen to the people that are on the ground, the generals that are on the ground, and we have talked with them, and I do not want to bring the people into this debate, because that is not their function. They are not political. They could care less who is going to be elected to Congress and who is going to be Speaker in this House. But they are responsible for the lives of these young men, and they are saying to us, "Do not rush to a decision. Do not tip our hands," and I have the utmost respect for these generals, both General Luck, who is no longer there, and General Steiner, who is there with the 82d, and now the general from North Carolina who is there. I have not talked to all of these men, but I have talked to people that are in positions there of command, and they say we do not want a time certain to leave.

I would hope that we could get out next week, and I pray that there will not be one single American drop of blood shed in Haiti, but is seems to me that you are sending the wrong signal when you set a time certain for use to get out of Haiti.

So I think I am absolutely, totally opposed for us setting a time certain. I want these men out, but I want us to do it in a responsible way. I think we are missing the point when we do not consult with the commanders that are on the ground in charge of these precious men and see what they think about these amendments.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, today, day 18 of the occupation of a friendly neighboring country, I reviewed the collective history of my statements on United States-Haiti policy during the 103d Congress. As many know, for months I have taken every opportunity to discuss United States policy or the lack thereof in Haiti. I followed the inconsistencies, the improvisations, the zigs and zags from one self-generated refugee crisis to another, to the diplomatic bungling, to the ouster of Special Advisor Lawrence Pezzulo, to the Reorganization of the White House Haiti Policy Spin Team, to the imposition of a punishing embargo that blocked humanitarian aid flights and caused deplorable suffering, sickness and starvation among innocent Haitians, to the unprecedented sight of United States ships firing on civilian Haitian vessels in coastal commerce, to the reversal of a House vote in opposition to military intervention and in support of the Goss safe haven alternative, to the elusive cost estimates for this misadventure which now run into the billions of dollars and to a dramatic, if disingenuous, series of oval office speeches by the President. Reading through the chronology of the fits and starts of this policy it is abundantly clear that the White House has never had a workable, well-defined foreign policy goal in Haiti or a feasible plan to achieve responsible results.

Part bad design and part bad policymaking, administration decisions put the United States on an inexorable initiative toward military intervention and then intentionally cut off the safety cord of negotiation that could have prevented it. When a candid memo by U.N. special envoy Dante Caputo was leaked earlier this year, our worst fears were realized. The memo forthrightly stated the administration was tired of the ups and downs of Haiti policy and considered invasion the politically desirable option. Unbelievably White House policymakers continued to ignore the moderate elements in Haiti and the constitutional realities of that country. They succumbed to the elaborate public relations events that featured Randall Robinson's fast and a few liberal Members of Congress demonstrating in front of the White House. They ignored the studied advice of Lawrence Pezzullo, then special advisor on Haiti, who tried to push the administration to deal with the Haitian parliament—the people Aristide must learn to share power with.

Administration officials refused to give any serious consideration to the Goss safe haven alternative sent to the transition team for the first time in December 1992. And, despite frequent inquiries, they were never able to answer the question: How do you get from United States military intervention in Haiti to a democratic, Haitian-controlled Haiti? In my view, they still haven't answered that question. Today nearly 21,000 American troops are on the ground in Haiti getting sucked further into the chaos and brutality of a civil war that has been a part of Haitian life for centuries. All the while these fumbles were going on, the Congress and the American people were shut out of the policy debate. This House should not pass a backhanded authorization of this mission, as my colleagues Mr. TORRICELLI and Mr. HAMILTON have advocated. Instead, we need to be talking about an immediate withdrawal of American troops, a

handoff to a multinational force, and getting the humanitarian aid and investment flowing again.

Sadly, the United States occupation of Haiti is now a fait accompli, fuzzy rules of engagement and all. But that doesn't require us to endorse a bad policy either tacitly or outright. Retroactive taxation is bad, retroactive foreign policy approval is worse. It was not a good policy option in the first place and it is not going to get any better. Bring American soldiers home now and get on with the task of giving Haiti back to the Haitians. Accountability must follow—it is Congress' responsibility to oversee this type of broad military action. Accountability will follow—and hard questions will be asked. Evasive answers will not work with the American people.

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of the Committee on Foreign Affairs.

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

Mr. Chairman, I rise in opposition to the Michel-Gilman substitute.

I want to be clear here. We have three choices, of course, before us. I spoke very strongly a few minutes ago with respect to the Dellums-Hastings-Murtha substitute, and as my friend, the chairman of the House Committee on Armed Services told me a few minutes ago, I was perhaps too harsh in my statement with regard to their amendment.

With respect to these three, I, of course, favor the substitute offered by the gentleman from New Jersey [Mr. TORRICELLI].

The second choice would be the Dellums approach.

But I think the one that is before us now, the Michel-Gilman substitute, is clearly the worst of the three by far. I just think it would lead to a rather chaotic U.S. foreign policy.

What kind of a message do we send to the world if the President sends troops into Haiti on one day, and then the Congress votes 3 weeks later to pull them out?

I oppose the Michel-Gilman substitute for several reasons. No. 1, it does sidestep the question of authorization. I have made that point previously. If the House wants to act on Haiti, then it should pass, in my view, an authorization spelling out the terms and the conditions of the United States presence.

The Gilman-Michel amendment certainly does not do that.

Second, the Gilman-Michel amendment could force a vote here by January 21 directing the President to remove the troops. That is unrealistic in terms of the way this institution operates. We could face a vote on Haiti as soon as we return in January. It is wrong from an institutional point of view. The Congress will not be fully organized or prepared to give careful consideration to this matter in the opening days of this session. So I think it has a serious defect in its timing.

The third reason I would oppose the Michel-Gilman substitute is because I do think it does not really give us enough time. We should defeat this amendment, because it pulls the plug not only on the United States troops in Haiti but it pulls the plug on United States foreign policy before we have time to achieve our objectives.

We want the mission of our troops to be successful, and no matter how we may have felt about intervention, whether we were for it or against it, it seems to me that all of us now have a common interest in seeing that this country succeeds in its mission.

The President has sent our troops to Haiti to promote our interests, and we want those troops to be successful. It is important for Members to recognize that we are achieving our objectives in Haiti as of tonight. The parliament is meeting, the mayor of Port-au-Prince is back, refugees are returning, 4,000 firearms have been turned in, the reform of the police has started, international troops have begun to replace United States troops, the coup leader, Mr. Francois, has fled Haiti for the Dominican Republic, and President Aristide is getting ready to return.

□ 2020

As the President said today, the people of Haiti are moving from fear to freedom. So if we pass the Michel-Gilman substitute, I think we make it highly unlikely that we will achieve our goals in Haiti. If we pass that substitute, we will really undercut the ability of the President to conduct American foreign policy and we will send a signal to all the world that we cannot be relied on in this country to conduct a sustained foreign policy.

We have already achieved a number of our key objectives in Haiti. We are seeing further results hourly, daily. And it does not serve our interests to have an immediate pullout.

The President, as Commander-in-Chief, has sent troops to Haiti, they are performing superbly, and Congress should not undercut their efforts by calling for their immediate withdrawal before they have had a chance to achieve their mission.

Mr. Chairman, I urge the defeat of the Michel-Gilman substitute.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, we have been asked "What kind of a message do we send to the world?" How about "What kind of a message do we send to the world about the Constitution of the United States?"

I sat in on a Haiti briefing this morning where it was said by members of the administration, "Well, a few months is what we need there."

Much has been said about the need to support our troops in Haiti. Of course we support our troops. But this Congress did not put them in Haiti.

What we have in the Michel-Gilman amendment is a milestone along the rocky road, namely January 3. If the troops are still in Haiti at that time, we can consider, on the 21st of January, whether they should or should not be there.

I really cannot believe what I heard earlier this evening, that the President can go into Haiti and—since it is not war—he does not need the Congress's approval. We were told that "Congress ought to get with it."

If you felt we should not have troops in Haiti, vote for Michel-Gilman. As to whether or not it is war remains to be seen. But if the troops stay in Haiti, it is a clear precedent for any President to act on his own whim and to send United States forces anywhere in the world even though there is no national interest, no American citizens are being harmed, and the troops are simply in the role of police officer for either the United Nations or some other international or regional organization of nations.

Ladies and gentlemen, if you believe that it is time to assert the role of Congress, and to maintain the authority of the American Constitution, then vote for the Michel-Gilman amendment. It is the only sane policy before us tonight.

I submit for the RECORD the following comparison chart of the three amendments prepared by the House-Senate Arms Control and Foreign Policy Caucus:

Michel amendment	Dellums-Murtha-Hastings-Dicks amendment	Torricelli-Hamilton amendment
Withdrawal date: Urges immediate withdrawal. Requires Congress to vote by Jan. 21 on resolution to require removal within 30 days, if troops not out by Jan. 3.	Withdrawal date: Urges withdrawal in "prompt and orderly" fashion, "as soon as possible." Sets no deadline.	Withdrawal date: Sets March 1 as target withdrawal date, but allows the President to extend it if he certifies a need.
Authorization: Does not authorize the deployment in Haiti	Authorization: Does not authorize the deployment in Haiti	Authorization: Authorizes the deployment through March 1, and defines the mission.
U.N. role: Prohibits U.S. troops from serving under foreign command in Haiti, either in first phase or the U.N. force.	U.N. role: Specifies that Congress is making no statement on the U.S. role in U.N. peacekeeping force.	U.N. role: Silent on U.S. role in U.N. peacekeeping force; but prohibits foreign command in U.S.-led phase.
Ex post facto: States that U.S. troops should not have been sent to Haiti	Ex post facto: States that President should have sought Congressional authorization before deployment.	Ex post facto: States that the Constitution required Congressional approval of any forced (pre-Carter) invasion of Haiti.

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

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think all of us are struggling with the term we heard Nelson Mandela use here on the House floor today, one that was made most popular by our last President, George Bush. That is, the term the "new world order."

We all understand that we are in a new world order, given the fact that the bipolar conflict has been resolved. The United States is now preeminent in the world. But we are still working to define what exactly we mean by that. I think our experience recently in Somalia and our experience in Haiti make us focus much more in detail about how we will conduct any activities which we agree to engage in, whether it is through legislative initiative or on decision of the executive, in Third World countries.

Many of us knew that in Vietnam, we were micromanaging a war out of Washington. I think we have all learned that that does not work. It is even more obvious in the environment that we found ourselves in Somalia and that we are in today in Haiti; that it is absolutely essential that we leave control of the day-to-day decisions with our local operational commanders.

And I think we have learned from General Shelton exactly what he believes we ought to do as we decide how we want to vote on these very troublesome questions which face us this evening.

This morning Katie Kouric, of NBC News, asked General Shelton, "How do you feel about the vote that will be held in the Congress," a vote which she described as one that would set a date certain for U.S. troop withdrawal, a date of March 1.

General Shelton said,

"Well, I am not in favor of setting a date per se at this point. I do think when we do that, we automatically tip our hand to the adversary in terms of when we are going to leave. Consequently, if we are to achieve the end state that we came in with, achieve the goals that we have, we must move much more quickly, which in some cases could mean we would endanger our own troops by trying to move too fast.

I simply would like to say for me as we contemplate this difficult vote, I must vote with Mr. MURTHA. Mr. HASTINGS, and Mr. DELLUMS because their amendment is what General Shelton believes is the appropriate thing to do.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. You know, all of this quoting of generals who are on the front lines, under the gun, is getting very painful around here.

Let us just go back to Somalia 1 year ago today. The first of the desecrated, torn-apart bodies of our dead Medal of Honor winners was dumped on the steps of the U.N. compound in Somalia. None of you were with JACK MURTHA or me on our two separate trips over there. At every level of command we heard different things.

Those heroic Rangers said, "Let us get this thug who killed my friends. Let us get him and arrest him."

The commander who literally had a mortar land at his feet, it was a dud—"The odds of catching him is 1 in 100. I have been telling you that all along. Please give us a mission."

General Hoar, the central commander, said, "This is classic mission creep." General Downing said, "What are we supposed to do there? Where is our air cover with the spectre gunships?" General Montgomery, whom I talked to, said, "Why can't I get armor for a rescue mission?" That cost the Secretary of Defense his job. Mort Halperin was luckier. He managed to weasel his way into a job at the NSC.

Do you know who the architects of this policy are? The same folks who under Carter told us the Sandinistas were not Communists and that they were not exporting the revolution. Do you hear the names? The left-wing Robert Pastor. Warren Christopher, Madeleine Albright. This is the same team who told us to vote to give $75 million to Communists. Do you know, anyone in this Chamber, who Ira Kurzban is? Anybody want to hold up their hand? He is a registered foreign agent, which is not bad. But he represents Castro and Aristide at the same time. What does that tell you? Vote for Michel, vote for BEN GILMAN's amendment; it says safe withdrawal. Let us get out of there fast.

Mr. TORRICELLI. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. DELLUMS], the distinguished chairman of the Committee on Armed Services.

Mr. DELLUMS. I thank the gentleman from New Jersey [Mr. TORRICELLI] for his generosity.

Mr. Chairman, I rise to oppose the Michel substitute. It misstates our constitutional responsibilities, fails the test of U.S. interests and obligations, and have U.S. forces only fight wars rather than prevent them.

My commitment to preserve the role of the Congress in sending U.S. troops into armed conflict is unimpeachable.

When it seemed that our President would undertake an invasion of Haiti, I told the President that congressional authorization was required to commit our troops to an act of war.

However, the President did not invade Haiti. The requirement that the Congress authorize war does not necessarily extend to what amounts to a peacekeeping operation.

Should we be consulted? Yes.

Can we terminate funds or order withdrawal? Yes, subject to the full legislative process.

But are we required in advance to authorize Article VI-type peace operations? I am not certain this is clear.

The Michel substitute declares that the operation and expenses will degrade readiness. Readiness for what? The plain fact is that the United States can confidently approach the near term knowing that including Korea, a situation which seems capable for resolution by diplomacy, it is very unlikely that any armed conflict could break out in the near to mid term for which we would not be ready.

In addition, I believe humanitarian or peace operations are precisely the things we should be undertaking and are among the operations for which we must be making our forces ready.

Such a course is both consistent with our national strategy and our normative values—and it will save lives and money in the long run.

The United States must lead efforts to prevent and deter war and violence, rather than just prepare ourselves for full-up military confrontation that we could have prevented.

The Michel substitute forestalls all of this by forcing a precipitous U.S. withdrawal from the effort to restore democracy in Haiti that is important to our national interests, and by prohibiting by law any operational command by non-U.S. troops.

We should reject the Michel substitute's position to force a hasty withdrawal. How can we expect other nations to participate in efforts to create regional stability, if we cut and run? We cannot.

We must work with the international community and the U.N. to establish an appropriately balanced force capable of providing the social stability that will allow Haitians the opportunity to freely elect a new parliament, see their duly-elected government resume office and, as importantly, secure the successful transfer of government to a second freely elected President.

I opposed setting a time limit for withdrawal in Somalia, because time limits are artificial and dangerous obstacles to achieving our objectives. There exists a reasoned and supportable concept for promptly concluding the multinational stage of this operation and for bringing to closure the subsequent United Nations operation upon the inauguration of a new Haitian President in less than a year and a half. That, my colleagues, is an exit strategy.

With all due respect to my colleagues and with a shared concern for the well-being of U.S. forces, I do not understand the continuing preoccupation with the issue of foreign command and control, which finds expression again in the Michel substitute. Throughout U.S. history we have willingly placed our troops under non-U.S. operational

command when it was in the best interest of unity of command and operational safety and effectiveness. We should not peremptorily deprive the President, acting in his role as Commander in Chief, from making such an arrangement if he believes it is prudent, or indeed essential, for the safety of our troops and the effectiveness of their mission.

For all of these reasons and more, I urge my colleagues to reject the Michel substitute—as a bad reading of the Constitution, as inconsistent with important efforts to promote democracy, and as contrary to both short-term and long-term United States interests.

□ 2030

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

The CHAIRMAN pro tempore (Mr. FARR of California). Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members recorded their presence:

[Roll No. 496]

ANSWERED "PRESENT"—378

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

The CHAIRMAN pro tempore (Mr. FARR of California). Three hundred seventy-eight Members have answered to their names, a quorum is present.

MESSAGE FROM THE SENATE

The CHAIRMAN pro tempore. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. SERRANO) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, 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 amendment of the Senate to the bill (H.R. 4950) "An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI RESOLUTION

The Committee resumed its sitting.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I rise today to express my opposition to the presence of United States troops in Haiti.

While we in Congress must recognize the President's constitutional position and duties as Commander in Chief, we must also not forget the Constitution's provisions regarding declarations of war. All of my colleagues, each one of us, is required by the Constitution of the United States to decide whether or not it is in our Nation's best interests to engage in hostilities. If we do declare war, it is then and only then that the President must fulfill his duties in prosecuting the authorized conflict. The vagaries and subtle distinctions of the modern world have blurred the lines between peace and war, but the less distinct the divisions become, the more crucial it is that the President take special care to comply with constitutional procedures and intentions.

In this case, the President chose to not only ignore, but actively reject, his responsibility to seek congressional authorization. However one chooses to define "war" or "peacekeeping," few could argue that when it comes to constitutional duties, the President and other government officials would do well to err on the side of caution. Instead, the Clinton administration made what I believe was a political decision. Put simply, they knew the American people did not support an invasion and that if the issue was put before the American people through their representatives in Congress, the operation would almost certainly have been voted down. So this administration chose to avoid a vote. While they may have avoided a short-term political embarrassment, I believe the American people can and will hold the Clinton administration responsible for their extra-constitutional actions.

Instead of following the process outlined in the Constitution, President Clinton chose to deploy troops without authorization and without a clear mission. While I am a strong supporter of our Armed Forces, the best trained, best disciplined, best equipped fighting force the world has ever seen, I recognize that they cannot accomplish goals which are not made clear. They cannot perform tasks which are indefinite and which have no clear conclusion.

As in Somalia, we have used troops that are trained for war as a police force to maintain an indefinite and unstable peace.

President Clinton has inserted American men and women into an uncertain situation which might very easily deteriorate into guerilla violence or even open warfare. Even in the few short days that American troops have been in Haiti, we have seen signs that violence amongst Haitians and against American troops is close to boiling over. It maybe only a matter of time before the flag waving and high-fives turn into ambushes and fire-fights. I wish to echo the refrain of so many of my constituents: Haiti is not worth one American life. We have so little to gain in Haiti, and so very much to lose. I believe we must take action to remove American troops as soon as is tactically feasible.

As we consider this resolution on Haiti and the various substitutes, I have a number of concerns. Most importantly, I fear that passage of any of these resolutions is an ex post facto authorization of the occupation of Haiti. I wish to remind my colleagues and make it clear to the American people that no resolution or law passed in October can justify improper or illegal operations from September. I find it hypocritical that Congress, after Americans have risked their lives in Haiti, would now seek to find political cover for themselves or for the President by implicitly agreeing to even a limited occupation of Haiti while at the same time expressing the sense of Congress that the President should have sought authorization. Unfortunately, this is little more than business as usual.

Frankly, I am in disagreement with all of these resolutions, but I hope the President will understand that my vote and those of my colleagues are votes to support the Constitution and votes to bring our men and women home. Many have warned of mission creep in Haiti, but for there to be a creep, there must first be a mission. We have not given our troops a clear mission, we have not justified their presence, and we have not authorized this operation. I hope the administration will recognize the jeopardy faced by American men and women and the lack of any identifiable benefits from their presence there. I hope the administration will end this ill-advised operation and bring our brave men and women back, reuniting husbands and wives, parents and children. Their families deserve no less.

Mr. GILMAN. Mr. Chairman, I yield 9 minutes to the gentleman from Illinois [Mr. HYDE], a senior member of the Committee on Foreign Affairs.

Mr. HYDE. Mr. Chairman, earlier in the day we were treated to an instructive recitation of some remarks made by we Republicans during the Reagan and Bush administrations concerning Grenada, Panama, and the Gulf.

I should like to return the favor by reading a couple of quotes from some very famous Democrats.

If I may make my small contribution to the historical record, one of the most famous Senators of this century, who is still serving with great distinction in the other body, is quoted as saying,

> Certainly, the United States does not have the right under international law or any other law that I know of to roam the hemisphere, bringing dictators to justice or installing new government by force on other nations. Surely, it is a contradiction in terms and a violation of America's best ideals to impose democracy by the barrel of a gun on Panama or any other nation.

Moving from the other body to this body, one of the great chairman of this body, still serving in this distinguished Chamber, said:

> It is patently ludicrous to think that any nation has the sacred right to invade another independent nation because we do not like its leader or the actions of its government.

What a difference a change in administrations can make.

□ 2100

Mr. Chairman, this debate should have occurred months ago, before our troops were committed. We have been accused of, I have written it down, "whining, bickering, undercutting the President," simply because we disagree, we dissent from what has happened here.

Do not confront us with an accomplished fact, go get U.N. approval, bypass, ignore Congress, and expect us to join the hallelujah chorus. What is done is done, but our message is, do not do it again.

What signal do we send in foreign policy by objecting to what is going on? What signal did former President James Carter send when he went down to Haiti with two very distinguished Americans and came back with the message that Mr. Aristide was a man of rectitude and honor; when the former President, ambassador extraordinaire for our present President, went down and said he was ashamed of our policy? That is kind of a shaky signal to send to the world, as far as I am concerned.

I do not know who we are supposed to believe.

The focus is on Haiti tonight, but this debate is long overdue over the foreign policy of this administration. Yes, we Republicans supported Reagan and we supported Bush when Grenada was the issue, when Panama was the issue, and Kuwait was the issue. However, always we know and we affirm the fact that it is Congress who controls the purse strings and has the ultimate power.

Mr. Chairman, I would think that those who have been criticizing the Republicans for our strident support of the President in Grenada and Panama and the Gulf would have a more nuanced grasp of modern history, because there were significant differences between Haiti and Grenada and Panama.

In Grenada, there were 1,000 American citizens in a state of terror, 600 of them medical students. There was a coup. The Prime Minister was murdered, Maurice Bishop. We had the Cubans building an airstrip, with all kinds of weapons, to permit the Soviet Union to have another foothold in this hemisphere. Secrecy and speed was necessary. The President did that. Yes, we supported him because he is the Commander in Chief. Contrast that with Haiti, totally dissimilar.

Then we go to Panama. Panama has the great ditch called the canal. Over half of the world's shipping passes through that canal. It was at risk because the country was run by a wholly owned subsidiary of the Medellin cartel named Noriega.

There were 35,000 Americans in a state of siege. There was one Marine officer killed, another officer and his wife brutalized. The Chamber of Deputies had cited acts of war they said we had committed against them. Speed, again, and secrecy was necessary.

I might point out, talk about undercutting the President, seven members of this body, all from this side of the aisle, filed a bill of impeachment about Grenada, a bill of impeachment against the President. That is supporting the President, is it not?

Then, of course, bipartisan committee of Members of this House went down there and came back. Michael Barnes, of all people, said as a member of that committee that a spirit of terror gripped everybody in Grenada, and they ratified what we did.

Talk about the Gulf, the Persian Gulf, if the Iraqis had controlled that, the economies of the world would have been destroyed. The oil, most of the oil reserves in the world, are located over there. To have Iraqis dominate that area would have been a disaster.

When George Bush organized 26 countries, including some Moslem countries, to resist the domination of the Persian Gulf, believe me, that was in our national interest. However, this Chamber was an aviary full of Democratic doves. They walked around billing and cooing. It was absolutely something to behold. I can only say it was marvelous.

The current President's Chief of Staff joined in a lawsuit, talk about undercutting the President, how soon we forget, how soon we forget, joined in a lawsuit. We did have a vote, January 11, 1991. I have the roll call. I carry it with me in my wallet. The entire Democratic leadership voted against our excursion into the Persian Gulf, which, was to prevent a domination of the world's petroleum by Iraq.

Mr. Chairman, with Haiti, we have had a magical, mystical metamorphosis, where now people who have been quiet, placid doves have become screeching hawks with their talons bared. It is amazing, as I say, what a change in administration can do.

What about the policy in Haiti? No congressional concurrence, we vote today after the fact; after the United Nations has said OK, then we, the potted plants, are asked to ratify an accomplished fact.

Now, if your rationale is to establish democracy where it is lacking, I just suggest to you as far as Haiti is concerned, one election does not a democracy make.

If we are to become the world's policeman, the world's nation builder, the world's dispenser of democracy, let us be consistent. Let us first stop deconstructing the military. We are going to need a bigger military if we are going to take that job on.

In the true Wilsonian tradition of fighting to make the world safe for democracy, do not forget, the world is our theater. Let us plan to democratize Cuba. After all, it is on the way down to Haiti. Let us just stop off there and democratize Cuba. They are producing refugees, just like Haiti.

Let us go to China, the greatest slave state in history. Instead of bestowing Most Favored Nation on them, let us teach them about democracy. Let us flood Tiananmen Square with dispensers of democracy. And do not forget Saudi Arabia, do not forget the Sudan. There are 55 countries in the world who need lessons in democracy. Indeed, stop deconstructing the military.

No foreign policy can succeed without the support of the American people. We ought to have learned that from recent times. I suggest the absence of public support for this policy. Instead, we have an eccentric, bizarre, improvised, ad hoc policy made subservient to the United Nations, and not to Congress. So I say, potted plants of the Congress, arise. Cast off your chains, and go for the Michel resolution, which says "Get us out of there and get us home immediately."

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan [Mr. BONIOR], the majority whip.

Mr. BONIOR. Mr. Chairman, it was 3 years ago last week that the democratically elected Government in Haiti was overthrown by a military coup.

And in the past 3 years, under that military dictatorship:

Children were executed.

Tens of thousands of teenage girls were raped.

And over 3,000 civilians were found murdered or mutilated.

In a country just 600 miles from our shores:

Last February, the military beat an old man to death—and then attacked mourners who attended his funeral.

Last August, the police assassinated a priest just because he refused to give up his ministry.

And in the most unconscionable act of all—earlier this year, military police opened fire on an orphanage—because the children were suspected of having pro-Aristide leanings.

Mr. Chairman, think about the Haiti that existed just 2 weeks ago—before our troops arrived.

Think about the 100,000 panicked and persecuted people forced to flee their homes—many to our shores.

Think about the thousands of frightened mothers—and about that scared and defenseless Haitian child who told one visitor, "I don't care if the police kill me * * * because it will bring an end to my suffering."

Those are the people our soldiers are providing hope for in Haiti today.

It is in our national interest to do so.

It is a fundamental cornerstone of our beliefs as a great nation—that we cannot turn our backs on such butchery.

Mr. Chairman, I agree with many of my colleagues who believe that Congress should have been consulted before our troops went in. But that is not what we are here to debate today.

Our troops are already in the field.

They are doing the job.

And we need to let them know here today that America is proud of them, that we support them, that we stand with them, and we will let them complete the mission they have set out to do.

It is a difficult mission.

A mission not of war, but of peace.

A mission that recalls our highest aspirations for freedom and human dignity.

Our troops are in Haiti today to restore a democratically elected Government that is supported by 70 percent of the Haitian people.

They have responded brilliantly to the call of duty, and they have been welcomed as a symbol of freedom.

In just 2 weeks' time, they have helped curb the violence in Haiti, given hundreds of refugees the confidence to return home, permitted the Haitian Parliament to resume its work, supplied food and medicine to those in need, and confiscated over 4,000 weapons.

In the past week alone: A major airport reopened. International police monitors continue to arrive.

And 3 days ago, Police Chief Michel Francois the man who planned the original coup was forced to flee the country.

In less than 10 days, the other two coup leaders are scheduled to step down.

And in less than 2 weeks, the democratically elected President is scheduled to return.

That is real progress. And that progress must continue so our troops can come home as soon as possible. Yet today, there are some who say that we should cut this mission short.

Many of them are the same people who argued, when there was a Republican in the White House, that the President should be free to act unconstrained, who applauded every military exercise that came along, and who ridiculed anybody who dared question them.

Yet today they have made an about-face that would make a drill sergeant proud.

Mr. Chairman, now is not the time for partisanship.

Now is not the time for election-year politics.

The Senate voted 91 to 8 and the vast majority of Republicans voted against the approach embodied in their substitute.

Our troops deserve to know that we are proud of them, and proud of the mission they have been called to serve.

And today, we as a nation need to speak with one clear and confident voice: We will stand with our troops for the cause of freedom. And we will not leave our ideals behind. Vote no on this substitute.

□ 2110

Mr. GILMAN. Mr. Chairman, I yield the balance of our time to the gentleman from Illinois [Mr. MICHEL], our distinguished minority leader.

The CHAIRMAN pro tempore. (Mr. FARR of California). The gentleman from Illinois is recognized for 5½ minutes.

Mr. MICHEL. Mr. Chairman, it should come as no surprise that I rise in support of the amendment I have cosponsored with the distinguished ranking member on the Foreign Affairs Committee, Mr. GILMAN.

Let me get directly to the point:

I have never felt that American troops should have been sent to Haiti.

I think the best thing would be to get them out as quickly and safely as possible.

Before we began debate under the rule, we had already had four full hours of discussion on this issue.

Every conceivable aspect of the issue has been discussed, dissected, analyzed and scrutinized, so I'm not going to give a geo-political tour of the horizon.

Just a few simple thoughts.

First, it seems to me that in any credible resolution of this nature, we have to get on the record our belief that the administration's Haiti policy made no sense two months ago, makes no sense now, and cannot conceivably make any sense in the future.

I have heard some supporters of the President say we should "stand behind our troops."

I agree.

But there is a big difference between standing behind our troops and hiding behind our troops to shield us from the results of an ill-conceived policy.

We cannot use the fact that our troops are in Haiti as retroactive justification for the bad policy that sent them there in the first place.

For those comments I heard earlier in an emotional way likening this situation to the Persian Gulf resolution, that is nonsense, totally nonsense. There is no similarity between that instance when I admit the House was in

its finest hour, the debate on both sides, the emotion and all the rest, and to have to make up your mind whether or not you were going to authorize the President to use force. This is not that kind of a situation, believe me.

Second, we say in our resolution that the President should immediately commence the safe and orderly withdrawal of our forces in Haiti in a manner consistent with the safety of our troops.

There is no "date certain" embodied in our amendment.

I have always fought that, feeling any President ought to have the flexibility to move as the Commander in Chief.

Third, if the President refuses to agree to a safe and orderly withdrawal as we recommend then, in January of next year, there should be a vote on a resolution directing the President to remove U.S. Armed Forces from Haiti no later than 30 days after the date of enactment of the resolution.

If the Congress, after another debate, believes it to be a good move, at that time the resolution will pass. If the Congress feels otherwise, it will be defeated. Just as simple as that. The point is you revisit the issue, you debate it fully, and you come to a resolution on a yea and nay vote in this House.

Again, there is no "date certain" but in January, the Congress will debate the issue and have a vote, which is as it should be—and should have been all along.

There are other parts of our amendment dealing with UN command of our troops, reporting requirements, and the formation of a Congressional Commission on Haiti which the distinguished gentleman from New York pointed out so well during the course of his remarks.

But the three points I have outlined are the essential ones.

We are, as usual, caught in a dilemma.

We firmly believe our troops should not be in Haiti, but now that they are there, we don't want to do anything that might undermine their morale or place them in jeopardy.

I do not believe the three major points of our amendment will undermine the morale of even one soldier or Marine, and it won't place any of them in jeopardy.

The fact that our troops have been carrying out their orders so well only makes the situation more exasperating.

There we are, using all that dedication, training, and patriotism on a mission whose already ambiguous goal recedes faster and faster from our view with each passing day.

The administration has never made the case of our national security interests in Haiti, except to offer some rhetoric about high principles.

Thus far, we have been spared any major tragedy. But so long as we are there, the potential for such tragedy exists.

There is no perfect solution or resolution to this sorry mess, but I truly believe our amendment is the best of all the proposed resolution on the table.

I therefore urge a yes vote on the Gilman amendment.

Mr. TORRICELLI. Mr. Chairman, I yield the balance of our time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

The CHAIRMAN pro tempore. The gentleman from Missouri is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Chairman, I rise to urge my colleagues to defeat the Michel substitute. And let us be very clear about what this substitute would do—

For the first time in America's history, it would renounce a military operation that is already underway.

For the first time in America's history, it would say to our courageous young troops:

When your safety is on line—when you are laying the foundation for peace and democracy in America's backyard—we are going to pull the rug out from under you.

Is that the message we sent to send to our brave young soldiers? That we will stand with them—but only when it is easy for us? That we will defend democracy—but only in the absence of a political opportunity?

My colleagues, for more than 200 years, America has had a tradition of unity of standing behind our President in matters of the military, once our resources and resolve are on the line. That is what we did in Grenada. And Panama. And the Persian Gulf. And now is no time for a double standard.

I believe the President should have come to Congress before committing American troops.

But whether we agree with that choice—whether or not we agree with the policy itself—the decision has been made.

Our children are there. And they are making a profound difference to the Haitian people.

In a handful of days, they have dismantled military weapons. They have ended the reign of torture and abuse that had showered down on the people of Haiti. People who had clung to leaky rafts are now clinging to a hope that springs from their own soil.

Maybe it is hard for some of us to appreciate what that means to the people of Haiti. Maybe it is hard for some of us to understand why the politically easy thing is not always the right thing for America

But rest assured, when it comes to the principles that are the bedrock of our own constitution—when it comes to the basic rights and justice—yes, we are doing the right thing.

In recent days, as Americans have disarmed Haiti's military thugs, crowds have surged toward our troops, to hug them and cry: "thank you."

One young woman tried to kiss every American she saw, and shouted "We are free, liberty, liberty." Another shouted "You have done God's work." and she was right.

According to one Marine colonel, and I quote, the liberation "was like a scene from 'Gandhi' * * * It was like the yoke of oppression was lifted from the people * * * I've never seen anything like that in my life."

This mission is working. And if we give up, or give in, or turn back now, the reign of terror could return.

I say to my colleagues that democracy and human rights are the most powerful ideas in human history. And they know no national boundaries.

That is why Nelson Mandela stood in this very chamber, only a few short hours ago, and told us: "As the possibility of nations to become islands diminishes and vanishes forever, so will it be that the suffering of the one shall inflict pain upon the other."

I am proud that, eight years ago, the United States led the world by enacting the toughest, strictest, sanctions on South Africa—pushing for the democracy and freedom that have now overtaken Apartheid.

We stood with Nelson Mandela and the people of South Africa because sometimes, America has to lead, and not follow. Sometimes, we have to strive for a higher service. Sometimes, we have to realize that our best interests are our fundamental human interests.

That is why we must fight for democracy—especially in Haiti, especially in our own backyard.

I urge you—do not trade America's convictions for convenience.

Reject this substitute—support our troops who are on the line tonight, and let democracy rule in our hemisphere.

Ms. HARMAN. Mr. Chairman, today we face a tough series of votes on the United States presence in Haiti.

In deciding what to do, I have weighed the options against a three-fold set of considerations.

First and foremost in my mind is guaranteeing the safety of U.S. troops in Haiti. As the mother of two draft-age children, my heart goes out to other parents whose sons and daughters may be at risk. I pledge to do all in my power as a member of the House Armed Services Committee to protect your loved ones.

A second major consideration is the appropriateness of unilateral U.S. military presence. I was not in favor of committing troops to Haiti—and the great majority of my constituents opposed it. I jointed 117 of my colleagues in signing a resolution calling for a debate on our Haitian policy. I did not and do not feel that a military option was necessary to achieve the restoration of democracy. Rather, I would have tried longer to use and enforce

economic sanctions. Of course, I am relieved that President Clinton and the delegation led by former President Carter reached an agreement on the peaceful departure of Haiti's leaders, but I would have wished that result to occur without the imminent arrival and then subsequent presence of U.S. Troops. In time, I feel the force of world moral and economic pressure would have won the day.

Third, I have great sympathy for the plight of the Haitian people who have suffered under a brutal military regime. It is important to nurture democracy in our hemisphere and to oppose its overthrow. But, again, I believe our tools should be economic and moral—not military. I watched the peaceful restoration of democracy in Chile as a member of two international legal delegations, and know that non-military suasion can work.

Applying these criteria to the votes at hand, I am supporting the Michel amendment because it declares that the President should not have ordered U.S. forces into Haiti. But it also sets a timetable for orderly withdrawal "in a manner consistent with the safety of [U.S.] troops." If the President does not withdraw the troops by January 3, 1995, Congress will then vote on withdrawal. This procedure offers Congress the chance to reconsider should we be confronted by changed circumstances. To me, the Michel amendment is consistent with sound policy.

I plan to oppose the Dellums-Murtha Amendment because it does not set a deadline for withdrawal and draws no conclusions about U.S. military presence in Haiti. It is tough to oppose my Armed Serves Committee chairman, Mr. DELLUMS, a man of high moral principle, and it is also difficult to oppose the able Defense Appropriations Subcommittee chairman, Mr. MURTHA, but I feel I must.

Mr. Chairman, earlier today South African President Nelson Mandela made an extraordinary address to a joint session of Congress. He personifies his country's painful transition to democracy—a transition aided by the moral and economic force of the U.S. and many other outraged nations—but achieved without the presence on South African soil of U.S. troops. The lesson is instructive, and I wish we could have applied it to a desperately poor but hopeful neighbor named Haiti.

Mr. BEREUTER. Mr. Chairman, this Member supported the Michel Gilman amendment which expressed the view that Congress supports a prompt and orderly withdrawal of all United States Forces from Haiti as soon as possible. My colleagues remember when you vote that the Torricelli amendment is a retroactive authorization of an ill-advised incursion into Haiti to reinstall a President who will embarrass the United States. It will surely result in casualties to our forces.

The Dellums amendment is itself something of a weaker authorization of the Clinton administration's ill-advised incursion into Haiti for it expresses the non-binding sense of Congress language that our forces should be withdrawn "as soon as possible."

Yet in that same section the Dellums amendment seemingly offers support for the use of troops in Haiti for the objectives cited by the Clinton administration. The Dellums amendment also permits the administration to proceed with its plan to put 2,000 to 3,000 U.S. troops under United Nations command.

The Torricelli amendment authorization is set to expire on March 1, 1995 with a presidential waiver.

Setting a date certain for withdrawal potentially sets in motion a whole series of undesirable events. The withdrawal date becomes a timetable that each faction in Haiti will seek to exploit. Both supporters and opponents of Aristide will tailor provocations to either speed or delay U.S. departure, or harm our forces when we are least likely to retaliate. The unintended consequence is that the date certain—not the safety of the troops—becomes the driving consideration.

All our military commanders have argued against setting a date certain. Although it is clear the military strongly opposed the Haiti operation, they also have expressed the view that setting a date certain would create potentially serious hazards.

Mr. Chairman, the distinguished chairman states it is this body's responsibility to authorize the use of our armed forces in Haiti. Indeed, the President has acted without the support of the Congress or the American people. But the Congress has a higher duty and that is to serve as a check on the President when he is wrong—to say "No, bring the troops home." Vote against the Torricelli amendment.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the authorization of the presence of U.S. military forces in Haiti and in support of the Michel substitute, calling on the President to commence the complete and orderly withdrawal of U.S. Forces from Haiti as soon as possible.

Since President Clinton's speech to the Nation outlining the reasons for his decision to intervene in Haiti, I have received more than 200 letters and phone calls from my constituents, indicating overwhelming opposition to the U.S. mission in Haiti. By more than 10 to 1, the residents of one of our Nation's most highly educated congressional districts find no rationale for the President's suggestion that Haiti poses a national security threat to the United States.

I agree with my constituents. The notion that the U.S. has a national security interest in Haiti strains credibility. Nor am I convinced that restoration of Haiti's legitimate government, even if it results in the quick revival of Haiti's economy to its already abysmal precoup state, will stem the tide of boat people fleeing to our shores.

While I was relieved by the Carter Agreement allowing for the peaceful entry of U.S. Forces into Haiti, it is ironic that the accord, by allowing for a continued role for the Haitian military in running the country, actually makes it more difficult to achieve the mission's objectives. Moreover, now that the U.S. operation in Haiti seems to be moving away from its agreement to coordinate its actions with the Haitian military and police, our troops are vulnerable to attacks by disgruntled soldiers and attaches. Our troops also incur the risk of possible attack from militant Aristide supporters and of being caught in the crossfire of intra-Haitian violence.

The Michel resolution expresses the sense of Congress that U.S. Forces should not have been sent to occupy Haiti and calls for commencement of the immediate withdrawal of those forces as soon as possible, to be replaced by a multinational peacekeeping force. I urge Members to join me in support of the Michel resolution.

Mr. PACKARD. Mr. Chairman, I rise in opposition to the Torricelli-Hamilton substitute and in support of the Michel-Gilman substitute to withdraw our troops from Haiti now. The President failed to listen to the American people when he sent our troops to Haiti. He must listen to our voices now.

We have no clear military objectives in Haiti. Our troops should never have stepped on the beaches of Haiti in the first place. What are we doing policing another Nation when we don't have enough manpower and resources to police our own country, or to control our borders?

I fail to see any compelling reason why American Military Forces are being used to police a country which is of no strategic interest to the U.S. or threat to U.S. security. We must act to rectify the President's military blunder before we lose American lives.

The American Forces in Haiti are serving as pawns in the President's game of international credibility. Foreign policy decisions must be made on the basis of national interests and security, not on personal image. There is absolutely no excuse for putting American lives at risk in an effort to save the Clinton Administration from international embarrassment. The President should not use troops as a substitute for sound foreign policy.

While I support the restoration of democracy in Haiti, that does not necessarily mean the restoration of Jean Bertrand Aristide to power. Aristide is not an ally of the U.S. He has long expressed anti-American sentiment. it is an outrage that the lives of our military forces be jeopardized in an effort to restore Aristide to power.

Our troops are the best trained and most respected military force in the world. It is a mockery that their indispensable resources are wasted in Haiti. There exists no clear military objective in Haiti. The American people know it and Congress knows it. Let's do the right thing and bring our troops home now.

We must act now before the situation in Haiti becomes catastrophic and American lives are lost. Mr. Chairman, I urge my colleagues to support the Michel-Gilman substitute. If you oppose the occupation of Haiti, the only way to express your opposition is to support the Michel-Gilman substitute. No other resolution before you today expressly opposes the occupation of Haiti—stand up and be counted as opposed to President Clinton's occupation of Haiti. Vote for the Michel-Gilman substitute and against the Torricelli-Hamilton substitute.

□ 2120

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. GILMAN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 225,

answered "present" 1, not voting 9, as follows:

[Roll No. 497]

AYES—205

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Filner
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Machtley
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—225

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—1

Barrett (NE)

NOT VOTING—9

Applegate
Gallo
Huffington
Mfume
Slattery
Sundquist
Tucker
Washington
Whitten

□ 2143

Mr. SMITH of Iowa changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Chairman, due to the official state visit of South African President Nelson Mandela, I was unavoidably detained during the last two hours.

Specifically, I was unable to record my presence for rollcall vote No. 496, a quorum call, and rollcall vote No. 497, the Gilman substitute to House Joint Resolution 416.

Mr. Chairman, let the RECORD show that I would have voted "no" on rollcall vote No. 497.

The CHAIRMAN pro tempore. (Mr. MCDERMOTT). It is now in order to consider amendment No. 2, printed in House Report 103-830.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. DELLUMS: Strike all after the resolving clause and insert the following:

SECTION 1. SENSE OF CONGRESS REGARDING UNITED STATES ARMED FORCES OPERATIONS IN HAITI.

It is the sense of Congress that—

(a) the men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism are to be commended;

(b) the President should have sought *and welcomed* Congressional approval before deploying United States Armed Forces to Haiti;

(c) the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy and the rule of law are in the best interests of the Haitian people:

(d) the President's lifting of the unilateral economic sanctions on Haiti, and his efforts to bring about the lifting of economic sanctions imposed by the United Nations are appropriate; and

(e) Congress supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

SEC. 2. PRESIDENTIAL STATEMENT OF NATIONAL SECURITY OBJECTIVES.

The President shall prepare and submit to the President Pro Tempore of the Senate and the Speaker of the House of Representatives (hereafter, "Congress") not later than seven days after enactment of this resolution a statement of the national security objectives to be achieved by Operation Uphold Democracy, and a detailed description of United States policy, the military mission and the general rules of engagement under which operations of United States Armed Forces are conducted in and around Haiti, including the role of United States Armed Forces regarding Haitian on Haitian violence, and efforts to disarm Haitian military or police forces, or civilians. Changes or modifications to such objectives, policy, military mission, or general rules of engagement shall be submitted to Congress within forty-eight hours of approval.

SEC. 3. REPORT ON THE SITUATION IN HAITI.

Not later than November 1, 1994, and monthly thereafter until the cessation of Operation Uphold Democracy, the President shall submit a report to Congress on the situation in Haiti, including:

(a) a listing of the units of the United States Armed Forces and of the police and military units of other nations participating in operations in and around Haiti;

(b) the estimated duration of Operation Uphold Democracy and progress toward the withdrawal of all United States Armed Forces from Haiti consistent with the goal of section 1(c) of this resolution;

(c) armed incidents or the use of force in or around Haiti involving United States Armed Forces or Coast Guard personnel in the time period covered by the report;

(d) the estimated cumulative incremental cost of all U.S. activities subsequent to September 30, 1993 in and around Haiti, including but not limited to:

(1) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(2) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction, aid and other financial assistance, and all other costs to the United States Government;

(e) a detailed accounting of the source of funds obligated or expended to meet the costs described in subparagraph (d), including:

(1) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item and program, and

(2) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program;

(f) the Administration plan for financing the costs of the operations and the impact on readiness without supplemental funding;

(g) a description of the situation in Haiti, including:

(1) the security situation;

(2) the progress made in transferring the functions of government to the democratically elected government of Haiti; and

(3) progress toward holding free and fair parliamentary elections.

(h) a description of issues relating to the United Nations Mission in Haiti (UNMIH), including:

(1) the preparedness of the United Nations Mission in Haiti (UNMIH) to deploy to Haiti to assume its functions;

(2) troop commitments by other nations to UNMIH;

(3) the anticipated cost to the United States of participation in UNMIH, including payments to the United Nations and financial, material and other assistance to UNMIH;

(4) proposed or actual participation of United States Armed Forces in UNMIH;

(5) proposed command arrangements for UNMIH, including proposed or actual placement of United States Armed Forces under foreign command; and

(6) the anticipated duration of UNMIH.

SEC. 4. REPORT ON HUMAN RIGHTS.

Not later than January 1, 1995, the Secretary of State shall report to Congress on the participation or involvement of any member of the de jure or de facto Haitian government in violations of internationally-recognized human rights from December 15, 1990 to December 15, 1994.

SEC. 5. REPORT ON U.S. AGREEMENTS.

Not later than November 15, 1994, the Secretary of State shall provide a comprehensive report to Congress on all agreements the United States has entered into with other nations, including any assistance pledged or provided, in connection with United States efforts in Haiti. Such report shall also include information on any agreements or commitments relating to United Nations Security Council actions concerning Haiti since 1992.

SEC. 6. TRANSITION TO UNITED NATIONS MISSION IN HAITI.

Nothing in this resolution should be construed or interpreted to constitute Congressional approval or disapproval of the participation of United States Armed Forces in the United Nations Mission in Haiti.

The CHAIRMAN pro tempore Pursuant to the rule, the gentlemen from California [Mr. DELLUMS] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mr. Chairman, the amendment that is before us has been designated as the Dellums-Murtha-Dixon-Hastings amendment. That is simply because of the respect for seniority. But all of these Members have worked very diligently to bring this amendment forward. One of them is my distinguished colleague, the gentleman from Florida [Mr. HASTINGS], a freshman Member of the Congress, who, by virtue of his diligence, his very hard work, has assisted in bringing this amendment to this Chamber.

With those remarks, I would respectfully and honorably yield 5 minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. I thank the distinguished chairman of the Committee on Armed Services for yielding this time to me.

I further thank Chairman MURTHA and Congressman DICKS for participating in cosponsoring this substitute to House Joint Resolution 416.

You know, ladies and gentlemen, when I came to this institution, I did not know that I would have the privileges that I have had in working with the people of this institution. On both sides of the aisle, men and women have been diligent about the business of the United States of America.

Working with this particular resolution gave me the very first time to work with the leadership of the Democratic Party, and that includes the Speaker, the majority leader, the majority whip, and all of their staffs in putting together a substantial portion of the business in dealing with Haiti.

Mr. Chairman, I am offering, along with Chairman DELLUMS, Chairman MURTHA and Congressman DICKS, a substitute to House Joint Resolution 416. Our substitute does not set a date by which United States forces must exit Haiti, but does state that the President should have consulted Congress prior to our intervention. It is identical to legislation just passed in the Senate 91–8.

Mr. Chairman, I offer this substitute not because I am a war-mongerer who places the interests of other countries before the safety of our own children. I offer this amendment because I am a supporter of Democracy, a humanitarian, a resident of South Florida, and a believer in the ability of our own military commanders.

I have said from day one that if Haiti is not hospitable to its own people those same people will flock to South Florida, an area whose emergency health and human services budgets have already splintered from the weight of illegal immigration. If my constituents tell me that they cannot handle another wave of immigrants at this time, then I will support any plan to keep those immigrants out of South Florida. And if that plan includes invading Haiti to remove the illegal military occupation whose minions were terrorizing the populace, and assisting in the return of the democratically-elected president, then I will support the invasion.

Many of my colleagues in this body have criticized President Clinton for sending troops to Haiti. Some argue that it is not our problem to solve, while others are infuriated that the President did not seek prior congressional authorization for the invasion. I found it fascinating that many Members who opposed this limited authorization supported, during the 101st Congress, sending $20 million to Haiti. In the report to H.R. 4636 many of these same members said: This aid will send a signal that the United States supports the effort to establish civilian authority over the military and encourages further movement toward democratic government. The $20 million authorized in this legislation for Haiti is an appropriate indication of the United States commitment to civilian, democratic rule in that country.

There are those who will oppose our current policy because they loathe the person who is directing it. But some are truly opposed to our involvement in a situation which does not warrant our action. To refute this statement one must ask, for what reasons has the United States intervened in foreign crises?

The United States has, since the inception of the Union, used our armed forces abroad 234 times in situations of conflict or potential conflict. Our justification was that our national existence was threatened; specific treaty requirements were abrogated; freedom of the seas was threatened; we opposed aggression by one state against another; we were protecting U.S. citizens abroad; countering terrorism; protecting the sanctity of the Western Hemisphere from outside powers; lending support to our allies in trouble; and certain situations which require intervention for humanitarian reasons.

So what are our interests in Haiti and do they fit into the pro-involvement puzzle? The people of Haiti elected a President, Jean-Bertrand Aristide. That President was overthrown by the head of the military, Raoul Cedras. Aristide and Cedras signed an accord, the Governor's Island Accord, to facilitate the return of the President. That accord was virtually ignored by the Haitian military leaders for almost 2 years until, virtually days before an invasion by the United States, President

Clinton dispatched to Haiti a delegation led by former President Jimmy Carter. President Carter worked out an agreement with the acting President of Haiti which set a deadline for the military leaders to retire and the democratically-elected president Jean-Bertrand Aristide to return to Haiti. Our forces are now in Haiti assisting with this transition.

By virtue of the fact that there was a coup by the military which overthrew a democratically-elected president, U.S. intervention is justifiable. Couple this coup with a humanitarian tragedy, food and energy shortages, regular politically-motivated rapes against Aristide supporters and their family members, and an unmanageable tide of refugees to our shores. Each of these factors alone may justify our intervention. All of these factors combined demand it.

Why allow the President and the military commanders to decide when the troops should return? Because I believe in the judgment of our military commanders. Only last week General Shalikashvili, Chairman of the Joint Chiefs of Staff said,

> For the operation to succeed * * * with minimum risk to U.S. personnel, our military forces need to proceed with achieving objectives, not meeting fixed deadlines * * * The bottom line is that the dynamic created by a mandated date withdrawal could make the situation more dangerous to our troops.

Do not forget why we are voting today. Do not think that setting an early withdrawal date will show the voters that you oppose our intervention in Haiti. That point is moot. This vote is about whether or not we have enough faith in their abilities to let them do their job without our interference.

One of the more outrageous sights that I can remember is seeing United States armed forces land on the beaches during the Somalia intervention and being greeted by American reporters. We were the laughing-stock of the world. Whoever heard of any army announcing their arrival date?

Well, as far as I am concerned, House Joint Resolution 416 is equally ridiculous. Not only did President Clinton practically send to Haiti a press release announcing our arrival, we are now about to tell them when we plan to leave. What kind of military are we operating?

This is not about Members of Congress having a say in foreign policy operations. We are not military strategists. We are politicians. And we should leave the planning to those who know how to do it.

If the military commanders say that announcing an exit date will endanger our troops then we should listen to them. They are the experts. We are perhaps experts in running political campaigns, analyzing legislation, and setting a national agenda. But we are not military planners. What we are is the laughing-stock of the world for ordering our military into a situation and then tying their hands so they cannot accomplish the goals that we have set for them.

If we cut and run before we have accomplished our goals we will have lost as much as the people of Haiti. We will have lost our credibility as a superpower, we will have lost the ability to tell other countries how they ought run their country—which we do all of the time as evidenced by the annual China-MFN vote and which we did for years to the former-communist countries, we will have lost the ability to call ourselves humanitarians, and we will have lost the ability to intervene in any conflict. For even if we say we will take action, who will ever believe us again?

So please show your support for a strong United States and your confidence in the U.S. Armed Forces by supporting the Dellums, Murtha, Hastings, Dicks substitute.

□ 2150

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, this debate, eloquent as it has been, is absolutely useless. The White House is laughing at us, is scoffing at us, is ridiculing the whole idea of allowing the Congress to even talk about the conduct of foreign policy, just as it was on September 18, as we, many of us, were preparing to come back to the Congress on that Sunday for the new week of deliberations so that we could have an opportunity to debate the question of Haiti. The war planes were already on the way to Haiti.

What does that mean? That means that the President, knowing full well that for 2 weeks we have been haranguing to be given an opportunity to debate this issue, nevertheless sent the war planes toward Haiti without waiting to talk to the Congress, and then he ordered them back because of the Carter, Nunn, and Powell mission, but too late for the Congress to have anything to say about the issue at all.

My people in central Pennsylvania, like most of the districts in all of the country, did not see and will not see a national security issue in the question of Haiti. Our people do not determine that there is a national security issue on the question of Haiti. Human rights violations, horrible as they are, remediable as they must be, are not in the eyes of our people, and truly so, a national security issue. Nor is the restoration of democracy per se a question already determined to be a matter of national security.

So Haiti then becomes an isolated issue, fomented at the White House, supported by many of our citizens in different capacities, but does not go to the core of American public opinion or sentiment as to whether American troops should be sent to such a place for such limited duties and such indescribable missions as have been foisted upon them.

So we now have to vote. How should we vote?

I am tempted to support the Dellums, Murtha, X, Y, and Z amendment. I am tempted to do so because that is the only ballgame, and even though there is no language in here that would prohibit the placing of American troops under foreign domination or under international control, which worries me a little bit, outside of that particular portion that is lacking in this amendment, Mr. Chairman, this is perhaps the best way to approach this issue that has been thrust upon us.

I hope that if we do support it, and I believe I am going to support the Dellums amendment, and it succeeds, that this will be a precedent for the White House no longer to laugh at us, not to scoff at us, but to talk with us before emerging and doing such an excursion of battle.

□ 2200

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I strongly support the Dellums amendment. I support the strong stance President Clinton has taken with the illegal military rulers of Haiti. President Clinton and President Jimmy Carter, Senator NUNN and former Chairman of the Joint Chiefs of Staff Colin Powell must be commended, not pilloried, for doing what is right rather than what is politically popular.

That said, our troops should certainly be brought home as soon as it is possible to do so. But only when it is possible to do so without jeopardizing the mission! That is why I urge support for the Dellums-Murtha-Hastings-Dicks substitute to H.J. Res. 416. The Dellums substitute directs the President to clearly define our mission but does not impose a potentially destructive time limit.

Imposing a drop-dead date on this administration is ill-advised. Why pretend that we can predict the future when we are involved in an extremely unpredictable situation? Rarely in our long history of intervention in the Americas have we imposed an artificial deadline. Neither Presidents Coolidge, Hoover nor Harding operated under a drop-dead date during our first occupation of Haiti. In Nicaragua, in Panama and the Dominican Republic—no date certain. The list goes on. Even in Vietnam where more Americans died during the Nixon administration than during the Johnson and Kennedy administrations combined, there was no such mandate.

After 14 months in Somalia, after saving over 400,000 lives there, I strongly opposed a date-certain. In Rwanda, where we had 4,500 troops for approximately 2 months, there were thankfully no casualties, and also no date-certain.

We should not tie the hands of the those in charge of this operation to score political

points. Ill-conceived attempts by some Members to pull us out of Haiti immediately are not in the best interests of anyone but those Members themselves. An expiration date brings our commitment into question and is therefore dangerous to our troops and to our goals for democracy in Haiti.

The Dellums substitute responds to the concerns of Congress, and the American people. We need to understand our mission in Haiti and we want reassurances that this is not a long-term commitment. I urge my colleagues to support the Dellums-Hastings-Murtha-Dicks substitute so we can get the reports, monitor the situation, evaluate our presence there, and bring our troops home as soon as possible without jeopardizing our mission. After all, it is a mission to which our troops, and we as a country, have committed.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I rise in strong support of the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in strong support of the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, it is with a great deal of pleasure that I yield 5 minutes to my distinguished colleague, the gentleman from Pennsylvania [Mr. MURTHA], one of the foremost shapers of the amendment before the body at this time.

Mr. MURTHA. Mr. Chairman, let me just make a couple points. I just came back from Haiti, and I feel very strongly about a number of things.

One is we have troops on the ground and we must support them. Those troops are doing a magnificent job. Things are getting better. The new media has emphasized isolated incidents of violence going on in Haiti, which has led some to believe the place is in disarray. This is not an accurate picture.

The Parliament is back, the lights are turned on, they are even painting the curbs. The people are welcoming us with open arms. This is different than Somalia. In Somalia you had factions which were well armed with a wide variety of military equipment. There were 50 thousand troops, in various clans and we got caught in between.

In Haiti you have a situation where people want us to restore order, and if we go too far with some of the things that we try to do here, we could disrupt the ability of our military to carry out its mission.

I remember standing here and listening to the debate on Kuwait, and I remember they said that this was one of the finest hours of the House. There was no rancor, there were only people in this House talking about the pros and cons of going to war and the possibility of putting Americans in harm's way.

They say that Saddam Hussein listened to part of that debate. And even though there were disagreements, there was no question at the end of the debate were that America was united in its resolve to protect its national interests.

I believe we must present a unified front. In Baghdad, in the Middle East, in North Korea, they listen to what we say, and we should be united.

This resolution sets the stage. This resolution, passed by the other body, 91 to 8 was sponsored by the majority leader, Senator MITCHELL and the minority leader Senator DOLE, as well as by Senator MCCAIN, and a number of other Senators. It is a bipartisan resolution. I feel this is a truly bipartisan resolution, a resolution, that sets the stage for getting our troops out as quickly as possible.

We will have one-third of our troops out by the end of the month. We were at 21,000, we will be at around 15,000 by October 31. We will not leave one troop there any longer than necessary. And they will be under American, U.S. command, there is no question about it, the whole time they are in Haiti.

I would hope that this body would send a clear signal to the people around the world that we are united when our troops are in the field, that the Congress is united behind the troops in the field. We are sending a signal to the American people, the people that are home listening to this debate, the people whose families and sons and daughters are in Haiti, that we support those troops in the field.

Yes, we want them out as soon as possible. We want the President to come to us beforehand. But they are there, and this joint resolution is the only resolution that can be signed into law. Anything else that passes would not be signed into law. So we have a joint resolution that has passed the Senate, an identical resolution will pass the house tonight, and we will have a law that makes clear the guidelines, in a united resolution which says get our troops out as quickly as you can, but we support those troops who are out in the field in harm's way.

So I would urge everyone in this House to support the Dellums-Murtha-Hastings-Dicks resolution.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the original Torricelli resolution and in support of the pending Dellums-Murtha substitute to authorize United States forces in Haiti. The original resolution would provide a retroactive congressional authorization for the unilateral decision of the President to deploy American forces in Haiti, thus giving him political cover for any mishaps.

This resolution also does not contain any means to force the President to withdrawal from Haiti.

Finally, it speaks of a transition to a United Nations-led force, which will contain up to 3,000 American troops. It is not clear whether or not this authorizes American troops to serve under foreign command or rather authorizes the President to keep an American force in Haiti for indefinite duration, both prospects that I strongly oppose.

As far as I am concerned, American troops have no business in Haiti. I do not understand how Haiti ever posed a threat to United States national interests. As current events are demonstrating, our forces in Haiti are facing a deeper, Somalia-like quagmire each day they remain.

Intervening was the easy part, it is getting out that will be difficult.

There is every indication that American troops will have to remain in Haiti for years to come, tying up resources that could be much more effectively used elsewhere. I am disturbed to hear reports that some Navy Reserve units have run out of money for training, yet we can spend over a billion dollars on a dubious operation in Haiti. Quite simply, Haiti is not worth putting thousands of American lives at risk and the billions of dollars the operation will ultimately cost.

The Haitian situation is yet another example of this administration's indecisiveness when faced with serious foreign crises. The administration's vacillation toward aggressors in Somalia, Bosnia, North Korea, and Haiti has seriously eroded United States credibility abroad and has created doubts among our allies about our reliability. To make matters worse, the President's severe defense spending cuts in recent years have diminished our ability to defend our vital national security interests.

At a crucial time of international transition created by the end of the cold war, the administration's timid and erratic approach to foreign policy is exactly what we do not need.

Unfortunately, the House just voted to reject the Michel substitute, which would have immediately brought our troops home. Although I much prefer the Michel language, the Dellums substitute now before us is certainly an improvement over the original Torricelli resolution. Thus, I urge a "yes" vote on Dellums and a "no" vote on Torricelli.

Mr. DELLUMS. Mr. Chairman, it is my distinct pleasure to yield 5 minutes to the fourth coauthor of the amendment, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I wanted to thank the chairman and also my chairman, the gentleman from Pennsylvania, Mr. JACK MURTHA, who has again gone out into the field to see how our young men and women are doing

when they are deployed by the President of the United States. I am pleased to be an author of this resolution, along with my colleagues. We will make it very clear that we want to bring our troops home as quickly as possible.

As the gentleman from Pennsylvania, [Mr. MURTHA], has said, about one-third of them are going to be coming home within a month. In my judgment, we can have our military forces basically out of there by the end of the year. But I do not think we should set a fixed date in this resolution, and I would tell you that John Shalikashvili and Bill Perry, Chairman of the Joint Chiefs of Staff and Secretary of Defense, have written us and asked us not to set a fixed date for the withdrawal of our troops, because they believe it would be dangerous to our troops.

Now, there is one other thing I would like to say about the Torricelli amendment. I believe we would be making a fundamental mistake if, after the President has decided to use force and to put troops into Haiti, for us to then retroactively authorize that action. I think that will become a precedent for future Presidents.

□ 2210

And I happen to believe that the President has a responsibility to come to this Congress and seek our approval before he puts the troops into the field. Now, I want to tell Members, I was impressed in Haiti by the fact that our soldiers have got the situation under control. Yes, there will be random acts of violence. That is why we need to strengthen the Haitian military and their police force so that Haitians can deal with Haitians on these issues.

In my judgment, the situation here is very different from Somalia. There is not a force here that can do any real damage to the U.S. military. So there is no reason to rush out of Haiti.

What we need to do is handle this in a professional way, leave it up to our commanders.

We talked to General Shelton, the commander of our forces in Haiti. We asked him, Do you favor a fixed date? He said, No, it would be dangerous to our troops.

So I again reiterate what the gentleman from Pennsylvania [Mr. MURTHA] has said, if we want to get something done, if we want to pass a resolution tonight that can be signed into law and one that enjoyed bipartisan support in the other body with a vote of 91 to 8, then vote for the Dellums-Murtha-Hastings-Dicks amendment and reject, as we have done already, we rejected Michel, but I think we should also reject the Hamilton-Torricelli amendment because it retroactively authorizes this. I think that is a mistake. It sets a fixed date, which I think is a second mistake.

This is the right resolution for the House to adopt. I urge its adoption.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN].

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

I think it is more than time that we have begun to evaluate what it is that we are really debating and have under discussion tonight. I find it amazing in this debate that most of it has seemed to focus upon whether or not we should support our troops who have been deployed to Haiti. We do not need to debate that issue. There is no Member of this body who is more proud than I of what they have done and how well they have done it. That is not the issue.

Nor is it to me understandable that no Member has come to this well and suggested that the troops who were deployed there would have been deployed there if the President of the United States had come to the Congress or had convinced the American people that they should have been deployed there. The unspoken refrain of all of this debate is that they should not have been deployed.

Now they have been deployed. So we heap praise upon our forces for how well they have conducted themselves, having been deployed. But how long, how long can we ignore the fact that they should not have been deployed, that there is no national security interest of the United States of America that dictates that they should be there?

The President having done it, and I am not one of those who challenge his constitutional authority to have done it, but I do indeed challenge his good judgment in having done it, especially having done it in the face of what appeared to be strong opposition of the American people and of this Congress to the extent that it is an unspoken but almost unanimously-consented point of view that he would not come to the Congress because he could not get the authorization if he had asked for it.

What position does this put this body, which has the ultimate authority? I think in a very untenable position, if we are going forward with the Torricelli language which after the fact gives an authorization that we would never have given in advance.

I am going to vote for the Dellums-Murtha, et al., Resolution. I do so not because I really approve it. I do so because it is the only thing left that is acceptable to a Congress of the United States that has any degree of pride in its responsibility and, indeed, its obligation to those fine American soldiers who are in Haiti against the wishes of the American people and of this Congress.

I would suggest to my colleagues that one of the worst judgments the commander-in-chief can make is to deploy his forces, his volunteer forces in a combat situation of which their fellow citizens do not approve and their Congress as their elected representatives do not approve.

The pick of the litter has been discarded. We cannot vote for a resolution that in a prudent manner makes it clear this is not an exercise we authorized or would choose to authorize and that we want our troops home as soon as possible and if by a certain date it does not happen and the President cannot come to us and persuade us to authorize and continue to fund it, then it should be discontinued. That is the path I think we should have chosen.

Not having chosen it, reluctantly, I do rise in support of the Dellums-Murtha amendment. I would urge my colleagues to do that. But I would urge my colleagues to bear in mind that we are coming back here and at some point in time this Congress is going to have to face squarely how long, how long will we permit our forces to be deployed in an exercise that the American people do not approve of and which we have never authorized, and yet we sit here complacently saying, oh, well, it is a fait accompli. We must not let it continue to be a continuing, nagging fait accompli. We must make sure that we bring our forces home from an exercise in which they should never have been sent.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in reluctant support of the Dellums substitute.

Mr. Chairman, I rise today disappointed with the three Haiti resolutions that are before this chamber.

Since the first democratically elected president, Jean-Bertrand Aristide, was ousted from power in Haiti, thousands of Haitians have fled the brutal and repressive government of Lieutenant General Raoul Cedras. This steady flow of refugees headed for U.S. shores and the continuous human rights atrocities committed by the Haitian military are of great concern.

However, I was not in favor of a United States invasion of Haiti. As sad as the situation is in Haiti, there was no compelling United States national interest justifying the presence of U.S. troops. Furthermore, I was opposed to the presence of U.S. troops in Haiti because the president failed to seek congressional authorization for such use of force.

Despite my strong opposition to the presence of U.S. troops in Haiti, I cannot support the Michel substitute. Now that the president has sent U.S. troops, it is imperative that we support these troops. Military experts, including Lieutenant General Henry Hugh Shelton and Joint Chiefs of Staff Chairman General John Shalikashvili, indicate that a mandated immediate withdrawal could endanger the lives of our U.S. soldiers.

Similarly, I cannot support the Torricelli-Hamilton alternative. Although this option affirms Congress' role in authorizing troop deployment, it specifically provides congressional

authorization for the presence of U.S. troops in Haiti, an action which I have opposed.

Although the Dellums-Murtha-Hastings—Dicks substitute makes it clear that there is neither congressional approval or disapproval of the participation of United States Armed Forces in Haiti, I regret that the Dellums alternative is not stronger in affirming Congress' constitutional responsibility regarding troop deployment. We must support our American troops when they are in harm's way, but it's important that Congress stands firm and insist that a president, any president, come to it for support before we undertake non-emergency military measures.

Mr. Chairman, despite the weak language on congressional authorization, I reluctantly vote for the Dellums substitute, for it most closely represent my views.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ.]

Ms. VELÁZQUEZ. Mr. Chairman, today I rise in strong support of the Dellums-Murtha-Hastings-Dicks substitute. It is the only approach that would allow a just resolution of the Haitian Crisis.

I initially spoke out against an invasion because of this nation's ugly history of armed intervention in the Americas. Since the Monroe doctrine, we have claimed for ourselves a near divine right to send in the Marines whenever we liked and for as long as we liked. Shamefully, our troops were often sent in to bolster local bullies and dictators who had little regard for the working men and women of their nations: Somoza in Nicaragua, Pinochet in Chile, Batista in Cuba. It is no wonder that the refrain "Yankees go home" is so familiar.

Nevertheless, I rise today in support of the Dellums substitute because for perhaps the first time in memory American GI's are on Latin American soil for a noble cause, and not as an occupying force. We have an opportunity to help ensure that the conditions for democracy can take root there.

As we all know, the agreement that was negotiated by former President Carter had no provision for the departure of the terrorists who preyed upon the Haitian people. If we leave now, one thing is certain. The terror will return, and the opportunity for democracy will have been lost.

It is not enough to say we are for democracy in Haiti. We must also commit ourselves to a democracy that can be sustained once we pull the troops out.

Some of my colleagues would place a deadline on our military presence. Is democracy so predictable that we can pick a date out of a hat, and decide that by then democracy will have had a chance? Is there some magic to March 1?

Mr. Speaker, a stable and democratic Haiti is clearly in our national interest. By turning a blind eye to political conditions there, we encourage thousands of additional refugees to take to the sea in flight from oppression. Preventing another refugee crisis is imperative for this country.

I urge my colleagues to join with me in support of the Dellums substitute. Not only will it serve the national interest—it will serve the interests of justice and democracy in the hemisphere as well.

□ 2220

Mr. GILMAN. Mr. Chairman I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I rise in support of the Dellums-Murtha-Hastings-Dicks substitute amendment.

Mr. Chairman, I thank the gentleman for yielding, and rise in strong support of the Dellums-Murtha-Hastings-Dicks substitute motion.

Last weekend, I joined my colleagues on the Defense Appropriations Subcommittee in making a one-day trip to Haiti.

I was impressed—and I always am—by the professionalism and dedication of our U.S. troops. They are as confused about our mission there as most Americans are, but they are working to restore order in Haiti. It is prime example of poor administration policy—rescued by super tactical deployment of the U.S. military.

I was opposed to this mission from the start. But now that our troops are stationed in Haiti, we must do all we can to ensure their safety, guarantee the effectiveness of our mission there, and then, get out.

I oppose any efforts by Congress to set a date certain for our troops to withdraw from Haiti. That is like imposing term limits on our soldiers. They would be lame ducks between now and that congressionally imposed deadline—a situation, but also the effectiveness of our mission in Haiti.

If we set an arbitrary deadline and there is some act of violence or if U.S. troops are taken hostage just before that deadline, we wouldn't want to be in a position of pulling our troops out at that specific moment.

This resolution reiterates that the President should have sought and welcomed congressional approval before deploying American forces to Haiti.

This substitute motion provides additional accountability safeguards to Congress and the American people by requiring the President and his administration to provide a statement of national security objectives for this mission. This substitute also requires monthly reports, including updates on important items such as: The duration of our presence in Haiti; the progress made toward establishing democracy in Haiti; and the cost estimates to all United States operation and activities in Haiti.

In addition, this amendment does not endorse or constitute congressional approval of the participation of United States forces in a U.N. operation in Haiti. I strongly oppose the placement of United States Troops under any Foreign command, under any circumstances.

Mr. Chairman, I strongly urge my colleagues to support the Dellums-Murtha-Hastings-Dicks substitute.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I favored the Michel Amendment. It contained a means of pressuring the President to remove the troops immediately.

I believe that to be appropriate since the President failed to consult with the Congress.

The Dellums substitute is better than the remaining choice.

I believe we should not be in Haiti. I don't believe there is a defined National interest there. We must avoid a prolonged occupation—Nation Building is a never-ending task.

We should not allow ourselves to go into an open-ended commitment to do a job that our troops are not designed to do.

I shall not endorse the Haiti occupation.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in favor of the Dellums-Murtha substitute in opposition to the Hamilton resolution. It is unfortunate that the opponents of President Clinton policy are not facing the real issues here and hiding behind the bluster of a well-organized propaganda campaign against Father Aristide.

We can debate from today to the day of the next election in Haiti about President Aristide's character. Is he a good guy? Or a bad guy? Did he urge crowds to necklace their enemies? Or was he talking about the constitution?

The bottom line is that he was elected by 67 percent of the Haitian people in a free and honest democratic election, an election where more Haitians voted than vote in most elections here in the United States.

The Haitian people should have the right to make their democracy work. And in Father Aristide's own words, the true test of democracy will take place during next year's election when he steps down.

Do we have a national interest in preserving that democracy? Yes. Haiti is 700 miles from our border. Port au Prince is closer to Miami than we are to Chicago. Every day that the military dictators continued their reign of terror in Haiti was an embarrassment to the United States, the sole, remaining world power.

We have a national interest in returning democracy to Haiti because the consequences of the Cedras/Biamby/Francois dictatorship was a flood of Haitian immigration into our country.

We also have a national interest in removing this dictatorship because it was part of the Caribbean drug running ring that is killing off a generation of American young people.

We must return democracy to the Haiti people, and, everyday, our troops

are making progress in attaining that goal.

The imposition of an artificial deadline for their departure would be wrong. It will endanger the lives of these American soldiers who are succeeding in this right and honorable mission. And these are not just the views of civilians, Marine General John Sheehan said the exact thing to our Foreign Affairs Committee.

So, what is going on here? Even though we reach another milestone towards success everyday, the President's opponents are putting an obstacle in the way of ultimate victory. This militarily unsound deadline says to the enemy in Haiti, We're here today, but we'll be gone on March 1. This is wrong. This is dangerous. And this is unfair to the men and women in uniform meeting a difficult challenge in Haiti. Support our troops and support democracy in America.

Vote yes on the Murtha/Dellums substitute.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I promised our leader on this side that I would vote for his amendment and only his amendment. I have no problem with people voting for the Dellums-Murtha-Dicks amendment. But I would like to clear the air here about what the gentleman from Illinois [Mr. MICHEL] called hiding behind our troops under the guise of supporting our troops.

As he said those words, I thought, there is also a position where people who have no familiarity with the military are pushing our troops up front for their own political purposes, and putting them, no matter how noble, in harm's way.

There are a handful of people in this House, and I am proud to include myself in that number, who can travel to any military service of the United States, any base in this country, and be recognized. We do not ever have to give our bona fides in any legislation here about supporting the troops.

Mr. Chairman, I can name them all: The gentleman from Pennsylvania [Mr. MURTHA], the gentleman from Missouri [Mr. SKELTON], the gentleman from Texas [Mr. WILSON], the gentleman from Illinois [Mr. MICHEL], the gentleman from Mississippi [Mr. MONTGOMERY], hands down. My friends from California, Mr. HUNTER and Mr. CUNNINGHAM, my friend from Texas, Mr. JOHNSON, and my friend from Indiana, Mr. BURTON. Also my colleague from Virginia, Mr. SISISKY.

When we get on an airplane or go on a submarine or on a carrier or down to shoot at Benning, or out with the paratroopers, anywhere in the field, they come up to us with respect. Go ask our liaison downstairs.

They told me they had never seen young GIs, male or female, ask for autographs until they traveled with the aforementioned Members. So I do not ever have to stand here and say I am backing up our troops with this or that vote. They know when we do things like sign certificates to the wounded and fly the flags on the Capitol ourselves, that our hearts are with them. So let us forget that silly stuff.

Mr. Chairman, when I first got here I found out that there are a lot of people in both parties who beg to get on the Committee on Armed Services or the Committee on Veterans' Affairs, because they think it fulfills the military obligation that they somehow avoided in their youth.

But, it does not work that way. Castro's lawyer, Castro's lawyer, Ira, let us get the spelling right here, Curzban, C U R Z B A N, his wife ran against Ileana in the last election, in 1992, ILEANA ROS-LEHTINEN, was flown with the title proconsul into Haiti on a U.S. Air Force aircraft.

Mr. Chairman, I find that offensive. As the gentleman from Illinois HENRY HYDE, said, you have got to go by Cuba to get down to the island of Hispaniola, the western third of which is called Haiti.

Here is that article I put in earlier by the best military writer extant today, Harry Summers, Junior, retired army colonel: "if you like Mogadishu, you are going to love Port-au-Prince. Just as Smith Hempstone, then U.S. ambassador to Kenya, warned all too correctly in 1992, Mogadishu was likely to be a repeat of the 1983 Beirut disaster, during Ronald Reagan's presidency, where 241 U.S. servicemen were killed in the bombing of the barracks, so Port-au-Prince is all too likely to turn into another Mogadishu.

Here is his close. He says "Instead of getting our men out of harm's way, White House Chief of Staff Leon Panetta has said 'We are going to increase patrols.' This is unwittingly setting the stage for a Mogadishu-like disaster, where American casualties would force a premature U.S. withdrawal.

Instead of increasing their vulnerability, now is the time to withdraw our forces from the streets, gather them in defensible enclaves, ready if need be to underwrite with force the transition of power from Cedras to Aristide, and the clock is ticking. We only have a few more days to go.

For about the 8th night in a row, I would point out this is day 18 of a miracle, where only one handsome, brave young staff sargeant named Don Holsted is lying in a hospital at Fort Bragg, shot in his abdomen; no one killed, two suicides, no other wounded in action. It is a miracle. However, Mr. Clinton is interpreting Ron Dellums' "as soon as possible" to be a year, maybe a Dominican Republic, 17 months. I do not buy that.

Mr. Chairman, I include for the RECORD the following document:

SUBJECT: FUNDING ARISTIDE TRANSITION TEAM NEEDS: REQUEST FOR LEGAL OPINION

REF: (A) Horning memo of 10/02/94, (B) Meighan E Mail of 10/03/94

1. On October 1, Aristide transition team leader Beliotte (Constitutional Minister of Defense) and GOH Legal Advisor Ira Kurzbaum approached USAID Director Crandall regarding the need for logistical support and funding for costs associated with the transition prior to and following President Aristide's return to Haiti.

2. Though general budget support is planned under the USD 15 million balance of payments program signed Sept. 30, it will be at least mid-November before local currencies generated by the dollar funds become available. The PL 480 and ESF accounts at the central bank remain blocked and inaccessible until the legitimate GOH returns, takes control of all government functions and audits its accounts. Again, that process could take until mid-November, and probably longer.

FYI: While August 31 de facto records indicate blocked funds are still in central bank accounts, this cannot be verified until all auditing checks are completed. End FYI.

3. We propose to support the transition by using U.S.-owned local currency proceeds generated by PL 480 title III flour sales subsequent to the blocking of the above accounts. These currencies were placed in a separate USDO account at Citibank, where approximately USD 2.58 million are immediately available for use. USAID requires an immediate legal opinion as to whether these unclassified funds can be used for the following purposes, as identified by Ira Kurzbaum in a meeting with Crandall on October 3:

A. Temporary office space: For transition team use until government offices are secured, a prime minister and cabinet are nominated, ratified and installed in office.

B. Communications: Satellite communications system for secure, reliable international communications; radio system for emergency communications.

C. Temporary guard services and non-lethal security equipment, such as alarm system, cameras, etc.: to guard temporary offices and residences of transition team members.

D. Residence to office transportation: due to the continuing high cost and scarcity of fuel, and the fact that many transition team members will not have personal vehicles in Haiti, transportation services will be required, via minivan or other rented vehicles. It is thought that de facto authorities will have "requisitioned" official GOH vehicles for other uses, leaving constitutional authorities on foot.

E. Office equipment and supplies: At a minimum, FAX machines, copiers and limited computer equipment must be leased or purchased for the temporary offices. In addition, it is anticipated that when the transition does take place, the 14 new ministers will find many offices stripped of equipment and devoid of the most basic office supplies, thus a basic package will be developed for donation to each ministry.

4. USAID plans to provide the same type of support to both Houses of the Parliament, in response to a similar request from the legitimate President of the Senate for logistical assistance to enable the parliament to complete the legislation required for the transition, i.e., amnesty law and separation of police from the military.

5. USAID would use these funds to support the Democratic transition in association with our just-arrived RONCO logistics management unit, which: (1) Has management

responsibility for these title III funds, under the terms of the contract, and (2) will provide logistical support for the transition.

6. Please send an immediate cable in response.

Mr. DELLUMS. Mr. Chairman, I am pleased to yield 1 minute to my distinguished colleague, the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Chairman, I rise in support of the Dellums amendment. Today we as a country find ourselves in a very tough situation in Haiti. It is a situation of our own creation, but the first rule to follow when we find ourselves in a bad, tough situation is not to make it worse.

The Dellums amendment, in my view, is at this time the best option before Congress to making this tough situation better. I support a prompt and orderly withdrawal of U.S. Forces from Haiti as soon as possible, and in such a manner that does not destroy the progress that we have made so far.

□ 2230

Giving a date certain for withdrawal is tactically self-defeating. It provides aid and comfort to the very people that will bring our troops into harm's way. Many of us opposed a military invasion of Haiti. But all of us were glad when the hostile invasion was avoided. The mission is now under way. Let us carry it out to its quick, swift completion. Let us support our troops. Support the Dellums amendment.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip.

Mr. GINGRICH. Mr. Chairman, let me say first of all that I hesitate to rise tonight in opposition to the substitute of my good friend, the gentleman from California [Mr. DELLUMS] because I think today has been truly a historic day and I know how many years he worked and how lonely the fight sometimes was. I think I have some small feeling for just how strongly he felt in his heart today, and I want to congratulate him on what I think has been a lifetime of hard work that has in fact helped improve the human condition. I think today listening to President Mandela was an extraordinary experience for all of us and I congratulate the gentleman for his leadership on that.

I want to say to all my colleagues, I have wavered. I have concluded that the wisest vote is a no vote but I do not think this is an easy decision. Let me tell you why. This resolution does correctly say that the President should have sought congressional approval. I believe in a strong Commander in Chief role. I think there are a lot of circumstances for immediate action without consultation. But I do think we are getting into a dangerous habit in this administration of saying that the United Nations Security Council matters but congressional approval does not. So what we do in the Balkans is a function of the U.N. Security Council but not the Congress. What we can do in Haiti is a function of the U.N. Security Council.

I was recently campaigning in Indiana and a local sheriff picked me up to take me to an event—I was not speeding, he was meeting me at the airport—and on the way, he said, "I'm confused. How come you and my candidate are not running for U.N. ambassador?" I said, "What are you talking about?" He said, "I was watching at home the other night and I listened to the Secretary of State's explanation for why we were allowed to do some things and not allowed to do the others and in every case he cited the U.N. Security Council and he never once cited Congress." So in that sense, this resolution is exactly right.

Where I have a problem, I think, is 2 places, and I would like to vote yes but I simply cannot. The first is that the Michel-Gilman substitute said the President should immediately commence the safe and orderly withdrawal of U.S. forces. I feel that very strongly. He did not ask our advice getting there. We are now basically offering him advice, because the truth is he can veto one of these. This is an expression of the will of the people but it is not going to end up being legally binding because he will just veto it if he does not like it. I do not want to vote for anything which implies that I approve of anything that might happen after tonight.

I want to make it clear. I do not think we should have gone, I do not think we should be there, and I do not think we should stay. This document which I respect greatly has two lines that make me concerned:

One is it says under item E, "Congress supports a prompt and orderly withdrawal as soon as possible," which is very different from "the President should immediately commence the safe and orderly withdrawal." It implies that "as soon as possible" if you read the previous item C is related to Haitian domestic political activities and to when the President makes the judgment based on political, not military, reasons.

Lastly, it suggests, and I think this is legitimate in the context of the way the amendment is offered, "not later than November 1 and monthly thereafter, the President shall submit a report." That clearly implies that November 1, December 1, January 1, February 1, the President said in his address to the Nation he expected American troops to be there until February of 1996. I cannot support getting a monthly report until February of 1996 and saying, "Well, at least he listened to us."

So with reluctance, I say to my good friend, who I really do respect deeply and for whom I think this has been a historic day, I urge my colleagues to vote no because I think that the Michel-Gilman substitute was the correct signal. It said we do not agree, we should not be there, and let us withdraw before young Americans start getting killed. But I do say so reluctantly and with the greatest respect for my friend.

Mr. DELLUMS. Mr. Chairman, I would like to thank my distinguished colleague for his generosity.

Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise today in support of the Dellums/Hastings amendment. I also rise to commend President Clinton for all he has done to restore democracy in Haiti. He has taken the high road. President Clinton, and our young men and women on the ground in Haiti, have done something we should all be proud of. We are helping a struggling democracy make the transition to a peaceful and prosperous democracy, which as President Mandela said just a few hours ago in this very Chamber, is in our national interest in this new world order.

Nowhere else in the world would the prolonged torture, rapes, and murders have been tolerated as they have in Haiti. My colleagues have said that they do not see any vital American interest in Haiti. What does it take to constitute a vital interest—someone else's oil halfway around the world. I am sad to say that our foreign policy has not been colorblind. I have to wonder if the problem is not that Haitians are people of color.

Mr. Chairman, I am proud to be a Member of this House of Representatives (the people's House), but history has taught me that the President of the United States does not have to come to Congress to direct U.S. Troops. Setting a date certain for the withdrawal of U.S. Troops will only endanger the lives of American soldiers.

We in this House are not military experts and military decisions should not be made by us. We must not prevent our military forces from completing their mission in a safe and orderly fashion.

One thing I can say, that the Members on the other side of the aisle talk a good talk but they do not walk that walk.

I urge my colleagues to support the Dellums/Murtha/Hastings Amendment.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman from New York for yielding me the time.

Mr. Chairman, the events that have led us to this day are shameful.

Three weeks ago President Clinton sent General Colin Powell, Senator SAM NUNN and former President Carter to Haiti to negotiate a deal with Haitian strongman Raoul Cedras.

According to press reports, Haitian General Philippe Biamby ran into the negotiating room and announced that the planes had left Fort Bragg and the attack was about to begin.

All this while our team, including a Senatorial colleague and a former President, was negotiating in good faith.

Now we are being asked retroactively to approve the actions of the President. In other words, we are being asked to provide him with political cover in case anything goes wrong in Haiti, such as our troops being ambushed on a dark night. We are being asked to support our troops. I do. I always have and always will. That is why I say we must bring our troops home and as soon as possible.

We should have passed the Michel-Gilman substitute which covered all the basic points that we feel are vital, but we did not.

I do not think the Dellums-Murtha amendment goes far enough, but because of the crazy way king-of-the-hill rules work, I will vote for this amendment and vote against final passage.

As he was being led to the gallows, Nathan Hale said, "I regret I have but one life to give to my country."

I wish some Haitians would say that and would sacrifice for their country the way Americans did, Afghans did and the French Underground did.

However, I did not see an armed rebellion in Haiti. The military had replaced the elected President as they have in several other Latin American countries.

Americans should not be used as pawns for other nations' policies or their internal problems. America should not become involved in foreign entanglements unless there is an identifiable American national security interest.

There is none in Haiti. Not a single one of our brave young soldiers should lose his or her life to bolster the approval rating of a President. Let us bring them home now.

□ 2240

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in support of the Dellums-Murtha resolution.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank my friend from California for yielding the time and I rise in strong support of his amendment.

I have listened to the debate very carefully today and I have heard a lot of bashing of the President. I have heard Members saying that he is doing the wrong thing. I have heard Members trying to accuse the President of scoring brownie points. Frankly, I think it is the other way around. I think that any time you have the President trying to do anything you always have a certain number of people on the other side of the aisle who are going to say it is the wrong thing.

I am here to say, as I said last night, that foreign policy ought to be bipartisan, the way some of us supported the President, President Bush, in the Persian Gulf war. And I was one of those Democrats that did. We ought to have bipartisan support for our forces in Haiti. We ought to give credit where credit is due.

Our forces entered Haiti. They did not enter Haiti as an occupying force having to shoot their way in. They were welcomed by cheering Haitians in an attempt to restore democracy. I cannot understand Members who say that we have no vital interests in Haiti. Certainly, when the boat people come to our shores trying to get into this country we know that it affects the United States.

This is not something that is going on on the other side of the world. This is right here in the Western Hemisphere. If it was good enough for Panama and good enough for Grenada, it certainly is good enough for Haiti.

Let me tell my colleagues, this resolution is infinitely reasonable and responsible. It says that the President should have sought congressional approval. I think most of us agree. I said that last night.

It says that Congress supports a prompt and orderly withdrawal of all forces as soon as possible. No one can disagree with that.

It says the departure from power of the Haitian military and restoration of democracy is in the best interest of the Haitian people, and in the best interest of the American people I might add. We should not argue with that.

We should not revert to some kind of isolationism here and pretend that what goes on in Haiti does not affect the United States. It does. Let us not tie our troops. We all know that we are better off not having a date certain.

Although there is much in the other resolutions I support, this is the best resolution, and I think we should vote for it in a bipartisan fashion.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, a couple of weeks ago I answered the President in his radio message to the country and said that an invasion of Haiti could have been one of the most foolish acts of foreign policy of this century. Fortunately, the invasion was made unnecessary by President Carter.

But our troops have instead taken to nation-building under the guise of intervention on behalf of an unstable Jean-Bertrand Aristide. Yes, we are in Haiti today and our troops have done well and peace is restored temporarily, at least for the most part. And Aristide is returning on October 15.

But before then, and for the last couple of years, he has been living on Haitian money, a great deal of Haitian money while living off the fat of the land in the United States. I suggest that he take that Haitian money and that he buy himself a security force so that we can pull our troops out the very next day after he arrives.

Haiti is not in our national interest, and certainly far less so than is Cuba. Let us not endorse this policy. Let us not debate the unnecessary nuances of what has turned into a major blunder from which we cannot extract ourselves. Let us put our troops out. Let us vote "no" and "no" and avoid all pretense of support for this failed policy.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, Before our troops went into Haiti, I joined with my colleagues who believed the President should have sought and welcomed congressional approval before deploying United States Armed Forces to Haiti. That is a responsibility that should be honored by any President—not just this President, but all Presidents regardless of party.

But that is not the issue before us today. Today American troops are on the ground in Haiti.

There is no rule of the House requiring consistency among Members. But I wish there were a bell that would ring when an inconsistency becomes so obviously contradictory and so obviously partisan—as the objections of many Republicans over United States policy in Haiti.

Where were these protesting Republicans when United States troops went into Grenada and Panama? Some of them were standing on this very floor. And what were they saying? They were praising Republican administrations for sending in the troops. And they were chastising Democrats for raising questions.

Now, today, they were saying that we should demand that our troops be pulled from Haiti immediately. Never mind that U.S. military commanders on the ground say that such congressional vote would endanger the lives of our troops. Never mind that the words of the Republican leadership today are 180 degrees opposite what they have said about U.S. troop involvements in the past.

A few years ago this body was faced with the choice of whether to support

the use of force against Iraq. Many Democrats, and I was one of them voted against the use of force. We wanted to allow sanctions more time. We wanted every possible step to be taken to avoid the unnecessary deaths of young Americans. Many of those same Democrats also expressed concerns about a use of force in Grenada, in Panama, and yes, in Haiti.

But the moment our troops were on the ground, we recognized that it would be wrong to do anything other than to give them our absolute support. We recognized that irresponsible resolutions, fostered by a partisan spirit and pushed for partisan purposes, would be unconscionable. We rallied round as Americans always have. We kept first and foremost in our minds that when U.S. troops are in harm's way, we would do nothing and say nothing that might endanger them.

If there is meaning to the flying of our flag. There is meaning to the Government over which that flag flies and there is meaning to that Government standing together under Old Glory to support our military commanders when they are leading our Armed Forces, our troops, our men and women on foreign soil.

Now is not the time for this fractious Congress to micromanage military operations. Now is the time for us to show our patriotism and stand up for our troops.

I encourage my colleagues to support the Dellums, Murtha, Dicks, and Hastings substitute. It will make it clear the consent of Congress should have been attained before our troops were sent into Haiti. It will make it clear Congress wants our troops to leave Haiti as soon as possible. Above all, it keeps foremost the concern for the safety of these young Americans.

This body has been wracked by partisanship for too long. All of us should be willing to draw the line here. I implore my colleagues not to continue to play politics with the lives of our troops.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I cannot help but be reminded again of the words of George Santayana who said those who fail to learn the lessons of history are condemned to repeat it.

Haiti is a terrible troubled, tragic land. From 1847 to 1915 it had 20 Presidents, not a remarkable number, but 16 of those 20 Presidents were either assassinated or left as a result of being deposed as a result of violent revolution.

In 1915 we sent the U.S. marines in there. We can argue the reasons. They sounded very familiar. The idea was humanitarian purposes and the enforcement of the Monroe Doctrine. It took us 19 years to get out.

Just recently we heard a President use and exploit the policies of what I call emotional manipulation more than anybody I ever heard on a Thursday afternoon regarding a particular leader, military leader who has become our partner at least until October 15.

We have the problem with respect to not even having been asked permission in this body and from the people, and apparently it was more important to get permission of the United Nations. It is clear that the only important case which needs to be made with respect to military intervention in Haiti has never been made. The President failed to make it. That is the question and the case for national security.

Having said all of that, what we are really talking about tonight are these three different resolutions. Does anybody really believe that our passing or not passing any of these three, except to the extent that we try, perhaps with some great futility to express the will of the American people, will make any difference whatsoever in the way that this is carried out? Clearly the President did not think enough to ask us going in. Does it really matter to him what we say now? I do not think so.

Nonetheless, we will go on record. I voted for the first resolution. I am going to vote for this second resolution. I will tell Members why. I am going to vote for it because I am going to interpret, and I am going on record right now as interpreting section (e), "Congress supports a prompt and orderly withdrawal of all United States forces from Haiti as soon as possible," I interpret those words "as soon as possible" as meaning that we will get out of Haiti just as quickly as we got into Haiti. It does not mean next month, it does not mean next year. It means as soon as possible, and in the same sense as when you give a directive to one of your staff members it means as soon as possible.

That is what this means. That is why I am voting for it.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise to express my support for the Dellums-Murtha-Hastings-Dicks amendment.

Mr. Chairman, I rise to express my support for the Dellums-Murtha-Hastings-Dicks substitute to House Joint Resolution 416. This substitute expresses the sense of the Congress that U.S. Armed Forces should be withdrawn in a timely and orderly fashion, but does not set a deadline for withdrawal. It is a responsible amendment sponsored by both the chairman of the Armed Services and the Chairman of the Defense Appropriations Committee.

As a former Peace Corps volunteer, I know the road to recovery must begin with securing stability in Haiti. I do not believe 20,000 U.S. soldiers can create a democracy, in Haiti. The solution rests with the hemisphere responsibility for economic recovery.

This substitute amendment is limiting, it does not specify the role U.S. forces should play when the U.N. peacekeeping operation takes over in the next phase. I strongly believe that the Congress must not remain silent on this issue. For this reason, I am introducing a concurrent resolution today which expresses the sense of the Congress that the United States' troop commitment to peacekeeping operations in Haiti should not exceed the level which the United States is assessed by the United Nations for worldwide peacekeeping operations. We must work our way out of Haiti, and I believe my resolution sets the framework for the peacekeeping phase recognizing that international leadership is essential to help bring a lasting democracy that Haiti desperately needs.

I thank the authors of this substitute for their leadership, I urge my colleagues to support this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Dellums-Hastings-Murtha-Dicks resolution. I rise in support because it is time for us to say where we stand on democracy and human rights.

I have been appalled and a little bit pained as I have heard some of my colleagues make certain remarks about Haiti and the people of Haiti. Over and over again I have heard a few Members say Haiti is not worth anything, it is not worth losing one soldier, it is a worthless country. It is difficult for me to understand those kinds of remarks when this country cries out for freedom, when they have been undermined by a military coup. But they tried hard to have democracy. They elected a president. They elected President Aristide. But they have been violated. This coup has killed, they have maimed, they have raped, but they continue.

□ 2250

Our President, in the most compassionate way, tried everything that could be done to have peace talks. We had a Governors Island accord, we worked at sanctions, we stiffened the sanctions, but Cedras continued.

He and Francois continued because Members of this House got on the floor and encouraged them. They told them we would never intervene, that Haiti did not deserve our support, that even this evening we had one Member get up quoting Cedras, talking about support for Cedras.

There are those who would like to signal to them that we are going to get out, and when we are going to get out, so that those who are opposed to democracy and freedom will remain on, will remain opposed to democracy, and know that we are moving out. Why would we want to send that signal? Why would we want to undermine our troops? Why do I not hear the cry for

support for American soldiers? Why would we put them in harm's way by telling them when we are going to get out?

We need to say where we stand in this country for freedom and democracy. I thought we were a country who fought for freedom, who fought for democracy, that history demanded that we do that, and yet we stand here this evening undermining the President, undermining our soldiers.

It is time for us to vote to stand up for democracy. Vote for the Dellums resolution. Vote to support our soldiers.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Chairman, I just want to make certain that we do not kid ourselves about what is happening here. The resolution we have before us now is essentially the resolution that just passed the U.S. Senate. It was voted on overwhelmingly in the U.S. Senate. The people who voted for it there probably came from a mixed point of view, but what a large portion of those Members believed they were doing was basically endorsing the President's policy. This is authorizing the President's policy, and so, therefore, if, in fact, what you do is vote for the Dellums amendment at the present time, you are voting for essentially that proposition which has passed the U.S. Senate and does, in fact, contain language which can be interpreted, and I feel will be interpreted by this administration, as endorsing his policy in Haiti.

That is the reason why many on this floor who are adamantly in favor of endorsing what the President is doing in Haiti have gotten up and spoken for this resolution.

So just so we understand that when we vote for the Dellums bill, we are voting for a specific authorization to go ahead and do what we have been doing in Haiti. I believe that to be the wrong policy.

I believe that the vote we had a few moments ago on the Michel substitute was, in fact, the vote which assures that we get out immediately. To vote for this proposition now will be to vote differently than you voted on that bill and to vote to endorse what is now happening in Haiti.

I believe the papers tomorrow will read, if Republicans and Democrats come together on this, that the papers will read that there was a bipartisan endorsement of our Haiti policy and so on.

I know that there are many on that side of the aisle who will welcome that bipartisan endorsement of the Haiti policy. I think it is a wrong mission. I think it would be a mistake to have that signal come out of this Congress. I do not believe that reflects the majority sentiment in this Congress.

And so, therefore, I would urge a no vote. I do not believe this Congress should be on record as endorsing the President's policy in Haiti.

Mr. GILMAN. Mr. Chairman, I yield 1 minute, the remainder of my time, to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I must say that I have grave reservations about all three of the resolutions before us this evening, in no small part because during our trip to Haiti I was most concerned about the fact that our people are doing a fantastic job there, and if we send any signal that would suggest that America either intends to leave or is leaving quickly or otherwise, conceivably you could strengthen Cedras' hand and the rest of those people.

Having said that, the item that is before us now essentially, and this is according to the Republican analysis, says that the President should withdraw United States forces from Haiti in an orderly fashion as soon as possible; the men and women of the United States Armed Forces have served with distinction; the President should have sought prior congressional approval before deploying United States troops in Haiti; the de facto authorities and restoration of democracy and rule of law are in the best interests of the Haitian people; and the President should continue in his efforts to lift the United Nations and United States-imposed sanctions against Haiti.

The resolution has a lot to be said for it, ladies and gentlemen.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I support the Dellums amendment, You bet your life it has a lot to be said.

It means when the President of the United States and those that have a commitment to fragile democracies throughout this world speak and the civilized international community hears it, whether it is the United Nations or, in this case, the Organization of American States, that the word of the United States means something.

But more than that, what I think it means is that when our young men and women enter into the armed services and when their Commander in Chief places them in a situation where it is his belief that the security of the United States is at risk, it means that this U.S. Congress will not second-guess him. It means that we want them to come home as soon as possible, but we will not send a message to the enemy or those who are the foes of democracy that we know more than the President of the United States; or the generals who serve this republic so violently in Haiti, that we will not put them at risk. I would say you can have your double standard on Haiti, you can have your partisanship as relates to Democrats and Republicans, but for God's sake do not take it out on our young men and women who are now stationed in Haiti.

Mr. DELLUMS. Mr. Chairman, I yield myself 1½ minutes, the remainder of my time.

Mr. Chairman, this has been referred to as the Dellums-Murtha-Hastings-Dicks amendment. It has been my very high honor and great pleasure to control 30 minutes of this debate.

This is not RON DELLUMS' amendment. I am not that arrogant nor that egotistical.

What brings the four of us together from very different vantage points? The gentleman from Pennsylvania [Mr. MURTHA] and I do not have the same politics; the gentleman from Washington [Mr. DICKS] and the gentleman from California [Mr. DELLUMS] do not always have the same politics; and sometimes, but perhaps more rarely, the gentleman from Florida and the gentleman from California do not share the same politics.

But tonight, at this moment in this place, these four people walking four radically different paths have come together for one purpose, and that is to speak to the magnificence of the human condition and the right of people in Haiti to stand on the ground of freedom and dignity, self-respect, and democracy.

And I urge my colleagues to overwhelmingly support this amendment offered by this coalition.

Mr. POSHARD. Mr. Chairman, I rise this evening to state for the record my views concerning Haiti. I am extremely thankful this country has such fine men and women who are willing to serve in our Armed Forces. As an Army veteran, I have a special appreciation for the devotion and dedication they bring to their service. All of us, regardless of how we may vote on the resolutions before us tonight, send the men and women in uniform our thanks.

I did not support an invasion of Haiti. While I support the return of a democratically elected president, I do not believe it is our place to simply install our preference without more substantial cause than what has been shown in Haiti. We must face clear national security risks before we commit to an invasion which will surely cost American lives.

I was thankful when the delegation headed by General Powell, Senator NUNN and former President Carter was able to negotiate an agreement to return exiled President Aristide to a position of authority in Haiti. Their work to this point has, thankfully, avoided the loss of life which certainly would have resulted from an invasion. But as I listen to the debate this evening, I am even more convinced this is what the American people deserved before we took any significant military action in Haiti. That is why I added my name to legislation to require the President to seek Congressional approval prior to taking military action.

It is for that reason that I cannot support the resolution offered by my colleague Congressman MICHEL, nor the proposal offered by Congressman HAMILTON.

The Michel resolution calls for the immediate withdrawal of American troops, while at the same time stating that the president should not have ordered U.S. Forces into Haiti. While I opposed an invasion, to order them out now would jeopardize the safety of those soldiers who are doing their all to bring some stability to the situation in Haiti. I will also vote against the Hamilton resolution, because it specifically authorizes the action which the President has taken. Because I believe so strongly that the President should have sought congressional approval prior to committing troops, I cannot now support a resolution which authorizes such action.

The Murtha resolution calls for a prompt and orderly withdrawal of U.S. Forces, while commending the men and women serving their country. It requires the administration to report regularly on the progress of our efforts in Haiti and to further establish the goals and objectives under which we operate. This is parallel to the resolution which the Senate will consider under the bipartisan support of Senators DOLE and MITCHELL.

President Aristide is scheduled to return October 15. I hope the multi-national force which will be stationed in Haiti will secure the democracy for which the Haitian people hunger. I think the Murtha resolution offers us the best opportunity to achieve our goals while securing the swift return of our American men and women in uniform, and therefore I give it my support.

Ms. PELOSI. Mr. Chairman I rise today in support of the Dellums-Murtha-Hastings-Dicks amendment, which urges the withdrawal of United States troops from Haiti in a prompt and orderly fashion, as soon as possible. President Clinton is to be commended for his leadership in pursuing additional diplomatic efforts to avoid bloodshed.

I join with those who believe that we have a real national interest in promoting democracy and human rights in Haiti. Peace and prosperity in our hemisphere is a very real national security issue. The restoration of a democratically-elected government in our own backyard will send a message to despots around the world and help to stop the flow of refugees to our shores.

While it is in our national interest to promote democracy and human rights in Haiti, it is in the interest of the lives of our young people now serving there that we act responsibly and sensibly in our policy. I support the Dellums-Murtha amendment because I believe that we should withdraw our troops as soon as possible. I also believe, however, that setting a date certain for troop withdrawal would unnecessarily endanger both our troops on the ground and our efforts at promoting democracy in Haiti.

As many of my colleagues know, I generally do not support the use of force because I truly believe that negotiated solutions lead to a stronger and more lasting peace. That is why I opposed an invasion of Haiti. I do believe that the presence of United States troops in Haiti has made a positive difference. The violence and human rights abuses have been curtailed; the Parliament is reestablishing itself; the Haitian military and para-military forces are being brought under control. If we in Congress demand today that our troops leave Haiti by a specific date, it will shift the momentum of change and start another waiting-game. Haiti's military leaders will know that all they have to do in order to regain control is wait for the United States to leave.

Mr. Chairman, I would like to go on record with several of my reservations regarding the current United States policy toward Haiti. First, I believe that President Clinton had a Constitutional obligation to seek Congressional approval before deploying United States troops to Haiti. Neither the relationship between the Executive and Legislative branches nor the President's policy toward Haiti were well-served by the manner in which the Administration proceeded.

Second, however pleased we all were to have avoided an invasion, the deal made by the Carter delegation to resolve this conflict should not serve as a model for future dealings with brutal dictators. In addressing the nation on Haiti, President Clinton characterized the Haitian regime as the "most violent in our hemisphere," and cited their atrocities, including the execution of children, as justification for the invasion of Haiti. President Carter and Colin Powell characterized these same men as "honorable." The barbarous junta succeeded in being treated with respect and their brutal actions may ultimately go unpunished. We must make it clear to all who brutalize their people that they will answer for their actions in an international court of law.

Mr. Speaker, for the sake of our young people serving in Haiti and for the sake of those who are struggling for democratic reform in Haiti, I urge my colleagues to reject attempts to legislate an arbitrary deadline for the removal of our troops and to support a prompt and orderly withdrawal at the soonest possible time.

Mr. MFUME. Mr. Chairman, I rise today in favor of the substitute offered by my colleagues Messrs. DELLUMS, MURTHA, HASTINGS, and DICKS.

I believe that this substitute offers an exemplary balance between congressional oversight and management by the executive branch of military operations and foreign relations.

Let me begin by saying that, like many of my colleagues, I had some concerns about a military invasion of Haiti.

Furthermore, like most Americans, I was relieved when the outcome of the Carter team's negotiations was announced and the American troops were able to enter into Haiti peacefully.

Since then, American troops have been doing an outstanding job of returning peace, freedom, and stability to the island nation.

Our troops deserve our utmost respect and our most sincere thanks for the job they are doing in Haiti.

Mr. Chairman, I submit to you that the situation in Haiti is in the national interest of the United States.

If the United States, along with other world powers, had sat back and allowed the military leaders to control Haiti with no repercussions, other military leaders in other nations may have taken that as a positive sign.

The unfortunate truth is that despite the best of intentions, and in many cases strong traditions, a number of nations in the Caribbean have strong militaries that may be watching Haiti to see what sort of reception they would receive should they stage a similar coup.

The potential for Haiti to be a destabilizing force in the region is, unfortunately, strong. So I believe that the actions taken by the President were correct, and I am hopeful that democracy will be returned to Haiti soon. Yet some Members here want to tie the President's hands; they want to micro-manage the foreign and military policies of the nation.

While I do believe that it was the intention of the Framers of the Constitution to have the Congress oversee military and foreign operations, I do not believe that they would have wanted 535 Secretaries of Defense and 535 Secretaries of State.

As I said earlier, I believe that the Dellums-Murtha-Hastings-Dicks amendment is a good balance, allowing Congress the oversight of the mission that it should perform while, at the same time, allowing the President and his military advisors the room to make the decisions that they feel are best for the mission and for the troops.

I further support the fact that the Dellums-Murtha-Hastings-Dicks amendment calls for the "prompt and orderly withdrawal of the United States forces from Haiti as soon as possible."

Since the possibility of an invasion of Haiti was first discussed, I have advocated a prompt withdrawal of United States troops, to be replaced by multinational peacekeepers, led by either the United Nations or the O.A.S.

While I support the philosophy that the United States should help people, especially our neighbors, pursue their basic rights as human beings, I do not believe that this provides the United States a free license to impose our strength or our beliefs on other nations.

Therefore, I hope that the President will withdraw our troops quickly, and that multinational, perhaps even regional forces will be installed to help the country rebuild.

Mr. Chairman, as I said earlier I support the Dellums-Murtha-Hastings-Dicks substitute and I urge my colleagues to do the same. The substitute requires that the President report to the Congress, and that he stay in contact with us relative to the ongoing mission. It further requires that the President answer many of the questions that some in the American public, and indeed the Congress, feel have gone unanswered, such as the scope of the mission, the general rules of engagement for our forces, and the approximate cost.

The American public has a right to know these answers, and while I believe that the President has been as up-front as possible, I hope that enactment of the Dellums-Murtha-Hastings-Dicks substitute will help those who are not yet satisfied.

Mr. Chairman, I support the President as I feel he has done an admirable job in a tough situation. He has done the right thing.

Mr. Chairman, I also support our troops, as I believe that they are showing the world that the United States is ready and able to handle any assignment.

Finally, I support the substitute offered by my colleagues, Messrs. DELLUMS, MURTHA,

HASTINGS, and DICKS, as I believe it is the best policy.

Mr. COYNE. Mr. Chairman, I want to state my strong support for the resolution on Haiti offered by Representatives DELLUMS and MURTHA.

Let me begin by stating that the American people owe a great debt of gratitude to the men and women of the U.S. military who serve to defend our country. The American service personnel now in Haiti have a right to be proud of their role in the effort to restore democracy to Haiti. They are fighting to defend and uphold the most sacred values of our Nation, including the principle that people have a right to liberty under the rule of law.

I believe strongly that these brave men and women should be brought home as soon as possible. The Dellums/Murtha resolution calls for just that. All U.S. troops would be withdrawn at the earliest possible date.

At the same time, this resolution recognizes the need for the Commander in Chief to direct the withdrawal of troops in a way that protects the safety of United States forces in Haiti. This resolution also directs the Administration to issue a report to Congress stating the specific security interests of the United States in Haiti. Finally, this resolution makes clear the position that Congress should have been consulted prior to the commitment of U.S. forces and that approval for this action should have been sought.

I would not, however, support an immediate and ill-planned departure of United States troops from Haiti. This could put U.S. military personnel at risk and would certainly sacrifice any hope of restoring democracy in that country. An immediate withdrawal would, in fact, reward the military dictators who doubted America's resolve to defend democracy in this hemisphere. An immediate withdrawal would throw away all of the advances that are being achieved daily in restoring order and bringing about a restoration of democracy in the nation of Haiti.

The basic facts of the situation in Haiti are undisputed. President Artistide was elected in an honest election by the overwhelming majority of the Haitian people. This new legitimate government was overthrown by a group of military dictators who perpetuated their brutal regime by means of murder, physical beatings, kidnapping and intimidation. The United States and the international community strived for over 3 years to restore the democratically elected government of Haiti. This effort was thwarted again and again by a military regime of murderers and profiteers.

President Clinton made every possible effort to achieve the restoration of democracy in Haiti through diplomatic means. President Clinton and the diplomatic team led by former President Carter deserve great credit for securing the peaceful arrival of United States troops in Haiti as part of a multinational effort to restore democracy. I was very pleased the United States was able to avert a forceful invasion. It remains my hope that the multinational coalition led by the United States can help to secure respect for democracy and human rights in Haiti.

Mr. Chairman, Congress should adopt the Dellums/Murtha resolution which supports the brave efforts of our troops who are seeking to uphold democracy in Haiti. I urge my colleagues to support this resolution.

Mr. BISHOP. Mr. Chairman, 2 weeks ago, several thousand men and women of our Armed Forces were deployed to Haiti, ostensibly to establish law and order and to pave the way for the return of the ousted president, Jean-Bertrand Aristide. The arrival of our forces in Haiti was made much more permissible through the negotiating efforts of former President Jimmy Carter, former Chairman of the Joint Chiefs of Staff Colin Powell, and the Chairman of the Senate Armed Services Committee, SAM NUNN. These three patriots, all of whom have long and distinguished histories of service to our great country, were dispatched to Haiti by President Clinton in one last diplomatic effort to avoid military conflict. In this regard, President Clinton deserves credit for assembling the Carter delegation.

Mr. Chairman, now that our forces occupy Haiti, the question being asked by my constituents and most Americans is: how long will they remain? I urge the administration to take all appropriate steps to ensure that our forces are withdrawn from Haiti as expeditiously as possible. Yet, I am not prepared at this time to support efforts in Congress to set a date certain for the withdrawal of United States forces, for I believe that to do so would tie the President's hands and provide incentives to those elements in Haitian society who wish to skirt the September 18 agreement signed by President Carter and General Cedras. It is my heartfelt belief, however, that a United Nations peacekeeping force should take control of the Haitian mission and that this should be accomplished in as short a time period as possible.

Mr. Chairman, the administration must be congratulated for its success in avoiding an armed military conflict. However, the difficulties of rebuilding a nation torn apart by a dictatorial and brutal military regime will be manifold and should not be borne by the United States alone. The United Nations Security Council passed a resolution authorizing actions such as the United States undertook to restore President Aristide to power, and it should be a United Nations peacekeeping force which rebuilds Haiti's dilapidated infrastructure and guarantees the establishment of democracy and democratic institutions.

So tonight, Mr. Chairman, and my colleagues of this House, I believe that our best and most prudent course of action is to support the Dellums-Murtha-Hastings and Dicks substitute.

Mr. Chairmam, I rise today to declare my unequivocal support for our troops in Haiti. They are already there. They have a job to do. They are disarming the thugs who refused to recognize a democratically elected government. They deserve our support.

Like many of my colleagues, I was very gratified to see the special delegation obtain the peace which allowed our troops to arrive there safely. But there is work to be done. The military leaders must resign by October 15. An exiled president must be returned to power. Finally, the people of Haiti must come to the realization that democracy and respect for the rule of law must prevail.

The Michel resolution just defeated called for the withdrawal of our troops within 30 days. Mr. Speaker, I submit to you that this resolution is nothing more than a partisan attempt to embarrass the President. The approval of that resolution would have sent the wrong signal to our friends and enemies around the world. It will show other armed thugs that the United States is a pushover in world affairs and only will move in when we are given dates certain to get out.

Like many of my colleagues, I also want our troops to come home soon. The Dellums-Murtha resolution allows for that. It calls on the President to give the Congress periodic reports on the transition to democracy in Haiti. Most of all it does not overly hamper this President or our country in conducting an effective foreign policy.

This executive action—like all others before and after—should be preceded by congressional approval. The War Powers Act demands that. But this President, like others before him, elected to act without waiting for that approval. Congress therefore will only be able to control these types of actions by deciding whether or not to fund them. Many of us would have preferred that this not be the route the executive branch chooses to take. But like Somalia, Panama, Grenada, and even the Dominican Republic before, we must now act after the fact.

President Clinton took a huge chance in calling for an invasion on September 18. All of the polls showed the country was against him. The majority of the Congress indicated they would not support him. Yet, he ordered the invasion because he knew that history was on our side in this hemisphere. Other nations will, I believe, join us and we can perhaps assist Haiti on the road to democracy which is indeed in our national interest.

Mr. Chairman, our troops, 20,000 strong, are at this moment doing a very difficult job in Haiti. Let's get behind them. Support the President. Support the Dellums-Murtha resolution.

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

□ 2300

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 167, answered "present" 1, not voting 13, as follows:

[Roll No. 498]

AYES—258

Abercrombie	Barrett (WI)	Bishop
Ackerman	Bateman	Blackwell
Andrews (ME)	Becerra	Blute
Andrews (TX)	Beilenson	Boehlert
Bacchus (FL)	Bentley	Bonior
Barca	Berman	Borski
Barcia	Bevill	Boucher
Barlow	Bilbray	Brewster
Barrett (NE)	Bilirakis	Brooks

Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Hoyer
Hughes
Hutto
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Klein
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lehman
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCollum
McDade
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—167

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Barton
Bereuter
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Cantwell
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ewing
Faleomavaega (AS)
Fawell
Fields (TX)
Filner
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Istook
Johnson (SD)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
Lazio
Leach
Levin
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
Mazzoli
McCandless
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Pryce (OH)
Quillen
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skaggs
Smith (NJ)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Swett
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torricelli
Upton
Walker
Williams
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Owens

NOT VOTING—13

Applegate
Dornan
Fish
Gallo
Huffington
Inhofe
Ravenel
Slattery
Smith (OR)
Sundquist
Tucker
Washington
Whitten

□ 2318

Messrs. PALLONE, CUNNINGHAM, McINNIS, and GOODLING changed their vote from "aye" to "no."

Mr. INSLEE changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 2320

Accordingly, the Committee rose; and the Speaker pro tempore having assumed the chair, Mr. McDERMOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 416) providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. DORNAN. Mr. Chairman, although on the floor for vote on rollcall 498, I neglected to vote. I had spoken against the Dellum-Murtha amendment, so, obviously, I would have voted no.

CONFERENCE REPORT ON S. 1569, MINORITY HEALTH IMPROVEMENT ACT OF 1994

Mr. WAXMAN submitted the following conference report and statement on the Senate bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-843)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1569), to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minority Health Improvement Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OFFICES OF MINORITY HEALTH; ASSISTANT SECRETARY FOR CIVIL RIGHTS

Sec. 101. Revision and extension of programs of Office of Minority Health.
Sec. 102. Establishment of individual offices of minority health within agencies of Public Health Service.
Sec. 103. Assistant Secretary of Health and Human Services for Civil Rights.

TITLE II—PRIMARY HEALTH SERVICES

Sec. 201. Migrant health centers; community health centers.
Sec. 202. Health services for the homeless.
Sec. 203. Health services for residents of public housing.
Sec. 204. Grants to States for loan repayment programs regarding obligated service of health professionals.
Sec. 205. Grants to States for operation of State offices of rural health.
Sec. 206. Demonstration grants to States for community scholarship programs regarding obligated service of health professionals.
Sec. 207. Programs regarding birth defects.
Sec. 208. Healthy start for infants.
Sec. 209. Demonstration projects regarding diabetic-retinopathy.
Sec. 210. Issuance of regulations regarding language as impediment to receipt of services.

TITLE III—HEALTH PROFESSIONS PROGRAMS

Sec. 301. Primary care scholarships for students from disadvantaged backgrounds.
Sec. 302. Scholarships generally; certain other purposes.
Sec. 303. Loan repayments and fellowships regarding faculty positions.
Sec. 304. Centers of Excellence.

Sec. 305. Educational assistance regarding undergraduates.
Sec. 306. Student loans regarding schools of nursing.
Sec. 307. Federally-supported student loans funds.
Sec. 308. Area health education centers.

TITLE IV—RESEARCH

Sec. 401. Office of Research on Minority Health.
Sec. 402. Activities of Agency for Health Care Policy and Research.
Sec. 403. Data collection by National Center for Health Statistics.

TITLE V—NATIVE HAWAIIAN HEALTH CARE

Sec. 501. Clarification of 1992 amendments.
Sec. 502. Amendment of Native Hawaiian Health Care Improvement Act to reflect 1992 agreement.
Sec. 503. Repeal of Public Health Service Act provision.

TITLE VI—WOMEN'S HEALTH

Sec. 601. Establishment of Office of Women's Health.
Sec. 602. Women's scientific employment regarding National Institutes of Health.
Sec. 603. Information and education regarding female genital mutilation.
Sec. 604. Study regarding curricula of medical schools and women's health conditions.

TITLE VII—TRAUMATIC BRAIN INJURY

Sec. 701. Programs of Centers for Disease Control and Prevention.
Sec. 702. Programs of National Institutes of Health.
Sec. 703. Programs of Health Resources and Services Administration.
Sec. 704. Study; consensus conference.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Technical amendment to Indian Health Care Improvement Act.
Sec. 802. Health services for Pacific Islanders.
Sec. 803. Technical corrections regarding Public Law 103-183.
Sec. 804. Certain authorities of Centers for Disease Control and Prevention.
Sec. 805. Establishment of public health analytical laboratory.
Sec. 806. Administration of certain requirements.
Sec. 807. Revisions to eligibility requirements for entities subject to drug pricing limitations.
Sec. 808. Demonstration projects regarding Alzheimer's disease.
Sec. 809. Technical corrections relating to health professions programs.
Sec. 810. Clinical traineeships.
Sec. 811. Construction of regional centers for research on primates.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Effective date.

TITLE I—OFFICE OF MINORITY HEALTH; ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEC. 101. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

"(A) Support research, demonstrations and evaluations to test new and innovative models.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(3) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

"(5) Not later than June 8 of each year, the Deputy Assistant Secretary shall submit to the Secretary a report summarizing the activities of each of the minority health offices under section 1707A.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

"(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices established under section 1707A, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS-15.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations to the Deputy Assistant Secretary regarding activities under subsection (b)(4).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

"(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 340A, 404, 724, 736, 737, 738, or 740, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

"(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

"(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

"(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

"(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that

awards under paragraph (1) are made only on a competitive basis, and that an award is made for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 1707A(e) for such years by the heads of the minority health offices.

"(g) DEFINITION.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaskan Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and $28,000,000 for fiscal year 1997.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for carrying out subsection (b)(2)(E).".

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking "ESTABLISHMENT OF".

SEC. 102. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF PUBLIC HEALTH SERVICE.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

"INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN PUBLIC HEALTH SERVICE

"SEC. 1707A. (a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. Each such Office shall be headed by a director, who shall be appointed by the head of the agency within which the Office is established, and who shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

"(b) SPECIFIED AGENCIES.—

"(1) IN GENERAL.—The agencies referred to in subsection (a) are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The Agency for Health Care Policy and Research.

"(C) The Health Resources and Services Administration.

"(D) The Substance Abuse and Mental Health Services Administration.

"(2) NATIONAL INSTITUTES OF HEALTH.—For purposes of subsection (c) and the subsequent provisions of this section, the term 'minority health office' includes the Office of Research on Minority Health established within the National Institutes of Health. The Director of the National Institutes of Health shall carry out this section (as this section relates to the agency) acting through the Director of such Office.

"(c) COMPOSITION.—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various racial and ethnic minority groups that are present in significant numbers in the United States. The head of such agency shall ensure that, of such officers and employees who are members of racial and ethnic minority groups, no such group is disproportionately represented.

"(d) DUTIES.—Each Director of a minority health office shall monitor the programs of the specified agency of such office in order to carry out the following:

"(1) Determine the extent to which the purposes of the programs are being carried out with respect to racial and ethnic minority groups;

"(2) Determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

"(3) Make recommendations to the head of such agency on carrying out the programs with respect to such groups. In the case of programs that provide services, such recommendations shall include recommendations toward ensuring that—

"(A) the services are equitably delivered with respect to racial and ethnic minority groups;

"(B) the programs provide the services in the language and cultural context that is most appropriate for the individuals for whom the services are intended; and

"(C) the programs utilize racial and ethnic minority community-based organizations to deliver the services.

"(e) BIENNIAL REPORTS TO SECRETARY.—The head of each specified agency shall submit to the Secretary for inclusion in each biennial report under section 1707(g) (without change) a biennial report describing—

"(1) the extent to which the minority health office of the agency employs individuals who are members of racial and ethnic minority groups, including a specification by minority group of the number of such individuals employed by such office; and

"(2) the manner in which the agency is complying with Public Law 94–311 (relating to data on Americans of Spanish origin or descent).

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'minority health office' means an office established under subsection (a), subject to subsection (b)(2).

"(2) The term 'racial and ethnic minority group' has the meaning given such term in section 1707(g).

"(3) The term 'specified agency' means—

"(A) an agency specified in subsection (b)(1); and

"(B) the National Institutes of Health.

"(g) FUNDING.—

"(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary may reserve not more than 0.5 percent for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

"(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph (1) may be expended by a minority health office include the costs of employing staff for such office.".

SEC. 103. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.

(a) IN GENERAL.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following new section:

"ASSISTANT SECRETARY FOR CIVIL RIGHTS

"SEC. 229. (a) ESTABLISHMENT OF POSITION.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended, in the item relating to Assistant Secretaries of Health and Human Services, by striking "(5)" and inserting "(6)".

TITLE II—PRIMARY HEALTH SERVICES

SEC. 201. MIGRANT HEALTH CENTERS; COMMUNITY HEALTH CENTERS.

(a) MIGRANT HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting "(i)" after "(C)";

(ii) in clause (i) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following clause:

"(ii) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in paragraph (7)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) OVERLAP IN CATCHMENT AREAS.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended by adding at the end the following paragraph:

"(8) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one migrant health center in a catchment area in any case in which the Secretary determines that in such area there are workers or other individuals described in subsection (a)(1) (in the matter after and below subparagraph (H)) who otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(3) OFFSITE ACTIVITIES.—Section 329(a) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

"(9) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize migrant health centers to provide services at locations other than the center.".

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 329(h) of the Public Health Service Act (42 U.S.C. 254b(h)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1996"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1996".

(b) COMMUNITY HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 330 of the Public Health Service Act (42 U.S.C. 254c) is amended—

(A) in subsection (a)(3)—

(i) by inserting "(A)" after "(3)";

(ii) in subparagraph (A) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following subparagraph:

"(B) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in subsection (b)(2)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) CRITERIA REGARDING SPECIFIC SHORTAGES.—Section 330(b)(4)(B) of the Public Health Service Act (42 U.S.C. 254c(b)(4)(B)) is amended by striking "include" and all that follows through "the ability of the residents" and inserting the following: "include factors indicative of the health status of the residents of an area or the health status of a population group, such as infant mortality in an area or population group, the ability of the residents".

(3) OVERLAP IN CATCHMENT AREAS.—Section 330(b) of the Public Health Service Act (42 U.S.C. 254c(b)) is amended by adding at the end the following paragraph:

"(7) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one community health center in a catchment area in any case in which the Secretary determines that there is a population group in such area that otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(4) OFFSITE ACTIVITIES.—Section 330(b) of the Public Health Service Act, as amended by paragraph (3) of this subsection, is amended by adding at the end the following paragraph:

"(8) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize community health centers to provide services at locations other than the center.".

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 330(g) of the Public Health Service Act (42 U.S.C. 254c(g)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1996"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1996".

SEC. 202. HEALTH SERVICES FOR THE HOMELESS.

Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and 1994" and inserting "through 1998".

SEC. 203. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) of the Public Health Service Act (42 U.S.C. 256a(p)(1)) is amended by striking "and 1993" and inserting "through 1998".

SEC. 204. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338I(c) of the Public Health Service Act (42 U.S.C. 254q-1(c)) is amended by adding at the end the following paragraph:

"(4) PRIVATE PRACTICE.—

"(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

"(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice.".

SEC. 205. GRANTS TO STATES FOR OPERATION OF STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$20,000,000".

SEC. 206. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) by striking "health manpower shortage" each place such term appears and inserting "health professional shortage";

(2) in subsection (e)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(C) in paragraph (1) (as so redesignated), by inserting after "the individual" the following: "who is to receive the scholarship under the contract";

(3) in subsection (k)(2), by striking "internal medicine, pediatrics," and inserting "general internal medicine, general pediatrics,"; and

(4) in subsection (l)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997".

SEC. 207. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to support primary birth-defect prevention, including information and education to the public on the prevention of such defects;

"(3) to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects;

"(4) to carry out demonstration projects for the prevention of such defects; and

"(5) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the

extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 208. HEALTHY START FOR INFANTS.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Part D of title III of the Public Health Service Act (42 U.S.C 254b et seq.), as amended by section 104 of Public Law 103–183 (107 Stat. 2230), is amended in the heading for subpart VIII by striking "Bulk" and all that follows and inserting the following: "Miscellaneous Provisions Regarding Primary Health Care". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103–183.

(b) HEALTHY START FOR INFANTS.—Part D of title III of the Public Health Service Act, as amended by subsection (a) of this section, is amended by adding at the end of subpart VIII the following section:

"HEALTHY START FOR INFANTS

"SEC. 340E. (a) GRANTS FOR COMPREHENSIVE SERVICES.—

"(1) IN GENERAL.—The Secretary may make grants for the operation of not more than 22 demonstration projects to provide the services described in subsection (b)(1)(A) for the purpose of reducing, in the geographic areas in which the projects are carried out—

"(A) the incidence of infant mortality;

"(B) the incidence of low-birthweight births; and

"(C) the incidence of maternal mortality.

"(2) ACHIEVEMENT OF YEAR 2000 HEALTH STATUS OBJECTIVES.—With respect to the objectives established by the Secretary for the health status of the population of the United States for the year 2000, the Secretary shall, in providing for a demonstration project under paragraph (1) in a geographic area, seek to meet the objectives that are applicable to the purpose described in such paragraph and the populations served by the project.

"(b) ELIGIBLE USES OF GRANT.—

"(1) AUTHORIZED SERVICES.—

"(A) IN GENERAL.—Subject to subsection (h), the services referred to in this subsection are comprehensive services (including preventive and primary health services for pregnant and postpartum women and infants and infant immunizations in accordance with the schedule recommended by the Secretary) for carrying out the purpose described in subsection (a), including services other than health services.

"(B) USE OF CERTAIN PROVIDERS.—

"(i) The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in making any arrangements under which other entities provide authorized services in the demonstration project involved, the applicant will include among the entities with which the arrangements are made the entities described in clause (ii) if such entities are providing services in the service area of such project and the entities are willing to make such arrangements with the applicant.

"(ii) For purposes of clause (i), the entities described in this clause are the following: Grantees under any of sections 329, 330, 340, and 340A; the public health agencies of the States and localities involved; and social service agencies, local hospitals, and community-based organizations that are public or nonprofit private entities and have a history of serving the populations served by the demonstration project involved.

"(C) CONFIDENTIALITY.—The Secretary may make a grant under subsection (a) only if the applicant for the grant, and each provider of services in the demonstration project involved, agree to ensure the confidentiality of records that the project maintains on individuals who receive the services of the project.

"(2) OTHER USES.—The Secretary shall authorize grantees under subsection (a) to expend the grant for following:

"(A) The development of community-based partnerships for the organization and delivery of services to pregnant women and to infants.

"(B) The development and operation of data systems necessary for monitoring the provision of services to the individuals served by the demonstration project involved and determining the outcomes of such services.

"(C) Carrying out infant mortality reviews.

"(c) ELIGIBLE GEOGRAPHIC AREAS.—The Secretary may make a grant under subsection (a) only if—

"(1) the applicant for the grant specifies the geographic area in which the demonstration project under such subsection is to be carried out and agrees that the project will not be carried out in other areas; and

"(2) during a period designated by the Secretary, the rate of infant mortality in the geographic area equals or exceeds 150 percent of the national average in the United States of such rates.

"(d) MINIMUM QUALIFICATIONS OF GRANTEES.—

"(1) PUBLIC OR NONPROFIT PRIVATE ENTITIES.—The Secretary may make a grant under subsection (a) only if the applicant for the grant is a State or local department of health, or other public or nonprofit private entity, or a consortium of public or nonprofit private entities.

"(2) APPROVAL OF APPLICANT BY POLITICAL SUBDIVISIONS.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection only if—

"(A) the chief executive officer of each political subdivision in the service area of such project approves the applicant for the grant as being qualified to carry out the project; and

"(B) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of such area so approves the applicant.

"(3) STATUS AS MEDICAID PROVIDER.—

"(A) In the case of any service described in subsection (b)(1)(A) that is available pursuant to the State plan approved under title XIX of the Social Security Act for a State in which a demonstration project under subsection (a) is carried out, the Secretary may make a grant under such subsection for the project only if, subject to subparagraph (B)—

"(i) the applicant for the grant will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or private entity under which the entity will provide the service, and the entity has entered into such a participation agreement under the State plan and is qualified to receive such payments.

"(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) A determination by the Secretary of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(e) STATE APPROVAL OF PROPOSAL FOR PROJECT.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection to the applicant involved only if—

"(1) the chief executive officer of the State in which the project is to be carried out approves the proposal of the applicant for carrying out the project; and

"(2) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of the service area of the project so approves the proposal.

"(f) ELIGIBILITY FOR SERVICES PROVIDED WITH GRANT FUNDS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under a health insurance policy or plan (including a group health plan or a prepaid health plan);

"(2) under any Federal or State health benefits program, including any program under title V, XVIII, or XIX of the Social Security Act; or

"(3) under subpart II of part B of title XIX of this Act.

"(g) MAINTENANCE OF EFFORT.—With respect to expenditures for authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if the following agreements are made:

"(1) The applicant involved agrees that, in the case of non-Federal amounts the expenditure of which is within the discretion of the applicant, the applicant will maintain expenditures of such amounts for authorized services at a level that is not less than the level of such expenditures maintained by the applicant for fiscal year 1993.

"(2) The State in which the demonstration project will be carried out (or the appropriate agencies of the State) agrees to maintain expenditures of non-Federal amounts for authorized services at a level that is not less than the level of such expenditures maintained by the political subdivision for fiscal year 1993.

"(3) Each political subdivision in the service area of the demonstration project agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the political subdivision for fiscal year 1993.

"(h) RESTRICTIONS ON EXPENDITURE OF GRANT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

"(A) to provide inpatient services, except with respect to residential treatment for substance abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of health services or mental health services; or

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase

major medical equipment (other than mobile medical units for providing ambulatory prenatal services).

"(2) ACTIVITIES OTHER THAN PROVISION OF SERVICES.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that not more than 15 percent of the grant will be expended for administering the grant, collecting and analyzing data, and carrying out the activities described in subsection (b)(2).

"(3) WAIVER.—If the Secretary finds that the purpose described in subsection (a) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified applicant, waive the restriction established in paragraph (1)(C).

"(i) DETERMINATION OF CAUSE OF INFANT DEATHS.—The Secretary may make a grant under subsection (a) only if the applicant involved—

"(1) agrees to provide for a determination of the cause of each infant death in the service area of the demonstration project involved; and

"(2) the applicant has made such arrangements with public entities as may be necessary to carry out paragraph (1).

"(j) ANNUAL REPORTS TO SECRETARY.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, for each fiscal year for which the applicant operates a demonstration project under such subsection the applicant will, not later than April 1 of the subsequent fiscal year, submit to the Secretary a report providing the following information with respect to the project:

"(A) The number of individuals that received authorized services, and the demographic characteristics of the population of such individuals.

"(B) The types of authorized services provided, including the types of ambulatory prenatal services provided and the trimester of the pregnancy in which the services were provided.

"(C) The sources of payment for the authorized services provided.

"(D) An analysis of the causes of death determined under subsection (i).

"(E) The extent of progress being made toward meeting the health status objectives specified in subsection (a)(2) for the populations served.

"(F) The extent to which children under age 1 served by the project have received the appropriate number and variety of immunizations against vaccine-preventable diseases.

"(G) With respect to the populations served by the project, the extent to which progress is being made toward meeting the participation goals established for the State by the Secretary under section 1905(r) of the Social Security Act (relating to early periodic screening, diagnostic, and treatment services for children under the age of 21).

"(2) COOPERATION OF STATE REGARDING MEDICAID GOALS FOR PARTICIPATION.—With respect to the State in which a proposed demonstration project under subsection (a) is to be carried out, the Secretary may make a grant under such subsection for the project only if the State (or the appropriate agency of the State) agrees to provide to the applicant involved, in a timely manner, the information needed by the applicant for purposes of paragraph (1)(G).

"(k) COMMUNITY PARTICIPATION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in preparing the proposal of the applicant for the demonstration project involved, and in the operation of the project, the applicant will include, as participants, residents of the service area of the project and public and nonprofit private entities that provide authorized services to such residents.

"(l) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(m) EVALUATION.—The Secretary shall provide for an evaluation of demonstration projects carried out under subsection (a), other than any such project for which a grant under such subsection was first provided during fiscal year 1994.

"(n) REPORTS TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, two reports regarding this section. The first such report shall be submitted not later than February 1, 1997, and shall be an interim report providing such components of the information described in paragraph (2) as may be available during the period involved. The second such report shall be submitted not later than February 1, 1998, and shall be a final report providing the information so described.

"(2) CONTENTS.—For purposes of paragraph (1), the information described in this paragraph is—

"(A) a summary of the reports received by the Secretary under subsection (j);

"(B) a summary of the evaluation conducted by the Secretary under subsection (m);

"(C) a description of the extent to which the Secretary has, in the service areas of demonstration projects under subsection (a), been successful in meeting the health status objectives specified in subsection (a)(2); and

"(D) a description of the extent to which such projects have been cost effective.

"(o) DEFINITIONS.—For purposes of this section:

"(1) The term 'authorized services' means the services specified in subsection (b)(1)(A).

"(2) The terms 'Indian tribe' and 'tribal organization' have the meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'service area', with respect to a demonstration project under subsection (a), means the geographic area specified in subsection (c).

"(p) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(2) LIMITATIONS.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than 2 percent for the administrative costs of the Secretary in carrying out this section, for the provision of technical assistance regarding demonstration projects under subsection (a), and for activities to provide information and education to the public.

"(B) Of the amounts appropriated under paragraph (1) through fiscal year 1997, the Secretary may not expend more than an aggregate $6,000,000 for evaluations under subsection (m).

"(q) SUNSET.—Effective October 1, 1997, this section is repealed.".

(c) CERTAIN PROVISIONS REGARDING REPORTS.—

(1) FISCAL YEAR 1995.—With respect to grants under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the Secretary of Health and Human Services may make a grant under such section for fiscal year 1995 only if the applicant for the grant agrees to submit to the Secretary, not later than April 1 of such year, a report on any federally-supported project of the applicant that is substantially similar to the demonstration projects authorized in such section 340E, which report provides, to the extent practicable, the information described in subsection (j) of such section.

(2) FISCAL YEAR 1997.—With respect to grants for fiscal year 1997 under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the requirement under subsection (j) of such section that a report be submitted not later than April 1, 1998, remains in effect notwithstanding the repeal of such section pursuant to subsection (q) of such section.

(d) LAPSE OF FUNDS.—Effective October 1, 1997, all unexpended portions of amounts appropriated for grants under 340E of the Public Health Service Act (as added by subsection (b) of this section) are unavailable for obligation or expenditure, without regard to whether the amounts have been received by the grantees involved.

(e) USE OF GENERAL AUTHORITY UNDER PUBLIC HEALTH SERVICE ACT.—With respect to the program established in section 340E of the Public Health Service Act (as added by subsection (b) of this section), section 301 of such Act may not be construed as providing to the Secretary of Health and Human Services any authority to carry out any program providing for the development or operation of demonstration projects substantially similar to the demonstration projects carried out under such section 340E.

SEC. 209. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Section 301(a) of Public Law 103-183 (107 Stat. 2233) is amended by striking "(42 U.S.C. 242 et seq.)" and inserting "(42 U.S.C. 243 et seq.)". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103-183.

(b) ESTABLISHMENT OF PROGRAM.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended pursuant to subsection (a) and as amended by section 703 of Public Law 103-183 (107 Stat. 2240), is amended by inserting after section 317F the following section:

"DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY

"SEC. 317G. (a) IN GENERAL.—The Secretary, acting through the Director of the Center for Chronic Disease Prevention and Health Promotion (of the Centers for Disease Control and Prevention) and in consultation with the Director of the National Eye Institute, shall make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to the eye disorder known as diabetic-retinopathy, activities regarding information, identification, dissemination, education, and prevention.

"(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that have diabetes mellitus.".

SEC. 210. ISSUANCE OF REGULATIONS REGARDING LANGUAGE AS IMPEDIMENT TO RECEIPT OF SERVICES.

(a) PROPOSED RULE.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall issue a proposed rule to establish regulations for policies to reduce the extent to which having limited proficiency in speaking the English language constitutes a significant impediment to individuals in participating in, or receiving the benefits of, any program or activity—

(1) under the Public Health Service Act;

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(2) under titles XVIII or XIX of the Social Security Act; or

(3) for which the Secretary otherwise provides financial assistance.

(b) FINAL RULE.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a final rule to establish the regulations described in subsection (a).

(2) FAILURE TO ISSUE BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) before the expiration of the period specified in such paragraph, the proposed rule issued under subsection (a) is upon such expiration deemed to be the final rule under paragraph (1) (and shall remain in effect until the Secretary issues a final rule under such paragraph).

TITLE III—HEALTH PROFESSIONS PROGRAMS

SEC. 301. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

(a) IN GENERAL.—Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended to read as follows:

"SEC. 736. CESAR CHAVEZ PROGRAM FOR PRIMARY CARE SCHOLARSHIPS.

"(a) IN GENERAL.—The Secretary may in accordance with this section award scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending schools of medicine or osteopathic medicine, schools of dentistry, schools of nursing (as defined in section 853), and graduate programs in mental health practice.

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

"(1) The individual is from a disadvantaged background.

"(2) The individual has a financial need for a scholarship under such subsection.

"(3) The individual is enrolled (or accepted for enrollment) at an eligible school as a full-time student in a program leading to a degree in a health profession.

"(4) The individual enters into the contract required pursuant to subsection (d) as a condition of receiving the scholarship (relating to an agreement to provide primary health services in a health professional shortage area designated under section 332).

"(c) PREFERENCES REGARDING AWARDS.—

"(1) IN GENERAL.—In awarding scholarships under subsection (a), the Secretary shall give preference to eligible individuals for whom the costs of attending the school involved would constitute a severe financial hardship.

"(2) ADDITIONAL PREFERENCES.—Of the eligible individuals receiving preference for purposes of paragraph (1), the Secretary shall give additional preference to individuals meeting any of the following conditions:

"(A) The individuals received scholarships pursuant to this section, section 737, or section 740(d)(2) for fiscal year 1994.

"(B) The individuals are seeking scholarships for attendance at eligible schools that received a grant under any of such sections for such fiscal year.

"(C) The individuals are bilingual.

"(D) The individuals participate in a program or activity carried out under section 739 by a grantee under such section.

"(d) APPLICABILITY OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), and except as otherwise inconsistent with this section, the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

"(2) OPTION REGARDING CERTAIN MEDICAL FIELDS.—

"(A) With respect to amounts that the Secretary reserves for scholarships under subsection (a) for attendance at schools of medicine or osteopathic medicine, the Secretary shall obligate 30 percent for such scholarships for individuals whose contracts made pursuant to paragraph (1) provide to the individuals, subject to subparagraph (B), the option of performing obligated service under the contract in a medical field not providing primary health services.

"(B) In the case of an individual whose contract made pursuant to paragraph (1) provides the option described in subparagraph (A), the contract shall provide that, in the event that the individual exercises the option, the period of obligated service applicable under the contract is 2 years for each school year for which the scholarship involved is provided.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means an individual described in subsection (b).

"(2) The term 'eligible school' means a school or program specified in subsection (a).

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 1995, $38,000,000 for fiscal year 1996, and $48,000,000 for fiscal year 1997. Such authorization is in addition to the authorization of appropriations established in section 740(f)(2)(B).

"(2) ALLOCATIONS BY SECRETARY.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year and of the amounts available under section 740(f)(2)(B) for the year, the Secretary shall obligate amounts in accordance with the following:

"(i) 19 percent shall be obligated for scholarships under subsection (a) for attendance at schools of dentistry.

"(ii) 16 percent shall be obligated for scholarships under such subsection for attendance at schools of nursing.

"(iii) 10 percent shall be obligated for scholarships under such subsection for attendance at graduate programs in mental health practice.

"(B) The requirements of subparagraph (A) apply only to the extent that a sufficient number of eligible individuals seeks the scholarships involved.".

(b) CERTAIN PROGRAMS OF OBLIGATED SERVICE.—

(1) REPEAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not terminate agreements that, on the day before the effective date under section 901, are in effect pursuant to section 795 of the Public Health Service Act. Such agreements continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services (whether provided pursuant to other agreements with the Federal Government or whether provided otherwise) counts toward satisfaction of the requirement of practice pursuant to such section 795.

SEC. 302. SCHOLARSHIPS GENERALLY; CERTAIN OTHER PURPOSES.

Section 737 of the Public Health Service Act (42 U.S.C. 293a) is amended to read as follows:

"SEC. 737. THURGOOD MARSHALL PROGRAM FOR HEALTH SERVICES SCHOLARSHIPS.

"(a) IN GENERAL.—The Secretary may in accordance with this section award scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending the health professions schools described in subsection (c).

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

"(1) The individual is from a disadvantaged background.

"(2) The individual has a financial need for a scholarship under such subsection.

"(3) The individual is enrolled (or accepted for enrollment) at an eligible school as a full-time student in a program leading to a degree in a health profession.

"(4) The individual enters into the contract required pursuant to subsection (e) as a condition of receiving the scholarship (relating to an agreement to provide primary health services in a health professional shortage area designated under section 332).

"(c) ELIGIBLE SCHOOLS.—A health professions school referred to in subsection (a) is a health professions school meeting the following conditions:

"(1) The school is a school of veterinary medicine, optometry, pharmacy, podiatric medicine, or public health, or a designated school of allied health (as defined in subsection (f)).

"(2) The school is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

"(d) PREFERENCES REGARDING AWARDS.—

"(1) IN GENERAL.—In awarding scholarships under subsection (a), the Secretary shall give preference to eligible individuals for whom the costs of attending the school involved would constitute a severe financial hardship.

"(2) ADDITIONAL PREFERENCES.—Of the eligible individuals receiving preference for purposes of paragraph (1), the Secretary shall give additional preference to individuals meeting any of the following conditions:

"(A) The individuals received scholarships pursuant to this section for fiscal year 1994.

"(B) The individuals are seeking scholarships for attendance at eligible schools that received a grant under this section for such fiscal year.

"(C) The individuals are bilingual.

"(D) The individuals participate in a program or activity carried out under section 739 by a grantee under such section.

"(e) APPLICABILITY OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), and except as otherwise inconsistent with this section, the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A.

"(2) CERTAIN INDIVIDUALS.—

"(A) In the case of an individual who receives a scholarship under subsection (a) for attendance at a school of veterinary medicine, the contract made pursuant to paragraph (1) shall provide that the individual agrees that, after completing training in such medicine, the individual will, in accordance with requirements established under subparagraph (B)—

"(i) serve in a position in which the individual conducts or assists in the conduct of research regarding human health or safety; or

"(ii) serve in a position with a public health agency of a State or a political subdivision of a State.

"(B) The Secretary shall establish requirements regarding contracts under subparagraph (A).

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated school of allied health' means a school of allied health providing training in occupational therapy, physical therapy, dental hygiene, medical technology, or radiologic technology.

"(2) The term 'eligible individual' means an individual described in subsection (b).

"(3) The term 'eligible school' means a school described in subsection (c).

"(g) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995, $8,000,000 for fiscal year 1996, and $10,000,000 for fiscal year 1997.

"(2) ALLOCATIONS BY SECRETARY.—With respect to scholarships under subsection (a) for attendance at designated schools of allied health, the Secretary shall obligate for such scholarships 25 percent of the amounts appropriated under paragraph (1) for each of the fiscal years 1995 through 1997. The requirement of the preceding sentence applies only to the extent that a sufficient number of eligible individuals seeks such scholarships.".

SEC. 303. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

(a) LOAN REPAYMENTS.—Section 738(a) of the Public Health Service Act (42 U.S.C. 293b(a)) is amended—

(1) by striking paragraphs (4) and (6);

(2) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(3) in paragraph (4) (as so redesignated), by amending subparagraph (B) to read as follows:

"(B) the contract referred to in subparagraph (A) provides that the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).".

(b) FELLOWSHIPS.—

(1) IN GENERAL.—Section 738(b) of the Public Health Service Act (42 U.S.C. 293b(b)) is amended—

(A) in paragraph (2)(B), by striking "$30,000" and inserting "$50,000"; and

(B) in paragraph (3)—

(i) in subparagraph (B), by inserting "and" after the semicolon at the end;

(ii) in subparagraph (C), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (D).

(2) DEFINITION.—Section 738(b) of the Public Health Service Act (42 U.S.C. 293b(b)) is amended—

(A) in paragraph (1), by striking "the number" and all that follows and inserting the following: "the number of underrepresented minority individuals who are members of the faculty of the schools.";

(B) in paragraph (3)(A), by striking "individuals from underrepresented minorities in the health professions" and inserting "underrepresented minority individuals"; and

(C) in paragraph (5), by striking "the term" and all that follows and inserting the following: "the term 'underrepresented minority individuals' means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 738(c) of the Public Health Service Act (42 U.S.C. 293b(c)) is amended by striking "there is" and all that follows and inserting the following: "there is authorized to be appropriated $1,100,000 for each of the fiscal years 1995 through 1997.".

SEC. 304. CENTERS OF EXCELLENCE.

(a) REFERENCES TO SCHOOLS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c) is amended—

(1) by striking "health professions schools" each place such term appears and inserting "designated health professions schools"; and

(2) by striking "health professions school" each place such term appears and inserting "designated health professions school".

(b) REQUIRED USES OF FUNDS.—Section 739(b) of the Public Health Service Act (42 U.S.C. 293c(b)), as amended by subsection (a), is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2);

(3) by inserting before paragraph (2) (as so redesignated) the following paragraph:

"(1) to collaborate with public and nonprofit private entities to carry out community-based programs to interest students of secondary schools and institutions of higher education in pursuing careers in the health professions, and to prepare interested students academically for such careers;";

(4) in paragraph (5)—

(A) by striking "faculty and student research" and inserting "student research"; and

(B) by inserting before the period the following: ", including research on issues relating to the delivery of health care"; and

(5)(A) in paragraph (4), by striking "and" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(6) to carry out a program to train students of the school in providing health services through training provided at community-based health facilities that provide such services to a significant number of disadvantaged individuals and that are located at a site remote from the main site of the teaching facilities of the school.".

(c) REQUIREMENTS REGARDING CONSORTIA.—

(1) IN GENERAL.—Section 739(c)(1) of the Public Health Service Act (42 U.S.C. 293c(c)(1)), as amended by subsection (a), is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "specified in subparagraph (B)" and inserting "specified in subparagraphs (B) and (C)";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following subparagraph:

"(C) The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health professions school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium. The grant involved may be expended with respect to the other schools without regard to whether such schools meet the conditions specified in subparagraph (B).".

(2) CERTAIN REQUIREMENTS.—Section 739(e) of the Public Health Service Act (42 U.S.C. 293c(e)), as amended by subsection (a), is amended to read as follows:

"(e) PROVISIONS REGARDING CONSORTIA.—

"(1) REQUIREMENTS.—For purposes of subsection (c)(1)(C), a consortium of schools has been formed in accordance with this subsection if—

"(A) the consortium consists of—

"(i) the designated health professions school seeking the grant under subsection (a); and

"(ii) 1 or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

"(C) each of the schools agrees to expend the grant in accordance with this section.

"(2) AUTHORITY REGARDING NATIVE AMERICANS CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(A) the school has formed a consortium in accordance with paragraph (1); and

"(B) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.".

(3) CONFORMING AMENDMENTS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c), as amended by subsection (a), is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by inserting ", subject to subsection (c)(1)(C)," after "agrees"; and

(B) in subsection (d)—

(i) in paragraph (3), by striking "(e)" and inserting "(e)(2)"; and

(ii) by adding at the end the following paragraph:

"(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3) regarding a consortium under subsection (e)(2), a health professions school that does not meet the conditions specified in subsection (c)(1)(B) may not be designated as a center of excellence for purposes of this section. The preceding sentence applies without regard to whether a grant under subsection (a) is, pursuant to subsection (c)(1)(C), being expended with respect to the school.".

(d) DEFINITION OF HEALTH PROFESSIONS SCHOOL.—

(1) GRADUATE PROGRAMS IN MENTAL HEALTH PRACTICE.—Section 739(h)(1)(A) of the Public Health Service Act (42 U.S.C. 293c(h)(1)(A)), as amended by subsection (a), is amended by—

(A) by striking "or" after "dentistry"; and

(B) by inserting before the period the following: ", or a graduate program in mental health practice".

(2) LIMITATION.—During the fiscal years 1995 through 1997, the Secretary of Health and Human Services may not make more than one grant under section 739 of the Public Health Service Act directly to a graduate program in mental health practice (as defined in section 799 of such Act).

(e) FUNDING.—Section 739(i) of the Public Health Service Act (42 U.S.C. 293c(i)), as amended by subsection (a), is amended to read as follows:

"(i) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $24,000,000 for fiscal year 1995, $28,000,000 for fiscal year 1996, and $33,000,000 for fiscal year 1997.

"(2) ALLOCATIONS BY SECRETARY.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (2)(A) of subsection (c).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 65 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)(2)).

"(C)(i) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 35 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (5) of subsection (c).

"(ii) With respect to a fiscal year, a grant under subsection (a) that includes amounts available under subparagraph (A) may not include amounts available under clause (i) unless each of the following conditions is met:

"(I) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(3), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(II) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(4), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(III) In the case of amounts available under clause (i) and included in grants made pursuant to subsection (c)(5) (exclusive of grants that include amounts available under subparagraph (A) or (B)), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(IV) The aggregate amount of grants under subsection (a) made from amounts available under subparagraph (B) and clause (i) (other than grants that include amounts available under subparagraph (A)) is, in the case of fiscal year 1996, not less than the sum of such aggregate amount for fiscal year 1995 and the total amount by which grants are required under subclauses (I) through (III) to be increased; and is, in the case of fiscal year 1997 and each subsequent fiscal year, not less than such aggregate amount for the preceding fiscal year.".

(f) CONFORMING AMENDMENTS.—Section 739(c) of the Public Health Service Act (42 U.S.C. 293c(c)), as amended by subsection (a), is amended—

(1) in paragraph (3)(B), by striking "the designated health professions school" and inserting "the school"; and

(2) in paragraph (4), in each of subparagraphs (B) and (C), by striking "the designated health professions school" and inserting "the school".

(g) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period specified in paragraph (2)—

(A) the amendments made by subsections (a) through (f) do not apply to any entity that received a grant for fiscal year 1994 under section 739 of the Public Health Service Act; and

(B) such a grant to the entity for fiscal year 1995 or subsequent fiscal years shall be made and expended in accordance with the provisions of such section as in effect on the day before the date of the enactment of this Act.

(2) RELEVANT PERIOD.—In the case of an entity that received a grant for fiscal year 1994 under section 739 of the Public Health Service Act, the period referred to in paragraph (1) is the period that, in first approving the grant, the Secretary specified as the duration of the grant.

SEC. 305. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

(a) IN GENERAL.—Section 740 of the Public Health Service Act (42 U.S.C. 293d) is amended to read as follows:

"SEC. 740. HEALTH CAREERS OPPORTUNITY PROGRAM.

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary may make grants and enter into cooperative agreements and contracts for any of the following purposes:

"(1) Identifying and recruiting individuals who—

"(A) are students of elementary schools, or students or graduates of secondary schools or of institutions of higher education;

"(B) are from disadvantaged backgrounds; and

"(C) are interested in a career in the health professions.

"(2) Facilitating the entry of such individuals into a health professions school.

"(3) Providing counseling or other services designed to assist such individuals in successfully completing their education at such a school.

"(4) Providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education designed to assist the individuals in successfully completing such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education,

"(5) Paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses) at a health professions schools, except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend may not exceed $25 per day (notwithstanding any other provision of law regarding the amount of stipends).

"(6) Carrying out programs under which such individuals both—

"(A) gain experience regarding a career in a field of primary health care through working at facilities of nonprofit private community-based providers of primary health services; and

"(B) receive academic instruction to assist in preparing the individuals to enter health professions schools in such fields.

"(b) RECEIPT OF AWARD.—

"(1) ELIGIBLE ENTITIES; REQUIREMENT OF CONSORTIUM.—The Secretary may make an award under subsection (a) only if the following conditions are met:

"(A) The applicant for the award is a public or nonprofit private entity, and the applicant has established a consortium consisting of nonprofit private community-based organizations and health professions schools.

"(B) The health professions schools of the consortium are schools of medicine or osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, or podiatric medicine, or graduate programs in mental health practice (including such programs in clinical psychology).

"(C) Except as provided in subparagraph (D), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than three health professions schools.

"(D) In the case of an applicant whose exclusive activity under the award will be carrying out one or more programs described in subsection (a)(6), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than one health professions schools.

"(E) The members of the consortium have entered into an agreement specifying—

"(i) that each of the members will comply with the conditions upon which the award is made; and

"(ii) whether and to what extent the award will be allocated among the members.

"(2) REQUIREMENT OF COMPETITIVE AWARDS.—Awards under subsection (a) shall be made only on a competitive basis.

"(c) FINANCIAL REQUIREMENTS.—

"(1) ASSURANCES REGARDING CAPACITY.—The Secretary may make an award under subsection (a) only if the Secretary determines that, in the case of activities carried out under the award that prove to be effective toward achieving the purposes of the activities—

"(A) the members of the consortium involved have or will have the financial capacity to continue the activities, regardless of whether financial assistance under subsection (a) continues to be available; and

"(B) the members of the consortium demonstrate to the satisfaction of the Secretary a commitment to continue such activities, regardless of whether such assistance continues to be available.

"(2) MATCHING FUNDS.—

"(A) With respect to the costs of the activities to be carried out under subsection (a) by an applicant, the Secretary may make an award under such subsection only if the applicant agrees to make available in cash (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that, for any fourth or subsequent fiscal year for which the applicant receives such an award, is not less than 50 percent of such costs.

"(B) Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions required in subparagraph (A).

"(C) The Secretary may not require non-Federal contributions for the first three fiscal years for which an applicant receives a grant under subsection (a).

"(d) PREFERENCE IN MAKING AWARDS.—

"(1) IN GENERAL.—

"(A) In making awards under subsection (a), the Secretary shall, subject to paragraph (3), give preference to any applicant that, for the purpose described in subparagraph (B), has made an arrangement with not less than one entity from each of the following categories of entities: Community-based organizations, elementary schools, secondary schools, institutions of higher education, and health professions schools.

"(B) The purpose of arrangements under subparagraph (A) is to establish a program for individuals identified under subsection (a) under which—

"(i) the activities described in such subsection are carried out on behalf of the individuals; and

"(ii) health professions schools make a commitment to admit as students of the schools such individuals who participate in the program, subject to the individuals meeting reasonable academic standards for admission to the schools.

"(2) ADDITIONAL PREFERENCES.—Of the applicants under subsection (a) that are receiving preference for purposes of paragraph (1), the Secretary shall, subject to paragraph (3), give additional preference to applicants whose consortium under subsection (b) includes as members one or more health professions schools that have not previously received any award under this section (including this section as in effect prior to fiscal year 1995).

"(3) LIMITATION.—An applicant may not receive preference for purposes of paragraph (1) or (2) unless the consortium under subsection (b) includes not less than one health professions school that has demonstrated success in enrolling students from disadvantaged backgrounds.

"(e) OBJECTIVES UNDER AWARDS.—

"(1) ESTABLISHMENT OF OBJECTIVES.—Before making a first award to an applicant under subsection (a), the Secretary shall establish objectives regarding the activities to be carried out under the award, which objectives are applicable until the next fiscal year for which such award is made after a competitive process of review. In making an award after such a review, the Secretary shall establish additional objectives for the applicant.

"(2) PRECONDITION FOR SUBSEQUENT AWARDS.—In the case of an applicant seeking

an award under subsection (a) pursuant to a competitive process of review, the Secretary may make the award only if the applicant demonstrates to the satisfaction of the Secretary that the applicant has met the objectives that were applicable under paragraph (1) to the preceding awards under such subsection.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 736, there are authorized to be appropriated $33,000,000 for fiscal year 1995, $37,000,000 for fiscal year 1996, and $40,000,000 for fiscal year 1997.

"(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate amounts as follows:

"(A) For carrying out subsection (a)(6), not less than 20 percent.

"(B) For providing scholarships under section 736, an amount equal to the amount provided for such purpose under this section for fiscal year 1994, plus an amount for offsetting the effects of inflation occurring after October 1, 1994.".

(b) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period specified in paragraph (2)—

(A) the amendment made by subsection (a) does not apply to any entity that received a grant for fiscal year 1994 under section 740 of the Public Health Service Act; and

(B) such a grant to the entity for fiscal year 1995 or subsequent fiscal years shall be made and expended in accordance with the provisions of such section as in effect on the day before the date of the enactment of this Act.

(2) RELEVANT PERIOD.—In the case of an entity that received a grant for fiscal year 1994 under section 740 of the Public Health Service Act, the period referred to in paragraph (1) is the period that, in first approving the grant, the Secretary specified as the duration of the grant.

SEC. 306. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

SEC. 307. FEDERALLY-SUPPORTED STUDENT LOAN FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN MEDICAL SCHOOLS.—

(1) IN GENERAL.—Subpart II of part A of title VII of the Public Health Service Act (42 U.S.C. 292q et seq.) is amended—

(A) by transferring subsection (f) of section 735 from the current placement of the subsection;

(B) by adding the subsection at the end of section 723;

(C) by redesignating the subsection as subsection (e); and

(D) in subsection (e)(1) of section 723 (as so redesignated), by striking "1996" and inserting "1997".

(2) CONFORMING AMENDMENTS.—Section 723 of the Public Health Service Act (42 U.S.C. 292s), as amended by paragraph (1) of this subsection, is amended in subsection (e)(2)(A)—

(A) by striking "section 723(b)(2)" and inserting "subsection (b)(2)"; and

(B) by striking "such section" and inserting "such subsection".

(b) AUTHORIZATION OF APPROPRIATIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended to read as follows:

"(1) IN GENERAL.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), other than the student loan fund of any school of medicine or osteopathic medicine, there is authorized to be appropriated $8,000,000 for each of the fiscal years 1995 through 1997.".

SEC. 308. AREA HEALTH EDUCATION CENTERS.

(a) REQUIREMENTS FOR CENTERS.—Section 746(d)(2)(D) of the Public Health Service Act (42 U.S.C. 293j(d)(2)(D)) is amended by inserting "and minority health" after "disease prevention".

(b) FUNDING.—Section 746(i)(2)(C) of the Public Health Service Act (42 U.S.C. 293j(i)(2)(C)) is amended in the second sentence by inserting before the period the following: "(except that in the case of fiscal year 1995, amounts appropriated in excess of the amount appropriated for fiscal year 1994 shall be obligated for carrying out subsection (a)(1) in rural States without an area health education center program)".

TITLE IV—RESEARCH

SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 of the Public Health Service Act (42 U.S.C. 283(b)) is amended by adding at the end the following subsections:

"(c) PLAN.—The Director of the Office, in consultation with the advisory committee established under subsection (d), shall develop and implement a plan for carrying out the duties established in subsection (b). The Director shall review the plan not less than annually, and revise the plan as appropriate.

"(d) EQUITY REGARDING VARIOUS GROUPS.—The Director of the Office shall ensure that activities under subsection (b) equitably address all racial and ethnic minority groups.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Secretary shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Advisory Committee').

"(2) COMPOSITION.—

"(A) VOTING AND NONVOTING MEMBERS.—The Advisory Committee shall be composed of voting members appointed in accordance with subparagraph (B) and the ex officio nonvoting members described in subparagraph (C).

"(B) VOTING MEMBERS.—The Advisory Committee shall include 12 voting members who are not officers or employees of the Federal Government. The Director of the Office shall appoint such members to the Advisory Committee from among physicians, practitioners, scientists, consumers and other health professionals, whose clinical practices, research specialization, or professional expertise includes a significant focus on research on minority health or on the barriers that minorities must overcome to participate in clinical trials. The racial and ethnic minority groups shall be equally represented among such members.

"(C) EX OFFICIO NONVOTING MEMBERS.—The Deputy Assistant Secretary for Minority Health and the Directors of each of the national research entities shall serve as ex officio nonvoting members of the Advisory Committee (except that any of such Directors may designate an official of the institute involved to serve as such member of the Committee in lieu of the Director).

"(3) CHAIR.—The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) DUTIES.—The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on minority health;

"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

"(iv) research on minority health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

"(5) BIENNIAL REPORT.—

"(A) PREPARATION.—The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) SUBMISSION.—The report required in subparagraph (A) shall be submitted to the Director of the National Institutes of Health for inclusion in the report required in section 403.

"(f) REPRESENTATIVES OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel Administration and in collaboration with the Director of the Office, shall determine the extent to which minorities are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(g) REQUIREMENT REGARDING GRANTS AND CONTRACTS.—Any award of a grant, cooperative agreement, or contract that the Director of the Office is authorized to make shall be made only on a competitive basis.

"(h) DEFINITIONS.—For purposes of this part:

"(1) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

"(2) The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

"(3) The term 'racial and ethnic minority group' has the meaning given such term in section 1707(g).".

SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by amending subsection (b) to read as follows:

"(b) REQUIREMENTS WITH RESPECT TO CERTAIN POPULATIONS.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

"(1) the populations of medically underserved urban or rural areas (including frontier areas); and

"(2) low-income groups, racial and ethnic minority groups, and the elderly."; and

(2) in section 926(a), by adding at the end the following sentence: "Of the amounts appropriated under the preceding sentence for a fiscal year, the Administrator shall reserve not less than 8 percent for carrying out section 902(b)(2).".

SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103–183 (107 Stat. 2237), is amended to read as follows:

"(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups.".

TITLE V—NATIVE HAWAIIAN HEALTH CARE

SEC. 501. CLARIFICATION OF 1992 AMENDMENTS.

(a) CLARIFICATION OF DATE OF PASSAGE.—Section 9168 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1948) is amended by striking "September 12, 1992," and inserting "August 7, 1992,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 6, 1992.

SEC. 502. AMENDMENT OF NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT TO REFLECT 1992 AGREEMENT.

Effective on the date of enactment of this Act, the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

"SEC. 2. FINDINGS; DECLARATION OF POLICY; INTENT OF CONGRESS.

"(a) FINDINGS.—The Congress finds that—

"(1) the United States retains the legal responsibility to enforce the administration of the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians under section 5(f) of Public Law 86–3 (73 Stat. 6; commonly referred to as the 'Hawaii Statehood Admissions Act');

"(2) in furtherance of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians, contributions by the United States to the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of Native Hawaiians are consistent with the historical and unique legal relationship of the United States with the government that represented the indigenous native people of Hawaii; and

"(3) it is the policy of the United States to raise the health status of Native Hawaiians to the highest possible level and to encourage the maximum participation of Native Hawaiians in order to achieve this objective.

"(b) DECLARATION OF POLICY.—The Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the Government of the indigenous people of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest possible health level; and

"(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

"(c) INTENT OF CONGRESS.—It is the intent of the Congress that the Nation meet the following health objectives with respect to Native Hawaiians by the year 2000:

"(1) Reduce coronary heart disease deaths to no more than 100 per 100,000.

"(2) Reduce stroke deaths to no more than 20 per 100,000.

"(3) Increase control of high blood pressure to at least 50 percent of people with high blood pressure.

"(4) Reduce blood cholesterol to an average of no more than 200 mg/dl.

"(5) Slow the rise in lung cancer deaths to achieve a rate of no more than 42 per 100,000.

"(6) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(7) Increase Pap tests every 1 to 3 years to at least 85 percent of women age 18 and older.

"(8) Increase fecal occult blood testing every 1 to 2 years to at least 50 percent of people age 50 and older.

"(9) Reduce diabetes-related deaths to no more than 34 per 100,000.

"(10) Reduce the most severe complications of diabetes as follows:

"(A) End-stage renal disease to no more than 1.4 in 1,000.

"(B) Blindness to no more than 1.4 in 1,000.

"(C) Lower extremity amputation to no more than 4.9 in 1,000.

"(D) Perinatal mortality to no more than 2 percent.

"(E) Major congenital malformations to no more than 4 percent.

"(11) Reduce infant mortality to no more than 7 deaths per 1,000 live births.

"(12) Reduce low birth weight to no more than 5 percent of live births.

"(13) Increase first trimester prenatal care to at least 90 percent of live births.

"(14) Reduce teenage pregnancies to no more than 50 per 1,000 girls age 17 and younger.

"(15) Reduce unintended pregnancies to no more than 30 percent of pregnancies.

"(16) Increase to at least 60 percent the proportion of primary care providers who provide age-appropriate preconception care and counseling.

"(17) Increase years of healthy life to at least 65 years.

"(18) Eliminate financial barriers to clinical preventive services.

"(19) Increase childhood immunization levels to at least 90 percent of 2-year-olds.

"(20) Reduce the prevalence of dental caries to no more than 35 percent of children by age 8.

"(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 20 percent among children age 6 through 8 and no more than 15 percent among adolescents age 15.

"(22) Reduce edentulism to no more than 20 percent in people age 65 and older.

"(23) Increase moderate daily physical activity to at least 30 percent of the population.

"(24) Reduce sedentary lifestyles to no more than 15 percent of the population.

"(25) Reduce overweight to a prevalence of no more than 20 percent of the population.

"(26) Reduce dietary fat intake to an average of 30 percent of calories or less.

"(27) Increase to at least 75 percent the proportion of primary care providers who provide nutrition assessment and counseling or referral to qualified nutritionists or dieticians.

"(28) Reduce cigarette smoking prevalence to no more than 15 percent of adults.

"(29) Reduce initiation of smoking to no more than 15 percent by age 20.

"(30) Reduce alcohol-related motor vehicle crash deaths to no more than 8.5 per 100,000 adjusted for age.

"(31) Reduce alcohol use by school children age 12 to 17 to less than 13 percent.

"(32) Reduce marijuana use by youth age 18 to 25 to less than 8 percent.

"(33) Reduce cocaine use by youth age 18 to 25 to less than 3 percent.

"(34) Confine HIV infection to no more than 800 per 100,000.

"(35) Reduce gonorrhea infections to no more than 225 per 100,000.

"(36) Reduce syphilis infections to no more that 10 per 100,000.

"(37) Reduce significant hearing impairment to a prevalance of no more than 82 per 1,000.

"(38) Reduce acute middle ear infections among children age 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(39) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals age 25 and younger to 0.

"(B) Tetanus among individuals age 25 and younger to 0.

"(C) Polio (wild-type virus) to 0.

"(D) Measles to 0.

"(E) Rubella to 0.

"(F) Congenital Rubella Syndrome to 0.

"(G) Mumps to 500.

"(H) Pertussis to 1,000.

"(40) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(d) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 9, a report on the progress made toward meeting each of the objectives described in subsection (c).

"SEC. 3. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

"The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians. The master plan shall be based upon an assessment of the health care status and health care needs of Native Hawaiians. To the extent practicable, assessments made as of the date of such grant or contract shall be used by Papa Ola Lokahi, except that any such assessment shall be updated as appropriate.

"SEC. 4. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

"(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—(1)(A) The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians.

"(B) In making grants and entering into contracts under this paragraph, the Secretary shall give preference to Native Hawaiian health care

systems and Native Hawaiian organizations, and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health care systems.

"(2) In addition to paragraph (1), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

"(b) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of subsection (a)(1) if the entity is a Native Hawaiian health care system.

"(c) SERVICES TO BE PROVIDED.—(1) Each recipient of funds under subsection (a)(1) shall provide the following services:

"(A) Outreach services to inform Native Hawaiians of the availability of health services.

"(B) Education in health promotion and disease prevention of the Native Hawaiian population by (wherever possible) Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

"(C) Services of physicians, physicians' assistants, or nurse practitioners.

"(D) Immunizations.

"(E) Prevention and control of diabetes, high blood pressure, and otitis media.

"(F) Pregnancy and infant care.

"(G) Improvement of nutrition.

"(2) In addition to the mandatory services under paragraph (1), the following services may be provided pursuant to subsection (a)(1):

"(A) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

"(B) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

"(C) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 10, which are not specifically referred to in paragraph (1) of this subsection.

"(3) The health care services referred to in paragraphs (1) and (2) which are provided under grants or contracts under subsection (a)(1) may be provided by traditional Native Hawaiian healers.

"(d) LIMITATION ON NUMBER OF ENTITIES.—During a fiscal year, the Secretary under this Act may make a grant to, or hold a contract with, not more than 5 Native Hawaiian health care systems.

"(e) MATCHING FUNDS.—(1) The Secretary may not make a grant or provide funds pursuant to a contract under subsection (a)(1) to an entity—

"(A) in an amount exceeding 75 percent of the costs of providing health services under the grant or contract; and

"(B) unless the entity agrees that the entity will make available, directly or through donations to the entity, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under paragraph (2)) for each $3 of Federal funds provided in such grant or contract.

"(2) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining the amount of such non-Federal contributions.

"(3) The Secretary may waive the requirement established in paragraph (1) if—

"(A) the entity involved is a nonprofit private entity described in subsection (b); and

"(B) the Secretary, in consultation with Papa Ola Lokahi, determines that it is not feasible for the entity to comply with such requirement.

"(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

"(1) for any purpose other than the purposes described in subsection (c);

"(2) to provide inpatient services;

"(3) to make cash payments to intended recipients of health services; or

"(4) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that, whether health services are provided directly or through contract—

"(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

"(2) the entity will impose a charge for the delivery of health services, and such charge—

"(A) will be made according to a schedule of charges that is made available to the public, and

"(B) will be adjusted to reflect the income of the individual involved.

"SEC. 5. FUNCTIONS OF, AND GRANTS TO, PAPA OLA LOKAHI.

"(a) FUNCTIONS.—Papa Ola Lokahi shall—

"(1) coordinate, implement, and update, as appropriate, the comprehensive health care master plan developed pursuant to section 3;

"(2) to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians;

"(3) provide for the training of the persons described in section 4(c)(1)(B);

"(4) develop an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out this Act;

"(5) serve as a clearinghouse for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

"(B) the identification of and research into diseases affecting Native Hawaiians;

"(C) the availability of Native Hawaiian project funds, research projects, and publications; and

"(D) the timely dissemination of information relating to Native Hawaiian health care systems;

"(6) perform the recognition and certification functions specified in sections 10(6)(F) and 10(6)(G); and

"(7) provide technical support and coordination of training and technical assistance to Native Hawaiian health care systems.

"(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

"(c) GRANTS.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

"(1) carrying out the functions described in subsection (a); and

"(2) administering any special project funds received under the authority of subsection (b).

"(d) RELATIONSHIPS WITH OTHER AGENCIES.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant agencies or organizations that are capable of providing resources or services to Native Hawaiian health care systems.

"SEC. 6. ADMINISTRATION OF GRANTS AND CONTRACTS.

"(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

"(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

"(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

"(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

"(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

"(3) with respect to providing health services to any population of Native Hawaiians a substantial portion of which has a limited ability to speak the English language—

"(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

"(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

"(4) with respect to health services that are covered in the plan of the State of Hawaii approved under title XIX of the Social Security Act—

"(A) if the entity will provide under the grant or contract any such health services directly—

"(i) the entity has entered into a participation agreement under such plan; and

"(ii) the entity is qualified to receive payments under such plan; and

"(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

"(i) the organization has entered into a participation agreement under such plan; and

"(ii) the organization is qualified to receive payments under such plan; and

"(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the utilization and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

"(d) CONTRACT EVALUATION.—(1) If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 4, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such entity and is authorized to enter into a contract under section 4 with another entity referred to in section 4(b) that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this subsection.

"(2) In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of evaluation under this section.

"(3) All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

"(4) Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

"(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Except for grants and contracts under section 5(c), the Secretary may not make a grant to, or enter into a contract with, an entity under this Act unless the entity agrees that the entity will not expend more than 10 percent of amounts received pursuant to this Act for the purpose of administering the grant or contract.

"(f) REPORT.—(1) For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi a quarterly report on—

"(A) activities conducted by the entity under the grant or contract;

"(B) the amounts and purposes for which Federal funds were expended; and

"(C) such other information as the Secretary may request.

"(2) The reports and records of any entity which concern any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of Health and Human Services, and the Comptroller General of the United States.

"(g) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

"SEC. 7. ASSIGNMENT OF PERSONNEL.

"(a) IN GENERAL.—The Secretary is authorized to enter into an agreement with any entity under which the Secretary is authorized to assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

"(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under the authority of subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

"SEC. 8. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

"(a) ELIGIBILITY.—The Secretary is authorized to make scholarship grants to students who—

"(1) meet the requirements of section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b)); and

"(2) are Native Hawaiians.

"(b) TERMS AND CONDITIONS.—(1) Scholarship grants provided under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship grants provided under section 338A of the Public Health Service Act (42 U.S.C. 254l), except that—

"(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

"(B) in selecting scholarship recipients, the Secretary shall give priority to individuals included on a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate; and

"(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in—

"(i) any one of the five Native Hawaiian health care systems which, during the fiscal year in which the obligated service requirement is assigned, has received a grant or entered into a contract pursuant to section 4; or

"(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii.

"(2) The Secretary shall enter into a cooperative agreement with the Kamehameha Schools/Bishop Estate under which such organization shall provide recruitment, retention, counseling, and other support services intended to improve the operation of the scholarship program established under this section.

"(3) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

"SEC. 9. REPORT.

"The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress the report required pursuant to section 2(d).

"SEC. 10. DEFINITIONS.

"For purposes of this Act:

"(1) DISEASE PREVENTION.—The term 'disease prevention' includes—

"(A) immunizations,

"(B) control of high blood pressure,

"(C) control of sexually transmittable diseases,

"(D) prevention and control of diabetes,

"(E) control of toxic agents,

"(F) occupational safety and health,

"(G) accident prevention,

"(H) fluoridation of water,

"(I) control of infectious agents, and

"(J) provision of mental health care.

"(2) HEALTH PROMOTION.—The term 'health promotion' includes—

"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome,

"(B) cessation of tobacco smoking,

"(C) reduction in the misuse of alcohol and drugs,

"(D) improvement of nutrition,

"(E) improvement in physical fitness,

"(F) family planning, and

"(G) control of stress.

"(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) birth records of the State of Hawaii.

"(4) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian health center' means an entity—

"(A) which is organized under the laws of the State of Hawaii,

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable,

"(C) which is a public or nonprofit private entity, and

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

"(A) which serves the interests of Native Hawaiians,

"(B) which is—

"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians, and

"(ii) certified by Papa Ola Lokahi as having the qualifications and capacity to provide the services, and meet the requirements, under the contract the organization enters into with, or grant the organization receives from, the Secretary under this Act,

"(C) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services, and

"(D) which is a public or nonprofit private entity.

"(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

"(A) which is organized under the laws of the State of Hawaii;

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

"(C) which is a public or nonprofit private entity;

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

"(E) which may be composed of as many Native Hawaiian health centers as necessary to meet the health care needs of Native Hawaiians residing on the island or islands served by such entity;

"(F) which is recognized by Papa Ola Lokahi for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians under this Act; and

"(G) which is certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements of a contract entered into, or a grant received, under section 4.

"(7) PAPA OLA LOKAHI.—(A) Subject to subparagraph (B), the term 'Papa Ola Lokahi' means an organization composed of—

"(i) E Ola Mau;

"(ii) the Office of Hawaiian Affairs of the State of Hawaii;

"(iii) Alu Like Inc.;

"(iv) the University of Hawaii;

"(v) the Office of Hawaiian Health of the Hawaii State Department of Health;

"(vi) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i and Ni'ihau;

"(vii) Ke Ola Mamo, or a health care system serving the island of O'ahu;

"(viii) Na Pu'uwai or a health care system serving the islands of Moloka'i and Lana'i;

"(ix) Hui No Ke Ola Pono, or a health care system serving the island of Maui;

"(x) Hui Malama Ola Ha'Oiwi or a health care system serving the island of Hawaii; and

"(xi) such other member organizations as the Board of Papa Ola Lokahi may admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians, and upon satisfactory development of a mission statement in

relation to this Act, including clearly defined goals and objectives, a 5-year action plan outlining the contributions that each organization will make in carrying out the policy of this Act, and an estimated budget.

"(B) Such term does not include any organization identified in subparagraph (A) if the Secretary determines that such organization does not have a mission statement with clearly defined goals and objectives for the contributions the organization will make to Native Hawaiian health care systems and an action plan for carrying out such goals and objectives.

"(8) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

"(A) services of physicians, physicians' assistants and nurse practitioners;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care;

"(F) preventive dental services; and

"(G) pharmaceutical services, as may be appropriate for particular health centers.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(10) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

"(A) who—

"(i) is of Hawaiian ancestry, and

"(ii) has the knowledge, skills, and experience in direct personal health care of individuals, and

"(B) whose knowledge, skills, and experience are based on a demonstrated learning of Native Hawaiian healing practices acquired by—

"(i) direct practical association with Native Hawaiian elders, and

"(ii) oral traditions transmitted from generation to generation.

"SEC. 11. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

"SEC. 12. COMPLIANCE WITH BUDGET ACT.

"Any new spending authority (described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 13. SEVERABILITY.

"If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 such sums as may be necessary to carry out the purposes of this Act.

"SEC. 15. PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION.

"Notwithstanding any other provision of this Act, no person shall, on the basis of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance under this Act.".

SEC. 503. REPEAL OF PUBLIC HEALTH SERVICE ACT PROVISION.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 206 of this Act, is amended by repealing section 338K and redesignating section 338L as section 338K. Such repeal shall not be construed to terminate contracts in effect under such section on the date of the enactment of this Act. Any such contracts shall continue according to the terms and conditions of such contracts.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the enactment of this Act.

TITLE VI—WOMEN'S HEALTH

SEC. 601. ESTABLISHMENT OF OFFICE OF WOMEN'S HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 704 of Public Law 103-183 (107 Stat. 2240), is amended by adding at the end the following section:

"OFFICE OF WOMEN'S HEALTH

"SEC. 1710. (a) IN GENERAL.—There is established an Office of Women's Health within the Office of the Assistant Secretary for Health. There shall be in the Department of Health and Human Services a Deputy Assistant Secretary for Women's Health, who shall be the head of the Office of Women's Health. The Secretary, acting through such Deputy Assistant Secretary, shall carry out this section.

"(b) DUTIES.—

"(1) IN GENERAL.—The Secretary may conduct or support programs and activities regarding women's health conditions. In carrying out the preceding sentence, the Secretary shall—

"(A) monitor the programs and activities of the agencies specified in paragraph (2) in order to determine the extent to which the purposes of the programs and activities are being carried out with respect to women's health conditions (as defined in section 486);

"(B) provide advice to the heads of such agencies on improving programs and activities that relate to such conditions; and

"(C) coordinate such programs and activities of the agencies.

"(2) SPECIFIED AGENCIES.—For purposes of paragraph (1), the agencies referred to in this paragraph are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The National Institutes of Health.

"(C) The Agency for Health Care Policy and Research.

"(D) The Health Resources and Services Administration.

"(E) The Substance Abuse and Mental Health Services Administration.

"(F) The Food and Drug Administration.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 602. WOMEN'S SCIENTIFIC EMPLOYMENT REGARDING NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"WOMEN'S SCIENTIFIC EMPLOYMENT

"SEC. 404F. (a) IN GENERAL.—The Director of NIH shall—

"(1) establish policies for the National Institutes of Health on matters relating to the employment by such Institutes of women as scientists;

"(2) monitor the extent of compliance with such policies, including through the implementation of an accountability system under the Federal Equal Opportunity Recruitment Program; and

"(3) establish and maintain a process for responding to incidents of noncompliance with such policies.

"(b) CERTAIN POLICIES.—In establishing policies under subsection (a)(1), the Director of NIH shall provide for the following policies regarding the employment of women as scientists at the National Institutes of Health:

"(1) A policy on the granting of tenured status.

"(2) A policy on family leave.

"(3) A policy on the recruitment of minority women.

"(4) A policy on the inclusion of women scientists in intramural and extramural conferences, workshops, international congresses, and similar events funded or sponsored by such Institutes.

"(c) AVAILABILITY OF POLICIES.—The Director of NIH shall ensure that copies of policies established under subsection (a) are available to scientists of the National Institutes of Health.

"(d) DEFINITION.—For purposes of this section, the term 'Federal Equal Opportunity Recruitment Program' means the program carried out under part 720 of title 5, Code of Federal Regulations (5 CFR 720).".

(b) STUDIES.—

(1) PAY EQUITY.—The Director of the National Institutes of Health shall provide for a study to identify any pay differences among men and women scientists employed (both tenured and untenured) by the National Institutes of Health. The study shall include recommendations on measures to adjust any inequities, and on making available information on salary ranges to all scientists of such Institutes.

(2) STUDY ON TERMINATION OF EMPLOYMENT.—The Comptroller General of the United States shall conduct a study for the purpose of determining the reasons underlying the employment termination of scientists of the National Institutes of Health. The study shall be carried out with respect to male and female scientists, and with respect to voluntary and involuntary terminations.

(3) REPORTS.—Not later than 240 days after the date of the enactment of this Act, the studies required in this subsection shall be completed, and reports describing the findings and recommendations of the studies shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

SEC. 603. INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the Deputy Assistant Secretary for Women's Health and the Deputy Assistant Secretary for Minority Health collaborate for the purpose of carrying out the following activities:

(1) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(b) DEFINITION.—For purposes of this section, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

SEC. 604. STUDY REGARDING CURRICULA OF MEDICAL SCHOOLS AND WOMEN'S HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall conduct a study for the purpose of determining the contents of the curriculum of schools of medicine and osteopathic medicine and whether such curriculum provides adequate education to students on women's health conditions.

(b) CONSULTATIONS.—The Secretary shall carry out subsection (a) in consultation with the Deputy Assistant Secretary for Women's Health and the Director of the Office of Research on Women's Health (of the National Institutes of Health).

(c) REPORT.—Not later than April 1, 1995, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study and containing any recommendations of the Secretary regarding such findings.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "women's health conditions" has the meaning given such term in section 486 of the Public Health Service Act.

TITLE VII—TRAUMATIC BRAIN INJURY

SEC. 701. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of Title III of the Public Health Service Act (42 U.S.C. 243 ET SEQ.), AS AMENDED BY SECTION 209 OF THIS ACT, IS AMENDED BY INSERTING AFTER SECTION 317G THE FOLLOWING SECTION:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317H. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 702. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 703. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d–51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the effective date under section 901 of the Minority Health Improvement Act of 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 704. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidence of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the effective date under section 901, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the effective date under section 901, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. TECHNICAL AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.

The last sentence of section 818(e)(3) of the Indian Health Care Improvement Act (25 U.S.C. 1680h(e)(3)) is amended—

(1) by striking "services," and inserting "services"; and

(2) by striking ", shall be recoverable." and inserting a period.

SEC. 802. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c-1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ", substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems";

(B) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking "and" at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

"(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

"(8) to improve access to health promotion and disease prevention services for rural American Samoa.";

(2) in subsection (f)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $5,000,000 for fiscal year 1997"; and

(3) by adding at the end thereof the following new subsection:

"(g) STUDY AND REPORT.—

"(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

"(2) REPORT.—Not later than July 1, 1995, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).".

SEC. 803. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103-183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103-183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103-183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103-183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103-183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103-183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103-183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103-183.

SEC. 804. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act, as amended by section 701 of this Act, is amended by inserting after section 317H the following section:

"MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

"SEC. 317I. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(b) EFFECTIVE DATE.—This section is deemed to have taken effect July 1, 1994.

SEC. 805. ESTABLISHMENT OF PUBLIC HEALTH ANALYTICAL LABORATORY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting as appropriate through the Director of the Centers for Disease Control and Prevention or through other agencies, may make a grant for the establishment and operation of a laboratory to protect the public health through analyzing human, wildlife, air, water, and soil samples. The laboratory shall serve the region in the United States along the international border between the United States and Mexico, and shall be established in the United States in close proximity to such border.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

SEC. 806. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103-43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103-43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) SENSE" and all that follows through "In the case" and inserting the following:

"(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case";

(2) by striking "(2) NOTICE TO RECIPIENTS OF ASSISTANCE" and inserting the following:

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103-43.

SEC. 807. REVISIONS TO ELIGIBILITY REQUIREMENTS FOR ENTITIES SUBJECT TO DRUG PRICING LIMITATIONS.

(a) TREATMENT OF CERTAIN OUTPATIENT CLINICS AS COVERED ENTITIES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following subparagraph:

"(M) A diagnostic and treatment center owned and operated by the New York City Health and Hospitals Corporation.".

(b) LIMITATION ON EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—Section 340B(a)(4)(L) of the Public Health Service Act (42 U.S.C. 256b(a)(4)(L)) is amended—

(1) in clause (i), by striking "under this title" and inserting "under title XIX of such Act"; and

(2) in clause (iii), by inserting before the period at the end the following: ", other than the Health Services Purchasing Group under the control of Los Angeles County".

(c) CLARIFICATION OF EFFECTIVE DATE OF EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—The Secretary of Health and Human Services may not find that the hospital system for the Dallas County Hospital District of Texas (commonly known as Parkland Memorial Hospital) fails to meet the requirements for a covered entity under paragraph (4)(L) of section 340B(a) of the Public Health Service Act solely because the hospital used a group purchasing organization or other group purchasing arrangement to obtain a covered outpatient drug before the effective date of the entity guidelines published by the Secretary pursuant to section 602 of the Veterans Health Care Act of 1992 if, at the time the hospital purchased the drug, the manufacturer of the drug did not offer to furnish the drug to the hospital at the price required to be paid for the drug under paragraph (1) of such section.

(d) EFFECTIVE DATES.—Subsections (a) and (b) take effect as if included in the enactment of the Veterans Health Care Act of 1992. Subsection (c) takes effect on the date of the enactment of this Act.

SEC. 808. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c-3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c-4) is amended—

(1) in the heading for the section, by striking "**limitation**" and all that follows and inserting "**requirement of matching funds**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c-5(e)) is amended by striking "and 1993" and inserting "through 1998".

SEC. 809. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS PROGRAMS.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) MAXIMUM STUDENT LOAN PROVISION.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at school of medicine or osteopathic medicine, be increased to the extent necessary".

(c) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103-43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(d) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".

(e) PREFERENCE AND REQUIRED INFORMATION IN CERTAIN PROGRAMS.—

(1) TITLE VII.—Section 791 of the Public Health Service Act (42 U.S.C. 295j) is amended by adding at the end thereof the following subsection:

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(2) TITLE VIII.—Section 860 of the Public Health Service Act (42 U.S.C. 298b-7) is amended by adding at the end thereof the following subsection:

"(f) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(f) DEFINITIONS.—Section 799(6) of the Public Health Service Act (42 U.S.C. 295p(6)) is amended—

(1) in subparagraph (B) by striking "; or" at the end thereof;

(2) in subparagraph (C) by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following:

"(D) ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State

scholarships or loan repayment or related programs; or

"(E) practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.".

(g) RECOVERY.—Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.), as amended by section 301(b)(1) of this Act, is amended by inserting after section 794 the following section:

"SEC. 795. RECOVERY.

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)—

"(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

"(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

"(C) in case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

"(c) AMOUNT.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

SEC. 810. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling" after "family therapy,".

SEC. 811. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking "$5,000,000" and inserting "$2,500,000".

TITLE IX—GENERAL PROVISIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act takes effect upon the date of the enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following: "An Act to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of racial and ethnic minority groups, and for other purposes.".

And the House agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
BILL RICHARDSON,
EDOLPHUS TOWNS,
CRAIG A. WASHINGTON,
CARLOS J. MOORHEAD,
TOM BLILEY,
MIKE BILIRAKIS,
SAM GIBBONS,
HAROLD FORD,
Managers on the Part of the House.

From the Committee on Ways and Means, for consideration of titles VI and VII of the Senate bill, and modifications committed to conference:

EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
PAUL SIMON,
NANCY LANDON KASSEBAUM,
ORRIN G. HATCH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

PRIMARY HEALTH CARE SCHOLARSHIPS

The Conference agreement revises the primary care scholarship program into a targeted initiative designed to complement the National Health Service Corps and to increase the opportunities for disadvantaged students to obtain Federal scholarships to meet the costs of attending health professions schools. The agreement consolidates existing federal assistance for students attending medical, osteopathic, dental, nursing or mental health practice schools. The revised Primary Health Care Scholarship program will target aid directly to students, increase the level of financial assistance, and allow scholarship recipients to attend the school of their choice. In addition to scholarship assistance, recipients will receive a stipend that covers reasonable living expenses equivalent to those provided to recipients of the National Health Service Corps scholarships.

The nation's chronic shortage of primary care physicians is a major cause of poor health status within minority and other disadvantaged communities. These shortages cannot be remedied without greater incentives for talented medical students to pursue primary care careers and to be willing, at least for a limited number of years, to repay the taxpayers who financed their education by providing care to critically underserved and often indigent populations.

The Conference agreement acknowledges the uncertainty that some medical students experience in committing to undertake a career in primary care early in their educational career. Although the Conferees are aware that the Department of Health and Human Services receives hundreds of applications from medical students seeking scholarships and admission to the National Health Service Corps (NHSC). Unfortunately, current funding levels preclude the award of scholarships to more than 2 out of 10 applicants. The conferees are persuaded that notwithstanding the high demand for scholarships for students already committed to primary care, it would be appropriate to make available a limited number of scholarships for students who have not decided on a specific medical field or who may desire to pursue an area of study other than the primary care fields of general pediatrics, general internal medicine or family medicine.

Under the Conference agreement, 30 percent of all scholarship funds available to medical or osteopathic students will be reserved for students who are undecided on a specialty. The Conferees are aware that not all students who would be willing to provide a service commitment are prepared early in their student career to commit to primary care field, Nondeclared scholarship recipients will incur a service obligation but the

commitment may be discharged through service in any clinical field of medicine. Indeed some students who are fully committed to performing national service may desire to pursue a career in one of the medical specialties. Moreover, disadvantaged minority students continue to be grossly under-represented across all medical specialties.

Nondeclared students will be those who meet the eligibility criteria established by the Secretary but who elect to defer the election of a medical field at the time of application. In the event a student pursues a medical specialty, the Conference agreement provides that a service obligation through the National Health Service Corps is incurred and will be discharged at a rate of two years of service for each year of assistance. In determining appropriate service sites for such physicians, the conferees expect that the needs of the Indian Health Service and the nation's public hospital system should be given priority. Individuals who select a "Nondeclared" scholarship but ultimately pursue a primary care service commitment will incur the same service obligation as students awarded primary care scholarships.

In determining appropriate placement sites for discharging any service commitment, including primary care commitments, the Conferees believe recipients should be given a choice of three locations at least one of which should reflect or be complementary of the applicant's cultural or ethnic heritage. Although this scholarship program is patterned after the NHSC, the conferees do not intend the placement options to be as limited as those which currently apply to the Corps.

For example, the conferees intend that a scholarship recipient of Hispanic heritage who grew up in a rural setting should be offered at least one service site option that is reflective of this heritage and will provide the community the benefit not only of the physicians medical training, but also his or her cultural and linguistic experience. An additional example might involve the desire of a physician of African American ancestry to discharge a service commitment in a predominantly African American community. In making placements, the Secretary is encouraged to identify sites which will enhance the possibility of longterm retention while maintaining a priority for those communities whose populations have the greatest need for medical personnel. To the extent practical the Secretary should offer scholarship recipients a choice of urban and rural sites.

The Conferees anticipate strong demand for scholarships and have included language giving students in severe financial hardship preference consistent with the Secretary's assessment of an applicant's commitment and willingness to complete the service obligation. The conferees expect the Secretary to make special efforts to make scholarships available to qualified students from racial and ethnic minority communities. By providing such special consideration, the conferees believe additional opportunities will be opened for students unable to participate in the National Health Service Corps because of the Corps limited funding.

The Conference agreement provides an authorization of $25 million for FY 1995 which is consistent with the Fiscal Year 1995 appropriation but does not include additional scholarship funding pursuant to section 740(e) of the Act. To assure an equitable division of limited scholarship funds among diverse groups of health professions students, the agreement provides specific allocations to ensure that the various eligible professions are treated fairly consistent with the relative need among underserved communities. 19% of funds are required to be made available for dental scholarships. 16% of funds are to be made available for nursing scholarships. 10% of funds are to be made available for scholarships at graduate programs in mental health practice. The remaining 55% of funds will be made available for the award of scholarships to individuals attending schools of medicine or osteopathic medicine. As noted earlier, one-third of medical and osteopathic medicine scholarships will be made available to students who elect not to declare primary care as a field of study or who elect not to declare a field at the time of application.

The Conferees are especially concerned about the severe underrepresentation of racial and ethnic minorities in the mental health professions. As mental health services become more accessible, the demand will increase for mental health professionals who are competent to deal with language barriers and cultural issues in highly interactive mental health encounters. Mental health services are in great demand in a number of public settings, including community mental health centers, Community and Migrant Health Centers, immigration intake points, and public health or mental health departments. These are appropriate sites for completing service commitments.

The conference agreement also provides that 16 percent of available appropriations should be made available for students attending schools of nursing. The percentage maintains the relative amount of funding reserved for nursing under the former Scholarships for Disadvantaged Students (SDS) program. The agreement also reflects the Conferees' intent that undergraduate nurses continue to be eligible for scholarships under this program as they were under the former SDS program. There continues to be a great need for registered nurses in a variety of non-profit or public community based settings or tertiary care settings in many underserved areas.

Finally, the agreement preserves balance within the scholarship program by requiring a minimum level of funds for scholarships in general dentistry. The conferees are aware of the relatively small number of scholarships for dental students available under the NHSC and have included this requirement to assure an adequate level of support. The agreement is intended to preserve funding for dental scholarships at the same level of support as under the earlier Exceptionally Financially Needy (EFN), Financial Assistance to Disadvantaged Health Professions Students (FADHPS) and SDS programs.

Finally, the agreement reflects the Senate provision that the new primary care scholarships be named in honor of Cesar Chavez, whose life was dedicated to promoting the health and civil rights of disadvantaged populations. The legacy of Cesar Chavez is one of caring for those who have no voice and a selfless dedication to the welfare of others. The conferees intend that scholarship recipients will be referred to as Cesar Chavez Scholars and are available to all disadvantaged students (including all racial and ethnic minorities.)

VETERINARY, OPTOMETRY, PHARMACY, PUBLIC HEALTH, PODIATRY, AND ALLIED HEALTH (VOPPPA) SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

The agreement places priority on providing scholarship assistance directly to eligible students and requiring a service commitment in a medically underserved community, public hospital settings or, in the case of veterinary medicine students, an area involving human health. The agreement includes a setaside for allied health scholarships. The conference agreement reflects the heightened importance the conferees place on expanding the number of opportunities for disadvantaged minority students to enter the allied health professions of occupational therapy, physical therapy, dental hygiene, medical technology, and radiologic technology. The need for an increasing level of scholarship support to allied health students reflects the Conferees concern about a lack of equity and balance in the allocation of funds among eligible professions in the previous SDS program. Finally, the agreement names this scholarship program in honor of the late Supreme Court Justice and civil rights advocate Thurgood Marshall. The Conferees intend that scholarship recipients be referred to as Thurgood Marshall Scholars and are available to all disadvantaged students (including all racial and ethnic minorities).

OFFICE OF MINORITY HEALTH

House recedes with the following amendments: The Office of Minority Health will conduct duties specified in (b) by means of interagency agreements. With respect to the activities of the National Center for Health Statistics in subsection (b)(2)(D), the Office of Minority Health shall provide assistance, including funding, to ensure that NCHS collects adequate information in all its surveys on members of minority groups, including their subpopulations. The agreement also reflects the House language on programs relating to the provision of bilingual and interpretive services.

The agreement revises the Senate language on the advisory committee to require the committee to provide advice on the activities under (b)(2). It clarifies that the voting membership be equally representative of the various racial and ethnic groups and specifically that a quarter of the membership be selected from each of the four major racial and ethnic groups, respectively: American Indians, including Alaska Natives, Aleuts and Eskimos; Asian and Pacific Islanders; Blacks; and Hispanics. Consideration should be given to representation from diverse subpopulation groups and geographic regions of the country. It also clarifies that PHS Office of Minority Health directors be designated non-voting ex officio members of the Committee.

The agreement clarifies that all OMH grants, contracts, and cooperative agreements must be awarded on a competitive basis and include peer review by a committee representative of all the racial and ethnic groups served by the Office. The Conferees intend that the Office or its partners in interagency agreements cease the practice constructing requests for proposals intended for a specific entity or devised in such a manner as to hinder the full competitive participation of applicants representing all racial and ethnic groups served by the Office.

The agreement clarifies the definition of "racial and ethnic groups" to reflect more commonly accepted terminology.

The agreement clarifies that the setaside of appropriations described in section (h)(2) refers to the programs described in subsection (b)(2)(D). The conferees reemphasize language from the House report that directs the OMH to count toward the set-aside only those activities specifically designed to remove language barriers to the receipt of health care through interpretive services or

enhanced training of bilingual health professionals to facilitate delivery of health care to individuals with limited English proficiency. While the emphasis on primary care is intended to include mental health and substance abuse treatment, and may include as partners hospitals or other tertiary care providers who also provide primary care services, the Secretary is encouraged to allocate other OMH funds to enhance the delivery of bilingual and interpretive services in the delivery of emergency and speciality care. For example, after complying with the $3 million setaside, the Director of OMH would be authorized and encouraged to award grants to the emergency room or cancer treatment center of a public hospital for the purpose of removing language barriers to care.

With respect to the provision ensuring equitable allocation of grants and contracts among racial and ethnic groups, the Conferees intend that in programs where participation has been lacking by members of certain racial and ethnic groups the Secretary take additional efforts to inform and educate such potential grantees of the availability of awards, and provide technical assistance in the preparation of applications. The Secretary shall, through the biennial reports described in (f), report on the progress toward this requirement and outline specific steps toward its achievement.

PUBLIC HEALTH SERVICE OFFICES OF MINORITY HEALTH

The Senate recedes with an amendment to add criteria from the Senate bill regarding the authorities of the office and to make necessary conforming amendments.

STATE OFFICES OF RURAL HEALTH

The Senate recedes with an amendment to raise from $10 million to $20 million the statutory ceiling on the level of Federal appropriations.

CENTERS OF EXCELLENCE

The Senate recedes with amendments to clarify that none of the changes required by the agreements will apply to currently funded centers until their grants (or in the case of Centers funded through a contract) are recompeted. The new requirements will apply to the funding of any new centers in FY 1995 or later fiscal years. The conference agreement also includes a prohibition on actions which restrict centers (including currently funded centers) from undertaking activities designed to involve students and faculty members based at institutions other than the recipient center. The conferees note concern that the medical school at Drew University may not be eligible under current law to be designated at a Center of Excellence. The conferees want to clarify the Drew University may apply directly for assistance under this program and be designated a Centers of Excellence if its application includes a formal affiliation with an accredited 4 years medical school.

HEALTH CAREER OPPORTUNITY PROGRAM

The conferees support strategies to increase enrollment of underrepresented minorities that include both traditional short-term efforts (focusing on students in the last two years of college with recruitment campaigns, summer academic enrichment programs, financial aid and the implementation of culturally sensitive admission criteria) as well as the long-term strategies targeting younger students early in the educational pipeline. The scarcity of qualified African American, Mexican American, mainland Puerto Rican, American Indian, Pacific Islanders, and certain Asian American subpopulations students largely reflects fundamental deficiencies in the pre-college and undergraduate educational opportunities available to these students.

The conferees recognize that the Health Careers Opportunity Program has been successful in facilitating entry for minority students into medical school, dental school, and many of the other health professions schools. The Conferees are aware that in 1985, there were 191 HCOP projects funded and 29 projects approved not funded. In 1993, there were 143 HCOP projects funded and 139 projects approved but not funded. The Conferees are concerned about the increasing number of meritorious applicants who have never been funded.

In order to maximize the available resources, increase the number of minority students in the pipeline and increase the number of minority students in health professions that continue to have a shortage of racial ethnic minority health professionals, the agreement incorporates substantial changes to increase the authorization of appropriations and the number of health professions schools participating in the program.

The agreement requires new applicants to form a consortium of at least one community-based organization and three health professionals schools. For example, a medical school could collaborate with a dental school, nursing school or graduate program in clinical psychology and a community health center. The agreement gives preference to applicants that develop a program for students who can enter at any stage (K-12) and upon their successful completion of the program, will be guaranteed admission to a member school of the consortium. The Conferees commend Baylor University School of Medicine for their successful K12 program and Boston University School of Medicine for their innovative Early Selection Program. The Conferees urge the Secretary to support and encourage the development of similar models in other medical schools and among other health professions.

In addition, the agreement requires that any program competing for a competitive grant renewal provide 50% of the cost of the program. The consortium can not avoid the matching requirement by changing members of the consortium unless they can demonstrate that they have expanded the number of health professions schools and developed a new program with new objectives.

As described in the House report, the Conferees strongly support community-based clinical experience for HCOP participants. The agreement requires that any community-based HCOP program have an academic enhancement component with at least one health profession school.

The Conferees strongly supports the Association of American Medical Schools 3000 by 2000 Project and encourages the other health profession disciplines to develop similar projects. The Conferees expect the Health Careers Opportunity Program to increase the number of kindergarten through 12th grade project grants.

The agreement requires that the Secretary develop binding outcome objectives for all grantees. These objectives should include retention rates, enrollment rates, and graduation rates. Only programs that have been successful in meeting the objectives established by the Secretary would be eligible to receive a competing renewal grant.

The conferees agree that with the new program authority and expansion, no existing Health Career Opportunity Grant will be modified or reduced as a result of changes in the program. The conferees expect that grants funded prior to 1995 will be carried out as intended until the end of the agreed upon grant period.

NIH OFFICE OF MINORITY HEALTH RESEARCH

House recedes with an amendment making technical or conforming changes and requiring that the Director of the NIH Office of Minority Health Research award all grants, contracts, and cooperative agreements on a competitive basis.

AGENCY FOR HEALTH CARE POLICY RESEARCH (AHCPR)

House recedes with amendment requiring that in any fiscal year 8% of AHCPR research be spent on research, demonstrations and evaluations with respect to the health of low-income groups, racial and ethnic minority groups and the elderly.

FACULTY LOAN REPAYMENT

Senate recedes with amendment making technical and conforming changes and raising the fellowship ceiling from $30,000 to $50,000.

BIRTH DEFECTS

Senate recedes.

HEALTHY START

The conference agreement includes the House bill with the following modifications: (1) the purpose of the projects is narrowed to reducing the incidence of infant mortality, the incidence of maternal mortality, and the incidence of low-birthweight births; (2) The Secretary is authorized to expend up to $6 million over the duration of the demonstration to conduct a national evaluation of the 15 projects first funded prior to fiscal year 1994; (3) the limit on the amounts that the Secretary of HHS is authorized to expend for technical assistance and public information and education in relation to the demonstration projects is reduced from 5 percent to 2 percent of the amounts appropriated under section 340E in a fiscal year; (4) the limit on the amount spent by any grantee on data collection and analysis, the development of community partnerships, and administration is increased from 10 to 15 percent of the grant in any fiscal year; (5) the base year for the maintenance of effort requirement with respect to the non-Federal funds provided by applicants, States, and political subdivisions is changed from fiscal year 1991 to fiscal year 1993; and (6) the Secretary is directed to provide an interim report on the demonstrations to the Congress by February 1, 1997, to enable the Congress to determine whether the sunset date of October 1, 1997, should be extended.

The conferees intend that the number of demonstration projects to be funded under this authority not exceed 22. The Department recently announced 7 additional projects (59 Fed. Reg. 13731, March 23, 1994). The conferees intend that funding for these grantees be limited in the aggregate to 7.2% of the amounts appropriated under this authority in each fiscal year.

DIABETIC-RETINOPATHY

The Senate recedes with an amendment clarifying the responsibility of the Centers for Disease Control and Prevention (CDC). The conferees expect the CDC's Center for Chronic Disease Prevention and Health Promotion to initiate diabetic-retinopathy prevention programs without the need for separate or additional appropriations. The agreement reflects the conferees agreement that the Center should move expeditiously to initiate a program targeted to high risk diabetes patients during FY 1995. The conferees

believe that the CDC should make at least 5 grants in FY 1995 which include at least two racial and ethnic minority groups. These groups should be awarded in a fashion that allows for geographic diversity and that will serve both urban and rural populations.

NURSING LOANS

The Senate recedes.

HEALTH PROFESSION STUDENT LOANS (HPSL)

The Senate recedes

STATE HSC PRIVATE PRACTICE OPTION

The Senate recedes.

WOMEN'S HEALTH

The Senate recedes.

TRAUMATIC BRAIN INJURY

The Senate recedes.

INDIAN HEALTH CARE IMPROVEMENT ACT

The Senate recedes.

HEALTH SERVICES FOR PACIFIC ISLANDERS

The House recedes with an amendment extending the authorization period from FY 1996 to FY 1997 and authorizing appropriations at a level of $3 million, $4 million and $5 million in FY 1995, 1996 and 1997 respectively.

TECHNICAL CORRECTIONS REGARDING P.L. 103–183

The Senate recedes.

CENTERS FOR DISEASE CONTROL AND PREVENTION

The Senate recedes.

BORDER HEALTH ANALYTICAL LABORATORY

The Senate recedes with an amendment clarifying that the laboratory may be located in any of the border states of Texas, California, Arizona, or New Mexico. In carrying out this authority, the conferees agreed that geographic proximity to the entire border region is important to the success and effectiveness of the laboratory and that this new facility should be located in an urban center within 25 miles of the Mexican border. Although the conferees anticipate that the Secretary will establish a single laboratory, the conference agreement would permit the laboratory to utilize mobile sites in the collection and analysis of samples and the conduct of environmental surveillance activities in the various border states and communities. In addition, the conference agreement authorizes appropriations for the fiscal years 1995–1997. The conferees expect that when determining the location of the laboratory, priority should be given to an urban center with existing federal environmental and health facilities with which to coordinate efforts.

ADMINISTRATION OF CERTAIN REQUIREMENTS

The Senate recedes.

REVISIONS TO ELIGIBILITY REQUIREMENTS FOR ENTRIES SUBJECT TO DRUG PRICING LIMITATIONS

The Senate recedes. The conferees note that on September 19, 1994, the Public Health Service issued final guidelines clarifying which hospital-related outpatient facilities are eligible for drug discounts under the Veterans Health Care Act of 1992. The purpose of this amendment is to guarantee the eligibility of outpatient facilities owned by New York City Health & Hospitals Corporation that do not qualify under the PHS guidelines.

EFFECTIVE DATE

The Senate recedes.

ASSISTANT SECRETARY FOR CIVIL RIGHTS

The House recedes. The conferees are concerned about the backlog of complaints and the length of time which elapses between the filing of a complaint and the final internal administrative resolution of the complaint within the Department of Health and Human Services, Office of Civil Rights. The Conferees strongly urge the Department to take all appropriate steps to reduce the time from filing to final resolution of discrimination complaints without compromising due process. The conferees believe the elevation of the position of Director of the Office of Civil Rights to the rank of Assistance Secretary will assist in reducing the backlog and the processing time for complaints filed with the Office.

REAUTHORIZATION OF LOANS FOR DISADVANTAGED STUDENTS

The Senate recedes with an amendment increasing the appropriations level. The agreement provides that beginning in FY 1995 funding available for disadvantaged students attending medical or osteopathic schools will be provided through the primary care medical student loan program. An authorization of appropriations for the recapitalization of this important loan fund is authorized by section 723 of the Public Health Service Act at a level of $10 million in fiscal years 1995–1997.

LANGUAGE AS IMPEDIMENT TO RECEIPT OF SERVICES

The House recedes with an amendment extending the deadline for issuing proposed regulations from 90 to 180 days and making necessary technical changes.

AREA HEALTH EDUCATION CENTERS

The House recedes with an amendment to clarify that with respect to use of appropriations in FY 1995, the Secretary should allocate any funding increases over the level of program funding in FY 1994 for the purpose of awarding new AHEC starts in rural states.

HEALTH PROFESSIONS AMENDMENTS

House recedes with a technical amendment.

ELIGIBILITY OF "COUNSELING" FOR CLINICAL TRAINEESHIPS

House recedes with an amendment to clarify that recipients of mental health clinical traineeships under this authority are subject to the same limitations on the discharge of service obligations in bankruptcy as are recipients of National Health Service Corps scholarships.

ALZHEIMER'S DEMONSTRATION GRANTS

The House recedes with an amendment to clarify the program authority.

HEALTH PROFESSIONS SHORTAGE AREA

The Senate recedes on the language regarding a study of health professions shortage areas with an amendment clarifying that the Secretary is to consider a number of criteria in determining the designation of a medically underserved area. The conferees expect the Secretary to continue developing policies to permit the awarding of grants to organizations that will serve population groups with particular health status problems, which lack the ability to pay for health services (including the lack of insurance), or which lack access to appropriate health services.

REGIONAL CENTERS FOR RESEARCH ON PRIMATES

The House recedes with an amendment restoring the availability of "first dollar" NIH extramural construction funds for qualified primate center programs. The conferees agree to reemphasize the importance of the National Institutes of Health adhering strictly to the current requirements of the Public Health Service Act which require that funding for extramural construction be made available for the purpose of making grants to qualified primate centers. The primate center program represents a national resource which benefits thousands of researchers nationally. Addressing the construction and rehabilitation needs of these facilities is important to maintaining the Nation's preeminence in biomedical and behavioral research. The conferees recognize during periods of fiscal restraint it may be appropriate to reduce the level of "first dollar" support relative to other eligible grantees. Accordingly, the conference agreement reduces from $5 million to $2.5 million the requirement that extramural construction funds be reserved each year for this purpose.

NATIVE HAWAIIAN HEALTH CARE

The Senate recedes.

MULTIETHNIC PLACEMENT

The Senate recedes.

VOLUNTARY MUTUAL REUNIONS

The Senate recedes.

COMMUNITY AND MIGRANT HEALTH CENTERS

The Senate recedes with an amendment extending the authorization of appropriations for FY 1995 and FY 1996, and deleting the proposed statutory exemption over CHC budgets involving non-Federal funds. The conferees understand that a resolution of this matter can be accomplished through administrative action and that such action is pending within the Department of Health and Human Services. The conferees believe that while the agreement provides the CHC program a multi-year reauthorization, thorough oversight hearings on the operation of CHCs and the administration of the CHC program will be held during the 104th Congress.

The conferees recognize that primary care dental care is an important part of comprehensive preventive health care. Conferees are encouraged that over half of the community health centers in the nation now provide these services. Conferees understand that many other centers would like to provide these services but, particularly in rural areas, may be constrained from doing so because of difficulties in recruiting or contracting with the necessary health professionals. The Conferees would encourage these centers to give priority to the provision of primary dental care services as resources may be available. Conferees urge the Secretary to work closely with community health centers to assist them in the development of the strategies and resources necessary to achieve this objective.

HOMELESS

The conferees intend the reauthorization of the Health Care for the Homeless program to include extension of the Primary Health Services for Homeless Children program. This program provides federal funding for outreach and primary health services for children who lack access to health care, placing them at increased risk of serious health problems from undiagnosed or poorly controlled illnesses and lack of preventive health services. The Primary Health Services for Homeless Children Program supports projects offering comprehensive services with extensive follow-up systems, including substance abuse prevention and counseling, and mental health services. Children to be served include homeless children, runaways, and children in foster care who have no consistent access to health care. The conferees commend the successful and innovative outreach models, such as pediatric mobile vans, which identify and serve children at risk.

PUBLIC HOUSING

The Senate recedes.

DATA COLLECTION

The Senate recedes. The conferees believe the Secretary of Health and Human Services must ensure that all federally-funded health data systems collect racial and ethnic identifiers in order to access health status, health care access, and health services. The availability of this information is necessary in the effective enforcement of Title VI of the Civil Rights Act of 1964. At a minimum, the conferees believe data collection activities must be in compliance with OMB Directive No. 15 and subsequent racial and ethnic standards for federal statistics and administrative reporting requirements. The agreement provides for collection of such information on subpopulations of these racial and ethnic groups; however Federal agencies must be able to collapse more detailed categories into basic racial/ethnic categories.

The conferees are aware that an April 1994 survey by the Office of Minority Health's Division of Policy Coordination established that compliance with OMB Directive No. 15 is not uniform among PHS health data systems. Some agencies collect no information on race or ethnicity, other use categories which could not be collapsed into those listed in OMB Directive No. 15. Meaningful reporting becomes impossible. These practices must stop.

The conferees are particularly concerned that future health data systems may rely on a hospital discharge form (i.e. UB-92) which does not record the race or ethnicity of the patient receiving care. The use of such a form would perpetuate the government's inability to monitor the compliance of health care providers with civil rights law and cripple minority health research.

JOHN D. DINGELL,
HENRY A. WAXMAN,
BILL RICHARDSON,
EDOLPHUS TOWNS,
CRAIG A. WASHINGTON,
CARLOS J. MOORHEAD,
TOM BLILEY,
MIKE BILIRAKIS,
Managers on the Part of the House.

From the Committee on Ways and Means, for consideration of titles VI and VII of the Senate bill, and modifications committed to conference:

SAM GIBBONS,
HAROLD FORD,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
PAUL SIMON,
NANCY LANDON KASSEBAUM,
ORRIN G. HATCH,
Managers on the Part of the Senate.

LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI RESOLUTION

The SPEAKER pro tempore (Mr. STUDDS). Pursuant to House Resolution 570 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, H.J. Res. 416.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 416) providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, with Mr. MCDERMOTT, Chairman pro tempore, in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS] had been disposed of.

It is now in order to consider amendment No. 3 printed in part 2 of House Report 103-840.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. TORRICELLI: Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Limited Authorization for the United States-led Force in Haiti Resolution".

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

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

(1) On September 18, 1994, the special delegation to Haiti succeeded in convincing the de facto authorities in Haiti to sign the Port-au-Prince Agreement under which such authorities agreed to leave power.

(2) On September 18, 1994, after the Port-au-Prince Agreement was reached, the President ordered the deployment of United States Armed Forces in and around Haiti.

(3) On September 21, 1994, the President submitted a report, consistent with the War Powers Resolution (50 U.S.C. 1541 et seq.), on the introduction of United States Armed Forces into Haiti.

(4) The Congress fully supports the men and women of the United States Armed Forces who are carrying out their mission in Haiti with professional excellence and dedicated patriotism.

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

(1) The United States-led force in Haiti should use all necessary means to protect United States citizens, to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti, and to facilitate the provision of humanitarian assistance to the people of Haiti.

(2) Transfer of operations in Haiti from the United States-led force in Haiti to the United Nations-led force in Haiti should be facilitated and expedited to the fullest extent possible.

(3) United States Armed Forces should be withdrawn from Haiti as soon as possible.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—Subject to subsection (b), United States Armed Forces are authorized to participate in the United States-led force in Haiti only—

(1) to protect United States citizens;

(2) to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti; and

(3) to facilitate the provision of humanitarian assistance to the people of Haiti.

(b) LIMITATIONS.—

(1) TERMINATION OF AUTHORIZATION.—The authorization provided by subsection (a) shall expire on March 1, 1995, unless the President determines and certifies to Congress in the report required by section 4(b)(3) that the continued participation of U.S. Armed Forces in the U.S.-led force is essential to protect U.S. citizens or vital U.S. national security interests.

(2) PROHIBITION ON FOREIGN COMMAND.—United States Armed Forces described in subsection (a) shall remain under the command and control of officers of the United States Armed Forces at all times.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the Congress reports on—

(1) the participation of United States Armed Forces in the United States-led force in Haiti and the United Nations-led force in Haiti, including—

(A) the number of members of the United States Armed Forces that are participating in such United States-led force and such United Nations-led force;

(B) the functions of such Armed Forces; and

(C) the costs of deployment of such Armed Forces; and

(2) the efforts to withdraw United States Armed Forces from Haiti, including—

(A) for the purpose of achieving a transition from the United States-led force in Haiti to the United Nations-led force in Haiti, the status of efforts to implement the Port-au-Prince Agreement and to otherwise carry out the terms of United Nations Security Council Resolutions 917 (May 6, 1994) and 940 (July 31, 1994);

(B) the status of plans to accomplish such transition to the United Nations-led force in Haiti; and

(C) the status of plans to withdraw United States Armed Forces from Haiti.

(b) REPORTING DATES.—A report under this section shall be submitted—

(1) not later than November 30, 1994, covering the period since September 18, 1994;

(2) not later than December 31, 1994, covering the period since the report described in paragraph (1); and

(3) not later than February 1, 1995, covering the period since the report described in paragraph (2).

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The requirements of this section do not supersede the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 5. REASSEMBLY OF CONGRESS.

It is the sense of the Congress that the Speaker of the House of Representatives and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House of Representatives and the minority leader of the Senate, respectively, should monitor closely events in Haiti in considering whether to exercise any authority that may be granted to reassemble the Congress after the adjournment of the Congress sine die, if the public interest shall warrant it.

SEC. 6. JOINT RESOLUTION PROHIBITING CONTINUED USE OF UNITED STATES ARMED FORCES IN HAITI.

(a) IN GENERAL.—If a joint resolution described in subsection (b) is enacted, the President shall remove United States Armed Forces from Haiti in accordance with such joint resolution.

(b) DESCRIPTION OF JOINT RESOLUTION.—For purposes of subsection (a), a joint resolution described in this subsection is a joint resolution the matter after the resolving clause of which is as follows: "Pursuant to section 6 of the Limited Authorization for the United States-led Force in Haiti Resolution, the Congress hereby directs the President to remove United States Armed Forces from Haiti not later than 30 days after the date of the enactment of this joint resolution, except for a limited number of members of the United States Armed Forces sufficient to protect United States diplomatic facilities and personnel.".

(c) PRIORITY PROCEDURES.—

(1) INTRODUCTION OF JOINT RESOLUTION.—Paragraph (2) shall only apply to a joint resolution described in subsection (b) and introduced on or after the date on which the President submits, or is required to submit, the report required by section 4(b)(3).

(2) CONSIDERATION OF JOINT RESOLUTION.—Only one joint resolution described in subsection (b) and introduced in accordance with paragraph (1) shall be considered in accordance with the procedures described in section 7 of the War Powers Resolution (50 U.S.C. 1546), except that, for purposes of such consideration, the term "calendar days" in such section shall be deemed to mean "legislative days".

SEC. 7. DEFINITIONS.

For purposes of this joint resolution, the following definitions apply:

(1) LEGISLATIVE DAYS.—The term "legislative days" means days in which the House of Representatives is in session.

(2) PORT-AU-PRINCE AGREEMENT.—The term "Port-au-Prince Agreement" means the agreement reached between the United States special delegation and the de facto authorities in Haiti on September 18, 1994.

(3) UNITED NATIONS-LED FORCE IN HAITI.—The term "United Nations-led force in Haiti" means the United Nations Mission in Haiti (commonly referred to as "UNMIH") authorized by United Nations Security Council Resolutions 867 (September 23, 1993), 905 (March 23, 1994), 933 (June 30, 1994), and 940 (July 31, 1994).

(4) UNITED STATES-LED FORCE IN HAITI.—The term "United States-led force in Haiti" means the multinational force (commonly referred to as "MNF") authorized by United Nations Security Council Resolution 940 (July 31, 1994).

SEC. 8. AUTHORITY OF CONGRESS TO DECLARE WAR.

It is the sense of the Congress that, under circumstances existing prior to concluding the Port-au-Prince Agreement, the Constitution of the United States would have required the President to obtain the approval of the Congress before ordering United States Armed Forces to invade Haiti to remove the de facto authorities in Haiti.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I yield 8 minutes to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding. I rise, of course, in support of the Torricelli substitute.

Mr. Chairman, first let me extend a word of congratulations to the gentleman from California [Mr. DELLUMS], the gentleman from Florida [Mr. HASTINGS], the gentleman from Pennsylvania [Mr. MURTHA], and the gentleman from Washington [Mr. DICKS]. The House has clearly spoken, spoken with a very decisive majority on this issue, and all of us must respect the majority voice in this House.

I opposed the Dellums substitute not because of what it said, but because of what it did not say. I do not think that this Congress lives up to its constitutional responsibilities when it passes a sense of Congress resolution after American combat forces have been introduced into a dangerous situation.

What we have just done is to pass a sense of Congress that calls for reports, not very much more. We have not approved the policy. We have not disapproved the policy. We simply default. We dodge our responsibility. We do not take a position on the gravest question that a government can make, whether you commit American forces to combat.

The amendment that we just adopted is a classical, classical congressional dodge. It sidesteps the question of authorization. We leave no fingerprints by passing that amendment. What we have done is protect our political flank. But what we have not done is exercise our constitutional responsibility.

Now, I believe in the Torricelli amendment. And may I say that to my amazement, to my utter amazement, the administration has been working in support of the Dellums-Hastings-Murtha-Dicks provision. It has been working in support of a resolution which says, Mr. President, tell us what your policy is. That is what that resolution says. The President has been on television explaining it, they have had all of their Cabinet people up here telling us what the policy is. We passed a resolution a moment ago overwhelmingly saying, Mr. President, what is your policy, and the President of the United States supports it.

Not only that, that resolution says withdraw as soon as possible, and many of you support that position, and we all understand that is a reasonable position. There are several reasonable positions here. But it is not the administration policy. But the administration supported it, and I just do not understand why they can support that amendment.

The Torricelli-Hamilton amendment authorizes the United States presence in Haiti. It is the only amendment, it is the only substitute before us tonight, that does it. We should share responsibility when American forces go into a combat situation, and we should not dodge the question.

If we are going to play a rough role, a good role, a difficult role, we have to be willing to step up to the plate, and we do that by voting for or against an authorization.

Look, my friends, you cannot have it both ways. Members cannot complain about no authorization beforehand, and then duck responsibility for authorization after the fact. And that is what we have done.

I believe we have a clear choice: Do the United States troops operating in Haiti today operate there solely on the President's authority, or do they operate there with the support and the authorization of the United States Congress?

□ 2330

I believe we should authorize. May I say to those of my colleagues who worry about a date of withdrawal, that this Torricelli substitute has no certain date of withdrawal. It provides the amount of time that the military sought. It provides useful pressure to make sure that the job gets done in the time frame that they want it. And it permits the President a waiver if circumstances require. So our troops are fully protected under the Torricelli substitute.

Finally, let me just say that the Torricelli substitute is the only amendment that limits the scope, the purpose of our mission. Under the amendment just adopted, there is no limitation; there is no restraint; there is no restriction. The American forces can do anything they want to. They can get involved in nation building. There is no limitation, none.

If our experience in Somalia means anything at all, it is that we have got to watch it when we put these military troops into position because we can have mission creep.

And so the Congress has the obligation here to come in and say, these forces are not there for nation building. They are there not to run Haiti. They are not there to create democracy for Haiti. Those are the tasks for the Haitians themselves, not for us.

We ought to put language of limitation in a resolution of authorization. And we do. We clearly define the role of the United States troops in Haiti to protect citizens, to stabilize the security situation in Haiti so that an orderly process can take place and a legitimate government be restored and to facilitate the provision of humanitarian assistance to the people of Haiti.

The Torricelli resolution, my friends, I understand that the Torricelli substitute calls on you to make a tough decision. I understand that. It is your responsibility to. It is my responsibility to stand up to our constitutional

rights, to participate in the decision when you put combat troops into a dangerous situation and say, we support the policy. We support the troops and we participate in the decision, the gravest decision that the Government makes, when you put combat forces on the grounds.

I urge support of the Torricelli amendment.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to ask just a few questions to the Black and Democrat Caucus. I would like to ask the gentlemen, where were you in Cuba? Where was the caucus in Grenada? Where was the caucus in Panama? Where was the caucus in Desert Storm?

Where was the caucus in El Salvador? Where was the caucus in Nicaragua?

I think it was wrong. I think it was wrong for Congress not to be advised and sought by the President. I think it was wrong to allow Aristide to go back, and I think it is wrong to allow Cedras to stay. I think it was wrong for the United States to invade Haiti.

I think it was wrong to state that there was 25 multinations in this, when none of them participated in the initial invasion.

I ask Members not to support this amendment.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

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

My colleagues, I know it is late and Members are impatient to end this debate.

There is one and only one argument that I would like to offer to my colleagues in support of the resolution offered by the gentleman from New Jersey, [Mr. TORRICELLI]. That is that his proposal is the only one that fulfills, our fundamental responsibility, that there be a clear and proper assertion of the authority of the Congress of the United States over an undertaking such as the one that we are engaged in in Haiti.

Of course, it would have been better to have been able to do this ahead of time, but we could not. And the action that we should take tonight, in adopting the gentleman's resolution is far preferable to silence or to reliance on the nonstatutory, nonbinding sense of Congress proposals that have been previously voted on.

The alternative to real action by the Congress is, obviously, inaction or even worse, inaction posing as action.

And in either of those cases, the net effect is our acquiescence in the proposition that one man, the President of the United States, can take the Nation into an enterprise like the one we are engaged in in Haiti, and we are fated to do nothing but act as interested observers.

I find that to be an idea that is impossible to square with the principles of the limits on the executive and the shared legislative-executive power that are so central to this republic.

If we sit on our rights and responsibilities, if we default in them, we cannot later complain when those rights have been diminished by our own inaction.

My colleagues, it is time for us to live up to the responsibilities that we took an oath to uphold. The gentleman's resolution is the only alternative before the House tonight that fulfills that obligation.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico, [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I rise in opposition to this amendment.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York, [Mr. LAZIO].

Mr. LAZIO. Mr. Chairman, I have been calling for a Congressional debate on sending our troops to Haiti since July. While I am pleased that this debate is finally taking place, I would have much preferred it to occur before our troops actually went to Haiti. We have a responsibility not just in Haiti, but to explore and begin to define, rationally, our Post Cold War Foreign Policy.

But we now have close to 20,000 of our service men and women in Haiti, trying to resolve an internal struggle that has nothing to do with our national security. This misguided intervention in Haiti is symptomatic of the Clinton administration's ongoing struggle with foreign policy. It is hurting our credibility throughout the world, it is costing us hundreds of millions of dollars, and it is unnecessarily putting our troops in harm's way. Our Government will soon be making payroll for the Haitian police and security forces. We are now paying all costs for the observers.

The Haitian occupation represents yet another example of the President's misuse of the military. Time and again he has subjected our Armed Forces to constraints and missions which are inconsistent with their purpose and training. While he continues to slash their funding, he chooses to send them all over the world—a policy effectively at cross purposes. As I have said before on this floor, the President cannot have it both ways.

This intervention is Clinton adventurism at its worst. It lacks clear objectives, it ignores strategic realities, and it should be ended before we get in any further over our heads and before we lose any lives.

The Dellums amendment, which was just passed, and the Torricelli amendment, which we are now debating, will bring us no closer to seeing the safe return of our troops. The Michel/Gilman substitute was the only clear option to providing for an end to this wayward intervention. But instead, we have chosen to put this debate off for a few months, in which time it is uncertain how many losses we will suffer.

Support our troops in Haiti.

Bring them home now!

□ 2340

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise to congratulate President Clinton on his courageous action to liberate the people of Haiti.

Mr. Chairman, I rise in strong opposition to H.J. Res. 416 and all of the amendments to the Resolution. The Michel amendment is reckless and irresponsible and completely opposite to the positions taken by Mr. Michel and the Republican Members on the use of force in Lebanon, Grenada, Panama and Nicaragua. The Dellums, Murtha, Hastings and Dicks Amendment is worthy of support because it recognizes the danger of setting a date certain for the withdrawal of American troops. This Amendment is critically flawed, however, because it expresses the sense of Congress that the President should have gotten Congressional approval for the operation before sending troops.

Such a "Sense of Congress" chastises the President for his refusal to conduct government by public opinion poll. It refuses to recognize President Clinton's decision to liberate Haiti as a noble, unselfish, courageous act with no political rewards and great political risks. Such a "Sense of Congress" also refuses to make an important distinction between a declaration of war and a police action on behalf of a friendly government that was ousted by military criminals. Unlike Grenada or Nicaragua or Panama, President Clinton's action was clearly in support of a government chosen by and still revered by the masses of the Haitian people.

As we move into the new world order it is important to uphold substance over form. Each day the moral value of President Clinton's action is reaffirmed by the unfolding events in Haiti. By ignoring the misguided and prejudice driven public opinion the President provided leadership for a venture that is working and that sets a positive model for United States and international community policy for the future. Congress should not pass resolutions which downgrade the nobility of President Clinton's wise action.

When President Harry Truman recognized the State of Israel, he ignored public opinion, the advice of the majority of the members of his Cabinet and the sentiment prevailing in Congress at the time. President Truman stood alone and recognized the new State of Israel. Most of the democratic world followed President Truman's example and Israel was allowed to take its place in the constellation of nations. President Clinton's decision to liberate Haiti ranks with the decision by President Truman.

When Abraham Lincoln decided to free the slaves by issuing the Emancipation Proclamation public opinion was arrayed against him.

The Congress and all of the members of President Lincoln's Cabinet also were against freeing the slaves. President Lincoln stood alone and signed the Emancipation Proclamation. In his decision to liberate Haiti President Clinton placed himself on the same moral plain as Abraham Lincoln.

President Clinton should be applauded and congratulated by the Congress for this leadership in the liberation of Haiti. History will condemn all Congressional resolutions which chastise President Clinton for this action on behalf of the weakest and most helpless among us.

Mr. TORRICELLI. Mr. Chairman I yield 3 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, if I had my way, the President of the United States would have come to the American people and to this Congress and would have explained the posture that he found himself in. I would have thought he would have made a powerful and persuasive case that placing our troops into Haiti was in our national security interests, because he had joined in with the OAS, the international community, in order to make it abundantly clear.

Mr. Chairman, it was my hope that the President would have persuaded the American people and this Congress that we would support that action, because when the President speaks, I think we should listen. I think that he was right in this particular case.

He did not do that, however. Now we find ourselves on the eve of the election trying to find out what we wish he would have done or, better than that, trying to send a statement as to what we believe will fly with the American people when we get back home.

Clearly, Mr. Chairman, one alternative that we have is just to say "Hey, get the heck on out of there. We did not authorize you to go there and we wish that you and all our American troops would just go home."

The second thing is the Dellums amendment, where we say "You are there. The President has spoken. Get the job done as soon as you can, and get back home."

The third thing, which means absolutely nothing like the other two, is that we say "We did not authorize you to go there. You have a restriction on what you have to do when you get there, and you have a time restriction to do that in."

Give us a break. What we are talking about here is a political message. For God's sake, do not send a political message to the troops. What the gentleman from California [Mr. DELLUMS] is trying to say is whether you believe it is right or whether you believe it is wrong, you support the American troops, wherever you find them.

It is not for you and it is not for me to be able to say when this job is going to be done. It is up to our commanders who are trained, that we support, to determine when the mission is accomplished, report to the Commander in Chief, and with our prayers, our will, and our support, they will be back home as soon as possible.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, let me just say that, once again, everybody in this Chamber supports our troops. However, let me read what the Torricelli resolution will do.

It provides retroactive congressional authorization for the military occupation of Haiti, retroactive. We are supporting what the President did. Seventy-five to eighty percent of the people of this country did not want our troops sent to Haiti. Seventy-five to eighty percent of the people in this body and the other body did not want our troops sent to Haiti, yet we are approving this action.

Mr. Chairman, some of those young people are going to be killed or maimed. If Members vote for this resolution, they are agreeing with what the President did when the American people said no and we said no, and the blood of those young people will be on the hands of everybody that votes for this resolution, in my opinion.

Mr. Chairman, in addition, this is open-ended. It does not expire on March 1. It can be converted into a permanent occupation by American forces. The President can do that unilaterally.

In addition to that, Mr. Chairman, after March 1, 2,000 to 3,000 U.S. forces can be put under foreign command. I am saying, the American people do not want that, either.

Finally, Mr. Chairman, we are not going to have another vote on this if this passes until after next March 1, and it may be even after that. Mr. Chairman, this is not a good approach. We should not be sanctioning what President Clinton did, because the American people simply did not want it. We should not be giving approval for what they did not want.

Make no mistake about it, every person who votes for this resolution, if a young person is killed down there, is going to be held responsible, just like President Clinton, who did this without our approval, and without the American people's approval.

Do not vote for this resolution, Mr. Chairman. We should bring our troops home now. That is what the American people want.

Mr. TORRICELLI. Mr. Chairman I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, the Torricelli-Hamilton resolution accomplishes these important objectives: It sets our exit from Haiti for March 1, 1995. It gives our Armed Forces the time necessary to complete their mission, avoiding the concerns military experts have expressed about undermining our troops and it makes a strong constitutional statement about Congress's role in such actions.

Because of the hand that has been dealt us due to previous congressional inaction on this issue, Torricelli-Hamilton is the most responsible course of action. It expresses the will of the American people, and protects our Armed Forces.

I opposed the previous amendments because I believe in the following proposition.

If we pass a resolution that does not include a date for withdrawal, then we will have, in effect, abdicated Congress's constitutional power to declare war, and assumed the responsibilities of the consequences.

This debate would be unnecessary if we would have the courage to assert our constitutional responsibility and statutory authority under the War Powers Act.

To those who claim that establishing a date for withdrawal can put the lives of the valiant men and women of our armed forces at risk, I suggest that our failure to pursue our constitutional and statutory authority under the War Powers Act does the same. That is why I believe the Torricelli-Hamilton amendment is the best avenue available to us. Establishing March 1 as a date in which authorization ceases, preserves congressional authority and best protects our troops.

I urge my colleagues to support the Torricelli-Hamilton resolution.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, remember, when Members vote on the Torricelli amendment, it is a retroactive authorization of an ill-advised incursion into Haiti to install a president who will surely embarrass the United States. It will bring us casualties. Setting a date certain, as it does, for withdrawing is potentially a very disastrous course. The withdrawal date becomes a timetable for each faction in Haiti to seek to exploit.

Mr. Chairman, the distinguished chairman says it is the responsibility of the Congress to authorize the use of our armed forces in Haiti. Indeed, Mr. Chairman, the President has acted without the support of the Congress, and without the support of the American people.

However, this Congress has a higher duty, and that is to serve as a check on the President when he is wrong; to say, "No, bring the troops home." Vote against the Torricelli amendment.

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, the public policy question facing this House, the American people, and the Clinton Administration is: What is America's interest in Haiti?

The answer: Democracy. Restoring to office a President who was elected by over 68 percent of the voters in the first honest, fair, free election in the history of Haiti. Restoring a President ousted by a military coup—just as we did under President Bush, in Panama.

Critics have warned that we must not, in this mission, engage in democracy-building in Haiti. We have already engaged in democracy-building in 1987 during the Reagan Administration—when we rightly spent millions of dollars to help Haitians write a constitution and an election law; to train election judges and teach the people how to vote, in a country whose law school had been closed for 25 years and whose judicial system was virtually inoperative.

I felt privileged to play a role in that process for the Reagan administration in the summer of 1987, when the offices of the Electoral Commission were burned and homes of the Commission members machine-gunned. I had just come from the reenactment of our own Constitutional Convention in Philadelphia and urged my Haitian friends to persevere: créer la nouvelle Haiti—to build the new Haiti—the American people support you, I said.

The election of 1987 was ambushed by the forces of Duvalierism, with the complicity of the army. But the Bush administration picked up the challenge and set about democracy-building, by supporting the election process of 1990.

Again, I was honored to play a role for that administration in democracy-building through meetings with Haitian military leaders and interviews on Haitian TV and radio. Haiti had barely begun to draw the deep, complicated breath of democracy in 1991 when, again, the army intervened and forced President Aristide out of office.

Now, another U.S. President, a democrat, is trying to give democracy life in Haiti. I asked people as they left the voting places in Haiti: Pouki sa ou té voté? Ná voté liberté à—why did you vote? We voted for freedom, they said—freedom from the Ton-Tons Macoutes, freedom from oppression.

The United States military intervention in Haiti is creating the essential conditions for freedom in that land—peace, the absence of oppression and fear imposed by the Haitian Army. The Haitian people will build their own parliamentary democracy—with our help in establishing peace.

What we have begun under these Presidents, we must not now abandon. To do so would be 'lavé mains, essiyê pa te.' 'to wash your hands, and dry them off in the dirt'.

Don't abandon this fledgling opportunity for democracy for the most destitute of our neighbors. Don't tie the hands of our President with an artificial date for withdrawal. Our intervention forces can, and I am confident will, be withdrawn in stages as we achieve each of the goals President Clinton has set for our intervention: The restoration of the Aristide Presidency; the holding of parliamentary elections this December; the emplacement of a trained police force, the introduction of an international peacekeeping force, and the initiation of an economic recovery program.

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

Mr. BERMAN. Mr. Chairman, with great reluctance, I am going to oppose this amendment for one reason only. That is that the March 1 date is being viewed not as a time within which Congress would revisit the issue of whether the purposes made sense and the operation should be continued to be authorized, but rather, as a date certain for withdrawal. There are compelling military arguments against a date certain for withdrawal.

Having said that, and I was an advocate of having this alternative as a defense against what I thought would be the more disastrous action of Congress, adopting a resolution like the Michel resolution, I have to say, Mr. Chairman, that the words of the gentleman from Colorado [Mr. SKAGGS], the chairman of the Committee on Foreign Affairs, should be listened to very carefully by the body.

The one resolution we will probably speak on in this case is a sense-of-Congress resolution. The question this body must face is whether or not to repeal the War Powers Act, because it has no meaning whatsoever. It is not taken seriously. Every President has viewed it as unconstitutional. It passed only because the veto of President Nixon was overridden at its weakest political time.

We are not even coming up to the plate to make a decision on authorization. We cannot have a debate after an operation that started about whether to deauthorize, for we pull the plug on our troops and on our whole country's purpose in that particular operation.

□ 2350

I think it follows almost as an inevitable consequence, and I say it with deep despair because it was sponsored and pushed by our dear friend, our former colleague, Dante Fascell, that this is dead letter law and it should probably be repealed by this body because this body is not willing to take the responsibilities that only it thinks it has seriously.

Mr. GILMAN. Mr Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

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

Mr. Chairman, sometime 30 minutes or so ago, the very distinguished chairman of the Committee on Foreign Affairs scolded me and most of you for having voted for the Dellums-Murtha and others amendment. I think we have scolding in order for ourselves but not for the grounds that the distinguished gentleman scolded us. We have spent all of these hours in debate essentially praising our troops and saying how much we respect them and care for them, which is not even an item under controversy or dispute. If some enterprising journalist counts tomorrow the number of times that Members of this House in the course of this debate have risen and said, "The President should have come to the Congress for authorization before he sent those troops there," he would find that the number is probably going to be the overwhelming majority of everyone who has addressed this question in this debate. Yet what are we now doing? Ignore the fact that he did not have authority. He did not seek authority. And he would not have gotten authority if he had sought it.

Now after the fact, how dare someone scold me and say I am now obligated to give him that authority ex post facto. He does not deserve the authority because the policy is a flawed, failed policy. It should not have been implemented. I will not be a party to saying it should have been, or that I would in any way be cast in the role of having authorized it.

We should bring these troops home. They had no business going there. They ought to come back at the earliest practical moment consistent with their safety.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I think the gentleman yielded this gentleman 4 minutes in order to allow a couple of Members on our side an opportunity to speak in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MURTHA].

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

Mr. Chairman, I just want to make a couple of points very clear. Everybody in the field is against this. We asked General Sheldon personally about a date certain. He was against a date certain. General Shalikashvili sent a letter over, said it would hamper the troops and endanger the troops to have a date certain.

We have a resolution passed by the other body, 91 to 8, which says, "Get out as soon as possible," and praises the actions of the troops. This is an identical resolution to it, the resolution we have passed already. I ask the Members to defeat soundly the resolution which micromanages from Washington, DC, what they are doing in the field. It would be a disaster for us to pass a resolution like this trying to manage what goes on down in Haiti.

So I would ask the Members to vote against this resolution and vote for the final passage which was the same as the other body passed.

Mr. DELLUMS. Mr. Chairman, I yield to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I too wish the President had asked for authorization, but it ill behooves those who have spent 12 years

fighting to free the President from any constraint in the dispatch of American troops to now complain when we do not have any way to do it. Let us all work together now and try to do that in the future. As for now, I reject the argument that we will somehow have left our duty undone. We have had several proposals put forward. The very large vote for the proposal put forward by the gentleman from California does state a clear policy. Members have said, well, they would like the Hamilton-Torricelli resolution except for the fact that it has a date certain for withdrawal. Well, a plane could float if it were lighter, but it is not. It does have the date certain for withdrawal that would undermine the notion that there is some unity. It would undermine the performance of the mission, and does not make a great deal of sense. I am willing now to start and work with people on the other side for means of controlling the President. By the way, we have one now, and that is an amendment to an appropriations bill. So if you put through the line-item veto, you will never have any method of restraining a President. Let us go after that in the future. But for now, let us not destroy the unified position we have managed to put forward here by the gentleman from California and I hope the amendment is defeated.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. COX].

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

Mr. Chairman, I rise to express my vehement opposition to the Torricelli-Hamilton substitute. This is an Orwellian bill being offered under an Orwellian rule. At times like this, this Chamber represents a hall of mirrors more than the people's House. To the public we may seem to be voting on sharply differing alternatives, different competing legislation, but thanks to this fraudulent king-of-the-hill procedure, Members can now vote on every side of this issue and that is not all. The Torricelli amendment seems to be authorizing United States forces in Haiti only for a limited time. But thanks to last-minute changes in the Torricelli amendment, we are in fact debating exactly the reverse, an open-ended virtually unlimited authorization for a United States military occupation of Haiti.

Mr. Chairman, the American people need to know first of all that this amendment would authorize the use of forces in Haiti to "stabilize the security situation in Haiti." This is a Herculean task indeed. For 200 years of Haitian history there has not been a secure and stable situation. In the 5 years before Aristide came to power, Haiti had five governments, five governments in 5 years. Aristide himself was in power for only 7 months. The only supposed stability that Haiti has enjoyed during its history was during the brutish 30-year dictatorial regime of Papa Doc and then Baby Doc Duvalier.

Surely President Clinton knows this since his Secretary of Commerce Ron Brown served as Baby Doc's registered foreign agent and lobbyist here in Washington. The shadow of that Somalia debacle of last year now lies over this House tonight.

Where is the evidence that this episode will end differently than Somalia where warlord Aideed is back on top right where we found him when we got there? Where is the evidence that the Clinton administration has developed a greater capacity to manage our military affairs? Why should we be willing tonight to make an open-ended wager with the lives of our troops and the prestige of the United States on the off chance that this time, unlike Somalia, unlike China, unlike Bosnia, unlike Korea, that this time President Clinton might get it right?

But we are told the Torricelli resolution has a fail-safe to make sure that this kind of fiasco cannot occur again. It is the sham March 1995 deadline. Suffice it to say first of all that 6 months was ample time for President Clinton, for his turn at the wheel in Somalia, to have his policy go disastrously awry. But much more importantly, the March 1 trigger mechanism in this resolution is a sham.

The Haiti occupation would expire on March 1 unless, and this is the world's largest loophole, unless the President determines and certifies that the continued participation of United States Armed Forces is essential to protect United States national security interests.

□ 2400

Where have we heard that before? It sounds familiar. It reminds me in fact of the identical language in the resolution contained in the 1994 defense appropriation. That resolution which Congress already passed barred the use of any appropriated funds for U.S. military operations in Haiti unless prior to the use of force the President reported that the intended deployment is "justified by U.S. national security interests." In fact, there were even more conditions.

Every Member of this body knows tonight that when the President ordered our troops into Haiti 3 weeks ago those conditions were not met. In fact, a majority of this body that voted just moments ago for the Dellums resolution certified legally that even tonight these conditions have not been met.

It simply cannot be more clear. If the Torricelli amendment passes, the Congress of the United States will delegate to President Clinton the power to indefinitely extend our congressional authorization. This we must not do.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I would like to make a unanimous-consent request that the sentence following: "I support our troops", appears before everybody's remarks all night long on this debate, retroactively and to come. Does anybody object to that?

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The Chair cannot entertain that request.

Mr. DORNAN. Mr. Chairman, it was a good idea. We all support the troops.

Now I want to collect my thoughts. Hold the clock a second because I am going to quote two senior Democrats.

In the Pennsylvania corner, but not a Pennsylvanian, one of the top eight people in tenure and seniority said the following sentence, cleared up for airline traffic. He said to another senior Democrat, in my presence: "If those blankety-blank-blanks down at the White House get a handful of Americans killed, our Democratic Party is going to take the biggest bath at the polls it has in this century." That is one.

Second, I know the Black Caucus is as diversified in its thoughts on this as any other caucus in this House. But one of the members who knows more because of a key leadership assignment than anybody else in that Black Caucus said the following, and mark these words: "Aristide can get elected any day in the week, all year long, but he is totally unable to govern."

I would love to give you his name, but I do not have his permission. And that is truly a wise statement.

What are we going to do if he is deposed again? The lawyer of Castro who went in there on an Air Force plane, I have just learned, his wife that ran against ILEANA ROS-LEHTINEN, whose name is Magna, 5 months ago embraced Castro, kissed him before the cameras, and it has been in the papers all over in Florida, and he said, "You are my teacher, oh great one. I have learned from you what you have done for the people."

I say this: Haiti is an issue in doubt.

Cuba libre.

Cuba libre.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, we are at long last debating the American occupation of Haiti. I believe we need to examine how much this occupation is going to cost. The early estimates peg our cost at $250 million through the end of this year.

Our Nation's Armed Forces have been slashed by 25 percent since the gulf war and are struggling to meet their training budgets. How are we going to pay for the occupation without further degrading our military readiness?

What are we spending our money on?

We are spending thousands of dollars to buy obsolete weapons back from Haitians. We are spending thousands of

dollars to train and pay Haitian police to sit in Guantanamo refugee camps. We have spent millions for humanitarian food relief and stood by and watched the distribution centers be ransacked.

What is our mission? Is it restoring Aristide to power or is it to promote democracy? Aristide is no different from the military thugs we are overthrowing. Aristide advocates murder and brutality as valid tools of government. How is siding with Aristide any different from choosing sides in the chaos of Somalia? When Aristide returns, who knows what will happen? Haiti may degenerate into civil conflict. Are we going to take sides in a civil war? Are we going to invade Haiti again to replace Aristide?

What is going on? How long are we going to be Haiti? Without answers to those questions, Congress has a responsibility to end this ill-fated adventure. Our servicemen and women should never be thrown into a dangerous environment without a clear mission. And given our budgetary problems we should end this ill-advised waste of precious taxpayer dollars.

Mr. Chairman, I strongly urge my colleagues to reject this ill-written resolution.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I oppose the amendment. I am not an attorney. All you have to do is check my court record.

But we are passing sense-of-Congresses here and we are telling the President how we feel tonight.

I support now the prevailing amendment that passed, Dellums. But what we are doing tonight is telling the President how we feel. We were not elected to tell the President how we feel; we were elected to govern. Let me say we were not elected to send signals. We do not work for Western Union.

But the reason I am opposed to this amendment is I think it is a dangerous amendment. The President has gone off and committed troops and did not check with us. Now we authorize it after the fact and we set a precedent of saying go ahead, Presidents, you have already done this all of these years and we do not like it, but now we are going to approve it after you have done it.

I am recommending that Chairman DELLUMS and Chairman MURTHA, two of the better chairmen in this House, and Chairman McDADE and Chairman SPENCE on that side get together, amend the War Powers Act, because there are different types of military needs. When Saddam went into Kuwait he came to the Congress, President Bush, God bless him. But it was clear, was it not?

But Haiti needed a surprise, and there should be a provision in an amended War Powers Act where he could confer with the key leaders of this House and get a proviso approval, whatever President it is. But we should not affirm the President's usurping the power to declare war, and do not let it be confused in the nebulous, well-meaning, well-intentioned amendment.

Vote this down, even though it is a sense-of-the Congress. Let the Dellums language stand, and I say to the chairman he is the exact perfect man with MURTHA, McDADE, and SPENCE to clarify the difference between an emergency and in fact the surprise needs to protect our hemisphere.

I am not an attorney, but you know I have the same rights as an attorney on the House floor, and I like it.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from California [Mr. LEWIS], our final speaker.

□ 0010

Mr. LEWIS of California. Mr. Chairman, in many ways, this is a frustrating debate. In many ways, this is a positive debate. Most of all, this is certainly an important debate.

It is frustrating because almost no one in this body believed that sending American troops to Haiti was a good idea. Many of us expressed our reservations to the President and the Secretary of Defense in person. It is frustrating because most of us believe in the concept of the Commander in Chief. The Commander in Chief made a decision that now has placed almost 20,000 American men and women in Haiti.

The job our troops are doing is truly incredible. Using almost every form of modern technology and interforce cooperation, they are rapidly stabilizing a country that is almost uncontrollable. Our troops arrived without a shot being fired—that largely because of a very important contribution made by a most unusual commission headed by former President Carter.

President Carter, Senator NUNN and General Colin Powell deserve our gratitude.

We are there and because of that fact, I have grave reservations about all three resolutions—for each impact in a direct way the command authority of our Commander in Chief.

The Michel-Gilman resolution makes the most sense of the three resolutions—but I still have reservations. Our troops are in a place of great danger. Their presence in Haiti has undermined the strength of Cedras, Francois, and Biambi. I believe they will all leave which at least paves the way for the duly elected President—Aristide—to return. Let's us not kid ourselves about President Aristide. Father Aristide both verbally and in writing has expressed his hatred for the United States. He does not like Americans. Indeed, it is not clear that he will be any better for the people of Haiti or their condition than the military dictators. Nonetheless, he is the duly elected President.

Any resolution that encourages those military autocrats could cause one or more of them to try to re-exert their power. That could cause an eruption that would put our troops in grave danger.

The Dellums-Murtha resolution appeals to me in many ways. It does not, however, prohibit foreign control of U.S. troops. This worries me greatly. What is noteworthy is that the Senate has just passed an identical resolution by a vote of 91 to 8.

The Torricelli-Hamilton resolution makes no sense at all. It endorses the President's ill-conceived policy retroactively. It provides for permanent authorization of the President's action and it allows our troops to be placed under foreign command. This is a policy which does not encourage expeditious removal of our troops and potentially places them in the position of being Haiti's police force for not months, but years.

In many ways, Haiti symbolizes the most important challenges our country faces as we enter the 21st century. Haiti is a third world country within our hemisphere, home to almost 7 million people—most of whom go to bed hungry every night. Through U.S. aid, we feed about 1 million every day; our allies feed another one-half million.

The crowds are cheering our troops because they bring hope for change and freedom, but in another sense, they are very sad crowds, for the people are almost all very thin from hunger. Their big brown eyes stare out in hopelessness, for their condition is not new. It has continued for all of our lifetime.

As a young person at UCLA, I remember one of the texts on international affairs entitled "Wanted—An Asian Policy." If the book were written today, it would be entitled Wanted—A Foreign Policy.

Since I have been a member of this House, we have largely been without a comprehensive foreign policy. Oh, there have been high points under President Jimmy Carter and under Presidents Ronald Reagan and George Bush. While this is not one of them, President Clinton has had high points as well.

But in this new post cold war world, we need a long range foreign policy—A policy that reflects our economic and strategic interest in the world. A policy that advocates and supports freedom, democracy and economic growth with individual opportunity. A policy that recognizes that a strong America is important to freedom in the world but also understands that we cannot be the policeman for the world.

Mr. Chairman, we must do all that is necessary to facilitate Aristide's return to Haiti by October 15. We should be shifting to phase II—providing stabilized conditions for U.N. Forces. We

should encourage Cedras and Biambi to follow Francois out of the country. And finally, we should remove our troops from Haiti as quickly and as safely as common sense will allow.

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

Mr. Chairman, for 10 hours I have been on this floor helping to preside over this debate, distributing time and listening to my colleagues. For just a few moments I would like your time and your attention to explain why the gentleman from Indiana [Mr. HAMILTON], the gentleman from Colorado [Mr. SKAGGS], and I have asked you to endure another few speeches and another resolution.

The story begins with the first words that each of you ever spoke in this institution: "I do solemnly swear that I will support and defend the Constitution of the United States."

My colleagues, more than any vote, any issue, anything you ever do in your public careers, when you leave this Chamber late at night in the years to come, you will measure your own success or failure by whether or not you were true to those few words. Central to that commitment, central to whether or not you kept your pledge, is whether you have truly defended the prerogatives of this Congress and this institution.

My Republican friends, a decade ago you were wrong in defending the invasions of Lebanon, Panama, and Grenada with a vote in this Congress. I said so. I believed it then, I believe so now.

My Democratic colleagues, we compound the problem. Many of you are my friends. Some of you I respect a great deal. Your speeches in those years were true.

The truth is no different now. The prerogatives of this institution require, when the sons and daughters of your constituents are put in harms' way, that this Congress take a vote and take a stand.

The political affiliation of a President is of no consequence, no bearing, and no relevance in making a judgment on this issue.

And so, my colleagues, I rise, indeed, not to discuss Haitian democracy at all. To anyone who has listened, I have been as doubtful about our occupation in Haiti as any Member. But I have another concern. The most powerful weapon that the United States has to advance democracy is not our military.

□ 0020

It is no weapon, it is no soldier, it is no force. When 62 aircraft, a score of naval ships and 20,000 soldiers and untold millions are sent to Haiti on the order of a single man without the consent of any other institution of this Government, then no democratic ideal is being advanced. And make no mistake about it, what you do and how you define our democracy is heard in the Kremlin as they consider the caucuses, is understood in France when they look at Africa, other Latin American nations when they look to their neighbor. Our lesson to the world is not might, no matter how powerful we may be; it is the rule of law; it is the prerogative of this institution and our elected Representatives to embody the ideals of our Constitution.

I know to some it seems of no consequence any more. In 200 years we have been involved in 246 invasions, occupations, military skirmishes. Some of them are the great pride of our time, World War II to Korea to a host of other engagements. Some are a national embarrassment because the elected Representatives in their time stood silent as we stand now.

My colleagues, it was said best in 1848 by a young Republican Representative from the seventh District of Illinois. New to this body, he rose and he said,

> Allow a President to invade a neighboring nation whenever he may deem it necessary, and you allow him to make war. The Constitutional Convention resolved to frame the Constitution so that no one man should hold this power.

My colleagues, that young Congressman was Abraham Lincoln. He was new to this institution, but he understood a central truth of this Government: That we govern together. When he spoke, it was an illegal and immoral invasion and occupation of Mexico that generated his words.

A century later it could have been Vietnam. The crisis is now Haiti. But it is more than Haiti. As has been said on this floor time and time again, Haiti is more than a crisis, it is a model. In this postwar world what do there and how we conduct ourselves and the rules established on this floor will be revisited time and time again.

If I understand the principles of our President, we will fight in nations around the globe to ensure that democratically elected regimes retain their power, that illegal immigration is stemmed, that human rights are respected.

I believe in all those objectives, but I submit to you, my colleagues, if you are not more vigilant in the defense of the lives of our children, the credibility of this Government and the use of our forces, we are going to be a very busy United States of America.

My colleagues, finally, the Congress' role in defining these new arrangements of power, you and I know, comes at a moment of some weakness in this institution.

From the media to many of our constituents, they have looked upon the problems of this institution as simply the problems of the Members. But if tonight in your own consciences you are not taking a stand to authorize or deauthorize, establish a process to approve or disapprove in the 104th Congress because of the vulnerability of a Member or the problems of an institution, then we no longer have individual problems, we have a problem of the ability of this institution to govern.

My colleagues, I have been proud of every moment I have spent in this institution. With all the respect that each and every one of you deserves, I must humbly conclude this has not been our finest moment.

Mr. HAMILTON and I have offered a resolution that makes no judgment on the invasion.

Some of our opposition is clear.

We simply accept the reality and ask you to authorize it, given the reality of the presence of our forces, and insure that you or your successors in the 104th Congress would cast a vote and let every man and woman whose life is on the line tonight in Haiti know that they are there because the democratic process asked them to be there; no one man, no one individual.

I believe it was the right judgment. I accept the sentiments of the House. I will ask for no vote. But I will leave you tonight with a simple story of a great man who served in this House and left this world not so long ago.

Mr. Chairman, a decade ago when I was new to this institution, not far from where BARNEY FRANK sits tonight, late one night I talked to Tip O'Neill and I said to him, "Mr. Speaker, in all your years in this institution, is there any vote that you regret, any one you ever think about or you would take back?"

And he said to me,

> Bob, every day, one vote every day. The President told me he needed my help in the Gulf of Tonkin Resolution. I believed in my party, I believed in my President, and I cast a vote. I didn't think of that vote for a long time until one morning when 241 U.S. Marines lost their lives in Lebanon. And I thought of it during every debate on every resolution for every foreign involvement since. You see, I listened, too. They said a deadline would be wrong; trust commanders; don't define the mission; allow it to evolve; allow the President to have flexibility. Oh, they had flexibility, and we did not define a mission, but we set a limit right after 241 brave young Americans came home in boxes.

My colleagues, the House has made its judgment. I would have preferred that the courage of 20,000 young Americans in Haiti be met by the courage of 435 Members of this House to take a stand for or against, to establish a process to either end this engagement or allow it to proceed in the new year.

Mr. HAMILTON, Mr. SKAGGS, Mr. MENENDEZ, those who have joined me tonight, have taken our stand. We have not prevailed. We will be back in the 104th, I hope.

But I tell you this, this issue, this issue remains with each and every one of us not only for as long as we are in this House but for as long as we care about the people's business and the integrity of the Constitution of the United States.

Thank you for indulging me.

Mr. COX. Mr. Speaker, I don't want to belabor the question of the President's constitutional authority to occupy Haiti. The more urgent question, now that he has done it, is what to do now. But I want to briefly address the way in which the President respected our democracy, our Constitution, in setting in motion an invasion of Haiti. The Torricelli-Hamilton amendment states explicitly that the Constitution would have required the President to obtain Congress' approval before ordering our armed forces to remove the de facto authorities in Haiti. Mr. Speaker, after careful consideration of the significant constitutional issues at stake, I have concluded that this statement is correct.

First and foremost, I want to make emphatically clear that neither I nor my Republican colleagues who hold this view are enemies of a strong Presidency. From the days when I served as legal counsel to President Reagan to the present, I have firmly opposed the so-called War Powers Resolution as an unconstitutional and unwise fetter on the President's constitutional powers, and I have consistently upheld sweeping presidential authority to use the military forces of the United States in a whole host of contexts: in defense of American territory, lives, and property against actual or threatened attacks—like such military operations as Desert One, Grenada, Libya, or Panama; to enforce the laws of the United States, as was also the case in Panama; in circumstances where speed or secrecy are essential, as was the case in all of the above military actions; or for peacekeeping operations, as Lebanon and Somalia at least initially were. Some of these past operations ended successfully, and others ended in failure; but each fell within the scope of well-established exceptions to the requirement for prior congressional authorization—exceptions that date back to the framing of our Constitution over two centuries ago. I emphatically support these historic precedents, and I will support the President's right to take such actions unilaterally in the future—any President of any party, whether or not I agree that the action in question is justified.

I offered a resolution describing the then-proposed invasion of Haiti as a usurpation of Congress' constitutional rights, because in Haiti President Clinton claimed to act under none of these established precedents. He claimed new authority, for unilateral presidential power that is historically unprecedented. The Constitution has not historically been construed to allow the President to send U.S. Armed Forces to invade another country, with every expectation of resistance by opposing armed forces, where neither secrecy nor American lives are at issue. That is the Desert Storm scenario; and, Mr. Speaker, as we all recall, Congress demanded at the time, and President Bush ultimately sought and received, our authorization for Operation Desert Storm. I advised President Bush at the time that a vote was essential, and so did many of my Republican colleagues; and so, Mr. Speaker, did every one of my Democratic colleagues, stridently and at length, without a single exception that I'm aware of. President Clinton and the Democratic leadership of Congress denied us a vote in Haiti, and have thereby created a broad, inchoate new category of Presidential power.

Mr. Speaker, I have read the opinion provided to the Congress by the Justice Department, purporting to establish that President Clinton could have invaded Haiti even absent the September 18 Carter agreement. The Justice Department cites three bases for such unilateral action. First, it argues that the sense of the Congress resolution contained in the 1994 defense appropriation authorized President Clinton to invade Haiti—and I want to emphasize that the Justice Department said, explicitly, that President Clinton could constitutionally have invaded Haiti if he chose to, rather than simply occupying it with the consent of the de facto government, as we did on September 19. This argument is utterly specious. As the Justice Department is well aware, a nonbinding sense of the Congress resolution can neither augment nor curtail the President's constitutional or statutory authority. Even if it could, the conditions specified in the resolution were not remotely met. The President gave no meaningful "report in advance" of the military action he ordered: he sent a letter to the Speaker as the operation began, at a time when the Congress was in recess. Moreover, the resolution required that prior to the use of force the President would, among other conditions, have "established" "clear objectives for the deployment," "identified" "an exit strategy for ending deployment," and "ensure[d]" "the safety and security of United Armed Forces, including steps to ensure that United States Armed Forces will not become targets due to the nature of their rules of engagement." Mr. Speaker, will any member here present tell me that these conditions were met on the night of September 18, as President Clinton ordered the military mission to begin? Will any member assert that they have been met today?

The second basis for the administration's position is an ill-assorted claim either that the administration complied with the so-called War Powers Resolution, or that the War Powers Resolution supports the President's claimed constitutional authority to invade Haiti, or both. Mr. Speaker, as I noted before, I, together with all previous administrations since its enactment, have regarded the War Powers Resolution as an unconstitutional, ill-conceived nullity; but even if I regarded it as the Ark of the Covenant, I would not argue that Congress could by statute amend the Constitution—particularly where the amendment in question is supported to augment the President's constitutional authority to act without Congress, and particularly where the statute in question expressly recites that it is "not intended to alter the constitutional authority of the * * * President," or to be "construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances." As to the administration's claims to have complied with the War Powers Resolution, even if they were true, they would not answer the broader question whether the administration complied with the Constitution—a considerably more venerable and binding document.

Finally, the Justice Department tells us that the declaration of war clause does not require prior congressional authorization for the use of force authorized and commenced by President Clinton on that Sunday night—the forcible invasion of Haiti. Why, Mr. Speaker? Because we had the permission of the legitimate government, Mr. Aristide, and because the nature, scope, and duration of the deployment were not consistent with its being a war. The Department then cites a long series of U.S. military occupations of other countries, neglecting the fact that the cited examples were either uncontested, or for the protection of U.S. lives or property, or—in the case of the Philippines in 1989—involved genuinely minor and genuinely temporary commitments of forces, and exigencies of timing that made even consultation with Congress impracticable. The Department ends with the tautology that "'war' does not exist * * * in circumstances in which the nature, scope, and duration of the deployment are such that the use of force involved does not rise to the level of 'war.'" Now, Mr. Speaker, I don't wish to be unfair to the administration's reasoning; there will be cases in which there is a genuine difficulty in drawing the line between uses of force that are so small-scale, temporary, riskless, and exigent—like the Philippines in 1989—that they genuinely do not rise to the level of warfare in the constitutional sense, and those which do. But a contested invasion of Haiti, involving 20,000 U.S. troops, does not seem to me to be one of them. And I am genuinely uncomfortable with the argument that the declaration of war clause does not apply to small, "easy" wars. The exceptions to the declaration of war clause all turn on circumstances that the Framers, and every President since then, understood made congressional action impractical or unnecessary—like secrecy or self-defense. Congress cannot debate a secret mission and have it remain secret; defense of U.S. military and civilian personnel cannot await legislative action in Washington. None of these circumstances were present in the case of Haiti. In 1991 the Bush administration found time for a vote in the midst of much more extensive preparations to attack a far stronger enemy. The Clinton administration has orchestrated a military buildup that has allowed time for the United Nations Security Council and the Organization of American States to vote on an invasion; and President Clinton thought it worthwhile to secure their approval—but not the approval of the Congress of the United States. The Senate has had time to hold seven votes concerning Haiti—but neither the House nor the Senate were allowed to hold the one vote that matters, on whether to authorize an invasion or occupation. Only now, when we have already embarked on the mission, are we allowed to debate it after the fact.

Mr. Speaker, this is a travesty. The Democratic leadership of both the House and Senate shouted themselves hoarse in 1991 demanding a vote on Desert Storm, an operation supported by a clear majority of the American people. Vice President GORE, then a U.S. Senator, said that, and I quote, "[t]he plain sense of our Constitution, supported by the full weight of history and jurisprudence, is that the President was never meant to have the power to order this Nation into war; that power was vested in the Congress after the most careful deliberation by our Founders for reasons that

are as valid now as they were then." Leon Panetta, now President Clinton's Chief of Staff, joined a lawsuit seeking to prevent Desert Storm. Majority Leader GEPHARDT threatened to cut off funding for our troops if President Bush began Desert Storm without congressional authorization. Majority Leader MITCHELL said that, and I quote, "[o]ur firm view is that the President has no legal authority, none whatsoever, to commit American troops to war in the Persian Gulf or anywhere else" without congressional authorization. What a difference a few years makes. Speaker FOLEY said last month that he agreed with President Clinton that there is no constitutional requirement for an authorizing vote on possible military action in Haiti; and Majority Leader MITCHELL agreed.

Mr. Speaker, this constitutional requirement is not an 18th century formality. It is designed, among other things, as a safeguard for our troops, so that they will not be required to make bloody sacrifices for causes that ultimately do not command the support of the American people. Desert Storm, for which we voted, was unlikely from the outset to be such a cause. But if ever there were a need for a popular mandate, it is now. Yet President Clinton has failed—utterly failed—to persuade the American people or the Congress that this occupation is necessary or prudent. American troops are being inserted into one of the most unstable, violence-racked nations in the world—another Somalia, though with a longer, somewhat more tortured history. Why should we suppose that the public or Congress will have more stomach for American casualties here than they did in Somalia, or Lebanon? The Framers knew that a congressional debate would be an essential part of building public support for military action, and that where Congress had been in on the take-off of a military action it would be far more likely that they would stay the course. President Clinton, the ex-Vietnam protester, should understand that. But he was not willing, over the last many months, to invest the effort needed to even try to build public support for his policy. As a result his Haiti policy has a hair-trigger: any incident, any loss of Haitian or American life, could result overnight in the abandonment of the mission. Mr. Speaker, that is not fair to our troops. It is unfair to ask them to risk their lives, to make enormous personal sacrifices, for a mission that could be aborted overnight—as the Somalia mission was. Our soldiers are willing to lay down their lives at their Commander-in-Chief's direction. The American people and the Congress will understand and accept large sacrifices when they have been given the case for them; our history, including our recent history, proves that they and we will err on the President's side in every case where he has taken the effort to build support and make the case for his policies. That is not much to ask from the President. He has had 2 years to do it. And 2 weeks ago he decided to start doing it. That is not worthy of our troops, and it is unworthy of the office of the Presidency.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey [Mr. TORRICELLI].

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 27, noes 398, answer "present", not voting 14, as follows:

[Roll No. 499]

AYES—27

Ackerman
Cantwell
Clement
Deutsch
Faleomavaega (AS)
Gephardt
Hamilton
Kaptur
Kleczka
Kopetski
Lambert
Lancaster
McDermott
Menendez
Minge
Neal (MA)
Pallone
Penny
Richardson
Rostenkowski
Sanders
Sharp
Skaggs
Stupak
Synar
Torricelli
Williams

NOES—398

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Applegate
Fish
Gallo
Huffington
Inhofe
Lewis (FL)
Ravenel
Romero-Barcelo (PR)
Slattery
Smith (OR)
Sundquist
Tucker
Washington
Whitten

□ 0047

Mr. COSTELLO and Mr. LaFALCE changed their vote from "aye" to "no."

Mr. McDERMOTT changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MCDERMOTT, Chairman pro

tempore, of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 416) providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, pursuant to House Resolution 570 he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

□ 0050

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

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution, as amended.

The joint resolution, as amended, was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution, as amended.

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 236, noes 182, answered "present" 1, not voting 16, as follows:

[Roll No. 500]

AYES—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Barca
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Fingerhut
Flake
Foglietta
Foley
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lehman
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDade
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Pickett
Pickle
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skeen
Skelton
Slaughter
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—182

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Cantwell
Chapman
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ewing
Fawell
Fields (TX)
Filner
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
Lazio
Leach
Levin
Levy
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shays
Shuster
Skaggs
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torricelli
Upton
Vucanovich
Walker
Weldon
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Owens

NOT VOTING—16

Applegate
Fish
Ford (MI)
Gallo
Huffington
Inhofe
Lewis (FL)
Pelosi
Ravenel
Shaw
Slattery
Smith (OR)
Sundquist
Tucker
Washington
Whitten

□ 0107

The Clerk announced the following pairs:

On this vote:

Mr. Slattery for, with Mr. Smith of Oregon against.

Mr. POMEROY changed his vote from "aye" to "no."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, I was not recorded on roll call vote 500. I wish to state that I would have voted "aye" on passage of the joint resolution.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered and passed.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1348. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

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

S. 2534. An act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I would inquire of the gentleman from Missouri [Mr. GEPHARDT], the distinguished Majority Leader, how we intend to proceed for the balance of the evening, and maybe tomorrow's schedule.

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

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

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

Mr. Speaker, our intention is to go to the rule now on California desert, and the conference report. Those votes will be the last votes of today, this evening, this morning.

Then tomorrow, I would like to move after that for unanimous consent that we come in tomorrow at noon. Then we go to the PILT bill, and we have a number of other conference reports. We are discussing with the minority a list of unanimous consent requests that we will work on tonight and tomorrow morning and refine. There is the matter of compliance that is still out there. That is about it.

Mr. Speaker, as to when we would finish tomorrow it is really difficult, not knowing what the Senate will produce and when it will produce it. I could imagine that we could get to a point where we cannot have further votes at some point tomorrow evening. What time that would be, there is no way to predict at this point. We will make it as early as possible.

□ 0110

Mr. MICHEL. Might I inquire, has the decision been made, then, that we would adjourn until the date in November?

Mr. GEPHARDT. That is correct.

Mr. MICHEL. I thank the gentleman.

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

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

Mr. LEWIS of California. Mr. Speaker, if I could ask a question of the majority leader, I would appreciate it.

The gentleman from Missouri [Mr. GEPHARDT] and I have had a number of conversations today and the last several days as we have danced around the desert bill and I must say to the House and to him publicly that he has been extremely cooperative in trying to work out the schedules that make sense.

Earlier this evening we had a conversation that I had hoped would solve a part of this evening's problem; that is, it seemed to me that there were a couple of technical difficulties with this conference report that need to be solved between now and tomorrow. If we could solve them, we could easily put this whole thing over and get rid of this bill in 15 minutes tomorrow and because of a lack of solution, there appears to be a more extended discussion and maybe even votes this evening.

I want to know if anything has changed since the last time we talked. I would not suggest that the gentleman is the problem, but indeed there has been a technical problem.

Mr. GEPHARDT. If the gentleman will yield, we are still working on the technical problems and they may be able to be solved tonight, but we still need to process the bill tonight so that it can get to the Senate on a timely basis tomorrow. If we came in tomorrow at noon and even went through a shortened procedure, it would not meet up with the schedule that the leader on the Senate side is trying to meet. We will try to meet the technical problems this evening. It may be possible, we are working on it now, to solve those technical problems. The chairman of the Committee of Natural Resources and staff is working with Members on the other side to solve those problems.

Mr. LEWIS of California. If the gentleman will yield further, in commenting, I certainly would be willing to come in at 9:30 or 10 or otherwise, if we could solve those technical problems. I do not think we need an extended debate tonight and I know the gentleman does not, but it is not going to make a difference in time in a real way at the other end.

Mr. GEPHARDT. If the gentleman would yield, we would be happy to have a shortened procedure tonight if these technical problems are worked out. And I think they can be. There is no reason we could not go through a shortened debate on the rule and on the conference report. Again, it is not going to change the ultimate outcome and timing in the other body. Our problem is that the majority leader there needs the bill at about 11 in the morning, and the other side has asked for a conference in the morning and we have accommodated that request and, therefore, we really cannot get to the floor until about noontime.

Mr. LEWIS of California. If the gentleman would yield further, we do intend to go forward with the rule and we will have some debate there, cover part of the product, I suppose, and maybe some of those technical problems could be solved before we get to the bill.

In the meantime, I want the House to know that the majority leader and others have been very cooperative. It has not been totally satisfactory across the board, but we do appreciate the work of the gentleman from Missouri [Mr. GEPHARDT].

Mr. MICHEL. May I ask the gentleman from Missouri [Mr. GEPHARDT] if the hour for reconvening or for coming in, then, tomorrow, is definitely set for 12 noon?

Mr. GEPHARDT. I am going to ask unanimous consent in a moment to ask for that.

Mr. MICHEL. I thank the gentleman.

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

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. On our side, I think we just want to make sure in case any Member is confused, that the conference was moved to 11, so the Members are aware that they need to be in by 11 in the morning prior to going in at 12.

Mr. LEWIS of California. I failed to mention that there will likely be votes, at least one vote in this process, not too far down the line, we hope.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns this morning it adjourn to meet at noon today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONFERENCE REPORT ON S. 21, CALIFORNIA DESERT PROTECTION ACT OF 1994

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 568 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 568

Resolved, That immediately upon adoption of this resolution the House shall consider the conference report to accompany the bill (S. 21) to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to final adoption without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. PETERSON of Florida). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 568 is the rule providing for the consideration of the conference report on S. 21, the California Desert Protection Act.

The rule waives all points of order against the conference report and against its consideration, provides that the conference report shall be considered as read, and provides one motion to recommit. The waivers apply to the 3-day layover rule and to the germaneness rule.

Mr. Speaker, while I am often sympathetic to my colleagues on the minority who frequently oppose the waiver of

the 3-day layover rule, the waiver in this instance is needed because of the time considerations we face as we near adjournment tomorrow.

In addition, Mr. Speaker, as the chairman of the Natural Resources Committee has testified, the conference report is very favorable to the opponents of the legislation, accepting as it does almost all of the amendments on the most controversial issues that were approved by the House and which placed restrictions on the original committee bill.

This legislation is not new to us. It has been under debate for 8 long years by Congress; during consideration in the House this year alone, we spent more than 23 hours over 6 days on the bill. Over 40 amendments to the committee bill were filed and over 15 roll call votes were taken.

I do not need to remind my colleagues that, earlier this week, we spent over 5 hours of debate on going to conference on the legislation.

Mr. Speaker, the provisions that violate the germaneness rule had been a part of the bill as passed by the Senate. Those provisions include a study of the Mississippi Delta region and another establishing the New Orleans Jazz National Historical Park.

The California Desert Protection Act is, in terms of expansion of the national parks system and national wilderness preservation system, the most important single measure since the 1980 enactment of the Alaska Lands Act. It seeks to protect and preserve some of the most beautiful areas in the California desert.

As a Californian, I must say, Mr. Speaker, the California desert contains some of the truly rich and scenic areas not only of my State, but also of our entire Nation. Far from being a vast and useless wasteland, the rugged desert mountains and adjacent lowland terrain provide the habitat for some of the country's most unusual species of plants and wildlife.

The area is also a museum of human history—perhaps the most valuable in North America because much of it has, until recent years, been untouched for thousands of years. Unfortunately, the desert's historical and natural treasures are now being threatened, and we are seeing irreversible damage and deterioration there. We must preserve these valuable natural and historical resources for future generations.

Mr. Speaker, I commend the gentlemen from California [Mr. MILLER], the chairman of the Natural Resources Committee, for his tireless efforts and persistence in working on this legislation, which is so important, not just to our State, but to the entire country.

The California Desert Protection Act, which is the result of 8 years of active consideration, designates 69 wilderness areas comprised of approximately 3.5 million acres, as contained in the Senate bill.

Like both the House and Senate bills, it expands the existing Death Valley and Joshua Tree National Monuments and redesignates them as national parks. The conference report adopts the House provision establishing a Mojave National Preserve in which hunting will be permitted; the Senate bill would have established a new national park there.

Mr. Speaker, the House has given this legislation an almost unprecedented amount of time. I urge my colleagues to adopt the resolution so that we may proceed to the consideration of this important conference report expeditiously.

□ 0120

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, at 1:20 this morning as we prepared to march back to the California desert I would like to say this bill has been extremely controversial, as we all known, because it attempts the largest government heist of land in the lower 48 States without the support of the people of southern California who are most affected by this legislation. Consequently, the debate over both the process and the procedures for considering this legislation has been very acrimonious and this rule continues that acrimony by waiving all points of order against the conference report.

It is my understanding, Mr. Speaker, that the actual conference committee met for only 2 minutes, 2 action-packed minutes with no Republican Members present until the very end before a compromise was agreed to because most of the deals were cut long in advance of the conference.

In addition, Mr. Speaker, by waiving all points of order against the conference report, the rule allows at least two nongermane Senate provisions to be included in the conference report that have nothing to do with the California desert. They are the New Orleans Jazz National Historical Park Act and the Lower Mississippi Delta Region Heritage Study. While I am pleased to learn the House passed amendments to the Mojave National Preserve, law enforcement vehicles and private property rights are contained in the conference report, both the rule and the conference report are both complicated and very far reaching.

Mr. Speaker, most Americans support a balance between protecting the ecology of the desert and maintaining legitimate multiple land use activities. S. 21 does not provide that balance, and if adopted, Mr. Speaker, this rule would ensure that such a balance will never be achieved.

For this reason, Mr. Speaker, I urge a no vote on the rule. I strongly oppose it.

Mr. Speaker, I yield 5 minutes to my very good friend, the gentleman from Redlands, CA [Mr. LEWIS] who has led the charge on this.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague very much for yielding the time.

Mr. Speaker, first I would like to begin by letting the House know very clearly that we do intend to have a discussion of the rule while we are trying to solve the technical problems which I mentioned earlier. It is not our intention to have dilatory discussions or a number of votes or otherwise. We may have to have a vote on the rule, for the difficulty is one that the gentleman from California [Mr. THOMAS] feels very strongly about. But from there I hope we will get through as soon as possible.

I do want to take the time of the House, however, to discuss with them what really has brought us to this point at this late hour after many, many hours of discussion on this bill and an extended series of votes as we went through the process the last several days. First and foremost, I want the House to know that the report before us is as good as I could have hoped for coming through this process, for at the beginning of the process I have told Members more than once the Members who are elected to represent the desert, five of us were not just disgusted, we were outraged by the way the committee treated us relative to the constituents that we represent. There are five Members who represent the desert. The committee chose not to discuss their idea of our world with us whatsoever. Instead they chose to go forward with a policy development of their own direction, and in my judgment they reflect the views of very few in America.

I might mention as an aside, it was an interesting thing, when I traveled to Haiti over the weekend with our Intelligence Committee and the defense subcommittee, and as we were talking about Haiti problems, one of our intelligence officers said to me that one of our difficulties comes from the factions in this country, and they have what they call in Haiti MREs. MREs are the things that servicemen eat, the food they talk about all the time. But MREs in Haiti means something else. And I said what was that. And he said Morally Repugnant Elite.

I must say that some of those who have driven this process that has led to this hassle over all of these, most reflect the MREs of that community within those who want to essentially decide what happens to the desert by never discussing it with those people who live there or those of us who represent it.

To illustrate the difficulty in clear form is to do so by repeating just what happened just other day. We finished our work here on the bill the other night. The last discussion on the bill

ended at 6:02 in the evening. The conferees were appointed after that. After that conferees were appointed, at approximately 6:05, the conference was scheduled for 6:45. As all of my colleagues will remember, we had a series of five or six votes. They began at 6:46. One of our Republican conferees got to the conference room. There were two Members present at that time. The gentleman was asked if he wanted to comment. He spent 30 seconds. Following, the rest of the conferees on the House side arrived at 6:47. The conference was over. There was no Republican conferee that came from the Senate. Then I heard from those who are the experts on the way that committee runs conferences, this is the way it is done all of the time. You know how conferences are run. Well, on my defense subcommittee they are not run that way. We have give and take, we make real changes, we do not have staff do everything. It is just absolutely unacceptable that power should be exercised in that way, and it is a reflection of what happens when you have too much power too long in one committee, and it has treated us, to say the least, like second-class Members of the House.

Above and beyond that, I have a small comment about the rule itself, for there was a request made to waive points of order as well as to waive the 3-day rule. There is within the bill a minor little item that involves title 11 of the conference report that is entitled the Lower Mississippi Delta Region Initiatives. Obviously the lower Mississippi Delta Region is a heck of a long ways away from the California desert. I am not arguing the measure of this title. I do wonder why it is part of the California desert plant.

Title 11 of the conference report contains a provision establishing a New Orleans Jazz National Historical Park. Again, this provision has nothing to do with the California desert. It has been suggested that if we do not think that there are any turtles in Louisiana of the style we are trying to protect, there certainly are not any alligators in my desert.

But in the meantime, a provision that would dramatically affect the potential of a program that would involve $8 million to $10 million a year is put in the conference committee, has never been passed out of a committee in this House that I can find in any way, shape or form. One more time it is a combination of staff and committee that has chosen to be arbitrary with those Members who represent the desert. That, if not many other things that we have suggested over these many months, is a great reason to vote against this bill, and so I urge the Members to vote against the rule.

Mr. BEILENSON. Mr. Speaker, we have no requests for time on this side, and I am happy to defer to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I am happy to yield 5 minutes to the gentleman from La Quinta, CA, Mr. McCANDLESS, another of my great friends who has the privilege of representing the magnificent desert empire.

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

Mr. Speaker, I rise in opposition to this rule for a number of reasons. But let me try to summarize the best I can in view of the patience that the House has had on this legislation and the fact that we are finally bringing it to some kind of a conclusion.

Members have heard about the conference committee. The next afternoon at 1 o'clock the Rules Committee met. Our staff did not get a conference report from anyone other than the Senate until 11:20 a.m., prior to the 1 p.m. meeting in the Rules Committee.

□ 0130

We were unable to digest the conference report because of the short time. The conferees on that conference committee did not receive at that time, 1 o'clock, had not yet received the conference report.

Now, we can talk all we want to about this, that, or the other thing, but in my mind, the proper legislative process is that you have a conference report, that whatever happened that brought it about and gave it birth, at least you have it to read, and therein lies tonight a major problem with the district that my colleague, the gentleman from California [Mr. THOMAS] represents which he will eloquently, I am sure, bring to your attention.

However, when we consider a rule, we consider also what comes with the rule, and I just say rules that raise points of order, they offer amendments and do this kind of thing are troublesome because they bring with them many things of which the gentleman from California [Mr. LEWIS] touched on very briefly. And oddly enough, the California desert bill also authorizes the Lower Delta Region Heritage Study.

I have got a problem with the Lower Delta in Mississippi. Maybe the Lower Delta of Lower California, but not the Lower Delta of the Mississippi which, as near as I can tell, consists of pork, programs from the great States of Arkansas, Louisiana, Kentucky, Missouri, Illinois, Tennessee, Mississippi. This bill also creates, as we heard a little earlier, the New Orleans Jazz National Heritage Park to be administered by the National Park Service, and we have talked ad infinitum about the problems of the Park Service and its lack of ability to bring itself up to some standard with respect to its assets.

Now, they are no doubt worthy projects for the most part, but let me talk to you about a few more which are in this rule for which we have points of order waived: the Delta Region Heritage Corridors and Cultural Centers, the Music Heritage Program, with emphasis on the blues, of course, Delta Antiquities Survey, and I will come back to this one in a minute, and the Delta Region African-American Heritage Center.

Mr. Speaker, I do not have a problem with the content here as it relates to these particular kinds of projects. I am sure they are worthy, and there is no way that you can say that they are not, because there is no way that you can say anything if you are not familiar with them, because you did not receive the conference report.

I would hope that the 104th Congress would look itself in the mirror and say what is a conference report: a report on the conference that the conferees are entitled to see at least in enough time prior to going to get a rule on the conference.

Mr. Speaker, I am somewhat exercised tonight, as you can see. The hour is late, and I will conclude.

Mr. Speaker, I rise in opposition to the rule.

It is nothing new to rise and complain about rules which restrict points of order or amendments; this does happen from time to time, and in fact happens to be the case with the rule now under consideration. But let me explain to you just what the inability to raise points of order, or offer amendments to this bill, means.

We are considering a piece of legislation with which I know my colleagues are now very familiar; perhaps more so than they ever planned or wished to be. It is the conference report on S. 21, the alleged California Desert Protection Act. One would anticipate a bill with this name to deal with desert matters, and it does. But, oddly enough, this California desert bill also authorizes a Lower Mississippi Delta Region Heritage Study, which, as near as I can tell, consists of pork programs for the great States of Arkansas, Louisiana, Kentucky, Missouri, Illinois, Tennessee, and Mississippi. This bill also creates the New Orleans Jazz National Historical Park, to be administered by the National Park Service.

There are no doubt worthy programs; no doubt there is a need for these programs down there in that part of our country. Here are a few of them: Delta Region Heritage Corridors and Cultural Centers; Music Heritage Program—with emphasis on the blues, of course; Delta Antiquities Survey—I will come back to this one; and, the Delta Region African American Heritage Center.

As I said, all obviously worthy endeavors in their own right; I just don't know what they are doing in a bill that claims to protect the California desert. I haven't seen them in this bill previously, and I would guess that my colleagues have not either, because they were not in the desert bill that this body voted on this past summer.

These programs don't belong here; there is an obvious question of germaneness. But under this rule, there is nothing you can do about it. It is hardly fair to my colleagues and the taxpayers whom they represent. It is an insult to them to absorb the considerable discussion and debate which we have had on

this desert legislation, and then at the last minute try to add on these provisions, subject to appropriations, which no one has had the opportunity to review.

This is ridiculous. We don't know anything about these programs, and all we know about the New Orleans Jazz Park is that it will be added to the existing Park Service backlog. But, because points of order are waived, there is no recourse under this rule to act if you agree that this bill is an inappropriate place for these programs.

The last time I checked, we were not the other body, and one could not simply add to a bill whatever one wanted to. This bill does just that, and this rule spits in your eye and dares you to do something about it. This is election-year pork-barrel politics, pure and simple, and it has nothing to do with the California desert. You all know me as the desert rat, the guy with sand in his shoes, one of the five "Die Hards." Well, let me add to the list of problems with S. 21 the fact that it is loaded up with nongermane pork which will be supported by the taxpayers in your district. Try not to worry too much about the precedent this sets for future legislative business.

The desert bill is not supposed to be about Southern culture or heritage. But your constituents who pay the freight around here will sure be singing the blues when they realize they just paid for a New Orleans Jazz National Park in Louisiana, along with millions of acres of desert which they will never see.

I urge my colleagues to vote against this rule, and ask that my statement be entered in the RECORD.

Mr. DREIER. Mr. Speaker, I urge a no vote on this rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I urge my colleagues to vote for the rule so that we can get to the conference report on this important bill.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETERSON of Florida). The question is on the resolution.

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

Mr. DREIER. 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 242, nays 140, not voting 52, as follows:

[Roll No. 501]

YEAS—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCrery
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
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Price (NC)
Quillen
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
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Velazquez
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Visclosky
Volkmer
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Zimmer

NAYS—140

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Fields (TX)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
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Hall (TX)
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Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
McCandless
McCollum
McHugh
McInnis
McKeon
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Regula
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (TX)
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—52

Applegate
Blackwell
Boucher
Bunning
Carr
Clay
Clinger
Ewing
Fish
Ford (MI)
Fowler
Gallo
Grandy
Hall (OH)
Hayes
Hefley
Houghton
Hutto
Hyde
Inhofe
Istook
Johnson, Sam
LaFalce
Lewis (FL)
Lloyd
Manzullo
Martinez
McCurdy
McDade
McMillan
Michel
Montgomery
Murphy
Owens
Oxley
Pickett
Ravenel
Roberts
Rowland
Shaw
Sisisky
Slattery
Smith (OR)
Sundquist
Synar
Tucker
Valentine
Vucanovich
Washington
Whitten
Williams
Yates

□ 0151

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Lewis of Florida against.

Mrs. KENNELLY and Mr. ZIMMER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISCUSSION OF POSSIBILITY OF RECORDED VOTE ON CONFERENCE REPORT ON S. 21

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

Mr. MILLER of California. Mr. Speaker, for the information of the Members it is my understanding, and I will be glad to yield to the gentleman from Utah [Mr. HANSEN], but it is my understanding that the minority does not expect to ask for a recorded vote when we complete the debate on this bill. According to the gentleman from California [Mr. LEWIS] and others, the suggestion was that would be the case. Do we know if it is?

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

Mr. MILLER of California. I yield to the gentlemen from Utah.

Mr. HANSEN. Mr. Speaker, I am not aware that that is the case very candidly. No one has said anything to me about it. There could very likely be a recorded vote. I hope there is not, if I may candidly say so.

Perhaps the gentleman from California [Mr. LEWIS] could shed further light and knowledge on this.

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

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate the gentleman from California [Mr. MILLER] yielding to me, and I frankly think that the House has discussed the California desert as much as we need to discuss it.

Obviously we have some problems, but I do not think those problems are going to be solved by a vote this evening, but we would very much appreciate our colleagues' attendance through the remainder of the discussion this evening. I say to my colleagues, "It is just a delight to be with you."

Mr. MILLER of California. So Members can go home, and we do not expect a recorded vote?

Mr. LEWIS of California. And GEORGE and I can get along as usual?

Mr. MILLER of California. I guess Members will bear with us.

Mr. Speaker, pursuant to House Resolution 568, I call up the conference report on the Senate bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. PETERSON of Florida). Pursuant to House Resolution 568, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of Tuesday, October 4, 1994, at page 27782.)

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the adoption of this conference report.

Mr. Speaker, I rise in strong support of the conference report to S. 21, the California Desert Protection Act.

I need not tell anyone in this chamber that the process by which we have arrived here has been contentious but the conference report itself should not be. Several of the most controversial issues have been resolved in favor of positions supported by the House during bill consideration.

Among them are: Designation of 1.4 million acre Mojave National Preserve allowing hunting; Tauzin "Private Property" provision; motorized vehicles allowed in wilderness for wildlife management purposes; clarification that Federal, State, and local law enforcement agencies may use motorized vehicles in wilderness areas; advisory committees for Death Valley and Joshua Tree National Parks, and the Mojave National Preserve.

In addition, the conference report leaves open all roads requested by the American Motorcyclists Association, deletes all known active mines from park wilderness boundaries and removes mining claims of U.S. Borax, Viceroy, and Santa Fe Minerals, among other companies.

Orginally introduced in 1986, this legislation has been debated for 8 years. There have been a dozen hearings on this bill in Washington and California. Hundreds of amendments have been made since the legislation was originally introduced, including more than 60 this Congress.

Let me take just a few moments to describe the conference report.

WILDERNESS

The conference report designates 69 wilderness areas comprised of approximately 3.5 million acres to be managed by the Bureau of Land Management.

DEATH VALLEY AND JOSHUA TREE NATIONAL PARKS

The conference report expands the existing Joshua Tree and Death Valley National Monuments by 200,000 acres and 1.2 million acres respectively, and redesignates the areas as national parks.

MILITARY LANDS

The conference report substitute withdraws for 20 years land within China Lake Naval Weapons Center and Chocolate Mountains Aerial Gunnery Range from all forms of appropriation under the public land laws.

PROTECTION OF BODIE BOWL

The conference report withdraws from the mineral leasing laws all lands within the Bodie Bowl in California, as passed by the House.

LOWER MISSISSIPPI DELTA REGION INITIATIVES

The conference report authorizes several studies pertaining to transportation, historical and archaeological subjects to stimulate the improvement and development of human and physical resources in the impoverished Mississippi Delta in several States. This provision was originally contained in the Senate, but not in the House-passed bill. The conferees deleted those sections of the provision that created a new Office of Education within the Department of the Interior, the Minority College and University Initiative, scholarship and volunteer programs, a Center for Excellence in the Sciences, a Center for Aquaculture Studies, and other provisions.

During committee consideration of the bill earlier this year, any member of Committee on Natural Resources were permitted to offer any and all amendments. Despite full knowledge that obstructive and delaying tactics would be used during floor consideration, I sought and open rule with a pre-printing requirement so that, once again all amendments could be considered and voted upon. The passage of several amendments against the wishes of the committee demonstrate just how open that process was.

The House has spent more than 28 hours, over 8 days on this debate. Earlier this week we spent about 5 hours on procedural motions to get to conference as members of the minority called 11 recorded votes for no reason except to delay consideration and hopefully prevent this popular and important legislation from reaching the Presidents desk.

On two separate occasions—this year by a vote of 298 to 128, and in 1991 by a vote to 297 to 136—the House supported desert protection legislation.

It should be clear the minority isn't being silenced; it is being rejected, and rightly so.

And not just by the Congress. Public opinion polls in California—including the desert community—overwhelmingly endorse this bill. Newspapers from Los Angeles to San Diego to San Bernardino have not only supported S. 21 but have roundly denounced the stall tactics of a small band of fervent opponents.

The conference report was drafted in full accord with House rules and procedures and received the support and signature of the majority of conferees from five House committees. The conference was publicly announced, all conferees were notified, it was attended by members of both parties and the press, and the report was filed in accordance with House rules.

Those who protest the conference have protested every aspect of the legislative process. Their projects have been considered, and rejected, in the Congress and in California. I recognize their opposition to the bill; they have tried to persuade a majority of the Congress of their cause; and they have been defeated overwhelmingly, repeatedly and on a bipartisan basis.

I also want to address the vitriolic criticism of my management of this bill. Let me quote their leader, Mr. LEWIS of California, who yesterday told the Rules Committee, "I cannot criticize the Chairman for how he has handled himself in this process." I appreciate that honest statement, and I hope that observation will quiet the personal attacks and innuendo which opponents have often employed in attempting to delay and defeat the California desert bill.

The conference report is a balanced and sound blending of the two versions of S. 21. That such a reasonable product can emerge from the sound and fury of the debate is a high testament to leaders in the House, including Congressmen RICK LEHMAN and BRUCE VENTO, and to Senators DALE BUMPERS and J. BENNETT JOHNSTON.

Last, we should especially note the remarkable diligence and determination of Senator DIANNE FEINSTEIN in moving this legislation along. It will come as a surprise to no one who has followed this debate that much of the opposition to this legislation has been purely political in nature, an effort to deny Senator FEINSTEIN the victory she has long labored on, and richly deserves to win.

To those who respond that our action is meant merely to bolster her standing, let us recall the dedicated effort to enact the California Desert Protection Act began long before Senator FEINSTEIN was a Member of the Senate or the sponsor of this bill. It began 8 long years ago, with Senator Alan Cranston. And but for the disagreement of two Senators from California during those long 8 years, this issue

would have been resolved, and the desert protected, a long time ago. Senator FEINSTEIN provided the pressure to get this job done at long last, and she fully deserves the credit.

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

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

Mr. Speaker, let me just briefly enter into a colloquy with the gentleman from California [Mr. MILLER], if I may.

I would like to clarify an issue relating to railroad rights of way in the Mojave National Preserve.

Section 511 of the conference report speaks to utility rights of way, but that section does not include the rights of way of railroads through the preserve which have been granted pursuant to the act of 1875 and other congressional acts that have been utilized for many years.

Section 512 of the conference report requires the Secretary to prepare a plan which evaluates the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to, and a facility for special interpretive, educational, and scientific programs within the preserve.

Therefore, it seems to me that this conference report is not intended to and does not in fact limit or restrict any existing railroad rights of way granted pursuant to existing law and located within the preserve, nor does the conference report limit or restrict the rights of way granted to the railroads by Federal acts to maintain, repair, or reconstruct their tracks and operations on existing rights of way to meet changing demands and circumstances.

I am advised that the railroads and Bureau of Land Management have worked together cooperatively to maintain the necessary level of efficient rail operations while protecting the resources of the area within the preserve. It is our expectation that the National Park Service, as the new land manager in the Mojave, will recognize and foster the continuation of this relationship and the programs that have developed from it. This is important to the goal of maintaining adequate transportation corridors while protecting the resources of the preserve.

I ask the gentleman if that is a correct statement.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. MILLER of California. Mr. Speaker, the gentleman is correct.

Mr. HANSEN. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I would like to tell my colleagues, "If what happened to me happened to you, you wouldn't stand back there being cute."

All I am asking for is what I thought was agreed upon on the floor of the House.

There has been some allusion to a 2-minute conference and that agreements had been reached prior to that conference.

On the floor of the House I had one simple amendment to the California desert protection bill. It had to do with 1 square mile. I attempted to remove 1 square mile for the possibility of building a road between a non-wilderness area and the Naval Weapons Center at China Lake. It happened across a finger of what was to be wilderness under this bill. The reason for the road was to assist in a project called Saline, which is a laser utilizing the geothermal power of China Lake to reenergize satellites from the Earth so they would not have to carry batteries and deal with solar power. It is an innovative, exciting, new technology that has not been proven.

In my negotiations with the Committee on Natural Resources, Mr. Speaker, we went through seven amendments to try to get one in which I could have the possibility of building the road in that area if this technology proved reasonable. We finally came to an agreement on the seventh version, and in the colloquy on June 10, 1994, after I had introduced the amendment to remove that land from wilderness, the chairman of the committee offered an amendment which would allow for a 15-year access if it was desirable to build the road. The fifth version of the amendment was "if it was necessary." We felt that "desirable" was more appropriate, and the chairman acquiesced. In a colloquy between myself and the gentleman from Minnesota [Mr. VENTO], Mr. Speaker, Mr. VENTO went on to examine the fact that rather than in perpetuity there was an offer of 5 years. We thought 5 years was too soon for this 21st century technology, and so we compromised at 15 years.

The gentleman from Minnesota said on page 12658:

> Mr. Chairman, the issue before us in terms of the one square mile road is of some concern. The basis for some of the negotiations, I might say, are directly related to the military withdrawal of China Lake which has been a longtime military reservation. The issue in the negotiations went on eliminated from perpetuity to a 15-year time period exactly matches those of what we are advocating as the House position in terms of,

and it says here,

> the eagle pact,

but it is supposed to be Engel act,

> and the withdrawals we have to renew every 15 years. That is the basis of the compromise.

The 15 years was a compromise since the land withdrawal for other areas of China Lake was to be 15 years as well.

We settled on that. That was included in the House version. In that 2-minute conference with the Senate that passed a bill which in fact provided for a 25-year withdrawal period, the House was 15 years, the Senate was 25, as is our fashion, the compromise was a 20-year withdrawal period. And in the bill, section 806, "Duration of withdrawals in the conference reports," "the withdrawals and reservations established by this title shall terminate 20 years after the date of enactment of this title." So the compromise between the Senate, which was 25, and the House, which was 15, was 20.

□ 0200

But in the provision that the subcommittee chairman, the gentleman from Minnesota, told me was a compromise to equate itself with the land withdrawal from China Lake, which in the House bill was 15, it would seem to me if in the House bill it was 15, because it was tied to the land withdrawal, if the land withdrawal goes to 20, then the time for the road should go to 20. And in reviewing the conference report after the fact, we discovered that in fact the time for withdrawal had remained at 15.

So, once again, there is a difficulty in comparing the final work product with what I thought was the agreement. My belief is that this is an inadvertent error; that where they were doing conforming changes in other sections, they did not conform in this section.

Mr. Speaker, I would ask the chairman of the committee if he would be willing to engage in a very brief colloquy.

Mr. Speaker, I would ask the gentleman from California, Mr. Miller, based upon the subcommittee chairman's statement in the CONGRESSIONAL RECORD that in fact the compromise was to conform to the time frame within the other withdrawal periods, and since the withdrawal period had been changed in the conference, does the chairman believe that the failure to change the access road for the saline project was in fact an inadvertent error and could be conformed by a concurrent resolution?

Mr. MILLER of California. Mr. Speaker will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, my understanding is the gentleman will offer, when we have completed the conference report, a concurrent resolution to correct this inadvertency.

Mr. THOMAS of California. Mr. Speaker, if it is in fact then nonintentional, it would be a technical correction, and we could accomplish it in this fashion. Is the chairman predisposed to telling me his willingness to accept the concurrent resolution?

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield further, I thought we had already worked it out with the Parliamentarian that we could bring it up after this report.

Mr. THOMAS of California. Bringing it up and accepting in my vocabulary are two different things.

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Mr. MILLER of California. I see. Like I told the gentleman 45 minutes ago, I support the effort to correct this.

Mr. THOMAS of California. Mr. Speaker, I appreciate that. I thank the gentleman from California.

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

Mr. Speaker, I appreciate this opportunity to comment on the California Desert proposal, S. 21. Though the number of the bill has changed, unfortunately, its content is substantially the same as that of H.R. 2929 from the 102d Congress. As a result, I must once again express my opposition to this legislation.

Contrary to what the sponsors of S. 21 would have everyone believe, their bill does not represent a compromise, nor does it represent how land management decisions should be made. Certainly the concerns of my constituents, and of others who actually live, work, and recreate in the desert, have not been given adequate consideration in the development of this legislation. In fact, all four of the members of the California delegation who represent areas directly affected in S. 21 are opposed to the bill.

In 1976, Congress designated 12.1 million acres of Bureau of Land Management land as the California Desert Conservation Area, and directed the agency to study the area for wilderness potential. After 100 public hearings, 16 environmental impact statements, mineral surveys, and 40,000 comments reflecting the views of all who use the desert, the BLM recommended that Congress create 2.3 million of these acres of wilderness on BLM land. The study concluded that the remainer of those acres did not qualify for designation as "wilderness" because of existing roads and other factors. However, the authors of S. 21 ignored this study with its numerous environmental impact statements, mineral surveys, and thousands of public comments. The drafting of S. 21 rejected the very kind of public input decisionmaking process that should be employed when major land use decisions are made.

S. 21 appears to make raw acreage figures, not wilderness values or consideration of other interests, the primary determinant for deciding on wilderness. There are numerous sections of this bill that demonstrate how a public process would better serve our needs. I want to mention some of these problems to show what happens when the balanced approach is ignored.

The legislation creates wilderness and park land out of areas I never dreamed would be considered wilderness because they include sewage ponds, the Coachella water canal, private homes, abandoned trailer parks and areas with frequently used roads. When I helped produce the current Golden Trout, Machesna Mountain and Los Padres wilderness areas, I never thought it appropriate to include these kinds of things.

The bill creates hundreds of thousands of acres of inholdings—parcels of private and/or state property within the new wilderness and park areas. Inholdings, as anyone experienced with land use legislation knows, are a nightmare for the property owner and the government. It will cost hundreds of millions of dollars to buy these people out. In many instances we do not have Federal land we can exchange for these properties.

This bill also ignores the mineral potential of the California desert. Eighty-one different minerals can be recovered from the desert. The bill's authors do not even know what they are asking you to give up. Of the 7 million acres covered by S. 21, for example, 5 million acres have never been surveyed for minerals. Domestic industries that rely on minerals found in abundance in the California desert will have to seek other sources of supply, both in the United States and abroad.

For such reasons, S. 21 is not a compromise. It is clearly based on acreage rather than a thorough examination of the various interests and uses involved in the California desert. The wisdom of Congress' decision to mandate the process by which Bureau of Land Management conducted an exhaustive, thorough study of the California desert clearly shows that listening to all the public's interests and blending all of the factors included in the desert's future is the best way to reach a lasting agreement.

In ignoring the congressionally mandated study and forcing S. 21 upon the thousands of people who live, work, and recreate in the desert, the sponsors of this bill sacrifice the jobs of many of those who rely on the desert for their livelihood, and fail to take into account the concerns of all groups interested in the desert's future.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. McCANDLESS].

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

Mr. Speaker, I rise in opposition to the conference report. This is by and large a California desert issue, and I will try to focus my remarks on the problems S. 21 will cause for the desert and its residents. First, however, I want to draw my colleagues' attention to a portion of this desert bill that creates an Antiquities Survey in the Mississippi Delta Region. This begins on page 99 of my copy of the conference report, and reads as follows:

SECTION 1107—DELTA ANTIQUITIES SURVEY, SECTION (a)(4)

In addition to the over 100 known ancient archeological sites located in the Delta region * * * such study shall also employ every practical means possible, including assistance from the National Aeronautics and Space Administration (NASA), the U.S. Forest Service and Soil Conservation Service, the Army Corps of Engineers, and other appropriate federal agencies, to locate and confirm the existence of a site known as Balbansha in southern Louisiana, and a site known as Autiamque in Arkansas. The heads of these Federal agencies shall cooperate with the Secretary as the Secretary requires, on a non reimbursable basis.

That's correct, ladies and gentlemen. The California Desert Act instructs at least five separate Federal agencies to locate the legendary site of Balbansha in the Louisiana bayou country. I hope the American people are watching this.

Back to California, the supposed focus of this exercise. There are a few points I'd like to make on behalf of the people who are getting the short end of the stick from this bill. These are the people who live, work, and recreate in the desert, and whose needs and views are ignored in this bill. It is important to note that these people have been enjoying the desert under the administration of the BLM, as mandated by Congress in 1976, and approved in 1980 by then-President Carter's Secretary of the Interior, Cecil Andrus. The claim that the desert is presently unprotected is a myth.

PUBLIC ACCESS

Since it would create more than 7 million acres of wilderness or parkland—roughly the size of the State of Maryland—S. 21 shuts off recreational access to untold numbers of citizens, all throughout California, who have been enjoying the desert in a responsible manner for years, or generations in some cases. Closing off access to this much public land is patently unfair to the vast majority of people whose opportunities to visit the desert are basically limited to day or weekend trips.

Most people lack the necessary time, resources, or physical abilities to enjoy a prolonged hiking or camping excursion into rugged and unforgiving desert terrain. For the majority of Californians, their desert experience generally consists of utilizing existing roads or paths—in vehicles, 4X4 or otherwise—to get to favored areas for day hikes, rockhounding, or simply enjoying the vast solitude of the desert—see letter No. 1). I and my other desert colleagues have received numerous letters opposing S. 21 from outdoors enthusiasts of all kinds, including senior citizens and disabled persons—see letter No. 2—who will be effectively shut out of much of the desert if this conference report is enacted.

ECONOMIC IMPACT IN DESERT AREAS

Small towns such as Blythe in Riverside County, Baker in San Bernardino County, and Brawley in Imperial County will suffer undue economic reverses under S. 21, due to the loss of tourist, vacation, or weekend traffic. These activities are the financial linchpin of these otherwise isolated or rural areas. Without regular weekend consumption of gas, food, lodging, and other goods and services, local income will dry up. Many jobs will be lost and not replaced. In some of these areas, unemployment has gone as high as 17 percent. Job loss will also occur in the fields of manufacturing, retail, and servicing of recreational vehicles. The ripple effect of job loss under S. 21 cannot be fully charted or measured, but it is considerable.

WILDERNESS DESIGNATION

Finally, I would like to point out that S. 21 makes a mockery of the original 1964 Wilderness Act, which quite clearly defines wilderness wilderness as an area "untrammeled by man, where man himself is a visitor who does not remain." The Act is supposedly one of our crown jewel environmental laws, yet hundreds of thousands of acres of the land covered by S. 21 simply do not measure up to that standard. Roads, railways, power lines, canals, active and abandoned mines, structures and dwellings both occupied and abandoned, and trash dumps are a few examples of things found in areas which would be designated as wilderness by S. 21. These are well-documented, and I'd be happy to share photos with my colleagues. This makes very little common sense in terms of sound land management; however, it dovetails quite nicely with the nonsensical "bigger is better" philosophy of the

armchair environmentalists who bore this bill out of wedlock.

Mr. Speaker, I urge my colleagues to oppose the conference report on S. 21.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, you know, I have only done this a couple of times. Being a freshman, I have not taken the opportunity to speak down here many times, and I really enjoy the opportunity of speaking. The last time I think I spoke, I had the same thing, tail end of a long night, and all of you were just waiting to hear what I had to say. You treated me the same way.

Let me just tell you that I was elected as a freshman, and probably 25 percent of us have been here now less than 2 years. And we came here, most of us, to see if we could make a change and to have things done a little differently. And when we went to this conference that lasted 2 minutes, and when we had a lot of pork added in on the Senate side, there was not a lot of change. It seemed to me that after 2 years, now we are winding this session down, that we really have not made a lot of changes. And that is disappointing.

But there is another election coming up, and maybe there will be a lot more new freshmen in the next session, and maybe we can make a change.

Mr. Speaker, as a Representative of the Los Angeles County portion of the California desert, I rise in opposition to the conference report to S. 21.

Many of my constituents support reasonable desert protection. However, the measure we have before us raises serious funding and land management concerns. The conference report also establishes a potentially dangerous and open-ended commitment of scarce Federal dollars. If enacted, this legislation could conceivably cost billions of dollars, not millions, but billions.

Mr. Speaker, if Congress enacts a desert protection bill, it must approve a measure that prevents individual landowners from Federal takings of private property while reflecting the years of analysis, deliberation, and hearings conducted by the Bureau of Land Management. Since the conference report fails to achieve these basic objectives, I will oppose its passage.

Furthermore, I want to advise my House colleagues of provisions in the conference report added by the other body which have nothing to do with protecting the California desert. I am referring to language containing initiatives concerning the Lower Mississippi Delta Region which have not been considered through the normal legislative process, nor have they been the subject of any debate in the House of Representatives. For example, one section in the bill requires the Secretary of the Interior to establish three centers for aquaculture in specific cities in Louisiana, Arkansas, and Mississippi. The conference report also directs the Federal Government to study the establishment of cultural centers, heritage centers, structural surveys, and a music heritage program in the Mississippi Delta Region. Finally, the report establishes a national historical park in Louisiana dedicated to the exhibition and preservation of jazz music. None of these initiatives has been considered or debated by Members of the body.

Mr. Speaker, 25 percent of the Members in this Chamber, including myself, were elected within the last 2 years. When we campaigned, we promised that we would put a stop to business as usual, and we have an opportunity to do that tonight. I was appointed as a House conferee on this legislation, and when I arrived at the conference I was stunned to find out that it was over—it had only lasted 2 minutes. In fact, the conference report had already been written and Members, especially those like myself who represent the desert, did not have an opportunity to influence the contents in this legislation.

I will conclude by saying to Members who vote for the conference report that by doing so you are saying to your constituents that you support the other body's pork projects, support 2-minute conference committee's, and support business as usual.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, The Los Angeles Times referred to the five of us, the five desert Congressmen who have fought the last several months and been dragged kicking and screaming to this point, as the five desert diehards. We just gave the gentleman from California [Mr. MCCANDLESS] a diehard battery the other day in acknowledgment of all the work he did on behalf of his constituents who are being locked out of his portion of the desert.

Let me just say to my colleagues, the gentleman from California [Mr. MCKEON], the gentleman from California [Mr. MCCANDLESS], the gentleman from California [Mr. LEWIS], and the gentleman from California [Mr. THOMAS], with his great sense of humor, and the gentleman from Alabama [Mr. CALLAHAN], let me just say to my colleagues, you did a hell of a job, and you represented your constituents in the greatest sense of the term, and we will still have a chance of this bill not passing. God bless you. Great work.

Mr. HANSEN. Mr. Speaker, I yield the balance of time on this side to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I associate myself with the remarks of the gentleman from California [Mr. MCCANDLESS] and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of this conference report. I congratulate the gentleman from California [Mr. MILLER] and the great staff we have on the Committee on Natural Resources.

Mr. Speaker, I rise in support of the conference report on S. 21, The California Desert Protection Act.

It has taken us some time to get to this point, but many recent votes have conclusively shown that the House strongly supports this vital land conservation measure, just as it has since the House first passed a similar bill in 1991.

As others have noted, this is a very important measure, one which will be remembered long after the world has forgotten many of the things that we have done here in the past 2 years.

This bill will make the largest additions to the National Park System and National Wilderness Preservation System of any bill since President Carter signed into law the Alaska Lands Act in 1980, thus giving protection to a great diversity of priceless resources and values of great national and world significance.

Mr. Speaker, the two gentlemen from California, Chairman MILLER and Mr. LEHMAN, the author of the House bill, deserve the thanks of the House for their leadership on this issue. Special recognition must also go to the senior Senator from California, Senator FEINSTEIN, for all that she has done to make it possible for this bill to reach this point.

After we pass this conference report, Mr. Speaker, it remains only for the Senate to do likewise and for President Clinton to cap a decade of dedicated work by signing the bill into law.

I am proud that as chairman of the Subcommittee on National Parks, Forests, and Public Lands, I have had an opportunity to participate in the numerous hearings, including field hearings in California concerning this matter and to have been able to play a role in shaping this historic California desert legislation.

There are specifics in the conference report that I find less than totally satisfactory—including the provisions related to grazing in the Death Valley and Mojave areas, the overbroad language related to management of fish and wildlife in wilderness, and the unnecessary sweeping provisions concerning overflights.

In addition, I note that the Senate found it necessary to insist on certain provisions dealing with the Lower Mississippi Delta Regional Commission, and for establishment of the New Orleans Jazz National Historical Park. The Jazz Park provisions implement a recommendation of the National Park Service, based on a congressionally mandated study, on which hearings have been held in both the House and the Senate.

Do I support every provision in the conference report? No, I don't—but I support the conference report.

The conference report is a compromise, which is the proper result of a conference, and the compromises on the California Desert do reflect the will of the House.

In fact, even if we had been given formal instructions, I do not think that we could have produced a conference report that more closely resembled the House's version of the California Desert Protection Act.

So, Mr. Speaker, this is a conference report that deserves the approval of the House, and I urge all Members to join in voting for its adoption.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may

consume to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Speaker, having worked on this legislation for 8 years, this is a very proud night. I rise in support of the legislation.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I rise this morning to make the following points. The bill only authorizes funds, which are subject to pay-as-you go provisions and must go through the appropriations process. CBO estimates $100 million, 75 percent of which is for important roads which are critical for economic development of this region.

Roads have been neglected in the Delta in large part because the area is so poor. It did not participate in the Highway Trust Fund program—cities did not pay into the trust fund, and then did not receive funds back for new roads.

This is not "pork"—this is wise investment. It is a region rich with resources and heritage but lacking the infrastructure to be more productive. With this small investment we can begin to build up the region which will then contribute its resources to the nation.

Targeting a specific area for investment is not unusual or unwise. As a nation, we have an obligation to lift up those areas that have been left behind. Historically, the Delta has been denied the investment other areas have received. The Cultural Centers, research grants for HBCU's, and music heritage will support an area that is centered near the "poorest city in America" as cited by Time magazine's article on Lake Providence.

Provisions of the Delta Act implement several recommendations of the blue-ribbon Delta Development Commission, are non-controversial, and very important to the Delta.

To respond to the point that the roads money should go through committee—the Public Works Committee signed-off on the Conference report because of the tremendous need in the Delta and because the project is well-developed.

Mr. THOMAS of California. While I still oppose S. 21 because of its overall effect on Californians who live in the desert, I do want to note that conferees accepted my June 10, 1994 amendment to the Argus Range wilderness provisions so that a roadway facilitating development of a new laser technology can be built in the future.

Under the bill, the Secretary of Interior may grant a right of way to build a road if the Secretary of the Navy grants permission to use lands withdrawn for Navy use in the Naval Air Warfare Center at China Lake and the station and ranges it occupies in California. Formerly known as the Naval Weapons Center, China Lake enjoys a well-deserved reputation for having high quality research teams, excellent test ranges and a dedication to high performance. The amendment, in section 102 of the bill, makes it possible for these same resources to be brought to bear on an exciting new technology.

The amendment will help develop a Space Energy Laser (SELENE) facility on a China Lake test range adjacent to the Argus Wilderness, creating a brand new industry. SELENE, which would be developed under a public and private consortium, would utilize laser technology to beam power into space and power satellites. Because of the right focus achievable with laser technology, SELENE would permit smaller solar arrays to be used on satellites, saving as much as $72,000 per pound of eliminated weight in reduced satellite launch costs. The new technology would permit better maneuvering systems too, another means of extending satellites' useful lives.

China Lake is the best place for this project because this part of the desert has the best weather available. China Lake commonly has 260 days per year of clear skies which would facilitate power beaming. It even has a developed geothermal energy site nearby that can provide power for the free electron laser to be used in this project.

The amendment makes a right of way possible to access lands being withdrawn for Navy use by other portions of this bill. That right of way can significantly reduce the costs of entering this new field by perhaps as much as $3 million. The amendment does not overturn other environmental laws, just preserves an option that could lead this country into an exciting new technology. I am pleased that the importance of this new technology has been recognized by the House when members voted 396 to 1 to adopt my amendment last June and by the conferees who included this provision in the final bill.

Mr. FAZIO. Mr. Speaker, I rise in strong support of S. 21, The California Desert Protection Act, and I urge my colleagues to give final approval to this important bill.

Mr. Speaker, this bill provides wildlife habitat, protects natural resources, and creates recreational opportunities while protecting the rights of private property owners and preserving hunting, fishing, and gaming opportunities in the desert.

After some seven legislative days of consideration and more than 24 hours of floor debate, this legislation passed this House in July with 298 votes;—that's nearly 70% of this Chamber voting for this bill. Today the bill returns in virtually identical form. There is no reason why this bill should not receive quick approval again by this House.

This is an important piece of legislation. It is a well-balanced, reasonable approach to environmental protection that will not result in economic dislocation. The compromise struck during those many hours of sometimes painfully detailed debate under an open rule deserves the support of this House.

This legislation is the most significant land conservation measure since the 1980 Alaskan Lands Act. The conference report creates two national parks—the Death Valley and the Joshua Tree national parks—and one national preserve—the Mojave National Preserve. The wilderness areas within the parks and the preserve will be managed by the BLM in accordance with existing laws.

The California Desert Protection Act will preserve the unrivaled scenic, geologic, and wildlife resources associated with these distinctive desert landscapes. These newly designated areas are a public resource of extraordinary value for this and future generations.

What makes this legislation exceptional is that it protects the environment without diminishing the private property rights of land owners in and near the park. Under this bill, the private property within the parks' boundaries is not subject to regulations applicable to federal lands. Use and enjoyment of private property is not restricted. Private In-holders may construct, modify, repair, replace or improve their single family residences.

The rights of private land owners are also respected in the land acquisition provisions of this bill. The bill relies heavily upon willing sellers and land exchanges to acquire any additional lands. Private land owners' access to their properties is protected. In addition, the property appraisal provisions require property owners to be compensated at the fair market value of the property without endangered species present. In other words, the government pays for any loss of value due to endangered species.

The conference report also reflects the compromises reached on the issues hunting and grazing. Under the amendment offered in this House by Mr. LaRocco and others, the East Mojave area will become a national preserve in which hunting, fishing, and gaming will be allowed. Hunting and fishing opportunities in the Mojave National Preserve are traditional uses that will continue under the bill. In similar fashion, the grazing compromise allows for continuation of existing grazing practices.

Mr. Speaker, as an original co-sponsor of the Desert Protection Act I am pleased that we will finally have the chance to approve this important legislation. This balanced and reasonable compromise forged from hours of debate deserves the support of the Members of this House. I ask my colleagues for an aye vote.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The conference report was agreed to.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF S. 21, CALIFORNIA DESERT PROTECTION ACT OF 1994

Mr. THOMAS of California. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 313) correcting the enrollment of the Senate bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 313

Resolved by the House of Representatives (the Senate concurring, That in the enrollment of the bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes, the Secretary of the Senate shall make the following correction:

In the second sentence of section 102(1), strike "fifteen" and insert "twenty".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 0210

DESIGNATION OF THE HONORABLE STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 29, 1994

The Speaker pro tempore (Mr. PETERSON of Florida) laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 7, 1994.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 29, 1994.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

CROW BOUNDARY SETTLEMENT ACT OF 1994

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the bill (H.R. 5200) to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. THOMAS of Wyoming. Mr. Speaker, reserving the right to object, I will not object, and I yield to the gentleman from New Mexico [Mr. RICHARDSON] to explain the bill.

Mr. RICHARDSON. Mr. Speaker, H.R. 5200 provides for the settlement of a dispute between the Crow Indian Tribe of Montana and the United States in issues arising from the Federal Government's error in surveying the eastern boundary of the Crow Indian Reservation. The 1891 survey line caused approximately 36,000 acres of Crow land to be included in the Northern Cheyenne Reservation.

The survey error was not discovered until the 1950's. The settlement is the result of years of discussions. The settlement includes a land exchange, compensation for last lands and mineral rights, and several other provisions which are the product of years negotiations.

Mr. Speaker, my full description of the terms of the settlement will be made a part of the RECORD.

Mr. Speaker, this settlement is supported by the Crow Tribe, the Northern Cheyenne Tribe, and the administration.

I urge my colleagues to support it.

Mr. THOMAS of Wyoming. Mr. Speaker, further reserving the right to object, while this bill does involve a large payment from the United States, the potential liability of the United States runs into many millions, hundreds of millions of dollars, and I think it is a fair and equitable settlement.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5200

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 "Crow Boundary Settlement Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Under the treaty between the United States of America and the Crow Tribe of Indians concluded May 7, 1868 (commonly known as the "Fort Laramie Treaty of 1868"; 15 Stat. 649), the eastern boundary of the Crow Indian Reservation was established as the 107th meridian for approximately 90 miles from the Yellowstone River to the boundary between Montana and Wyoming.

(2) Under Executive orders issued in 1884 and 1900, the western boundary of the Northern Cheyenne Reservation was established as the 107th meridian. The 107th meridian was intended to be the common boundary between the Crow Reservation and Northern Cheyenne Reservation for approximately 25 miles.

(3) From 1889 through 1891, a survey was conducted of the eastern boundary of the Crow Reservation. The 1891 survey line strayed to the west, and resulted in the exclusion from the Crow Indian Reservation of a strip of land of approximately 36,164 acres. Approximately 12,964 acres of such strip of land were included in the Northern Cheyenne Reservation. Deposits of low sulphur coal underlie the land excluded from the Crow Indian Reservation, including the land included in the Northern Cheyenne Indian Reservation.

(4)(A) The erroneous nature of the survey was not discovered for several decades. Meanwhile, the areas along the 107th meridian to the north and south of the Northern Cheyenne Indian Reservation were opened to settlement in the late nineteenth century and early part of the twentieth century. Patents were issued to non-Indian persons and to the State of Montana for most of the surface land and a significant portion of the minerals in these areas between the 107th meridian and the 1891 survey line.

(B) The 12,964 acres included in the Northern Cheyenne Reservation have been treated as part of the Northern Cheyenne Reservation and occupied by the Northern Cheyenne Tribe and the Northern Cheyenne allottees, and their successors in interest.

(5) Legislation to resolve the 107th meridian boundary dispute was introduced in Congress in the 1960's and 1970's, and again in 1992, but no such legislation was enacted into law.

(b) PURPOSE.—The purpose of this Act is to settle the 107th meridian boundary dispute created by the erroneous survey of the eastern boundary of the Crow Indian Reservation made by the Federal Government described in subsection (a)(3).

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CROW TRIBE.—The term "Crow Tribe" means the Crow Tribe of Indians, the duly recognized governing body of the Crow Indian Reservation.

(2) DISPUTED AREA.—The term "disputed area" means the approximately 36,164 acres of land, including the minerals, located between the 107th meridian on the east and the 1891 survey line on the west from the Yellowstone River on the north to the boundary between the State of Wyoming and the State of Montana on the south.

(3) 1891 SURVEY.—The term "1891 survey" means the survey of the eastern boundary of the Crow Reservation conducted by the United States Government from 1889 through 1891.

(4) 1891 SURVEY LINE.—The term "1891 survey line" means the erroneous boundary line resulting from the survey of the 107th meridian which was completed in 1891.

(5) NORTHERN CHEYENNE TRIBE.—The term "Northern Cheyenne Tribe" means the Northern Cheyenne Tribe of Indians, with the Northern Cheyenne Tribal Council as the duly recognized governing body of the Northern Cheyenne Indian Reservation.

(6) 107TH MERIDIAN BOUNDARY DISPUTE.—The term "107th meridian boundary dispute" means the dispute resulting from the disparity between the location of the 107th meridian and the location of the 1891 survey line.

(7) 107TH MERIDIAN ESCROW FUND.—The term "107th meridian escrow fund" means the revenues that arise from, or are derived from, parcel number 2, including all accrued interest on such revenues, which are held by the Bureau of Indian Affairs in an escrow account as of the date of enactment of this Act.

(8) PARCEL NUMBER 1.—The term "parcel number 1" means the area, encompassing approximately 11,317 acres, bounded on the south by the Montana-Wyoming border, on the east by the 107th meridian, on the north by the extension to the west of the southern boundary of the Northern Cheyenne Indian Reservation, and on the west by the 1891 survey line.

(9) PARCEL NUMBER 2.—The term "parcel number 2" means the area, encompassing approximately 12,964 acres, bounded on the south by the extension to the west of the southern boundary of the Northern Cheyenne Indian Reservation, on the east by the 107th meridian, on the north by the extension to the west of the northern boundary of the Northern Cheyenne Indian Reservation, and on the west by the 1891 survey line.

(10) PARCEL NUMBER 3.—The term "parcel number 3" means the area, encompassing approximately 2,469 acres, bounded on the south by the extension to the west of the northern boundary of the Northern Cheyenne Indian Reservation, on the east by the 107th

meridian, on the north by the northern boundary of the Crow Indian Reservation, and on the west by the 1891 survey line.

(11) PARCEL NUMBER 4.—The term "parcel number 4" means the area, encompassing approximately 9,415 acres, bounded on the south by the northern boundary of the Crow Indian Reservation, on the east by the 107th meridian, on the north by the midpoint of the Yellowstone River, and on the west by the 1891 survey line.

(12) PUBLIC LANDS.—The term "public lands" means any land or interest in land owned by the United States (without regard to the means by which the United States acquired ownership of the land or interest in land) and administered by the Secretary through the Bureau of Land Management.

(13) ROYALTIES RECEIVED AND RETAINED BY THE UNITED STATES.—The term "royalties received and retained by the United States" means the royalties derived from minerals owned by the United States that the United States retains after all payments from the royalties have been made to the State of Montana or any unit of local government of the State of Montana.

(14) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(15) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the agreement between the Secretary, on behalf of the United States and the Crow Tribe, that provides for the resolution of all claims held by the Crow Tribe arising from the 107th meridian boundary dispute.

(16) UNDISPOSED OF COAL.—The term "undisposed of coal" means coal that has not been conveyed to private parties or to the State of Montana by the United States.

(17) UNDISPOSED OF SURFACE LANDS.—The term "undisposed of surface lands" means surface land that has not been conveyed to private parties or to the State of Montana by the United States.

(18) UNDISPOSED OF OIL, GAS, COAL METHANE, OR OTHER MINERALS.—The term "undisposed of oil, gas, coal methane, or other minerals" means oil, gas, coal methane, or other minerals (excluding coal) that have not been conveyed to private parties or to the State of Montana by the United States.

SEC. 4. SETTLEMENT AGREEMENT.

(a) EXECUTION OF THE SETTLEMENT AGREEMENT.—Subject to the terms and conditions of this Act, the Secretary shall enter into the Settlement Agreement with the Crow Tribe.

(b) RATIFICATION OF THE SETTLEMENT AGREEMENT.—Subject to the conditions set forth in section 9(a), the United States hereby approves, ratifies, and confirms the Settlement Agreement, to the extent that such Settlement Agreement does not conflict with this Act.

(c) MODIFICATION OF THE SETTLEMENT AGREEMENT.—The terms and conditions of the Settlement Agreement may be modified by mutual agreement of the Crow Tribe and the Secretary if such modification—

(1) is not inconsistent with this Act; and

(2) does not diminish or impair any right or benefit secured to the Northern Cheyenne Tribe, the Northern Cheyenne allottees, or their successors in interest by or pursuant to any provision of this Act.

(d) ENFORCEMENT OF THE SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Settlement Agreement shall be subject to the enforcement provisions under chapter 7 of title 5, United States Code.

(2) ADDITIONAL ENFORCEMENT.—If, with respect to the enforcement of the Settlement Agreement, the remedies available under the provisions referred to in paragraph (1) do not provide adequate or complete relief, the Settlement Agreement shall be subject to the enforcement provisions under section 1505 of title 28, United States Code.

SEC. 5. SETTLEMENT TERMS AND CONDITIONS AND EXTINGUISHMENT OF CLAIMS.

(a) PROPERTY WITHIN PARCEL NUMBER 1.—

(1) IN GENERAL.—With respect to the property within parcel number 1, the following provisions shall apply:

(A) The boundary of the Crow Indian Reservation shall be the 107th meridian.

(B) Title to the undisposed of coal of such parcel shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be recognized as part of the Crow Indian Reservation.

(C) Title to the undisposed of surface lands of such parcel shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be recognized as part of the Crow Indian Reservation.

(D) Title to the undisposed of oil, gas, coal methane, or other minerals of such parcel shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be recognized as part of the Crow Indian Reservation.

(2) PROHIBITION.—Nothing in this Act or the Settlement Agreement may alter, diminish, disturb, or cause to be divested any right, title, or interest of any person or entity in any land, coal, oil, gas, coal methane, or mineral within parcel number 1 that is based on the 1891 survey line, except for the specific rights that are vested in the United States for the sole use and benefit of the Crow Tribe pursuant to subparagraphs (B) through (D) of paragraph (1).

(3) WAIVERS AND RELEASES.—The following waivers and releases shall be included in the Settlement Agreement:

(A) A disclaimer and relinquishment by the Crow Tribe of all right, title, claim, or interest in all the land and minerals within parcel number 1, except for the rights, titles, and interests recognized as beneficially owned by the Crow Tribe and as part of the Crow Indian Reservation in subparagraphs (B) through (D) of paragraph (1).

(B) A release by the Crow Tribe of all persons and entities, including the United States, from any liability arising from, or related to, the 1891 survey and the subsequent occupancy and use of parcel number 1.

(b) PROPERTY WITHIN PARCEL NUMBER 2.—

(1) IN GENERAL.—With respect to the property within parcel number 2, the following provisions shall apply:

(A) The boundary between the Crow and Northern Cheyenne Indian Reservations shall be the 1891 survey line.

(B) All surface lands and minerals of such parcel shall constitute part of the Northern Cheyenne Reservation.

(C) All surface lands, including all rights appurtenant to the surface lands, of such parcel shall be vested in the United States in trust for the sole use and benefit of the Northern Cheyenne Tribe, except that surface lands that have been allotted shall be recognized as held in trust for, or owned in fee by (as the case may be), the Northern Cheyenne allottees or their successors in interest.

(D) The oil, gas, coal, coal methane, and other minerals, including all rights appurtenant to such minerals, of such parcel shall be vested in the United States in trust for the sole use and benefit of the Northern Cheyenne Tribe.

(2) WAIVERS AND RELEASES.—The following waivers and releases shall be included in the Settlement Agreement:

(A) A disclaimer and relinquishment by the Crow Tribe of all right, jurisdiction, title, claim, or interest in the lands and minerals within parcel number 2, including all rights appurtenant to such land and minerals.

(B) A release by the Crow Tribe of all persons and entities, including the United States, the Northern Cheyenne Tribe, the Northern Cheyenne allottees and their successors in interest, from any liability arising from, or related to, the 1891 survey and the subsequent occupancy and use of parcel number 2.

(3) ENFORCEMENT.—The provisions of subsection (b) may be enforced, in law or in equity, by the Northern Cheyenne Tribe, Northern Cheyenne allottees, and their successors in interest, in accordance with their respective interests.

(c) PROPERTY WITHIN PARCEL NUMBER 3 AND PARCEL NUMBER 4.—

(1) IN GENERAL.—With respect to the property within parcel number 3 and parcel number 4, the boundary of the Crow Indian Reservation shall be the 1891 survey line.

(2) PROHIBITION.—Nothing in this Act or the Settlement Agreement may alter, diminish, disturb, or cause to be divested any right, title, or interest of any person or entity in any land, coal, or mineral within parcel number 3 or parcel number 4 that is based on the 1891 survey line.

(3) WAIVERS AND RELEASES.—The following waivers and releases shall be included in the Settlement Agreement:

(A) A disclaimer and relinquishment by the Crow Tribe of all right, jurisdiction, title, claim, or interest in the lands and minerals situated within parcel number 3 and parcel number 4.

(B) A release by the Crow Tribe of all persons and entities, including the United States, from any liability arising from, or related to, the 1891 survey and the subsequent occupancy and use of parcel number 3 and parcel number 4.

(d) EXCHANGE OF PUBLIC LANDS.—With respect to the land exchanges with the State of Montana and private landowners made under this Act the following provisions shall apply:

(1) IN GENERAL.—(A) The Secretary shall negotiate with the State of Montana for the purpose of exchanging public lands within the State of Montana for State trust lands within the Crow Reservation having a total value substantially equal to the value of the surface estate of the approximately 46,625 acres of State trust lands obtained by the State of Montana pursuant to the Act of February 22, 1889 (commonly known as the "Montana Enabling Act"; 25 Stat. 676, chapter 180), and the Act entitled "An Act to provide for the allotment of lands of the Crow Tribe for the distribution of tribal funds and for other purposes" approved June 4, 1920 (commonly known as the "Crow Allotment Act"; 41 Stat. 751, chapter 224) within the Crow Indian Reservation and the disputed area.

(B) The exchange described in subparagraph (A) shall be in accordance with the exchange procedures set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) In determining the fair market value of the lands described in subparagraph (A), the parties to the exchange shall give due consideration to the value of improvements on the lands.

(D) The Secretary shall ensure that lands exchanged pursuant to this paragraph as

part of the settlement of the 107th Meridian boundary dispute made pursuant to this Act shall be selected in such manner that the financial impact on local governments, if any, will be minimized.

(E) The Secretary shall provide such financial or other assistance to the State of Montana and to the Crow Tribe as may be necessary to obtain the appraisals, and to satisfy administrative requirements, necessary to accomplish the exchanges made pursuant to subparagraph (A).

(F) Upon approving an exchange made pursuant to this paragraph, the Secretary shall—

(i) receive title to the State trust lands involved in the exchange on behalf of the United States; and

(ii) transfer title to the public lands disposed of pursuant to the exchanges with the State of Montana by such means of conveyance as the Secretary considers appropriate.

(G) Title to the State trust lands acquired pursuant to the exchanges made with the State of Montana pursuant to this paragraph shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be recognized as part of the Crow Indian Reservation.

(2) REQUIREMENT FOR EXCHANGES.—(A) In carrying out the exchanges with the State of Montana pursuant to paragraph (1), the Secretary shall, during a period of at least 5 years beginning on the date on which the Settlement Agreement becomes effective, give first priority to the exchange of public lands within the State of Montana for State trust lands owned by the State of Montana as of the date of the enactment of this Act.

(B) Subject to subparagraph (C), if, for any reason, after the expiration of the period specified in subparagraph (A), the exchanges of the State trust lands identified in paragraph (1) have not provided the Crow Tribe with a total of 46,625 acres of surface lands within the boundaries of the existing Crow Indian Reservation (including parcel number 1), the Secretary shall, at the request of, and in cooperation with, the Crow Tribe, develop and implement a program to provide the Crow Tribe with additional land within the Crow Indian Reservation (including parcel number 1) through land exchanges with private landowners.

(C) The total value of—

(i) the value of the lands exchanged and acquired for the Crow Tribe pursuant to paragraph (1), and

(ii) the value of the lands exchanged and acquired for the Crow Tribe pursuant to this paragraph,

shall not exceed the value of the surface estate of the 46,625 acres of land identified in paragraph (1)(A).

(D) In carrying out a program developed pursuant to this paragraph, the Secretary may exchange public lands within the State of Montana for private lands of substantially equal value within the boundaries of the existing Crow Indian Reservation in accordance with section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(E) In determining the fair market value of the lands described in subparagraph (D), the parties to an exchange made pursuant to subparagraph (D) shall give due consideration to the value of improvements on the lands.

(F) If the Secretary obtains private lands pursuant to subparagraph (D), the Secretary shall transfer title to such lands to the Crow Tribe.

(G) Title to any private or public lands transferred to the Crow Tribe pursuant to this paragraph shall—

(i) be vested in the United States in trust for the sole use and benefit of the Crow Tribe; and

(ii) be recognized as part of the Crow Indian Reservation, if such lands are located within the boundaries of the Crow Indian Reservation.

(H) The Crow Tribe shall assist in obtaining prospective willing parties to exchange private lands within the Crow Indian Reservation for public lands within the State of Montana pursuant to this paragraph.

(e) CROW TRIBAL TRUST FUND.—The Settlement Agreement shall include provisions governing the distribution of interest income to the Crow Tribe from the Crow Tribal Trust Fund pursuant to the terms and conditions described in section 6.

SEC. 6. ESTABLISHMENT AND ADMINISTRATION OF CROW TRIBAL TRUST FUND.

(a) ESTABLISHMENT OF CROW TRIBAL TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Crow Tribal Trust Fund".

(2) AVAILABILITY OF AMOUNTS IN THE CROW TRIBAL TRUST FUND.—Amounts in the Crow Tribal Trust Fund shall be available, without fiscal year limitation, to the Secretary for distribution to the Crow Tribe in accordance with subsection (d).

(b) CONTRIBUTIONS TO CROW TRIBAL TRUST FUND.—

(1) IN GENERAL.—Subject to paragraph (2) and the requirements of section 10—

(A) on or before November 30, 1994, the Secretary of the Treasury shall deposit into the Crow Tribal Trust Fund an amount equal to the amounts of royalties received and retained by the United States during fiscal year 1994 from the East Decker, West Decker, and Spring Creek coal mines; and

(B) commencing with fiscal year 1995 and for such period thereafter as may be necessary, the Secretary and the Secretary of the Treasury shall make necessary and proper arrangements for the monthly payment, transfer, or deposit (or any combination thereof) into the Crow Tribal Trust Fund of the royalties received and retained by the United States for the immediately preceding month from the East Decker, West Decker, and Spring Creek coal mines in the State of Montana for the life of such mines, including any extensions of the existing leases for such mines and any expansions of such mines to nearby and adjacent federally owned coal deposits, as specified in the Settlement Agreement.

(2) AMOUNT OF ROYALTIES.—The total amount of royalties described in paragraph (1) that are paid, transferred, or deposited into the Crow Tribal Trust Fund shall not exceed, in the aggregate, $85,000,000, excluding—

(A) any interest earned on moneys in the Crow Tribal Trust Fund; and

(B) the funds transferred to the Suspension Accounts pursuant to section 10.

(3) PAYMENTS OF ROYALTIES RECEIVED AND RETAINED BY THE UNITED STATES.—Subject to paragraph (2) and the requirements of section 10, the royalties received and retained by the United States from the East Decker, West Decker, and Spring Creek coal mines shall be paid, transferred or deposited into the Crow Tribal Trust Fund not later than 30 days after the date on which the royalties are due and paid.

(4) ADDITIONAL PAYMENTS.—The Federal Government shall make payments, in addition to the payments referred to in paragraph (3), from the royalties received and retained by the United States from other coal mines within the State of Montana into the Crow Tribal Trust Fund in an amount equal to any lost interest income (as determined by the Secretary), if any portion of the sums described in paragraph (3) are not paid, transferred or deposited into the Crow Tribal Trust Fund within the 30-day period prescribed in paragraph (3).

(c) INVESTMENT.—At the request of the Secretary, the Secretary of the Treasury shall invest all sums deposited into, accruing to, and remaining in, the Crow Tribal Trust Fund in accordance with the Act of February 12, 1929 (45 Stat. 1164, chapter 178; 25 U.S.C. 161a).

(d) DISTRIBUTION OF INTEREST.—

(1) IN GENERAL.—Only the interest received on funds in the Crow Tribal Trust Fund shall be available for distribution by the Secretary to the Crow Tribe for use for education, land acquisition, economic development, youth and elderly programs or other tribal purposes in accordance with plans and budgets developed and approved by the Crow Tribe and approved by the Secretary.

(2) REQUIREMENTS FOR DISTRIBUTION OF INTEREST.—Commencing with fiscal year 1996 and for each fiscal year thereafter, without fiscal year limitation, the interest received on monies in the Crow Tribal Trust Fund shall be available for distribution under this subsection only if—

(A) the United States and the Crow Tribe enter into the Settlement Agreement; and

(B) the requirements of section 9 relating to the approval and execution of the Settlement Agreement are satisfied.

(3) PROHIBITION.—No portion of the Crow Tribal Trust Fund or the interest earned on the Crow Tribal Trust Fund may be distributed to members of the Crow Tribe on a per capita basis.

(e) USE OF INTEREST FOR ECONOMIC DEVELOPMENT.—Notwithstanding any other provision of law, the Crow Tribe may, subject to approval by the Secretary, assign the right of the Crow Tribe to the interest earned on monies in the Crow Tribal Trust Fund to a third party in connection with loans made for economic development projects on or near the Crow Indian Reservation.

(f) LIMITATION.—Notwithstanding any other provision of law, no portion of the principal of the Crow Tribal Trust Fund shall be available for withdrawal or disbursement or used for any purpose other than the purposes specified in this section and section 10.

SEC. 7. ELIGIBILITY FOR OTHER FEDERAL SERVICES; TAX EXEMPTION.

No payments made or benefits conferred pursuant to this Act shall result in the reduction or denial of any Federal services or programs to any tribe or to any member of a tribe to which the tribe or member of the tribe is entitled or eligible because of the status of the tribe as a federally recognized Indian tribe or the status of a member of such tribe as a member.

SEC. 8. EXCHANGES OF LAND OR MINERALS.

(a) IN GENERAL.—(1) Subject to approval by the Secretary, the Crow Tribe may exchange any land or minerals to which its title is recognized in or obtained pursuant to this Act for other land or minerals of substantially equivalent value within the Crow Indian Reservation (including parcel number 1).

(2) Lands or minerals received by the Crow Tribe in any exchange made pursuant to paragraph (1) shall be—

(A) vested in the United States in trust for the sole use and benefit of the Crow Tribe; and

(B) recognized as part of the Crow Indian Reservation.

(b) OWNERSHIP BY NON-INDIANS.—Any land or minerals received by a person who is not an Indian in an exchange referred to in subsection (a) shall be owned in fee.

SEC. 9. APPLICABILITY.

(a) IN GENERAL.—The Act shall take effect upon the occurrence of the following conditions:

(1) The Settlement Agreement is approved and executed by the Secretary.

(2) The Settlement Agreement is approved and executed by the Crow Tribe.

(3) The Settlement Agreement and the releases and waivers required by section 5 are approved and duly executed by the Crow Tribe in accordance with the requirements and procedures set forth in the constitution of the Crow Tribe.

(4) The Settlement Agreement becomes effective in accordance with the terms and conditions specified in the Settlement Agreement.

(b) APPROVAL OF RELEASES AND WAIVERS.—The United States hereby approves and confirms the releases and waivers required by section 5.

SEC. 10. ESCROW FUNDS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall make distributions from the 107th meridian escrow fund as follows:

(1) One-half of the fund shall be distributed to the Crow Tribe.

(2) One-half of the fund shall be distributed to the Northern Cheyenne Tribe.

(3) The receipt and acceptance by a tribe of funds distributed under this section shall be deemed to be—

(A) a disclaimer, relinquishment and waiver by such tribe of all right, claim or interest in the 107th meridian escrow fund; and

(B) a release by such tribe of all persons and entities, including the United States, from any liability arising from, or related to, the establishment and administration of the 107th meridian escrow fund.

(b) ESTABLISHMENT OF SUSPENSION ACCOUNTS.—As soon as practicable after the Settlement Agreement is executed and approved pursuant to this Act, the Secretary of the Treasury shall establish in the Treasury of the United States two interest bearing accounts to be known respectively as the "Crow Tribal Suspension Account" and the "Northern Cheyenne Tribal Suspension Account" (collectively referred to in this subsection as the "Suspension Accounts"), consisting of—

(1) such amounts as are transferred to the Suspension Accounts under subsection (c); and

(2) any interest earned on investments of amounts in the Suspension Accounts under subsection (e).

(c) CONTRIBUTIONS TO THE SUSPENSION ACCOUNTS.—

(1) IN GENERAL.—Beginning with fiscal year 1995, and ending on the date on which the total amount deposited pursuant to this subsection into the Suspension Accounts is equal to $200,000 for each such account (as specified in subsection (d)), the Secretary and the Secretary of the Treasury shall make necessary and proper arrangements for the monthly payment, transfer, or deposit (or any combination thereof) into each of the Suspension Accounts of an amount equal to one-half of the royalties received and retained by the United States for the immediately preceding month, as determined in accordance with section 6(b)(1), by the date specified under section 6(b)(3).

(2) SUBSEQUENT DEPOSITS.—At such time as the amount deposited pursuant to this subsection into the Suspension Accounts is equal to $200,000 for each such account (as specified in subsection (d)), in accordance with section 6(b)(1), the Secretary and the Secretary of the Treasury shall thereafter deposit any remaining amounts determined under section 6(b)(1) in the Crow Tribal Trust Fund established under section 6(a).

(d) LIMITATION.—The Secretary and the Secretary of the Treasury shall not transfer more than a total amount equal to $200,000 to each of the Suspension Accounts from the amounts determined under section 6(b)(1).

(e) INVESTMENT.—All sums deposited in, accruing to and remaining in the Suspension Accounts shall be invested by the Secretary and the Secretary of the Treasury in interest bearing deposits and securities in accordance with the Act of June 24, 1938 (52 Stat. 1037, chapter 648; 25 U.S.C. 162a).

(f) WITHDRAWALS AND TERMINATION.—

(1) IN GENERAL.—(A) Beginning on the date that is 5 years after the date of enactment of this Act, the Crow Tribe and the Northern Cheyenne Tribe may each submit a duly authorized request to the Secretary for the withdrawal of all of the funds from the Suspension Account of the tribe established under subsection (b).

(B) Not later than 60 days after receiving a request for the distribution of funds from a Suspension Account made by a tribe under subparagraph (A)—

(i) the Secretary shall, in cooperation with the Secretary of the Treasury, withdraw and distribute such funds in accordance with such request; and

(ii) the Secretary of the Treasury shall terminate the Suspension Account.

(2) OTHER MEANS OF TERMINATION—With respect to a Suspension Account established under subsection (b) that is not terminated pursuant to paragraph (1), at such time as the corpus and the accrued interest of the Suspension Account of the Crow Tribe or the Northern Cheyenne Tribe is approximately equal to the amount specified in paragraph (1) or (2) of subsection (a), the Secretary of the Treasury shall terminate the Suspension Account and the Secretary of the Interior shall distribute the funds from the Suspension Account to the tribe.

SEC. 11. FORT LARAMIE TREATY OF 1868.

Except for the adjustment to the eastern boundary of the Crow Indian Reservation, nothing in this Act or in the Settlement Agreement shall affect or modify the terms and conditions of the treaty between the United States of America and the Crow Tribe of Indians concluded May 7, 1868 (commonly known as the "Fort Laramie Treaty of 1868"; 15 Stat. 649).

SEC. 12. SATISFACTION OF CLAIMS.

The benefits available to the Crow Tribe under the terms and conditions of this Act and the Settlement Agreement shall constitute full and complete satisfaction of all claims by the Crow Tribe and the members of the Crow Tribe arising from or related to the erroneous survey of the 107th meridian described in section 2(a)(3).

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4307. An act to amend title 35, United States Code, with respect to applications for process patents, and for certain other purposes.

H.R. 4545. An act to amend the rail safety provisions of title 49, United States Code, and for other purposes.

H.R. 5123. An act to make a technical correction to an Act preempting State economic regulation of motor carriers.

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

S. 1881. An act to establish and implement a technology investment policy for aeronautical and space activities of the National Aeronautics and Space Administration, and for other purposes.

S. 2036. An act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes.

S. 2075. An act to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act.

S.J. Res. 90. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

S.J. Res. 181. Joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week".

S.J. Res. 209. Joint resolution designating November 21, 1994, as "National Military Families Recognition Day".

S.J. Res. 208. Joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week".

S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day".

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1927) "An Act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans" with an amendment.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2372) "An Act to reauthorize for three years the Commission on Civil Rights, and for other purposes" with an amendment.

THOMAS PAINE MEMORIAL

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution S.J. Res. 227) to approve the location of the Thomas Paine Memorial, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. HANSEN. Mr. Speaker, reserving the right to object, I will not object, and I yield to the gentleman from Minnesota, [Mr. VENTO], for an explanation.

Mr. VENTO. Mr. Speaker, I appreciate the gentleman's cooperation. What I am doing is to, in fact, pass the Thomas Paine Memorial. The resolution would provide for the approval in area I of the location as a search site for the Thomas Paine Memorial. I also will offer further amendments which will provide for the consideration and approval of the World War II Memorial for area I.

Area I, of course, is the monumental core around the Capitol, the White House, for the location of monuments which we, as the Committee on Natural Resources, do screening of these proposals.

These proposals are introduced by the gentlewoman from New York [Mrs. LOWERY], and the gentlewoman from Ohio [Mrs. KAPTUR].

I intend to amend, with the approval of the House tonight, the proposal to include the World War II approval and send that back to the Senate for final action.

This is an important process. It has been a long process for both of these.

There are some technical problems with it, and the amendments will clarify that.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mrs. LOWEY. Mr. Speaker, I rise in support of Senate Joint Resolution 227, as amended. First, I want to extend my personal thanks to Chairmen MILLER and VENTO, and the ranking members of the Natural Resources Committee, Congressmen YOUNG of Alaska and HANSEN. They have been very helpful in moving this resolution through the House without delay.

This resolution gives congressional approval to the recommendations of the Secretary of the Interior to locate monuments to Thomas Paine and to those who served our Nation in World War II in the area designated as "Area I." That area is reserved for the most important of our Nation's monuments, and indeed both of these deserve that special treatment.

Tonight's action and the anticipated, Senate concurrence in our amendments to Senate Joint Resolution 227 should be the last time this Congress will need to take action with regard to these memorials. The responsibility now will lie with private organizations to generate the necessary resources to finance these memorials. Given the depth of conviction across America for extending these tributes, I am confident they will succeed so that long overdue recognition both to Thomas Paine and to those who served all of us in the World War II will soon be a reality.

I thank my colleagues for their cooperation.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 227

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (Public Law 99-652; 100 Stat. 3650) provides that the location of a commemorative work in the area described as Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after notification of Congress that the commemorative work may be located in Area I; and

Whereas Public Law 102-407, as amended by Public Law 102-459, authorized the Thomas Paine National Historical Association U.S.A. Memorial Foundation to establish a memorial on Federal land in the District of Columbia to Thomas Paine; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial may be located in Area I: Now, therefore, be it

Resolved by the Senate and House and Representatives of the United States of America in Congress assembled, That the location of a Thomas Paine Memorial, authorized by Public Law 102-407, as amended by Public Law 102-459, and within Area I as described in Public Law 99-652, is approved.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. VENTO

Mr. VENTO. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. VENTO: Strike all after the resolving clause and insert:

That (a) the location of a Thomas Paine Memorial, authorized by Public Law 102-407, as amended by Public Law 102-459, within either Area I or Area II as described in Public Law 99-652 (100 Stat. 3650), is approved and (b) the location of a World War II Memorial, authorized by Public Law 103-32, within either Area I or Area II as described in Public Law 99-652 (100 Stat. 3650), is hereby approved.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota [Mr. VENTO].

The amendment in the nature of a substitute was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. VENTO.

Mr. VENTO. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment offered by Mr. VENTO to the Preamble:

Strike the preamble and insert:

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (Public Law 99-652; 100 Stat. 3650) provides that the location of a commemorative work in the area described as Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after notification of Congress that the commemorative work may be located in Area I; and

Whereas Public Law 102-407, as amended by Public Law 102-459, authorized the Thomas Paine National Historical Association U.S.A. Memorial Foundation to establish a memorial on Federal land in the District of Columbia to Thomas Paine; and

Whereas Public Law 103-32, approved May 25, 1993 (107 Stat. 90), authorized the American Battle Monuments Commission to establish a memorial on Federal land in the District of Columbia to members of the Armed Forces who served in World War II; and

Whereas the Secretary of the Interior has notified the Congress of his determination that such memorials should be located in Area I: Now, therefore, be it

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Minnesota [Mr. VENTO].

The amendment to the preamble was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MR. VENTO

Mr. VENTO. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. VENTO: Amend the title so as to read as follows: "Joint resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation' Capitol."

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the measure just passed.

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

There was no objection.

COMMEMORATION OF 75TH ANNIVERSARY OF GRAND CANYON NATIONAL PARK

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 221) to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. HANSEN. Mr. Speaker, reserving the right to object I will not object, and I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, Senate Joint Resolution 221 is a Senate-passed measure commemorating the 75th anniversary of the establishment of Grand Canyon National Park. The Grand Canyon is truly one of our national treasures. Its spectacular geologic features have inspired all who have seen them.

This is a noncontroversial resolution that is supported by Members of the Arizona delegation, in whose State the Grand Canyon is located. I recommend adoption of the resolution by the House.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 221

Whereas the Grand Canyon of the Colorado River is a feature of enormous scientific interest and significance, whose unique geological, biological and cultural resources represent a natural laboratory of unparalleled diversity;

Whereas Grand Canyon National Park represents an integral part of the greater Colorado Plateau Ecosystem whose significance to the health of the natural systems of the American West increases with time;

Whereas the Grand Canyon of the Colorado River is one of the most spectacular examples of arid-land erosion anywhere in the world and reveals a geologic record whose significance is unparalleled;

Whereas Grand Canyon is a world Heritage Site and a natural feature of international significance whose aesthetic beauty reflects the aspirations of a free and independent people;

Whereas Grand Canyon National Park has received over 100,000,000 visitors since its establishment in 1919 and continues to serve the people of the United States and the world in their need for a place of outstanding natural beauty and refuge; and

Whereas Grand Canyon National Park was established by Act of Congress on February 26, 1919: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America on this date salutes Grand Canyon National Park and its custodians, the employees of the National Park Service, in honor of the park's 75th anniversary year.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the measure just passed.

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

There was no objection.

THE INDIAN LEGISLATION TECHNICAL CORRECTIONS ACT

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4709) to make certain technical corrections, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment: Strike all after the enacting clause and insert the following:

The Clerk read the Senate amendment, as follows:

SECTION 1. LEASING AUTHORITY OF THE INDIAN PUEBLO FEDERAL DEVELOPMENT CORPORATION.

Notwithstanding the provisions of section 17 of the Act of June 18, 1934 (48 Stat. 988, chapter 576; 25 U.S.C. 477), the Indian Pueblo Federal Development Corporation, whose charter was issued pursuant to such section by the Secretary of the Interior on January 15, 1993, shall have the authority to lease or sublease trust or restricted Indian lands for up to 50 years.

SEC. 2. GRAND RONDE RESERVATION ACT.

(a) LANDS DESCRIBED.—Section 1 of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes", approved September 9, 1988 (102 Stat. 1594), is amended—

(1) in subsection (c)—

(A) by striking "9,879.65" and inserting "10,120.68"; and

(B) by striking all after

"6	8	1	SW¼SW¼,W½SE¼SW¼	53.78"

and inserting the following:

7	8	1	S½E½SE¼SW¼	10.03
6	7	8	Tax lot 800	5.55
4	7	30	Lots 3, 4, SW¼NE¼, SE¼NW¼,E½SW¼	240
			Total	10,120.68.";

and

(2) by adding at the end the following new subsection:

"(d) CLAIMS EXTINGUISHED; LIABILITY.—

"(1) CLAIMS EXTINGUISHED.—All claims to lands within the State of Oregon based upon recognized title to the Grand Ronde Indian Reservation established by the Executive order of June 30, 1857, pursuant to treaties with the Kalapuya, Molalla, and other tribes, or any part thereof by the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor in interest, are hereby extinguished, and any transfers pursuant to the Act of April 28, 1904 (Chap. 1820; 33 Stat. 567) or other statute of the United States, by, from, or on behalf of the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor interest, shall be deemed to have been made in accordance with the Constitution and all laws of the United States that are specifically applicable to transfers of lands or natural resources from, by, or on behalf of any Indian, Indian nation, or tribe of Indians (including, but not limited to, the Act of July 22, 1790, commonly known as the 'Trade and Intercourse Act of 1790' (1 Stat. 137, chapter 33, section 4)).

"(2) LIABILITY.—The Tribe shall assume responsibility for lost revenues, if any, to any county because of the transfer of revested Oregon and California Railroad grant lands in section 30, Township 4 South, Range 7 West.".

(b) CIVIL AND CRIMINAL JURISDICTION.—Section 3 of such Act (102 Stat. 1595) is amended by adding at the end the following: "Such exercise shall not affect the Tribe's concurrent jurisdiction over such matters.".

SEC. 3. CONFEDERATED TRIBES OF THE SILETZ INDIANS OF OREGON.

Section 2 of the Act entitled "An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon, approved September 4, 1980 (Public Law 96–340; 94 Stat. 1072) is amended—

(1) by inserting "(a)" after "SEC. 2."; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Interior, acting at the request of the Confederated Tribes of the Siletz Indians of Oregon, shall accept (subject to all valid rights-of-way and easements existing on the date of such request) any appropriate warranty deed conveying to the United States in trust for the Confederated Tribes of the Siletz Indians of Oregon, contingent upon payment of all accrued and unpaid taxes, the following parcels of land located in Lincoln County, State of Oregon:

"(A) In Township 10 South, Range 8 West, Willamette Meridian—

"(i) a tract of land in the northwest and the northeast quarters of section 7 consisting of 208.50 acres, more or less, conveyed to the Tribe by warranty deed from John J. Jantzi and Erma M. Jantzi on March 30, 1990; and

"(ii) 3 tracts of land in section 7 consisting of 18.07 acres, more or less, conveyed to the Tribe by warranty deed from John J. Jantzi and Erma M. Jantzi on March 30, 1990.

"(B) In Township 10 South, Range 10 West, Willamette Meridian—

"(i) a tract of land in section 4, including a portion of United States Government Lot 31 lying west and south of the Siletz River, consisting of 15.29 acres, more or less, conveyed to the Tribe by warranty deed from Patrick J. Collson and Patricia Ann Collson on February 27, 1991;

"(ii) a tract of land in section 9, located in Tract 60, consisting of 4.00 acres, more or less, conveyed to the Tribe by contract of sale from Gladys M. Faulkner on December 9, 1987;

"(iii) a tract of land in section 9, including portions of the north one-half of United States Government Lot 15, consisting of 7.34 acres, more or less, conveyed to the Tribe by contract of sale from Clayton E. Hursh and Anna L. Hursh on December 9, 1987;

"(iv) a tract of land in section 9, including a portion of the north one-half of United States Government Lot 16, consisting of 5.62 acres, more or less, conveyed to the Tribe by warranty

deed from Steve Jebert and Elizabeth Jebert on December 1, 1987;

"(v) a tract of land in the southwest quarter of the northwest quarter of section 9, consisting of 3.45 acres, more or less, conveyed to the Tribe by warranty deed from Eugenie Nashif on July 11, 1988; and

"(vi) a tract of land in section 10, including United States Government Lot 8 and portions of United States Government Lot 7, consisting of 29.93 acres, more or less, conveyed to the Tribe by warranty deed from Doyle Grooms on August 6, 1992.

"(C) In the northwest quarter of section 2 and the northeast quarter of section 3, Township 7 South, Range 11 West, Willamette Meridian, a tract of land comprising United States Government Lots 58, 59, 63, and 64, Lincoln Shore Star Resort, Lincoln City, Oregon.

"(2) The parcels of land described in paragraph (1), together with the following tracts of lands which have been conveyed to the United States in trust for the Confederated Tribes of Siletz Indians of Oregon—

"(A) a tract of land in section 3, Township 10 South, Range 10 West, Willamette Meridian, including portions of United States Government Lots 25, 26, 27, and 28, consisting of 49.35 acres, more or less, conveyed by the Siletz Tribe to the United States in trust for the Tribe on March 15, 1986; and

"(B) a tract of land in section 9, Township 10 South, Range 10 West, Willamette Meridian, including United States Government Lot 33, consisting of 2.27 acres, more or less, conveyed by warranty deed to the United States in trust for the Confederated Tribes of Siletz Indians of Oregon from Harold D. Alldridge and Sylvia C. Alldridge on June 30, 1981;

shall be subject to the limitations and provisions of sections 3, 4, and 5 of this Act and shall be deemed to be a restoration of land pursuant to section 7 of the Siletz Indian Tribe Restoration Act (25 U.S.C. 711(e)).

"(3) Notwithstanding any other provision of law, the United States should not incur any liability for conditions on any parcels of land taken into trust under this section.

"(4) As soon as practicable after the transfer of the parcels provided in paragraphs (1) and (2), the Secretary of the Interior shall convey such parcels and publish a description of such lands in the Federal Register.".

SEC. 4. TRANSFER OF PARCEL BY YSLETA DEL SUR PUEBLO.

(a) RATIFICATION.—The transfer of the land described in subsection (b), together with fixtures thereon, on July 12, 1991, by the Ysleta Del Sur Pueblo is hereby ratified and shall be deemed to have been made in accordance with the Constitution and all laws of the United States that are specifically applicable to transfers of land from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians (including section 2116 of the Revised Statutes (25 U.S.C. 177)) as if Congress had given its consent prior to the transfer.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are more particularly described as follows:

Tract 1–B–1 (1.9251 acres) and Tract 1–B–2–A (0.0748 acres), Block 2 San Elizario, El Paso County, Texas.

SEC. 5. AUTHORIZATION FOR 99–YEAR LEASES.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(a)) is amended by inserting "the Viejas Indian Reservation," after "Soboba Indian Reservation,".

SEC. 6. WIND RIVER INDIAN IRRIGATION PROJECT.

Funds appropriated for construction of the Wind River Indian Irrigation Project for fiscal year 1990 (pursuant to Public Law 101–121), fiscal year 1991 (pursuant to the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512)), and fiscal year 1992 (pursuant to the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154)) shall be made available on a nonreimbursable basis.

SEC. 7. REIMBURSEMENT OF COSTS INCURRED BY GILA RIVER INDIAN COMMUNITY FOR CERTAIN RECLAMATION CONSTRUCTION.

The Secretary of the Interior is authorized to pay $1,842,205 to the Gila River Indian Community as reimbursement for the costs incurred by the Gila River Indian Community for construction allocated to irrigation on the Sacaton Ranch that would have been nonreimbursable if such construction had been performed by the Bureau of Reclamation under section 402 of the Colorado River Basin Project Act (43 U.S.C. 1542).

SEC. 8. RECOGNITION OF INDIAN COMMUNITY.

Section 10 of the Indian Law Technical Amendments of 1987 (Public Law 100–153) is amended—

(1) by striking "The Frank's" and inserting "(a) Subject to subsection (b), the Frank's";

(2) by striking "recognized as eligible" and inserting the following:

"recognized—

"(1) as eligible";

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(2) Notwithstanding any other provision of law, the Frank's Landing Indian Community shall not engage in any gaming activity (as defined in the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2703(8)).".

SEC. 9. RECONVEYANCE OF CERTAIN EXCESS LANDS.

(a) IN GENERAL.—The Congress finds that the Sac and Fox Nation of Oklahoma has determined the lands described in subsection (b) to be excess to their needs and should be returned to the original Indian grantors or their heirs. The Secretary of the Interior is authorized to accept transfer of title from the Sac and Fox Nation of Oklahoma of its interest in the lands described in subsection (b).

(b) PERSONS AND LANDS.—The lands and individuals referred to in subsection (a) are as follows:

(1) To the United States of America in trust for Sadie Davis, now Tyner, or her heirs or devisees, the Surface and Surface Rights only in and to the SE¼SE¼SE¼SE¼ of section 28, Township 17 North, Range 6 East of the Indian Meridian, Lincoln County, Oklahoma, containing 2.50 acres, more or less.

(2) To the United States of America in trust for Mabel Wakole, or her heirs or devisees, the Surface and Surface Rights only in and to the NE¼NE¼ of Lot 6 of NW¼ of section 14, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, containing 2.50 acres, more or less.

SEC. 10. TITLE I OF PUBLIC LAW 97–459, PERTAINING TO THE DEVILS LAKE SIOUX TRIBE.

Paragraph (1) of section 108(a) of title I of Public Law 97–459 (96 Stat. 2515) is amended by striking out "of the date of death of the decedent" and inserting in lieu thereof "after the date on which the Secretary's determination of the heirs of the decedent becomes final".

SEC. 11. NORTHERN CHEYENNE LAND TRANSFER.

(a) IN GENERAL.—Notwithstanding any contrary provision of law, the Secretary of the Interior or an authorized representative of the Secretary (referred to in this section as the "Secretary") is hereby authorized and directed to transfer by deed to Lame Deer High School District No. 6, Rosebud County, Montana (referred to in this section as the "School District"), all right, title, and interest of the United States and the Northern Cheyenne Tribe (referred to in this section as the "Tribe") in and to the lands described in this subsection (referred to in this section as "Subject Lands"), to be held and used by the School District for the exclusive purpose of constructing and operating thereon a public high school and related facilities. The Subject Lands consist of a tract of approximately 40 acres within the Northern Cheyenne Indian Reservation, more particularly described as follows:

A tract of land located in the W½ SE¼ and the E½ SW¼ of section 10, Township 3 South, Range 41 East, M.P.M., described as follows: Beginning at the south ¼ corner of said section 10, thence south 89 degrees 56 minutes west 393.31 feet on and along the south line of said section 10 to the true point of beginning, thence south 89 degrees 56 minutes west 500.0 feet on and along said section line, thence north 00 degrees 00 minutes east, 575.0 feet, thence north 54 degrees 9 minutes 22 seconds east 2382.26 feet, thence south 23 degrees 44 minutes 21 seconds east 622.56 feet, thence south 51 degrees 14 minutes 40 seconds west 2177.19 feet to the true point of beginning, containing in all 40.0 acres, more or less.

(b) DEED AND LEASE.—

(1) IN GENERAL.—The deed issued under this section shall provide that—

(A) title to all coal and other minerals, including oil, gas, and other natural deposits, within the Subject Lands shall remain in the Secretary in trust for the Tribe, as provided in Public Law 90–424 (82 Stat. 424);

(B) the Subject Lands may be used for the purpose of constructing and operating a public high school and related facilities thereon, and for no other purpose;

(C) title to the Subject Lands, free and clear of all liens and encumbrances, shall automatically revert to the Secretary in trust for the Tribe, and the deed shall be of no further force or effect, if, within 8 years after the date of the deed, classes have not commenced in a permanent public high school facility established on the Subject Lands, or if such classes commence at the facility within such 8-year period, but the facility subsequently permanently ceases operating as a public high school; and

(D) at any time after the conclusion of the current litigation (commenced before the date of enactment of this Act and including all trial and, if any, appellate proceedings) challenging the November 9, 1993, decision of the Superintendent of Public Instruction for the State of Montana granting the petition to create the School District, and with the prior approval of the Superintendent of Public Instruction (referred to in this section as the "Superintendent's Approval"), the Tribe shall have the right to replace the deed with a lease covering the Subject Lands issued under section 1(a) of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(a)) having a term of 25 years, with a right to renew for an additional 25 years.

(2) CONDITIONS OF LEASE.—Under the lease referred to in paragraph (1)(D), the Subject Lands shall be leased rent free to the School District for the exclusive purpose of constructing and operating a public high school and related facilities thereon. The lease shall terminate if, within 8 years after the date of the deed, classes have not commenced in a permanent public high school facility established on the Subject Lands, or if such classes commence at the facility within such 8-year period, but the facility subsequently permanently ceases operating as a public high school. In the event the Tribe seeks and obtains the Superintendent's Approval, the Tribe may tender a lease, signed by the Tribe

and approved by the Secretary, which complies with the provisions of this subsection. Upon such tender, the deed shall be of no further force or effect, and, subject to the leasehold interest offered to the School District, title to the Subject Lands, free and clear of all liens and encumbrances, shall automatically revert to the Secretary in trust for the Tribe. The Tribe may at any time irrevocably relinquish the right provided to it under this subsection by resolution of the Northern Cheyenne Tribal Council explicitly so providing.

(c) EFFECT OF ACCEPTANCE OF DEED.—Upon the School District's acceptance of a deed delivered under this section, the School District, and any party who may subsequently acquire any right, title, or interest of any kind whatsoever in or to the Subject Lands by or through the School District, shall be subject to, be bound by, and comply with all terms and conditions set forth in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 12. INDIAN AGRICULTURE AMENDMENT.

(a) LEASING OF INDIAN AGRICULTURAL LANDS.—Section 105 of the American Indian Agriculture Resource Management Act (25 U.S.C. 3715) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) shall approve leases and permits of tribally owned agricultural lands at rates determined by the tribal governing body."; and

(2) in subsection (c), amending paragraph (1) to read as follows:

"(1) Nothing in this section shall be construed as limiting or altering the authority or right of an individual allottee or Indian tribe in the legal or beneficial use of his, her, or its own land or to enter into an agricultural lease of the surface interest of his, her, or its allotment or land under any other provision of law.".

(b) TRIBAL IMMUNITY.—The American Indian Agriculture Resource Management Act (25 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

"SEC. 306. TRIBAL IMMUNITY.

"Nothing in this Act shall be construed to affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by Indian tribes.".

SEC. 13. SAN CARLOS APACHE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of title XXXVII of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "December 31, 1994" and inserting "December 31, 1995".

SEC. 14. RELATIONSHIP BETWEEN BUY INDIAN ACT AND MENTOR-PROTEGE PROGRAM.

Section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47; commonly referred to as the "Buy Indian Act"), is amended by adding at the end the following: "Participation in the Mentor-Protege Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) or receipt of assistance pursuant to any developmental assistance agreement authorized under such program shall not render Indian labor or Indian industry ineligible to receive any assistance authorized under this section. For the purposes of this section—

"(1) no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note); and

"(2) the terms 'protege firm' and 'mentor firm' have the meaning given such terms in subsection (c) of such section 831.".

SEC. 15. ACQUISITION OF LANDS ON WIND RIVER RESERVATION.

(a) AUTHORITY TO HOLD LANDS IN TRUST FOR THE INDIVIDUAL TRIBE.—The Secretary of the Interior is hereby authorized to acquire individually in the name of the United States in trust for the benefit of the Eastern Shoshone Tribe of the Wind River Reservation or the Northern Arapaho Tribe of the Wind River Reservation, as appropriate, lands or other rights when the individual assets of only one of the tribes is used to acquire such lands or other rights.

(b) LANDS REMAIN PART OF JOINT RESERVATION SUBJECT TO EXCLUSIVE TRIBAL CONTROL.—Any lands acquired under subsection (a) within the exterior boundaries of the Wind River Reservation shall remain a part of the Reservation and subject to the joint tribal laws of the Reservation, except that the lands so acquired shall be subject to the exclusive use and control of the tribe for which such lands were acquired.

(c) INCOME.—The income from lands acquired under subsection (a) shall be credited to the tribe for which such lands were acquired.

(d) SAVINGS PROVISION.—Nothing in this section shall be construed to prevent the joint acquisition of lands for the benefit of the Eastern Shoshone Tribe of the Wind River Reservation and the Northern Arapaho Tribe of the Wind River Reservation.

SEC. 16. ADVANCED TRAINING AND RESEARCH.

Section 111 of the Indian Health Care Improvement Act (25 U.S.C. 1616d) is amended—

(1) in subsection (a)—

(A) by striking "who have worked in an Indian health program (as defined in section 108(a)(2)) for a substantial period of time"; and

(B) by adding at the end the following new sentence: "In selecting participants for a program established under this subsection, the Secretary, acting through the Service, shall give priority to applicants who are employed by the Indian Health Service, Indian tribes, tribal organizations, and urban Indian organizations, at the time of the submission of the applications."; and

(2) in subsection (b), by inserting after "Indian health program" the following: "(as defined in section 108(a)(2))".

(d) NURSING RESIDENCY PROGRAM.—Section 118(b) of such Act (25 U.S.C. 1616k(b)) is amended by inserting before the period the following: "or a Master's degree".

SEC. 17. REDESIGNATION OF YAKIMA INDIAN NATION TO YAKAMA INDIAN NATION.

(a) REDESIGNATION.—The Confederated Tribes and Bands of the Yakima Indian Nation shall be known and designated as the "Confederated Tribes and Bands of the Yakama Indian Nation".

(b) REFERENCES.—Any reference in a law (including any regulation), map, document, paper, or other record of the United States to Confederated Tribes and Bands of the Yakima Indian Nation referred to in subsection (a) shall be deemed to be a reference to the "Confederated Tribes and Bands of the Yakama Indian Nation".

SEC. 18. EXPENDITURE OF JUDGMENT FUNDS.

Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with the letter of Charles Dawes, the Chief of the Ottowa Tribe of Oklahoma, to the Bureau of Indian Affairs, Muskogee Area Office, dated September 21, 1993, and the accompanying Resolution that was approved by the Business Committee of the Ottawa Tribe of Oklahoma August 19, 1993, the specific changes in the Secretarial Plan that became effective on June 14, 1983, for the use of funds that were awarded in satisfaction of judgments in final awards by the Indian Claims Commission for claims with the following docket numbers: 133–A, 133–B, 133–C, 302, and 338.

SEC. 19. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The activities of the Department of the Interior associated with the Department's consultation with Indian tribes organizations related to the management of funds held in trust by the United States for Indian tribes shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 20. POKAGON POTAWATOMI MEMBERSHIP LIST.

The Act entitled "An Act to restore Federal services to the Pokagon Band of Potawatomi Indians", approved September 21, 1994 (Public Law 103–323) is amended—

(1) by redesignating section 9 as section 10; and

(2) by inserting after section 8 the following new section:

"SEC. 9. MEMBERSHIP LIST.

"(a) LIST OF MEMBERS AS OF SEPTEMBER 1994.—Not later than 120 days after the date of enactment of this Act, the Bands shall submit to the Secretary a list of all individuals who, as of September 21, 1994, were members of the respective Bands.

"(b) LIST OF INDIVIDUALS ELIGIBLE FOR MEMBERSHIP.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Bands shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Bands. Each such Band, in consultation with the Secretary, shall determine whether an individual is eligible for membership in the Band on the basis of provisions in the governing documents of the Band that determine the qualifications for inclusion in the membership roll of the Band.

"(2) PUBLICATION OF NOTICE.—At such time as the rolls have been submitted to the Secretary, the Secretary shall immediately publish in the Federal Register a notice of such rolls.

"(3) MAINTENANCE OF ROLLS.—The Bands shall ensure that the rolls are maintained and kept current.".

SEC. 21. ODAWA AND OTTAWA MEMBERSHIP LISTS.

The Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (Public Law 103–324) is amended by adding at the end the following new section:

"SEC. 9. MEMBERSHIP LIST.

"(a) LIST OF PRESENT MEMBERSHIP.—Not later than 120 days after the date of enactment of this Act, the Band shall submit to the Secretary a list of all individuals who, as of September 21, 1994, were members of the Band.

"(b) LIST OF INDIVIDUALS ELIGIBLE FOR MEMBERSHIP.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band. The Band, in consultation with the Secretary, shall determine whether an individual is eligible for membership in the Band on the basis of provisions in the governing documents of the Band that determine the qualifications for inclusion in the membership roll of the Band.

"(2) PUBLICATION OF NOTICE.—At such time as the rolls have been submitted to the Secretary, the Secretary shall immediately publish in the Federal Register a notice of such rolls.

"(3) MAINTENANCE OF ROLLS.—The Band shall ensure that the rolls are maintained and kept current.".

SEC. 22. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) IN GENERAL.—The Indian Self-Determination Act is amended—

(1) in section 107(b)(2) (25 U.S.C. 450k(b)(2)), by striking "Committee on Interior and Insular Affairs" and inserting "Committee on Natural Resources";

(2) in section 301 (25 U.S.C. 450f note), by striking "eight" and inserting "18"; and

(3) in section 302(a) (25 U.S.C. 450f note), by striking "The Secretaries" and inserting "For each fiscal year, the Secretaries".

(b) ADVISORY COMMITTEES.—The Indian Self-Determination and Education Assistance Act Amendments of 1990 (title II of Public Law 101-644) is amended by adding at the end the following new section:

"SEC. 204. TRIBAL AND FEDERAL ADVISORY COMMITTEES.

"Notwithstanding any other provision of law (including any regulation), the Secretary of the Interior and the Secretary of Health and Human Services are authorized to jointly establish and fund advisory committees or other advisory bodies composed of members of Indian tribes or members of Indian tribes and representatives of the Federal Government to ensure tribal participation in the implementation of the Indian Self-Determination and Education Assistance Act (Public Law 93-638).".

SEC. 23. CROW BOUNDARY SETTLEMENT.

Section 6(c) of the Crow Boundary Settlement Act of 1994 is amended to read as follows:

"(c) INVESTMENT.—At the request of the Secretary, the Secretary of the Treasury shall invest all sums deposited into, accruing to, and remaining in, the Crow Tribal Trust Fund in accordance with the first section of the Act of February 12, 1929 (45 Stat. 1164, chapter 178, 25 U.S.C. 161a).".

Mr. RICHARDSON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. THOMAS of Wyoming. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Mexico [Mr. RICHARDSON] to explain the bill.

Mr. RICHARDSON. Mr. Speaker, H.R. 4709 makes technical changes to several different laws.

The bill provides for the leasing authority for the Indian Pueblo Development Corporation; adds 240 acres to the Grand Ronde Reservation in Oregon pursuant to an agreement with the Interior Department; it adds land to the Siletz Reservation in Oregon; and it provides for a land transfer for the building of a school on the Northern Cheyenne Reservation.

Mr. Speaker, this bill was packaged so that we would not have to do 15 little bills. Suffice it to say that this bill, which contains leasing authorities, land transfers and other minor matters, is important to several tribes across the country including the Ysleta del Sur Pueblo of Texas, the Viejas Reservation in California, the Wind River Reservation in Wyoming, the Gila River Indian Community in Arizona, the Sac and Fox Nation of Oklahoma, the San Carlos Apache Tribe of Arizona, and the Devil's Lake Sioux Tribe of North Dakota. It also makes minor technical changes to the Indian Agriculture Act and other laws affecting Native Americans.

Mr. Speaker, the bill is supported by many Members of the House. The bill includes many amendments provided to the committee by the administration. The other body has added some amendments which I support.

I urge my colleagues to support this bill.

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Mr. THOMAS of Wyoming. Mr. Speaker, continuing my reservation of objection, if I may, I wish to enter into a colloquy with the gentleman from New Mexico [Mr. RICHARDSON].

Mr. Speaker, continuing my reservation of objection, I would like to discuss with the gentleman the Frank's Landing provision.

Mr. Speaker, I would say to the gentleman, it is my understanding that the language in the bill regarding Frank's Landing does not create a federally recognized Indian tribe, does not give the group the right to have gaming, does not give the group the right to tax or license businesses and does not give it other self-governing powers reserved only to federally recognized tribes.

Mr. RICHARDSON. Mr. Speaker, if the gentleman will yield, the gentleman is correct. The language regarding Frank's Landing does not confer the powers reserved to federally recognized Indian tribes upon this community. The language reflects the status quo as far as jurisdictional matters. The group cannot have a court, cannot assert civil regulatory authority, and cannot exercise the powers of a sovereign. It cannot get class II or class III gaming because it is not a federally recognized tribe. The group was authorized in the 100th Congress to enter into self-determination contracts. That is the full extent of their powers.

Mr. THOMAS of Wyoming. Mr. Speaker, continuing my reservation of objection, I agree with the chairman of the Subcommittee on Native American Affairs that this bill simply clarifies existing rights and does not confer any other powers on the community at Frank's Landing.

Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

INDIAN SELF-DETERMINATION ACT AMENDMENTS OF 1994

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the bill (H.R. 4842) to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes, and ask for its immediate consideration.

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

Mr. THOMAS of Wyoming. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Mexico [Mr. RICHARDSON] to explain the bill.

Mr. RICHARDSON. Mr. Speaker, title I of H.R. 4842 will allow Indian tribes to more easily exercise their right to enter into self-determination contracts with several agencies. The measure provides for a model contract which tribes in the United States can follow, and creates a procedure for expeditious rulemaking in a limited number of areas.

Mr. Speaker, the bill has been negotiated with and reflects the concerns of the tribes, the departments, and other committees. Both titles are supported by the administration and continue the avowed Federal policy of self-determination. I urge my colleagues to support it.

The following outlines the Indian Self-Determination Act Amendments of 1994:

PURPOSE

The purpose of Title I of H.R. 4842 is to limit the promulgation of regulations under the Indian Self-Determination and Education Assistance Act, and to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes.

The purpose of Title II of H.R. 4842 is to amend the Indian Self-Determination and Education Assistance Act to permanently establish Tribal Self-Governance in the Department of the Interior.

BACKGROUND

TITLE I. THE INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994

The Indian Self-Determination and Education Assistance Act was signed into law in 1975 in order to maximize tribal participation in the planning and administration of federal services and programs, as well as to reduce the federal bureaucracy within those Indian programs. The policy of self-determination has proven to be very successful in terms of promoting tribal operation of federal programs and services administered by the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

The policy of self-determination has it origins in President Nixon's 1970 "Special Message to the Congress on Indian Affairs" which stated:

For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been

commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the federal authorities and not the Indian people who finally make that decision.

This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing to assume administrative responsibility for a service program which is presently administered by a federal agency.

Today, approximately $531 million of the funds appropriated to the BIA are administered by tribal governments or organizations under self-determination contracts. There are over 400 contracts between Indian tribes and the IHS involving approximately $497 million. Indian tribes contract with the IHS for the operation of 8 fully-accredited hospitals, 347 health centers and 70 service units.

Despite passage of the Act, tribal attempts to assume the operation of federal programs were hindered by an increased federal bureaucracy as well as restrictive and unnecessary contracting regulations. In fact, so many layers of bureaucracy and rules had been imposed that the contract approval process required an average of 6 months rather than the 60 days mandated by the Act.

In response, Congress amended the Indian Self-Determination Act in 1988 in order to remove these barriers to contracting. The 1988 Amendments required the Bureau of Indian Affairs and the Indian Health Service to develop new regulations with the participation of Indian tribes by October of 1989. Congress made clear that these amendments should be simple, straightforward, and short.

The 1988 amendments were intended to increase tribal participation through contracting in the management of federal Indian programs and to help ensure long-term financial stability for tribally-operated programs. The 1988 amendments also required the Securities of the Departments of the Interior and Health and Human Services to consider and formulate appropriate regulations with the participation of the Indian tribes. It was intended for the Departments to then issue joint regulations in order to avoid the unnecessary paperwork and confusion that two sets of regulations would entail.

Six years after passage of the 1988 Amendments, the Departments have yet to promulgate regulations. Despite two productive negotiating sessions between tribes and the Departments that resulted in the negotiation of draft regulations, the Departments in both instances rejected those negotiated drafts. The regulatory process has cost the tribes hundreds of thousands of dollars, and has led to great confusion within Indian Country and among the federal agencies.

On January 20, 1994, the Departments finally published the proposed joint set of regulations. The set of regulations which emerged, however, was not the simple vehicle that Congress had intended. Rather, the proposed regulations contain hundreds of new requirements. In fact, it is apparent that the new regulations are more complicated and restrictive than existing regulations and raise new obstacles and burdens for Indian tribes seeking to exercise the right of self-determination. Should the regulatory process continue on its present course, it is very likely to last an additional two to three years.

An overwhelming number of tribes throughout the country have denounced the proposed regulations. In May of this year, tribes attending a national conference with the Departments on the proposed regulations unanimously called for legislation that would supplant the regulatory process. The Committee has received numerous phone calls and letters from tribes regarding H.R. 4842. Every single such communication has been in strong support of H.R. 4842 and has requested its swift passage.

TITLE II. SELF-GOVERNANCE

In 1987, the Congress considered, as part of the amendments to P.L. 93-638, the Indian Self-Determination Act, the establishment of the Tribal Self-Governance Demonstration Project. The Tribal Self-Governance Project was authorized by Congress under Title III of P.L. 100-472. Under the Tribal Self-Governance Project, Indian tribes could enter into annual funding agreements with the Secretary of the Interior. These agreements authorized Indian tribes to plan, consolidate, and administer programs, services, and functions administered by the Bureau of Indian Affairs. It also authorized Indian tribes to redesign programs, functions, and services and to reallocate funds to carry out these activities. The Tribal Self-Governance Project provides Indian tribes with the flexibility to develop programs and to establish funding priorities to meet their specific needs.

In the annual funding agreements, Indian tribes are allocated funds from the agency, area, and central office accounts of the Bureau of Indian Affairs. The amount available under a funding agreement is determined on the basis of what the tribe would have received in funds and services in the absence of the agreement. In negotiating self-governance compacts, an Indian tribe may negotiate for all or part of the programs, services, functions, and other activities as well as any direct or indirect program costs incurred by the Secretary in delivering services to the Indian tribe and its members. Specifically exempted from the Self-Governance Project are funds from the Tribally Controlled Community College Assistance Act, the Indian School Equalization Formula, and the Flathead Irrigation Project.

Since 1988, twenty-eight Indian tribes have entered into Self-Governance compacts with the Department of the Interior. After the Self-Governance Project was expanded to include the programs of the Indian Health Service in 1992, fourteen Indian tribes have entered into compacts with the Secretary of Health and Human Services. Despite initial delays and setbacks in both the Department of the Interior and the Indian Health Service, the Committee has been encouraged by the demonstrated success of the Tribal Self-Governance Project. The Committee has concluded that due to the success of tribal self-governance, it is appropriate to make Tribal Self-Governance a permanent program within the Department of the Interior. The Committee will continue to monitor the progress made in implementing tribal self-governance within the Indian Health Service and after an appropriate period of time will make tribal self-governance a permanent program in the Indian Health Service.

The Committee is very concerned about reports from many of the Self-Governance tribes that officials of the Indian Health Service have refused to negotiate for the transfer of central office funds and have exhibited an overall resistance to tribal efforts to redesign programs and reallocate resources and personnel under the authority of Tribal Self-Governance. This resistance is due in large part to the misapprehension that Tribal Self-Governance is a temporary project. Tribal Self-Governance, as reflected in this legislation, will be a permanent program and it is the Committee's intent to expand Tribal Self-Governance to include each Department of the Federal government. Therefore, the Committee directs the Indian Health Service to begin to plan for and implement changes that will result in reductions in the Federal bureaucracy which correspond to the transfer of program funds, resources, and responsibilities to Self-Governance tribes. All Federal savings derived from these reductions should be transferred to the appropriate Indian tribe pursuant to the Tribal Self-Governance agreements.

Tribal Self-Governance is grounded upon the unique relationship between the Federal government and each Indian tribe. While there has been some progress made under the Indian Self-Determination Act, the Federal bureaucracy continues to erode tribal self-governance and dominate tribal affairs. The Tribal Self-Governance Demonstration Project has redefined the relationship between Indian tribes and the Federal government by placing control over Federal funding and program management in the hands of Indian tribes. Self-Governance promises an orderly transition from the Federal domination of programs and services benefitting Indian tribes to tribal authority and control over those programs and services. While tribal control over programs and services is enhanced under the Tribal Self-Governance process, there should be a corresponding reduction in the Federal bureaucracy. These agreements have streamlined management processes and removed layer upon layer of bureaucratic regulation and control. Tribal Self-Governance has encouraged experimentation and flexibility at both the tribal and Federal level. Tribal Self-Governance is premised upon bilateral, negotiated agreements between the Secretary and the Indian tribes which detail the transfer of programmatic responsibilities and the associated funds to Indian tribes. Tribal Self-Governance agreements are in part, a reflection of the treaties negotiated between Indian tribes and the Federal government. Like the earlier treaties, the Self-Governance agreements reflect bilateral, consensual negotiations which define the relationship between two sovereigns. The Committee intends Tribal Self-Governance to continue to develop as a major policy initiative and a blueprint for future Federal-tribal relations.

THE INDIAN SELF-DETERMINATION ACT AMENDMENTS OF 1994

TITLE I. THE INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994

On July 27, 1994, Congressmen Richardson and Thomas (of Wyoming) introduced H.R. 4842, the Indian Self-Determination Act Amendments of 1994. As introduced, the Indian Self-Determination Act Amendments of 1994, amended Title I of the Indian Self-Determination and Education Assistance Act by limiting the Departments of the Interior and Health and Human Services by limiting the Departments' rulemaking authority and by establishing a model contract. The model contract would govern the terms under which Indian tribes and tribal organizations could assume the operation and management of federal programs and functions benefitting Indians that are operated within the Department of the Interior and the Department of Health and Human Services, including programs and functions of the Bureau of Indian Affairs and the Indian Health Service. H.R. 4842 would greatly simplify the contracting process, as the 1988 Amendments

were originally intended to do. H.R. 4842 would also greatly reduce the unnecessary regulations, paperwork, cost and layers of federal bureaucracy that have prevented tribes from fully exercising the right to enter into self-determination contracts.

TITLE II. THE TRIBAL SELF-GOVERNANCE ACT OF 1994

On November 15, 1993, Congressman Richardson introduced H.R. 3508, the Tribal Self-Governance Act of 1993. H.R. 3508 amends the Indian Self-Determination and Education Assistance Act by creating a new Title IV to the Act. Under this new title, the Secretary is directed to establish the Tribal Self-Governance program within the Department of the Interior. The bill permanently establishes Tribal Self-Governance with the Department of the Interior. The bill would transfer Indian tribes participating in Self-Governance under Title III into the program established under Title IV. Title IV would govern all existing and future Self-Governance agreements with the Department of the Interior. While agreements with the Department of the Interior would no longer be governed by Title III, the existing and future agreements with the Indian Health Service will continue to be governed by Title III. The legislation authorizes the Secretary to select up to 20 new tribes per year to participate in Tribal Self-Governance. Any Indian tribe participating in a Self-Governance agreement may, at its discretion, elect to cease participation through exercise of their retrocession authorities or to refuse to renegotiate or renew an annual funding agreement.

The Bill also requires each applicant to complete the planning phase in order to be eligible to participate in Tribal Self-Governance. The bill provides that the Secretary shall negotiate annual funding agreements with each Indian tribe. These agreements authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities of the Department of the Interior that are otherwise available to Indian tribes or Indians. Pursuant to the terms of the agreement and at the request of the tribe, the Secretary shall provide funds to carry out the agreement in an amount equal to the amount that the Indian tribe would have been eligible for under Self-Determination Act contracts and grants. The bill also provides that the Secretary shall interpret each Federal law in a manner that will facilitate inclusion of programs or activities under the agreement. The bill also includes provisions which authorize the Secretary to receive application of a Federal regulations with regard to self-governance agreement. The Secretary is required to submit a report to the Congress on January 1st of each year which shall contain the relative cost and benefits of self-governance all funds functionally related to services and benefits under Self-Governance and the corresponding reduction in the Federal bureaucracy. The bill also authorizes the Secretary to initiate negotiated rulemaking procedures for the development of regulations under the Act.

The Subcommittee held a hearing on H.R. 3508 on February 25, 1994 at which time the Subcommittee took testimony from the Department of the Interior and several representatives of Indian tribes. The Department of Interior expressed general support for Tribal Self-Governance and requested that the Subcommittee staff work with the Department on amendments to the bill. The overwhelming majority of tribal witnesses supported the bill and the general concept of Tribal Self-Governance. Most of the witnesses were participants in the Self-Governance Demonstration Project and found the project to have had a positive impact on their tribal governments. An exception to the general approval of the tribal witnesses was provided by a representative of the allottees from the Quinault Indian reservation. The allottee witness was opposed to Tribal Self-Governance because he asserted that Tribal Self-Governance interfered with the trust responsibility which exists between an individual allottee and the Federal government. The witness contended that Tribal Self-Governance usurped the relationship between the allottee and his Federal trustee. The Committee notes that in the Committee Amendment the rights of individual allottees are upheld, and it is the Committee's intent that the trust responsibility between the United States and an individual allottee will continue after enactment of this measure. The Committee notes that the concept of Tribal Self-Governance was endorsed by all the tribal witnesses at the hearing except for the witness representing the allottees.

COMMITTEE AMENDMENT

The Committee Amendment in the nature of a substitute makes numerous modifications to H.R. 4842 as introduced. The Committee Amendment places the provisions regarding self-determination contracts into Title I and adds a new Title II which incorporates provisions of H.R. 3508, the Tribal Self-Governance Act of 1994.

TITLE I. THE INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994

The Committee Amendment reflects changes made to accommodate the concerns of the Indian tribes, the Departments of the Interior and Health and Human Services, and the Committees on Merchant Marines and Fisheries and Education and Labor. A description of certain key changes follows.

In section 102(1), the Amendment deletes architectural and engineering services from the category of programs not covered by the Federal Acquisition Regulations that are applicable to construction contracts.

In section 102(6), the Amendment enlarges the declination timeframe from 60 days to 90 days. The Amendment also requires the Secretary to provide written notice to the contractor that sets forth a specific finding that clearly demonstrates the proposal falls within five enumerated declination criteria. The Committee adopted the "clearly demonstrates" standard for the Secretary's finding as an intermediate standard that is higher than a standard requiring the Secretary to support his or her finding by a preponderance of the evidence, but lower than a standard requiring the Secretary to support his or her finding by clear and convincing evidence. The Amendment also deletes references to "tribal organization" in declination criteria A and B and makes clear that funding and contractibility are separate declination criteria. The Amendment also deletes the proposed amendment to the "satisfactory services" standard of existing law. The Amendment also adds a new paragraph requiring the contractor to include program standards when submitting a contract proposal.

In section 102(9), the Amendment replaces the Secretary's "clear and convincing" burden of proof for sustaining for declination appeals with a standard requiring the Secretary to "establish by clearly demonstrating" the validity of his or her grounds for declining a contract proposal. The Committee adopted the "clearly demonstrating" burden of proof standard as an intermediate standard which is higher than a standard requiring the Secretary to support his or her decision by a preponderance of the evidence, but lower than a standard requiring the Secretary to support his or her decision by clear and convincing evidence. The Amendment deletes the requirement that a declination finding include a technical assistance finding. The Amendment also eliminates the Alaska tribal organization redelegation authority.

In section 102(10), the Amendment requires that program standards be included in contract proposals and in final contracts so that the Departments can evaluate those standards in light of the declination criteria. The Amendment also deletes the exemption from the Work Hours Act of 1962.

In section 102(11), the Amendment limits the authority of a tribal organization that is itself not a tribe to retrocede a program back to the government to instances where the authority has been previously delegated to the tribal organization by a tribe.

In section 102(12), the Amendment eliminates the limitation on return of property to the federal government which would have permitted such return only in instances where the property remained in use in support of the contracted program. The Amendment also makes clear that property vesting in the tribe or tribal organization remain eligible for replacement on the same basis as if title to such property were in the United States.

In section 102(13), the Amendment deletes virtually all of the divisibility section, leaving in place existing law, while adding in a new explicit protection for non-contracting tribes. The Amendment limits tribal authority to redesign non-construction contracts and prohibits any redesign that would be contrary to statute. The Amendment also clarifies that certain sections of Title I do not apply to construction contracts, including the model contract and the reassumption section.

In section 102(14), the Amendment adds language to assure against any inadvertent double payment of contract support costs duplicative of the Secretarial amount already included in the contract. The Committee wishes to make clear that by adding a new paragraph (3), the Congress is not creating a third funding category in addition to direct and contract support costs.

In section 102(15), the Amendment changes the reporting deadlines from March 15 to May 15, to provide the Departments adequate time to include reports relating to calendar year contracts within the supplemental appropriations cycle.

In section 102(17), the Amendment changes the word "allocate" to "add."

In section 102(19), the Amendment revises the suspension of contract funds to permit the Secretary to suspend funds upon a determination that the contractor has failed to substantially carry out the contract. The Amendment reflects the Committee's intent that the Secretary follow the reassumption procedures, but not criteria. The Amendment also requires the Secretary to "establish by clearly demonstrating" the validity of his or her grounds for suspending payments of contract funds. The Committee adopted the "clearly demonstrating" burden of proof standard as an intermediate standard which is higher than a standard requiring the Secretary to support his or her decision by a preponderance of the evidence, but lower than a standard requiring the Secretary to support his or her decision by clear and convincing evidence. The Amendment

rewrites the savings provision so that savings equally benefit both contracted and non-contracted parts of the Secretary's programs.

In section 103 of the bill, the Amendment deletes the paragraph relating to tribal forums. The Amendment requires that the contract set forth the program standards applicable to the contracted programs. The Amendment revises the "limitation of cost" clause to comport with limitation of cost clauses currently used in self-determination contracts. The Amendment enlarges the Secretary's monitoring rights, and is not intended to restrict the Secretary's right to make trust-related monitoring visits. The Amendment clarifies that the funding amount specified in the annual funding agreement is tied to the funding amount required to be paid under section 106(a) of the Act.

In section 104 of the bill, the Amendment adds a new basis for reassumption relating to the endangerment of trust resources. The Amendment provides for partial reassumption. The Amendment also replaces the Secretary's "clear and convincing" burden of proof for sustaining on appeal the grounds for reassumption with a standard requiring the Secretary to "establish by clearly demonstrating" the validity of his or her grounds for reassuming a contract. The Committee adopted the "clearly demonstrating" burden of proof standard as an intermediate standard which is higher than a standard requiring the Secretary to support his or her decision by a preponderance of the evidence, but lower than a standard requiring the Secretary to support his or her decision by clear and convincing evidence.

In section 105 of the bill, the Amendment adds 11 additional topic areas with respect to which Congress delegates its legislative rulemaking authority to the Departments. The Amendment extends from 12 to 18 months the period for rulemaking. The Amendment adds an explicit regulatory repeal authority. The Amendment also substantially rewrites the waiver and exception provisions to make clear that the declination procedures, but not the declination criteria, apply to waiver requests.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 provides that the Act may be cited as the "Indian Self-Determination Act Amendments of 1994".

SECTION 101. SHORT TITLE

Section 101 provides that Title I may be cited as the "Indian Self-Determination Contract Reform Act of 1994."

SECTION 102. GENERAL AMENDMENTS

Section 102(1) amends the definitions section of the Act by changing the term "indirect costs rate" to "indirect cost rate" in order to comport with other provisions of the Act. Section 2(a) adds a new subsection (m) at the end of section 4. This new subsection provides a definition for the term "construction contract," a term which is presently used but not defined in the statute. The term excludes contracts for planning services and construction management services, programs administered under the Bureau of Indian Affairs' Housing Improvement Program and roads maintenance program, and the health facility and maintenance program administered by the Secretary of Health and Human Services. As the term is later used in the statute, the amendment will assure that the federal acquisition regulations are not applied to contracts which do not involve classic construction activities. The amendment clarifies that the BIA roads program is not to be considered a construction activity for purposes of the Act and the application of federal procurement laws.

Section 102(2) conforms portions of section 5(f) of the Act with the 1988 Amendments, and also clarifies and reinforces that intent of Congress to minimize the reporting requirements applicable to tribal contractors. One of the primary goals of the 1988 amendments was to eliminate excessive and burdensome reporting requirements. The amendment is designed to compel the Departments to substantially cut back on the amount of reporting now required from tribal contractors. The amendment provides that reporting requirements over and above the annual audit report are to be negotiated, with disagreements evaluated under the declination procedures of Section 102 of the Act.

Section 102(3) corrects a typographical error in section 7(a) of the Act, and also conforms the statute with the long-accepted Labor Department interpretation exempting tribal employees from the Davis-Bacon Act. The amendment makes a technical correction referring to multi-tribal organizations.

Section 102(4) amends section 7 of the statute to add a new subsection (c) to recognize tribal laws addressing employment preferences. Presently, tribal governments are unable to reconcile the terms of tribal employment rights ordinances (TERO) (which generally provide for tribal preferences in employment for tribal members) with section 7(b) of the Act (which establishes a general Indian preference). Presently, the Bureau of Indian Affairs and the Indian Health Service disagree on the applicability of tribal TERO ordinances to employment under a self-determination contract. The new amendment will remove the source of conflict by endorsing tribal TERO ordinances where they are in place. The amendment makes a technical grammatical change.

Section 102(5) amends section 102(a)(1) to reinforce the congressional intent that all programs and functions of the Secretary are contractible without regard to the level within the Department in which a program or a portion of the program is administered. The Secretary may not lawfully refuse to enter into a contract on the ground that the resources supporting the program are situated at an Area Office or other administrative location rather than in the field. It is complementary to the amendment to section 106(a)(1) addressed in section 102(14).

Section 102(6) addresses section 102(a) of the Act. The rewritten section reinforces the existing limitations on the Secretary when evaluating the merits of a contract proposal (although the current law appears unambiguous, the amendment would remove any potential doubt regarding the scope of the Secretary's review); makes explicit that the protections of the declination appeals process apply to proposals to amend or renew a self-determination contract, and not merely to initial contracting proposals; when declining a contract proposal, requires specific and written findings that clearly demonstrate the applicability of the declination criteria or are supported by controlling legal authority; refines the grounds for declining a contract proposal; makes clear that when a contract proposal involves the management of trust resources, the Secretary is to confine his examination to the trust resources directly involved in the contract proposed by the tribal organization; establishes a 90 day deadline by which the Secretary must either award the contract or make declination findings; and clarifies that the Secretary's determinations regarding whether a contract proposal is authorized by the Act (the issue known as "contractibility"), and regarding contract funding levels are issues which must be assessed as part of the declination contract review approval and appeal process set forth in section 102(a)(2) of the Act (that is, these issues may not be identified as part of some "threshold" assessment, nor in any other way that would escape the critical procedural protections available under section 102).

In addition, section 102(6) requires the contractor to include in its contract proposal the standards under which the contractor will operate the contracted program; and adds a new subsection 102(a)(4) to correct the prevailing departmental misinterpretation that a contract proposal must either be approved in its entirety or declined in its entirety. As originally intended, and as clarified by the amendment, the Secretary is to approve any severable and approvable portion of a contract proposal. The only condition on award of the contract is that the Secretary and the tribal organization must agree on any alteration in the proposed contract scope of work necessitated by the partial declination of the original proposal. The Secretary remains free to decline that portion of the contract which he determines should not be approved, and the tribal organization is free to appeal that determination as provided in the Act.

Section 102(7) of the bill has been added by the Committee to conform with the Committee's amendment to section 110(a) of the Act, assuring tribal access to immediate federal court review of decisions to decline a contract proposal, in lieu of first pursuing an administrative appeal process. The Committee notes that it is likely that the majority of appeals will remain administrative in nature, rather than judicial, because attorneys fees are recoverable for administrative appeals but not judicial appeals under the Equal Access to Justice Act. The Committee amendments also assures that traditional discovery procedures such as document production and depositions are available in declination administrative appeals.

Section 102(8) of the bill conforms liability protections under the Act with those that will be applicable to the Secretary under Title II of the Department of the Interior and Related Agencies 1995 Appropriations Act.

Section 102(9) amends section 102 to add new subsections (e) and (f). The addition of subsection (e) makes clear that the Secretary has the burden of proof to establish by clearly demonstrating that all of part of a contract proposal should be declined. The Committee adopted the "clearly demonstrating" standard, in the declination, suspension, and reassumption provisions of the Act, as an intermediate standard between the higher civil standard of "clear and convincing evidence" that was originally proposed, and the lower civil standard of "the preponderance of the evidence" which the Departments proposed. The amendment also removes the potential for a very real conflict of interest in resolving appeals, by requiring that appeals be decided at a level higher than the agency making the original decision or by an administrative law judge. For instance, appeals of IHS declinations would have to be finally resolved at a level no lower than the Assistant Secretary of Health or by an administrative law judge.

Section 102(10) amends section 105(a) of the Act to address both a technical and a substantive problem. The technical problem is

that the 1988 Amendments overlooked the need to conform the 1975 language with the 1988 Amendments. As a substantive matter, the 1988 Amendments have been misconstrued as requiring that the full panoply of federal acquisition regulations must apply to construction contracts, despite the congressional intent in 1988 to minimize the application of federal acquisition regulations (FAR) to construction contracting activities. The amendment clarifies that the federal acquisition regulations are only to be applied to the limited extent that doing so is necessary to ensure that the contract may be carried out in a satisfactory manner, is directly related to the contraction activity, and is not inconsistent with the underlying purpose of the Self-Determination Act. The Committee wishes to underscore that Congress does not intend for the Departments to treat any Self-Determination Act contracts as ordinary federal contracts. They are not. Rather, Self-Determination Act contracts should be guided by the principle that Indian tribes are sovereign nations, contracts entered into with Indian tribes are done so on a government-to-government basis, and should be free of all unnecessary federal administrative oversight. The Committee amendment also narrows the scope of acquisition regulations and similar requirements which may be unilaterally imposed on tribal contractors.

Section 102(11) amends section 105(e) to clarify that a tribe may rescind a retrocession request and a retroceding tribe cannot be compelled to operate a contract beyond the contract termination date set forth in the contract, since no contract with the government under the Act can be unilaterally extended in time without the consent of the tribal organization. The amendment also makes clear that tribal organizations that have secured prior authorization from Indian tribes may also retrocede a contract.

Section 102(12) amends section 105(f)(2) to address both the acquisition of property with contract funds after a contract has been awarded and also the management of government-furnished property. Currently, standard grant regulations provide that title to property purchased with grant funds vests in the grantee. The amendment extends the same policy to property purchased with self-determination contract funds. The policy reasons underlying the Self-Determination Act strongly counsel in favor of such a regime, and the amendment eliminates the need for a technical "donation" of the property in such circumstances. At the same time, the amendment provides a mechanism for the return of property still in use to the Secretary, in the event a contracting program is retroceded back to the federal government. Finally, in conjunction with Paragraph 1(b)(7) of the model contract set forth in section 3 of the bill, the amendment assures that, although title to such property will vest in the tribe or tribal organization, the Secretary is to treat such property in the same manner for purposes of replacement as he or she would have had title to the property vested in the government.

Section 102(13) adds six new subsections to section 105 of the Act. New subsection (i) addresses the impact of dividing programs which serve many tribes in order to allow one or more tribes to contract for the operation of a portion of such programs. The amendment clarifies that the Secretary may take such action as necessary to ensure the tribes not served by the contract will are not reduced.

New subsection 105(j) clarifies that tribal organizations are authorized to propose a redesign of their programs to best meet their local needs. The amendment is consistent with the approach taken in Title III of the Self-Determination Act, as well as the original premise underlying the 1975 Act, and has been necessitated by the continuing efforts by the Department of the Interior and the Department of Health and Human Services to impose upon tribes program requirements, including reporting requirements and program standards, which in many instances compel tribal organizations to virtually duplicate the federal government's programs. Such duplication of programs undermines the statute's fundamental purpose of vesting in tribal governments greater authority and self-determination over how Indian programs are administered under contract. If the Secretary challenges a tribal organization's redesign proposal, such challenge must be within the criteria and framework of the declination process set forth in section 102 of the Act.

New subsection 105(k) cures a technical problem which has deprived tribal organizations of the ability to take advantage of the same federal airfares and lodging rates which apply when Indian programs are administered by federal employees. This unintended consequence has substantially increased the cost of administering programs subject to the Act, and effectively treats self-determination contracts as if they were ordinary government procurement contracts, ignoring the government-to-government relationship upon which the Act is based. The amendment corrects the problem and allows tribal organizations and their employees the same access as federal agencies to rates for air travel and similar sources of supply which are regularly negotiated by the General Services Administration.

New subsection 105(l) overcomes existing impediments to the leasing of facilities owned by Indian tribes and tribal organizations and which are used in the operation of programs contracted under the Act.

New subsection 105(m) provides clear guidance to the Secretary and to Indian tribes on the special procedures applicable to construction contracts. The amendments make clear that such contracts are not to be treated as ordinary procurement contracts but rather as government-to-government agreements entered into pursuant to the self-determination policy that is the foundation of the Act. Thus, construction contracts are subject to all provisions of the Act except sections 102(a)(2) (declination procedures), 106(l) (suspension of payments), 108 (the model contract), and 109 (reassumption procedures). The amendment requires the Secretary to provide important information to tribal contractors regarding construction projects, call for a pre-negotiation phase, allows for reasonable costs, and provides a mechanism for resolution of situations where the Secretary and the tribal organization cannot develop a mutually agreeable construction contract proposal.

New subsection 105(n) makes uniform existing policies governing government quarters which house federal and tribal employees carrying out contracts under the Act. Existing policies prohibit subsidy in rural Alaska, with the short-fall covered by program funds instead of rents. The 1,500 population standard currently applies to all states other than Alaska. Subsection(n) extends the same standard to Alaska. In this way, rents for rural quarters will not be fixed according to the less expensive Anchorage and Fairbanks markets.

Section 102(14) amends section 106(a) of the Act in several respects. The amendment to section 106(a)(1) provides that the Secretary may not withhold monies which fund a program simply because the monies are allocated for expenditure at a departmental level higher or other than the field office, service unit or agency level. The Committee amendment changes the format of this subsection.

The amendments to sections 106(a)(2) and (3) more fully define the meaning of the term "contract support costs" as presently used in the Act, defining it to include both funds required for administrative and other overhead expenses and "direct" type expenses of program operation. In the event the Secretarial amount under section 106(a)(1) for a particular function proves to be insufficient in light of a contractor's needs for prudent management of the contract, contract support costs are to be available to supplement such sums. The amendment also mandates the negotiation of such funding needs with the Secretary, including the optional periodic renegotiation of such funding needs as circumstances may warrant. The amendment does not alter the process employed by many tribal contractors for negotiating indirect cost agreements with the appropriate cognizant agency for purposes of cost-recovery accounting under the Act.

Throughout this section the Committee's objective has been to assure that there is no diminution in program resources when programs, services, functions or activities are transferred to tribal operation. In the absence of section 106(a)(2), as amended, a tribe would be compelled to divert program funds to prudently manage the contract, a result Congress has consistently sought to avoid.

New subsection 106(a)(4) makes clear that savings in funds obligated to construction cost-reimbursement contracts do not go back to the Government, but instead are to remain with the tribal contractor and subject to the Act's provisions regarding "savings."

The addition of new subsections (5) and (6) to section 106(a) clarify that the costs incurred in preparing for entering into a contract are to be made available as part of the contract support costs payable under section 106(a)(2) of the Act, including start-up costs incurred on a one-time basis and costs incurred prior to award of the contract, provided the Secretary has been notified in writing and in advance of the nature and extent of such costs.

Section 102(15) amends the reporting requirements of section 106(c) of the Act. The amendment moves the reporting deadline back from March 15 to May 15. The amendment to section 106(c)(1) adds existing contract support cost expenditures to the information required to be reported to Congress. The amendment to section 106(c)(2) makes clear that the Secretaries are required to report to Congress on all deficiencies regarding contract support costs. With this information Congress can then make an informed decision regarding whether to appropriate funds to address such deficiencies.

The addition of a new subsection (6) to section 106(c) is designed to deal with the tangential adverse impacts which contracting activities may produce on other portions of the Secretary's programs. In the event contracting activities, in fact, lead directly to a lower level of services being provided by the Secretary to any tribes affected by contracting activities, the new language will provide a mechanism for the Secretary to report the resulting funding needs to Congress.

Section 102(16) defines when the 365 day statute of limitation begins to run under section 106(f) of the Act.

Section 102(17) amends section 106(g) to clarify how contracts are to be funded under the Act pursuant to section 106(a).

Section 102(18) amends section 106(i) to strengthen and clarify the Secretaries' existing duty to consult with Indian tribes in the formulation of annual budget requests.

Section 102(19), as amended by the Committee, adds seven new subsections to section 106 of the Act.

Subsections (j) and (k) address the cost principles applicable to self-determination contracts. The purpose of these amendments is to remove those provisions of presently-applicable circulars which impede, rather than foster, the administration of self-determination contracts. While these improvements have been made in "self-governance compacts" entered into under Title III of the Act, the Departments have resisted extending these innovations to self-determination contracting. The Committee amendment corrects a typographical error in subsection (k)(1), and (as in Title III compacts) also adds as an allowable cost the cost of managing pension funds, self-insurance funds and like funds containing federal funds originally awarded under a self-determination contract.

Subsection (l) permits the Secretary to suspend, delay or withhold payments under a contract upon following the same procedures, but not criteria, generally applicable to reassumption. This subsection, which formerly prohibited suspension of payments, was revised in order to accommodate Departmental concerns that such a prohibition might encourage reassumption actions. The Amendment would authorize suspension in cases where the contractor has failed to substantially carry out the contract. In any hearing or appeal, the Secretary has the burden of proof to establish by clearly demonstrating the validity of the grounds for payment suspension.

Subsection (m) codifies the current policy and practice regarding program income earned by a tribal organization during the course of administering a contract (such as third party income paid by insurance companies insuring persons served by a tribal organization's health program).

Subsection (n) requires that the Secretary pass on to tribes the benefit of the reduced administrative burden, in the form of savings, resulting from the transfer of programs services, functions and activities from Secretarial administration to tribal administration. As observed in 1988, Congress' goal of shifting resources to tribal operation has continually been frustrated by the enormous growth in the government's contract monitoring and contract administration bureaucracy. The reduced role of the Secretaries in the wake of contracting activities requires that the bureaucracy be correspondingly trimmed and the savings put into tribal programs so as to increase the quality and quantity of services provided to Indian people.

Subsection (o) expands tribal rebudgeting authority to further the Act's purpose of vesting greater local control in tribal program administration as long as rebudgeting would not have an adverse impact on the performance of the contract.

SECTION 103. CONTRACT SPECIFICATIONS

Section 103 of the bill, as reported, sets forth model contract language for all self-determination contracts. These mandatory provisions are also made a part of the statute. These improvements build on the successful experiences of tribes involved in the Title III demonstration project.

Section 108 has been revised to conform with the definitions in Section 4(j) of the Act and use of the term "self-determination contract." Similarly, throughout the model contract, the wording has been revised to make reference to both tribes and tribal organizations, since contracting under P.L. 93-638 is available to both types of entities. (At Section 4(1) of the Act, "tribal organization" is the term used to refer to both a tribe and a separate organization sanctioned by one or more tribes). For ease of reference, the balance of the model contract uses the single term "Contractor."

Subsection 1(a)(1) of the model contract sets forth the authority for entering into the contract and incorporates the provisions of title I of the Indian Self-Determination Act into the contract.

Subsection 1(a)(2) of the model contract incorporates the longstanding canon of statutory interpretation that laws enacted for the benefit of Indians are to be liberally construed in their favor, and further to clarify that all functions, services, activities or programs or portions thereof, as well as all administrative functions, are contractible, as clearly provided in the Act.

Subsection 1(b)(1) of the model contract, as amended, sets forth the term of the contract. As provided in section 105(c)(1) of the Act, the amendment provides that upon the contractor's election, the calendar year will be utilized for a contract, unless the Secretary and the Contractor agree on a different period in the Annual Funding Agreement. These provisions conform with Sections 105(c)(1) and 105(d)(1) of the Act, and provide a place (i.e., the Annual Funding Agreement) for this agreement to be memorialized and a timeframe for doing so.

Subsection 1(b)(2) of the model contract, as amended, makes the effective date of the contract the date of execution unless otherwise agreed to by the Secretary and the Contractor.

Subsection 1(b)(3) of the model contract requires the contractor to administer the contract in accordance with program standards incorporated into the contract as a result of contract negotiations.

Subsection 1(b)(4) of the model contract, as amended, provides that the annual agreement will be known as an Annual Funding Agreement and references the funding amounts provided in Section 106(a) of the Act. That section provides that the Contractor shall receive no less than the Secretary would have provided for the operation of the programs or portions thereof for the period covered by the contract, plus funding for contract support cost needs.

Subsection 1(b)(5) has been added to protect contractors from being legally obligated to operate the contract when there are insufficient funds to do so, a principal which would be contrary to the purposes of the Act and current regulations (in particular, the "Limitation of Costs" clause). This subsection is intended to assist contractors that operate programs for which the agencies habitually request from Congress less that the minimum amount necessary to operate the program.

Subsection 1(b)(6) of the model contract, as revised, makes a variety of payment options available to tribes and tribal organizations. In addition, the Prompt Payment Act is made applicable to contract funding amounts.

Subsection 1(b)(7) of the model contract, as revised, is focused on ensuring that the Secretaries follow the mandate of the Act to eliminate excessive and burdensome reporting requirements, that the Secretaries limit and provide reasonable advance notice to contractors prior to routine Secretarial monitoring visits, and that the contract make clear that primary responsibility for day-to-day monitoring rests with the tribal contractor not the Secretary. These provisions are consistent with the monitoring guidelines which the respective Secretaries have recently set forth in their promulgated proposed regulations to implement the Indian Self-Determination Act.

Subsection 1(b)(8) of the model contract, as amended, is consistent with Section 105(f) of the Act. The new language carries out the original intent of the Act to place tribes and tribal organizations in the same position as those government agencies that would otherwise be carrying out the activities, so that no benefits or cost savings are lost merely by virtue of the contracting of an activity by a tribal organization. This section applies this principle to the area of property acquisition. Significantly, the section provides for the periodic replacement of transferred or acquired property as would occur had the Secretary retained title and continued operating the program directly.

Further, the General Services Administration (GSA) will be required to respect the tribal right of access to excess property and, under Section 1(b)(9) of the model contract, to provide access to government motor vehicle pools.

Subsection 1(b)(9) of the model contract, as revised, is consistent with Section 108 of the Act and with annual appropriation acts which make all funds subject to an Indian Self-Determination Act contract or grant award deemed obligated and thereafter available for carryover and expenditure without fiscal year limitation. See, e.g., Pub. L. No. 103-138, 107 Stat. 1379, 1390 (BIA) and 1408 (IHS) for FY '94 appropriations.

Subsection 1(b)(10) of the model contract allows the contractor to obtain interagency motor pool vehicles and services in performance of the contract.

Subsection 1(b)(11) makes clear that the contractor is not subject to the Department's manuals, guidelines, or unpublished requirements unless expressly authorized under the Act, other statutes, or agreed to by the Contractor.

Subsection 1(b)(12) of the model contract, as revised, provides alternative dispute resolution mechanisms. The provision permits mediation. The mediation alternatives are optional and require the consent of both parties in order to invoke them.

Subsection 1(b)(3) of the model contract requires tribal contractors to comply with the Indian Civil Rights Act.

Subsection 1(b)(4) governs the negotiation of the annual funding agreement and imposes information disclosure duties on the Secretary.

Subsection 1(b)(15) removes Secretarial pre-approval requirements for certain contracts, consistent with the policy of self-determination and independence from excessive Secretarial oversight. Subsection (b), as amended, clarifies that the section deals solely with requirements for contracts with third parties.

Section 1(c) of the model contract, relating to obligations of the tribal contractor, has been revised by the Committee to make various wording changes to clarify the intent and to make the section consistent with the remainder of the amendments. The first three subsections address the contractor's obligation to carry out the contracted functions, to execute a funding agreement, and

to administer the contracted programs within available funds. Subsection (4) clarifies that maintaining the pre-existing level of services is mandatory with respect to certain trust resource programs. In other areas tribal contractors retain the flexibility within appropriation limitations to redesign their programs and rebudget their contract funds as local needs and conditions warrant.

Subsection 1(c)(5) of the model contract is included to comply with the specific mandate of section 105(h) of the Act.

Subsection 1(d)(1) of the model contract addresses the government's trust responsibility. The Committee believes that the government's trust responsibility is not limited to tangible assets, and includes federal services such as the delivery of health care. Nevertheless, the Committee amendment responds to Departmental objections to this interpretation, and thus places the Secretary of Health and Human Services' duties in a separate subsection. Subsection 1(d)(2) specifies that if the contract is to include a health program, the Secretary will assist the contractor in achieving the goals stated in the Indian Health Care Improvement Act. Subsection 1(d)(3) requires the Departments to continue operating those activities and functions not included in the contract and annual funding agreement.

Subsection 1(e)(1) of the model contract provides for the designation of federal senior officials. Subsection 1(e)(2) addresses contract modifications, and permits modifications of the contract upon mutual consent of the parties.

Subsections 1(e) (3) and (4) prevent Members of Congress and resident commissioners from personally benefitting from Self-Determination Act contracts and prevent third parties from soliciting or securing contracts on a contingency basis.

Subsection 1(f)(1) specifies that resolutions will be provided and attached to the contract if they have not already been submitted to the Department in prior years. Many tribes that belong to multi-tribal organizations grant authorizing resolutions which confer on the tribal organizations for an indefinite period the authority to contract on the tribe's behalf. Authority is granted to continue this process.

Subsection 1(f)(2) of the model contract contains a specific description of what is to be contained in the annual funding agreement and allows for additional terms to be included if the contractor so requests and the Secretary agrees. These amendments insure that the contract correctly describes the programs, services, functions, and activities to be performed by the contractor and that any further provisions are to be included only with the consent of the contractor in order to assure that the general purposes of the Act are carried out.

SECTION 104. ADDITIONAL AMENDMENTS

Section 104(1) amends section 109 to incorporate case law from recent administrative decisions under the Act regarding the reassumption process, and also establishes the Secretary's burden of proof, by clearly demonstrating the validity of the grounds for reassumption, in section 109 proceedings. The Secretary may immediately rescind a contract, in whole or in part, if the Secretary finds an immediate threat of harm to personal safety or an imminent substantial and irreparable harm to trust funds, trust lands, or interests in trust lands.

Section 104(2) amends section 110(a) to clarify the right of contractors to seek immediate judicial relief to review a declination finding or to secure the award and funding of an approved contract, without first invoking further administrative levels of appeal or similar "exhaustion" procedures which could further delay the contracting process.

Section 104(3) amends section 110(d) to direct that all appeals arising out of the Contract Disputes Act be heard by the Interior Board of Contract Appeals. The amendment will do away with the current practice of referring such appeals from the Department of Health and Human Services to the Armed Services Board of Contract Appeals, a result of the fact that DHHS does not have its own contract appeals board.

SECTION 105. REGULATIONS

Section 105 of the bill addresses the Secretaries' authority to promulgate interpretative regulations in carrying out the mandates of the Act. It amends Section 107 (a) and (b) of the Act by limiting the delegated authorization of the Secretaries to promulgate regulations. This action is a direct result of the failure of the Secretaries to respond promptly and appropriately to the comprehensive amendments developed by this Committee six years ago. The recently promulgated proposed regulations severely undercut Congress' intent in the original Act and those amendments to liberalize the contracting process and to put these programs firmly in the hands of the tribes. The proposed regulations erect a myriad of new barriers and restrictions upon contractors rather than simplifying the contracting process and freeing tribes from the yoke of excessive federal oversight and control. It is this unfortunate experience that is a major impetus of this bill.

Section 105(1) amends section 107(a) by delegating to the Secretary the authority only to promulgate implementing regulations in certain limited subject matter areas. By and large these areas correspond to the areas of concern identified by the Departments in testimony and in discussions. Beyond the ten areas specified in subsection (a)—the Federal Tort Claims Act, the Contract Disputes Act, declination and waiver procedures, appeal procedures, reassumption procedures, discretionary grant procedures, property donation procedures, internal agency procedures, retrocession procedures, contract proposal contents, conflicts of interest, construction, programmatic reports and data requirements, procurement standards, property management standards, and financial management standards—no further delegated authority is conferred.

A second key limitation on the delegation of rulemaking authority is provided in the eighteen month limitation on the Secretaries' authority to promulgate the regulations. This limit is necessary to prevent another regulation drafting process which goes on for years without satisfactory or final resolution.

Section 105(1) also amends section 107(b) to clarify that the Act's provisions supersede conflicting provisions of law and authorize the Secretary to repeals inconsistent regulations.

To remain consistent with the original intent of the Act and to assure that the input received from the tribes and tribal organizations in the regulation drafting process is not disregarded as has previously been the case, Section 107 also has been amended by adding a new subsection (d), requiring the Secretaries to employ the negotiated rulemaking process. It is expected that negotiations shall be conducted in a timely manner and that the regulations called for in the Act, as amended by the bill, will be published as a proposed rule within six months from the date of enactment of these amendments, unless the deadline is extended by Congress.

New Section 107(e) details the contours of the Secretaries' authority to waive regulatory provisions that impede contracting activities under the Act. The declination appeal process is made applicable to the Secretaries' action on waiver requests.

SECTION 106. CONFORMING AMENDMENTS

Section 106 of the bill provides for conforming amendments to be made to Sections 105(h) of the Act in order to delete specific references to rules and regulations. Such provisions are no longer appropriate in light of Section 5 of the bill.

Mr. THOMAS of Wyoming. Mr. Speaker, continuing my reservation of objection.

Mr. Speaker, the BIA had 6 years to enact these regulations and they failed; it's more than past time that we did it for them. Moreover, I have always been very supportive of efforts to turn more of the day-to-day decisionmaking and planning to the tribes. Self-governance works, it's time to make it available to all the tribes.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the requests of the gentleman from New Mexico?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4842

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 "Indian Self-Determination Act Amendments of 1994".

SEC. 2. AMENDMENTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended as follows:

(1) At the beginning of section 4, insert the following new paragraph and redesignate all other paragraphs accordingly:

"(1) 'construction contract' means a fixed-price or cost-reimbursement self-determination contract for a construction project. Contracts (i) limited to providing architectural and engineering services, planning services, and/or construction management services; (ii) for the Housing Improvement Program or roads maintenance program administered by the Secretary of the Interior; and (iii) for the health facility maintenance and improvement program administered by the Secretary of Health and Human Services, shall not be deemed to be construction contracts within the meaning of this Act;".

(2) Amend section 5(f) to read as follows:

"(f) For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this title, the tribal organization which requested such contract or grant shall submit to the appropriate Secretary a single agency audit report as required by chapter 75 of title 31, United States Code. Such tribal organization shall also submit such additional information on the conduct of the program or service involved as the tribal organization may negotiate with the Secretary. Any disagreement over reporting requirements shall be subject to the declination standards and procedures set forth in section 102 of this Act.".

(3) In section 7(a) strike "of subcontractors" and insert in lieu thereof "or subcontractors (excluding tribes and tribal organization)".

(4) At the end of section 7, insert the following new subsection:

"(c) Notwithstanding subsections (a) and (b), where a self-determination contract, or portion thereof, is intended to benefit one tribe, tribal employment or contract preference laws adopted by such tribe shall govern with respect to the administration of such contract or portion thereof.".

(5) At the end of paragraph (1) of section 102(a), insert the following new sentence: "Such programs shall include administrative functions of the Department of the Interior or the Department of Health and Human Services which support the delivery of services to Indians, including those administrative activities related to, but not part of, the service delivery program, which are otherwise contractible, without regard to the organization level within the Department where such functions are carried out.".

(6) Amend paragraph (2) of section 102(a) as follows—

(A) insert ", or to amend or renew a self-determination contract," before "to the Secretary for review";

(B) in the second sentence strike "The" and insert "Subject to the provisions of subsection 4 hereof, the";

(C) insert "and award the contract" before "unless";

(D) in subparagraph (A), insert "by the tribal organization" after "rendered";

(E) in subparagraph (B), insert "by the tribal organization" after "resources";

(F) at the end of subparagraph (C) add the following: ", either because (i) the amount of funds proposed in the contract is in excess of the funding levels specified in section 106(a) of this Act, or (ii) the program (or portion thereof) to be contracted is beyond the scope of paragraph (1) thereof because the proposal includes activities which cannot be lawfully carried out by the contractor;"; and

(G) insert the following new paragraph:

"(4) The Secretary shall approve any severable portion of a contract proposal which does not support a declination finding as provided in paragraph (3) of this subsection. Whenever the Secretary determines under paragraph (3) that a contract proposal (A) proposes in part to plan, conduct, or administer a program that is beyond the scope of paragraph (1), or (B) proposes a funding level in excess of the funding levels specified in section 106(a) of this Act, the Secretary shall approve the proposal to the extent authorized to paragraph (1) of section 106(a) of this Act, as appropriate (subject to any agreed-upon alteration in the proposed scope of work). In the event the tribal organization elects to operate the severable portion of a contract proposal, subsection (b) thereof shall apply only with respect to the declined portion of the contract.".

(7) In section 102(b)(3), insert before the period ", subject to the tribe's or tribal organization's option to proceed directly to Federal district court as provided in section 110(a)".

(8) At the end of section 102, insert the following new subsections:

"(e) In any hearing or appeal provided under subsection (b)(3), the Secretary shall carry the burden of proof to establish by clear and convincing evidence that the contract proposal should be declined. Final departmental decisions in all such appeals shall be made at a level higher than the level of the agency whose decision under subsection (b) is appealed.

"(f) A tribal organization in Alaska authorized by tribal resolution or resolutions to contract under this Act the operation of one or more programs may redelegate that authority, by formal action of the tribal organization's governing body, to another tribal organization provided advance notice of such redelegation and a copy of the contracting proposal, prior to its submission to the Secretary, are provided to all tribes served by the tribal organization. Nothing herein is to be construed as a limitation on the authority of a tribe to limit, restrict or rescind its resolution at any time or in any manner whatsoever. A tribe receiving such notice shall have 60 days from receipt of the notice to notify the tribal organization in writing of its intent to adopt a limiting resolution prohibiting or conditioning the proposed redelegation, and thereafter shall have 60 days to adopt and transmit such resolution to the tribal organization. A tribal organization so notified of a tribe's intent shall not proceed with any redelegation proposal until the expiration of the 60-day period.".

(9) Amend section 105(a) to read as follows:

"(a) Contracts, grants, and cooperative agreements with tribal organizations pursuant to sections 102 and 103 of this title shall not be subject to general Federal contracting, discretionary grant or cooperative agreement laws and regulations, except to the extent such laws expressly apply to Indian tribes: *Provided*, That with respect to construction contracts as defined in section 4 of this Act (or subcontracts of such a construction contract), the Office of Federal Procurement Policy Act (88 Stat. 796; 41 U.S.C. 401 et seq.) and Federal acquisition regulations promulgated thereunder shall apply to the limited extent such statute or regulations are necessary to assure proper completion of the contract, are directly relevant to the construction activity, and are not inconsistent with the provisions or policy of this Act: *Provided further*, That all such requirements shall be negotiated between the Secretary and the tribal organization and set forth as an attachment to the contract: *Provided further*, That no other laws or executive orders shall be applicable to construction contracts subject to this Act unless expressly so stated in such other laws or orders, including chapter 10 of title 40, United States Code; section 9(a) and (c) of the Act of August 2, 1946, as amended, 60 Stat. 809; sections 301–310 of the Act of June 30, 1949, as amended, 63 Stat. 393–397; section 13 of the Act of October 3, 1944, as amended, 58 Stat. 770; chapters 21, 25, 27, 29, and 31 of title 44, United States Code; chapter 5 of title 40, United States Code, section 2 of the Act of June 13, 1934, as amended, 48 Stat. 948; sections 1–12 of the Act of June 30, 1936, as amended, 49 Stat. 2036–39; chapter 6 of title 41, United States Code; chapter 14A of title 15, United States Code; and Executive Orders 12138, 11246, 11701, and 11758.".

(10) Amend section 105(e) to read as follows:

"(e) Whenever an Indian tribe or tribal organization requests retrocession of the appropriate Secretary for any contract, or portion thereof, entered into pursuant to this Act, such retrocession shall, unless the request for retrocession is rescinded by such tribe or tribal organization, become effective one year from the date of the request by the Indian tribe or tribal organization, or the date of contract expiration, whichever is earlier, or at such date as may be mutually agreed by the Secretary and the Indian tribe.".

(11) Amend paragraph (2) of section 105(f) to read as follows:

"(2) donate to an Indian tribe or tribal organization the title to any personal or real property found to be excess to the needs of the Bureau of Indian Affairs, the Indian Health Service, or the General Services Administration, except that title to property and equipment furnished by the Federal Government for use in the performance of the contract or purchased with funds under any self-determination contract or grant agreement shall, unless otherwise requested by the tribe or tribal organization, vest in the appropriate tribe or tribal organization, and upon retrocession, rescission, or termination of such self-determination contract or grant, title to such property having a present value in excess of $5,000 and remaining in use in support of the contracted program shall, at the Secretary's option, revert to the Secretary; and".

(12) At the end of section 105, insert the following new subsections:

"(i) Where a self-determination contract requires the Secretary to administratively divide a program which has previously been administered for the benefit of a greater number of tribes than are represented by the tribal organization that is a party to the contract, the Secretary shall—

"(1) endeavor to minimize any adverse effect on the level of services to be provided to all affected tribes;

"(2) notify all affected tribes not party to the contract of the receipt of the contract proposal at the earliest possible date, and of the right of such tribes to comment on how the Secretary's program should be divided to best meet the needs of all affected tribes;

"(3) explore the feasibility of instituting cooperative agreements amongst the affected tribes not a party to the contract, the tribal organization operating the contract, and the Secretary; and

"(4) identify and report to Congress the nature of any diminution in quality, level or quantity of services to any affected tribe resulting from the division of the Secretary's program, together with an estimate of the funds which would be required to correct such diminution. In determining whether to decline a contract under section 102(a)(2), the Secretary shall not consider the effect which a contract proposal will have on tribes not represented by the tribal organization submitting such proposal, nor on Indians not served by the portion of the program to be contracted. The Secretary shall make such special provisions as may be necessary to assure that services are provided to the tribes not served by a self-determination contract.

"(j) Upon notice to the Secretary, tribal organizations carrying out self-determination contracts are authorized to redesign programs, activities, functions and services under contract, including program standards, to best meet the local geographic, demographic, economic, cultural, health and institutional needs of the Indian people and tribes served under the contract. The Secretary shall evaluate any redesign proposal against the declination criteria set forth in section 102 of this Act.

"(k) For purposes of section 201(a) of the Act of June 30, 1949 (40 U.S.C. 481(a)) (involving Federal sources of supply, including lodging providers, airlines, and other transportation providers), an Indian tribe or tribal organization carrying out a contract, grant, or cooperative agreement under this Act shall be deemed an executive agency when carrying out such contract, grant, or agreement.

"(l) Upon the request of an Indian tribe or tribal organization, the Secretary shall enter

into leases with Indian tribes and tribal organizations which hold title to, a leasehold interest in, or a beneficial interest in, facilities used by Indian tribes or tribal organizations for the administration and delivery of contract services under the Act. The Secretary shall compensate such Indian tribes or tribal organizations for the use of leased facilities for contract purposes. Lease compensation may include: rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses determined by regulation to be allowable.

"(m) Construction contracts:

"(1) Construction contracts requested, approved, or awarded under this Act shall be subject to all of the provisions of this Act, including without intending any limitation, sections 7, 102(a), 102(b), 103(d) and (e), 105(f), 106(a), 106(f), 110, and 111, and section 314 of Public Law No. 101–512, as amended.

"(2) In providing technical assistance to tribes and tribal organizations in the development of construction contract proposals, the Secretary shall provide a requesting tribe or tribal organization, within 30 days of receipt of a request, with all available information regarding the construction project, including without intending any limitation, construction drawings, maps, engineering reports, design reports, plans of requirements, cost estimates, environmental assessments or impact reports, and archaeological reports.

"(3) Prior to finalization of a construction contract proposal pursuant to section 102(a), and upon request of the contracting tribe or tribal organization, there shall be a precontract negotiation phase which shall, at a minimum, include—

"(A) the provision of technical assistance pursuant to section 103 and paragraph (2) hereof;

"(B) a joint scoping session to review all plans, specifications, engineering reports, cost estimates, and other information available to the parties, for the purpose of identifying all areas of agreement and disagreement;

"(C) an opportunity for the Secretary to revise his or her plans, designs, or cost estimates in response to concerns raised or information provided by the tribe or tribal organization;

"(D) a negotiation session during which the Secretary and the tribe or tribal organization shall seek to develop a mutually agreeable contract proposal;

"(E) upon the request of the tribe or tribal organization, use of an alternative dispute resolution mechanism to seek resolution of all remaining areas of disagreement pursuant to the Administrative Dispute Resolution Act (5 U.S.C. 571); and

"(F) submission of a final contract proposal pursuant to section 102(a).

"(4) In funding a fixed-price construction contract pursuant to section 106(a), the Secretary shall include funds for (A) the reasonable costs of the tribe or tribal organization for general administration to be incurred in connection with the contracted project, and (B) a reasonable profit in light of the risk and other relevant considerations: *Provided*, That the Secretary shall not be required to separately identify such components in the contract budget: and *Provided further*, That the total amount awarded under the contract shall reflect an overall fair and reasonable price to the parties, including but not limited to (i) the reasonable costs to the tribal organization of performing the contract given the terms of the contract and the requirements of this Act and any other applicable law, (ii) the costs of preparing the contract proposal and supporting cost data, (iii) the costs associated with the tribal organization's audited general and administrative costs, and (iv) in the case of a fixed-price contract, a fair profit determined in light of the relevant risks and local market conditions.".

(13) Amend section 106(a) as follows—

(A) at the end of paragraph (1), insert the following ", without regard to the organizational level or levels within the Department at which the program (or portion thereof), including supportive administrative functions which are otherwise contractible is operated";

(B) in paragraph (2), after "consist of", insert "an amount for", and add the following at the end thereof: "Contract support costs shall include, without distinction, funds to reimburse tribal contractors for reasonable and allowable costs of contracting attributable to direct program expenses, and reasonable additional administrative or other overhead expenses in connection with tribal operation of Federal programs. The amount of funds to which a tribe or tribal organization is entitled pursuant to this subparagraph shall be negotiated annually with the Secretary."; and

(C) strike paragraph (3) and insert the following new paragraphs (3) and (4):

"(3) Any savings in operation under a self-determination contract (including a cost reimbursement construction contract) shall be utilized to provide additional services or benefits under the contract or be expended in the succeeding fiscal year as provided in section 8 of this Act.

"(4) During the initial year of a self-determination contract there shall be included, in the amount required to be paid under paragraph (2), start-up costs consisting of the reasonable costs, either previously incurred or to be incurred under the contract on a one-time basis, necessary to plan, prepare for and take over operation of the contracted program and to also ensure compliance with the terms of the contract and prudent management: *Provided*, That previously incurred costs shall not be included to the extent the Secretary was not notified in advance and in writing of the nature and extent of the costs to be incurred.".

(14) Amend section 106(c) as follows:

(A) In each of paragraphs (1) and (2), strike "indirect costs" and insert in lieu thereof "indirect costs and other negotiated contract support costs".

(B) Strike "and" at the end of paragraph (4).

(C) Strike the period at the end of paragraph (5) and insert in lieu thereof "; and".

(D) Insert the following new paragraph:

"(6) a reporting of any deficiency of funds needed to maintain the preexisting level of services to any tribes affected by contracting activities under this Act, and the amount of funds needed for transitional purposes to enable contractors to convert from Federal fiscal year accounting to a different accounting cycle, as authorized under section 105(d) of this Act.".

(15) At the end of paragraph (2) of section 106(d), insert the following new sentence: "Notwithstanding any other provision of law, and subject to the availability of appropriations, every Federal agency and every State shall pay its full proportionate share of the indirect costs associated with federally funded contracts or grants awarded to tribes or tribal organizations under any other law. In the event that appropriations are not sufficient for agencies other than the Department of the Interior and the Department of Health and Human Services, or for State governments or State agencies, to pay their full proportionate share as provided herein, the Secretary shall, subject to the availability of appropriations for this purpose, fund and pay such shortfalls and report all unfunded shortfalls to the Congress, as provided in section 106(c)(2).".

(16) Amend section 106(f) by inserting immediately after the second sentence thereof the following: "For the purpose of the 365-day period, an audit report shall be deemed received on the date of actual receipt by the Secretary, absent a notice by the Secretary within 60 days of receipt that the report will be rejected as insufficient due to noncompliance with chapter 75 of title 31, United States Code, or other applicable law.".

(17) Amend section 106(g) to read as follows:

"(g) Upon approval of a self-determination contract, the Secretary shall allocate to the contract the full amount to which the contractor is entitled under section 106(a), subject to adjustments for each subsequent year that Federal programs are administered by such tribe or tribal organization.".

(18) Amend section 106(i) to read as follows:

"(i) The Secretary shall consult annually with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the Indian Health Service and the Bureau of Indian Affairs, including participation in the formulation of annual budget requests to Congress.".

(19) Amend section 106 by adding at the end thereof the following new subsections:

"(j) A tribal organization may use funds provided under a self-determination contract to meet matching or cost participation requirements under other Federal and non-Federal programs.

"(k) Without intending any limitation, a tribal organization may, without approval, expend funds provided under a self-determination contract for the following purposes to the extent supportive of a contracted program—

"(1) depreciation and use allowances not otherwise specifically prohibited by law, including depreciation of facilities owned by the tribe or tribal organization and constructed with Federal financial assistance;

"(2) publication and printing costs;

"(3) building, realty and facilities costs, including rental costs or mortgage expenses;

"(4) automated data processing and similar equipment or services;

"(5) cost of capital assets and repairs;

"(6) management studies;

"(7) professional services other than services provided in connection with judicial proceedings by or against the United States;

"(8) insurance and indemnification, including insurance covering the risk of loss of or damage to property used in connection with the contract without regard to the ownership of such property;

"(9) costs incurred to raise funds or contributions from non-Federal sources for the purpose of furthering the goals and objectives of a self-determination contract;

"(10) interest expenses paid on capital expenditures such as buildings, building renovation, or acquisition or fabrication of capital equipment, and interest expenses on loans necessitated due to secretarial delays in providing funds under a contract;

"(11) expenses of a tribal organization's governing body to the extent attributable to the management or operation of programs under this Act; and

"(12) costs associated with the management of pension, self-insurance and other funds which include Federal participation.

"(l) Within 12 months following the date of enactment of this subsection, the Office of Management and Budget, with the active participation of Indian tribes and tribal organizations, the Department of the Interior, Office of the Inspector General, and the Health and Human Services Department, Cost Determination Branch, shall develop a separate set of cost principles applicable to Indian tribes and tribal organizations consistent with the government-to-government Federal-tribal relationship embodied in this Act.

"(m) Except in connection with rescission and reassumption of a contract under section 109 of this Act, the Secretary shall in no circumstance suspend, withhold or delay the payment of funds to a tribal organization under a self-determination contract.

"(n) Program income earned by a tribal organization in the course of carrying out a self-determination contract shall be used by the tribal organization to further the general purposes of the contract and shall not be a basis for reducing the amount of funds otherwise obligated to the contract.

"(o) To the extent contracting activities under this Act reduce the Secretary's administrative or other responsibilities in connection with the operation of Indian programs, resulting in savings which have not otherwise been included in the contract amount specified in subsection (a) of this section, and to the extent that doing so will not adversely affect the Secretary's ability to carry out his responsibilities to other tribes and tribal organizations, the Secretary shall make such savings available to tribal organizations contracting under this Act.

"(p) Notwithstanding any laws or regulations to the contrary, a tribal organization may rebudget within the approved budget of its contract to meet contract requirements, if such rebudgeting does not have a significant and adverse effect upon the level or nature of services.".

SEC. 3. CONTRACT SPECIFICATIONS.

Section 108 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j), currently reserved, is amended to read as follows:

"SEC. 108. CONTRACT OR GRANT SPECIFICATIONS.

"Each Self-Determination Contract or grant entered into under this Act shall contain, or incorporate by reference, the following provisions, with modifications where indicated and the blanks appropriately filled together with such other provisions as the parties may agree upon:

"(1) AUTHORITY AND PURPOSE.—

"(A) AUTHORITY.—This agreement, denoted a Self-Determination Contract (hereinafter referred to as the 'Contract'), is entered into by the Secretary of the Interior or the Secretary of Health and Human Services (hereinafter referred to as the 'Secretary'), for and on behalf of the United States pursuant to titles I and II of the Indian Self-Determination and Education Assistance Act and by the authority of the _____ tribal government or tribal organization (hereinafter referred to as the 'Contractor'). Unless otherwise provided in this agreement, all of the provisions of title I of the Indian Self-Determination and Education Assistance Act are incorporated herein.

"(B) PURPOSE.—Each and every provision of the Indian Self-Determination Act and of this Contract shall be liberally construed for the benefit of the Contractor to transfer the funding and the following related functions, services, activities, and programs (or portion thereof), including all related administrative functions from the Federal Government to the Contractor: (List functions, services, activities, and programs.)

"(C) TRIBAL LAW AND FORUMS.—The laws and/or policies and procedures of the Contractor shall be applied in the performance of this Contract and the powers and decisions of the Contractor's Tribal Court or other dispute resolution mechanism shall be binding to the extent that Federal law, construed in accordance with the applicable canons of construction and the Indian Self-Determination and Education Assistance Act, is not inconsistent.

"(2) TERMS, PROVISIONS AND CONDITIONS.—

"(A) TERM.—The term of this Contract shall not exceed 3 years, unless the Secretary and the Contractor agree on a longer period pursuant to section 105(c)(1)(B) of the Indian Self-Determination and Education Assistance Act. Pursuant to section 105(d)(1) of the Act, upon the Contractor's election, the calendar year shall be the basis for contracts under this Act, unless the Secretary and the Contractor agree on a different period in the annual funding agreement.

"(B) EFFECTIVE DATE.—This Contract shall become effective upon approval and execution by the Contractor and the Secretary, unless otherwise agreed to by the Secretary and the Contractor.

"(C) FUNDING AMOUNT.—

"(i) AMOUNT OF ANNUAL FUNDING AGREEMENT.—Subject to the appropriation of funds by Congress, the Secretary shall make available to the Contractor the total amount specified in the annual funding agreement incorporated by reference in paragraph (6)(B), which amount shall not be less than the amounts specified in section 106(a) of the Act.

"(ii) LIMITATION OF COSTS.—The Contractor shall not be obligated to continue performance beyond the amount of funds awarded, and if at any time the Contractor has reason to believe that the total amount for performance of this contract or a specific activity of this Contract will be greater than the amount awarded, the Contractor shall notify the appropriate Secretary. If the amount awarded is not increased, the Contractor may cease performance. In such event all duties and responsibilities previously assumed by the Contractor shall become the duties and responsibilities of the Secretary.

"(D) PAYMENT.—

"(i) IN GENERAL.—Payments shall be made as expeditiously as possible and shall include financial arrangements to cover funding during periods under continuing resolutions to the extent permitted by such resolutions.

"(ii) QUARTERLY SEMIANNUAL, LUMP SUM, AND OTHER METHODS OF PAYMENT.—Notwithstanding the provisions of any other law, for each fiscal year covered by this Contract, the Secretary is authorized to and shall make available the funds specified for the fiscal year under the annual funding agreement by paying to the Contractor on a quarterly basis one-quarter of the total amount provided for in the annual funding agreement for that fiscal year, by making a lump-sum payment or semiannual payments, or by using any other method authorized by law, as may be requested by the Contractor and specified in the annual funding agreement. Each quarterly payment shall be made on the first day of each quarter of the fiscal year except that in instances where the contract year coincides with the Federal fiscal year, payment for the first quarter shall be made not later than the date that is 10 calendar days after the date on which the Office of Management and Budget apportions the appropriations for the fiscal year for the programs, servicers, functions, and activities subject to the Contract. Chapter 39 of title 31, United States Code, shall apply to the payment of funds due under the contract and the annual funding agreement.

"(E) RECORDS AND MONITORING.—(i) Except for previously provided copies of tribal records that the Secretary demonstrates are clearly required to be maintained as part of the recordkeeping system of the Department of the Interior and/or the Department of Health and Human Services, Contractor records shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"(ii) The Contractor shall maintain a recordkeeping system, and upon reasonable advance request provide reasonable access to such records to the Secretary.

"(iii) Contractors are responsible for managing the day-to-day operations of the Contract and for monitoring activities to assure compliance with the Contract and applicable Federal requirements. Monitoring visits shall be limited to not more than one performance monitoring visit per contract by each operating division, departmental bureau or departmental agency or duly authorized representatives thereof unless (I) the Contractor has agreed to such additional visits, or (II) there is reasonable cause to believe that grounds for reassumption of the contract or other serious contract performance deficiency exists: *Provided, however,* That such additional visits shall not be made until after reasonable advance notice has been given to the Contractor, including the nature of the problem which requires the additional visits.

"(F) PROPERTY.—(i) As provided in section 105(f) of the Act, as amended, at the request of the Contractor the Secretary shall make available or transfer to the Contractor all reasonably divisible real property, facilities, equipment, and personal property that the Secretary had previously utilized to provide or administer the programs, services, functions, and activities covered by this Contract. A mutually agreed upon list specifying the property, facilities, and equipment so furnished shall also be prepared and periodically revised. The Secretary shall maintain a record of all such property for purposes of replacement and shall replace such property on the same basis as property remaining under the Secretary's control. Upon the request of the Contractor, the Secretary and the Contractor shall enter into a separate joint use agreement to address the parties' shared use of real or personal property that is not reasonably divisible.

"(ii) The Secretary shall delegate to the Contractor the authority to acquire such 'excess' property as may be appropriate in the judgment of the Contractor to support the programs, services, functions, and activities operated pursuant to this Contract. The Secretary shall assist the Contractor in obtaining such confiscated or excess property as may become available to tribes, tribal organizations, or local governments. A screener identification card (General Services Administration form 2946) shall be issued to the Contractor not later than the effective date of this Contract. The designated official shall, upon request, assist the Contractor in securing the use of the card.

"(iii) The Contractor shall determine what capital equipment, leases, rentals, property,

or services it shall require to perform its obligations under this subsection, and shall acquire and maintain records of such capital equipment, property rentals, leases, property, or services through tribal procurement procedures.

"(G) SAVINGS.—Notwithstanding any other provision of law, any funds provided under this Contract shall remain available until expended and shall require no further approval by the Secretary nor further justifying documentation from the Contractor prior to expenditure.

"(H) TRANSPORTATION.—Upon the effective date of this contract, the Secretary shall authorize the Contractor to obtain interagency motor pool vehicles and related services for performance of any activities under this Contract.

"(I) REGULATORY AUTHORITY.—The Contractor is not required to abide by Federal program guidelines, manuals, or policy directives unless otherwise agreed to by the Contractor and the Secretary.

"(J) DISPUTES.—(i) In addition or as an alternative to remedies and procedures prescribed by section 110 of the Indian Self-Determination and Education Assistance Act, the parties may jointly—

"(I) submit disputes under this Contract to third-party mediation, which for purposes of this section means that the Secretary and the Contractor nominate a third party who together choose a third party mediator ('third-party' means a person not employed by or significantly involved with either the Contractor, the Secretary, or the Department of the Interior or the Department of Health and Human Services);

"(II) submit the dispute to the court of the Contractor's adjudicatory body, including but not limited to the Contractor's tribal court;

"(III) submit the dispute to mediation processes provided for under the Contractor's laws, policies, or procedures; or

"(IV) use the processes authorized in the Administrative Dispute Resolution Act (5 U.S.C. 571).

"(ii) The Secretary shall be bound by decisions reached by the processes set forth in clause (i) of this subparagraph of this Contract, except that the Secretary shall not be bound by any decision that significantly conflicts with the interests of the Indians or the United States.

"(K) CONTRACTOR'S ADMINISTRATIVE PROCEDURES.—Pursuant to the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.), the Contractor's laws, policies, and procedures shall provide for administrative due process (or its equivalent) with respect to programs, services, functions, and activities that are provided by the Contractor pursuant to this Contract.

"(L) SUCCESSOR ANNUAL FUNDING AGREEMENT.—Negotiations for a successor annual funding agreement, as provided for in paragraph (6)(B), shall begin not later than 120 days prior to the conclusion of the preceding annual funding agreement. Funding of successor annual funding agreements shall only be reduced pursuant to section 106(b) of the Indian Self-Determination and Education Assistance Act. The Secretary shall prepare and supply relevant information, and promptly comply with any request by the Contractor for information reasonably needed to determine the funds that may be available for a successor annual funding agreement as provided for in paragraph (6)(B) of this Contract.

"(M) SECRETARIAL APPROVAL.—(i) Except as provided in clause (ii), for the term of the Contract, section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (25 U.S.C. 476), shall not apply to any contract entered into in connection with this Contract.

"(ii) Each contract entered into by the Contractor with third parties in connection with performing its obligations under this Contract shall—

"(I) be in writing;

"(II) identify the interested parties, their authorities, and purposes;

"(III) state the work to be performed; and

"(IV) state the process for making any claim, the payments to be made, and the terms of the contract, which shall be fixed.

"(3) OBLIGATION OF THE CONTRACTOR.—

"(A) CONTRACT PERFORMANCE.—Except as provided in paragraph (4)(B), the Contractor shall perform the programs, services, functions, and activities as provided in the annual funding agreement under paragraph (6)(B) of this Contract.

"(B) AMOUNT OF FUNDS.—The total amount of funds to be paid under this Contract shall be determined in an annual funding agreement entered into between the Secretary and the Contractor, which shall be incorporated in its entirety into this Contract.

"(C) CONTRACTED PROGRAMS.—Subject to the availability of appropriated funds, the Contractor shall administer the programs, services, functions, and activities identified herein and funded through the annual funding agreement.

"(D) TRUST SERVICES FOR INDIVIDUAL INDIANS.—To the extent that the annual funding agreement provides funding for the delivery of trust services to individual Indians that were formerly provided by the Secretary, the Contractor shall maintain at least the same level of service as was previously provided by the Secretary, subject to the availability of appropriated funds for such services. Strictly for the purposes of this subsection only, "trust services for individual Indians" means only those services that pertain to land or financial management connected to individually held allotments.

"(E) FAIR AND UNIFORM SERVICES.—The Contractor shall provide services under this contract in a fair and uniform manner and shall provide access to an administrative or judicial body empowered to adjudicate or otherwise resolve complaints, claims, and grievances brought by program beneficiaries against the Contractor arising out of the performance of the Contract.

"(4) OBLIGATION OF THE UNITED STATES.—

"(A) TRUST RESPONSIBILITY.—The United States reaffirms its trust responsibility to the _____ Indian tribes to protect and conserve the trust resources of the Indian tribes and of individual Indians. Nothing in this Contract is intended to, nor shall be construed, to terminate, waive, modify, or reduce the trust responsibility of the United States to the tribes or individual Indians. The Secretary shall act in good faith in upholding said trust responsibility. To the extent that health programs are included in this Contract, the Secretary shall act in good faith in cooperating with the Contractor to achieve the goals set forth in chapter 18 of title 25, United States Code.

"(B) PROGRAMS RETAINED.—As specified in the annual funding agreement, the United States hereby retains the programs, services, functions, and activities with respect to the tribes that are not specially assumed by the Contractor in the annual funding agreement.

"(5) OTHER PROVISIONS.—

"(A) DESIGNATED OFFICIALS.—On or before the effective date of this Contract, both the United States and the Contractor shall provide each other with a written designation of a senior official as its representative for notices, proposed amendments to the Contract and other purposes for this Contract.

"(B) CONTRACT MODIFICATIONS OR AMENDMENT.—To be effective any modifications of this Contract shall be in the form of a written amendment to the Contract, and shall require the written consent of the Contractor and the Secretary, except for the addition of supplemental funds for programs, functions, and activities (or portions thereof) already included in the annual funding agreement.

"(C) OFFICIALS NOT TO BENEFIT.—No Member of Congress, or resident commissioner, shall be admitted to any share or part of any contract executed pursuant to this Contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to any contract under this Contract if made with a corporation for its general benefit.

"(D) COVENANT AGAINST CONTINGENT FEES.—The parties warrant that no person or selling agency has been employed or retained to solicit or secure any contract executed pursuant to this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

"(6) ATTACHMENTS.—

"(A) APPROVAL OF CONTRACT.—Unless previously furnished to the Secretary, the resolution of the ___ Indian tribe(s) authorizing the contracting of the programs, services, functions, and activities identified herein is (are) attached hereto as attachment 1.

"(B) ANNUAL FUNDING AGREEMENT.—The negotiated and duly approved annual funding agreement shall only contain terms that identify the programs, services, functions, and activities to be performed or administered, the general budget category assigned, the funds to be provided, the time and method of payment, and such other provisions, including but not limited to, a brief description of the programs, services, functions, and activities to be performed (including those supported by financial resources other than those provided by the Secretary), as the Contractor may request and to which the parties agree. The annual funding agreement is hereby incorporated in its entirety in this Contract and attached hereto as attachment 2.".

SEC. 4. ADDITIONAL AMENDMENTS.

The Indian Self-Determination and Education Assistance Act is further amended as follows:

(1) In section 109—

(A) strike "as prescribed by him" and all that follows through "in such cases" and insert "prescribed by him to remedy the contract deficiency. The appropriate Secretary may, upon written notice to a tribal organization, and the tribes served thereby, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat of imminent harm to the safety of any person and that such threat arises from the Contractor's failure to fulfill the requirements of the contract. In such cases"; and

(B) insert the following immediately before the last sentence: "In any hearing or appeal provided for under this section, the Secretary shall carry the burden of proof to establish by clear and convincing evidence that the contract should be rescinded, assumed, or reassumed.".

(2) In section 110(a), insert before the period at the end thereof the following: "(including immediate injunctive relief to reverse a declination finding under section 102(a)(2) or to compel the Secretary to award and fund an approved self-determination contractor)".

(3) In section 110(d), insert before the period at the end thereof the following: "except that all such administrative appeals shall be heard by the Interior Board of Contract Appeals".

SEC. 5. REGULATIONS.

Section 107 of the Indian Self-Determination and Education Assistance Act is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a) GENERAL.—Except as may be specifically authorized herein and elsewhere in this Act, the Secretary of the Interior and the Secretary of Health and Human Services shall not promulgate any regulation, nor impose any nonregulatory requirement, relating to self-determination contracts: *Provided, however*, That the Secretary may promulgate regulations relating to the Federal Tort Claims Act, the Contract Disputes Act, declination appeal procedures, reassumption procedures, and retrocession procedures. All regulations including those referred to in this section shall be promulgated in conformity with sections 552 and 553 of title 5 of the United States Code and with subsections (c), (d), and (e) hereof, and shall be promulgated as a single set of regulations in title 25 of the Code of Federal Regulations. Any authorization to promulgate regulations set forth in this Act shall expire if such regulations are not finally promulgated within 12 months from the date of enactment of these amendments.

"(b) EXISTING REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law or regulation in existence on the date of enactment of this Act.".

(2) Add the following new subsections:

"(d) In drafting and promulgating regulations as provided in section 107(a) of this Act (including any revisions or amendments thereto), the Secretaries shall confer with and allow for active participation by representatives of Indian tribes, tribal organizations, individual tribal members, and representatives of other parties interested in the implementation of this Act, as amended. The rulemaking process shall follow the guidance of the Negotiated Rulemaking Act of 1990 and of the Administrative Conference of the United States in Recommendations 82-094 and 85-095, 'Procedures for Negotiating Proposed Regulations' (1 CFR 305.82-094 and 305.85-095), and any successor recommendation, regulation, or law. Tribal participants in the negotiation shall be chosen by the tribes and tribal organizations participating in regional and national meetings to be convened by the Secretary, representing the groups described herein and shall include tribal representatives from all geographic regions. The negotiations shall be conducted in a timely manner and the proposed rule implementing these amendments shall be published in the Federal Register by the Secretaries no later than 6 months from the date of enactment of these amendments. Notwithstanding any other law or regulation to the contrary, the Secretary of the Interior and the Secretary of Health and Human Services shall be authorized to jointly establish and jointly fund such interagency committees or other interagency bodies, including advisory bodies comprised of tribal representatives, as may be necessary or appropriate to carry out the provisions of this Act.

"(e) Notwithstanding any laws or regulations to the contrary, the Secretary shall waive or make exceptions to his regulations where the Secretary finds that such waiver or exceptions is in the best interest of the Indians served by the contract. The Secretary shall review a waiver request under the declination criteria and procedures contained in section 102(a)(2) of this Act.".

SEC. 6. CONFORMING AMENDMENT.

Section 105(h) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(h)) is amended by striking "and the rules and regulations adopted by the Secretaries of the Interior and Health and Human Services pursuant to section 107 of this Act".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Richardson:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Self-Determination Act Amendments of 1994".

TITLE I—INDIAN SELF-DETERMINATION ACT CONTRACTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Indian Self-Determination Contract Reform Act of 1994".

SEC. 102. GENERAL AMENDMENTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended—

(1) in section 4—

(A) in subsection (g), by striking "indirect costs rate" and inserting "indirect cost rate";

(B) by striking "and" at the end of subsection (k);

(C) by striking the period at the end of subsection (l) and inserting "; and"; and

(D) by adding at the end the following new subsection:

"(m) 'construction contract' means a fixed-price or cost-reimbursement self-determination contract for a construction project, except that such term does not include any contract—

"(1) that is limited to providing planning services and construction management services (or a combination of such services);

"(2) for the Housing Improvement Program or roads maintenance program of the Bureau of Indian Affairs administered by the Secretary of the Interior; or

"(3) for the health facility maintenance and improvement program administered by the Secretary of Health and Human Services.";

(2) by striking subsection (f) of section 5 and inserting the following new subsection:

"(f)(1) For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract entered into, or grant made, under this Act, the tribal organization that requested such contract or grant shall submit to the appropriate Secretary a single-agency audit report required by chapter 75 of title 31, United States Code.

"(2) In addition to submitting a single-agency audit report pursuant to paragraph (1), a tribal organization referred to in such paragraph shall submit such additional information concerning the conduct of the program, function, service, or activity carried out pursuant to the contract or grant that is the subject of the report as the tribal organization may negotiate with the Secretary.

"(3) Any disagreement over reporting requirements shall be subject to the declination criteria and procedures set forth in section 102.";

(3) in section 7(a), by striking "of subcontractors" and inserting in lieu thereof "or subcontractors (excluding tribes and tribal organizations)";

(4) at the end of section 7, add the following new subsection:

"(c) Notwithstanding subsections (a) and (b), with respect to any self-determination contract, or portion of a self-determination contract, that is intended to benefit one tribe, the tribal employment or contract preference laws adopted by such tribe shall govern with respect to the administration of the contract or portion of the contract.";

(5) at the end of section 102(a)(1), add the following new flush sentence:

"The programs, functions, services, or activities that are contracted under this paragraph shall include administrative functions of the Department of the Interior and the Department of Health and Human Services (whichever is applicable) that support the delivery of services to Indians, including those administrative activities supportive of, but not included as part of, the service delivery programs described in this paragraph that are otherwise contractable. The administrative functions referred to in the preceding sentence shall be contractable without regard to the organizational level within the department that carries out such functions.";

(6) in section 102(a)—

(A) in paragraph (2)—

(i) in the first sentence, by inserting ", or a proposal to amend or renew a self-determination contract," before "to the Secretary for review";

(ii) in the second sentence—

(I) by striking "The" and inserting "Subject to the provisions of paragraph (4), the";

(II) by inserting "and award the contract" after "approve the proposal";

(III) by striking ", within sixty days of receipt of the proposal,"; and

(IV) by striking "a specific finding is made that" and inserting "the Secretary provides written notification to the applicant that contains a specific finding that clearly demonstrates that, or that is supported by a controlling legal authority that";

(iii) in subparagraph (B), by striking "or" after the semicolon;

(iv) in subparagraph (C), by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following new subparagraphs:

"(D) the amount of funds proposed under the contract is in excess of the applicable funding level for the contract, as determined under section 106(a); or

"(E) the program, function, service, or activity (or portion thereof) that is the subject of the proposal is beyond the scope of programs, functions, services, or activities covered under paragraph (1) because the proposal includes activities that cannot lawfully be carried out by the contractor."; and

(vi) by adding at the end of the paragraph the following new flush material:

"Notwithstanding any other provision of law, the Secretary may extend or otherwise alter the 90-day period specified in the second sentence of this subsection, if before the

expiration of such period, the Secretary obtains the voluntary and express written consent of the tribe or tribal organization to extend or otherwise alter such period. The contractor shall include in the proposal of the contractor the standards under which the tribal organization will operate the contracted program, service, function, or activity, including in the area of construction, provisions regarding the use of licensed and qualified architects, applicable health and safety standards, adherence to applicable Federal, State, local, or tribal building codes and engineering standards. The standards referred to in the preceding sentence shall ensure structural integrity, accountability of funds, adequate competition for subcontracting under tribal or other applicable law, the commencement, performance, and completion of the contract, adherence to project plans and specifications (including any applicable Federal construction guidelines and manuals), the use of proper materials and workmanship, necessary inspection and testing, and changes, modifications, stop work, and termination of the work when warranted."; and

(B) by adding at the end the following new paragraph:

"(4) The Secretary shall approve any severable portion of a contract proposal that does not support a declination finding described in paragraph (2). If the Secretary determines under such paragraph that a contract proposal—

"(A) proposes in part to plan, conduct, or administer a program, function, service, or activity that is beyond the scope of programs covered under paragraph (1), or

"(B) proposes a level of funding that is in excess of the applicable level determined under section 106(a),

subject to any alteration in the scope of the proposal that the Secretary and the tribal organization agree to, the Secretary shall, as appropriate, approve such portion of the program, function, service, or activity as is authorized under paragraph (1) or approve a level of funding authorized under section 106(a). If a tribal organization elects to carry out a severable portion of a contract proposal pursuant to this paragraph, subsection (b) shall only apply to the portion of the contract that is declined by the Secretary pursuant to this subsection.";

(7) in section 102(b)(3)—

(A) by inserting after "record" the following: "with the right to engage in full discovery relevant to any issue raised in the matter"; and

(B) by inserting before the period the following: ", except that the tribe or tribal organization may, in lieu of filing such appeal, exercise the option to initiate an action in a Federal district court and proceed directly to such court pursuant to section 110(a)";

(8) in section 102(d), by striking "as provided in section 2671 of title 28)" and inserting "as provided in section 2671 of title 28, United States Code, and including an individual who provides health care services pursuant to a personal services contract with a tribal organization for the provision of services in any facility owned, operated, or constructed under the jurisdiction of the Indian Health Service)";

(9) by adding at the end of section 102 the following new subsection:

"(e)(1) With respect to any hearing or appeal conducted pursuant to subsection (b)(3), the Secretary shall have the burden of proof to establish by clearly demonstrating the validity of the grounds for declining the contract proposal (or portion thereof).

"(2) Notwithstanding any other provision of law, a decision by an official of the Department of the Interior or the Department of Health and Human Services, as appropriate (referred to in this paragraph as the 'Department') that constitutes final agency action and that relates to an appeal within the Department that is conducted under subsection (b)(3) shall be made either—

"(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency (such as the Indian Health Service or the Bureau of Indian Affairs) in which the decision that is the subject of the appeal was made; or

"(B) by an administrative judge.";

(10) by striking subsection (a) of section 105 and inserting the following new subsection:

"(a)(1) Notwithstanding any other provision of law, subject to paragraph (3), the contracts and cooperative agreements entered into with tribal organizations pursuant to section 102 shall not be subject to Federal contracting or cooperative agreement laws (including any regulations), except to the extent that such laws expressly apply to Indian tribes.

"(2) Program standards applicable to a nonconstruction self-determination contract shall be set forth in the contract proposal and the final contract of the tribe or tribal organization.

"(3)(A) With respect to a construction contract (or a subcontract of such a construction contract), the provisions of the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) and the regulations relating to acquisitions promulgated under such Act shall apply only to the extent that the application of such provision to the construction contract (or subcontract) is—

"(i) necessary to ensure that the contract may be carried out in a satisfactory manner;

"(ii) directly related to the construction activity; and

"(iii) not inconsistent with this Act.

"(B) A list of the Federal requirements that meet the requirements of clauses (i) through (iii) of subparagraph (A) shall be included in an attachment to the contract pursuant to negotiations between the Secretary and the tribal organization.

"(C)(i) Except as provided in subparagraph (B), no Federal law listed in clause (ii) or any other provision of Federal law (including an Executive order) relating to acquisition by the Federal Government shall apply to a construction contract that a tribe or tribal organization enters into under this Act, unless expressly provided in such law.

"(ii) The laws listed in this paragraph are as follows:

"(I) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(II) Section 3709 of the Revised Statutes.

"(III) Section 9(c) of the Act of Aug. 2, 1946 (60 Stat. 809, chapter 744).

"(IV) Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393 et seq., chapter 288).

"(V) Section 13 of the Act of Oct. 3, 1944 (58 Stat. 770; chapter 479).

"(VI) Chapters 21, 25, 27, 29, and 31 of title 44, United States Code.

"(VII) Section 2 of the Act of June 13, 1934 (48 Stat 948, chapter 483).

"(VIII) Sections 1 through 12 of the Act of June 30, 1936 (49 Stat. 2036 et seq. chapter 881).

"(IX) The Service Control Act of 1965 (41 U.S.C. 351 et seq.).

"(X) The Small Business Act (15 U.S.C. 631 et seq.).

"(XI) Executive Order Nos. 12138, 11246, 11701 and 11758.";

(11) by striking subsection (e) and inserting the following new subsection:

"(e) If an Indian tribe, or a tribal organization authorized by a tribe, requests retrocession of the appropriate Secretary for any contract or portion of a contract entered into pursuant to this Act, unless the tribe or tribal organization rescinds the request for retrocession, such retrocession shall become effective on—

"(1) the earlier of—

"(A) the date that is 1 year after the date the Indian tribe or tribal organization submits such request; or

"(B) the date on which the contract expires; or

"(2) such date as may be mutually agreed by the Secretary and the Indian tribe.";

(12) by striking paragraph (2) of section 105(f) and inserting the following new paragraph:

"(2) donate to an Indian tribe or tribal organization title to any personal or real property found to be excess to the needs of the Bureau of Indian Affairs, the Indian Health Service, or the General Services Administration, except that—

"(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the contract or purchased with funds under any self-determination contract or grant agreement shall, unless otherwise requested by the tribe or tribal organization, vest in the appropriate tribe or tribal organization;

"(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of the retrocession, rescission, or termination of the self-determination contract or grant agreement, at the option of the Secretary, upon the retrocession, rescission, or termination, title to such property and equipment shall revert to the Department of the Interior or the Department of Health and Human Services, as appropriate; and

"(C) all property referred to in subparagraph (A) shall remain eligible for replacement on the same basis as if title to such property were vested in the United States; and";

(13) by adding at the end of section 105 the following new subsections:

"(i)(1) If a self-determination contract requires the Secretary to divide the administration of a program that has previously been administered for the benefit of a greater number of tribes than are represented by the tribal organization that is a party to the contract, the Secretary shall take such action as may be necessary to ensure that services are provided to the tribes not served by a self-determination contract, including program redesign in consultation with the tribal organization and all affected tribes.

"(2) Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving a tribe under this or other applicable Federal law. Any tribe or tribal organization that alleges that a self-determination contract is in violation of this section may apply the provisions of section 110.

"(j) Upon providing notice to the Secretary, a tribal organization that carries out a nonconstruction self-determination contract may propose a redesign of a program, activity, function, or service carried out by the tribal organization under the contract, including any nonstatutory program standard, in such manner as to best meet the local geographic, demographic, economic, cultural, health, and institutional needs of the

Indian people and tribes served under the contract. The Secretary shall evaluate any proposal to redesign any program, activity, function, or service provided under the contract. With respect to declining to approve a redesigned program, activity, function, or service under this subsection, the Secretary shall apply the criteria and procedures set forth in section 102.

"(k) For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)) (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), a tribal organization carrying out a contract, grant, or cooperative agreement under this Act shall be deemed an executive agency when carrying out such contract, grant, or agreement and the employees of the tribal organization shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

"(l)(1) Upon the request of an Indian tribe or tribal organization, the Secretary shall enter into a lease with the Indian tribe or tribal organization that holds title to, a leasehold interest in, or a trust interest in, a facility used by the Indian tribe or tribal organization for the administration and delivery of services under this Act.

"(2) The Secretary shall compensate each Indian tribe or tribal organization that enters into a lease under paragraph (1) for the use of the facility leased for the purposes specified in such paragraph. Such compensation may include rent, depreciation based on the useful life of the facility, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses that the Secretary determines, by regulation, to be allowable.

"(m)(1) Each construction contract requested, approved, or awarded under this Act shall be subject to—

"(A) except as otherwise provided in this Act, the provisions of this Act, other than sections 102(a)(2), 106(l), 108 and 109; and

"(B) section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (104 Stat. 1959).

"(2) In providing technical assistance to tribes and tribal organizations in the development of construction contract proposals, the Secretary shall provide, not later than 30 days after receiving a request from a tribe or tribal organization, all information available to the Secretary regarding the construction project, including construction drawings, maps, engineering reports, design reports, plans of requirements, cost estimates, environmental assessments or environmental impact reports, and archaeological reports.

"(3) Prior to finalizing a construction contract proposal pursuant to section 102(a), and upon request of the tribe or tribal organization that submits the proposal, the Secretary shall provide for a precontract negotiation phase in the development of a contract proposal. Such phase shall include, at a minimum, the following elements:

"(A) The provision of technical assistance pursuant to section 103 and paragraph (2).

"(B) A joint scoping session between the Secretary and the tribe or tribal organization to review all plans, specifications, engineering reports, cost estimates, and other information available to the parties, for the purpose of identifying all areas of agreement and disagreement.

"(C) An opportunity for the Secretary to revise the plans, designs, or cost estimates of the Secretary in response to concerns raised, or information provided by, the tribe or tribal organization.

"(D) A negotiation session during which the Secretary and the tribe or tribal organization shall seek to develop a mutually agreeable contract proposal.

"(E) Upon the request of the tribe or tribal organization, the use of an alternative dispute resolution mechanism to seek resolution of all remaining areas of disagreement pursuant to the dispute resolution provisions under subchapter IV of chapter 5 of title 5, United States Code.

"(F) The submission to the Secretary by the tribe or tribal organization of a final contract proposal pursuant to section 102(a).

"(4)(A) Subject to subparagraph (B), in funding a fixed-price construction contract pursuant to section 106(a), the Secretary shall provide for the following:

"(i) The reasonable costs to the tribe or tribal organization for general administration incurred in connection with the project that is the subject of the contract.

"(ii) The ability of the contractor that carries out the construction contract to make a reasonable profit, taking into consideration the risks associated with carrying out the contract and other relevant considerations.

"(B) In establishing a contract budget for a construction project, the Secretary shall not be required to separately identify the components described in clauses (i) and (ii) of subparagraph (A).

"(C) The total amount awarded under a construction contract shall reflect an overall fair and reasonable price to the parties, including the following costs:

"(i) The reasonable costs to the tribal organization of performing the contract, taking into consideration the terms of the contract and the requirements of this Act and any other applicable law.

"(ii) The costs of preparing the contract proposal and supporting cost data.

"(iii) The costs associated with auditing the general and administrative costs of the tribal organization associated with the management of the construction contract.

"(iv) In the case of a fixed-price contract, a fair profit determined by taking into consideration the relevant risks and local market conditions.

"(v) If the Secretary and the tribe or tribal organization are unable to develop a mutually agreeable construction contract proposal pursuant to the procedures set forth in this subsection, the tribe or tribal organization may submit a final contract proposal to the Secretary. Not later than 30 days after receiving such final contract proposal, the Secretary shall approve the contract proposal and award the contract, unless, during such period the Secretary declines the proposal pursuant to sections 102(a)(2) and 102(b) of section 102 (including providing opportunity for an appeal pursuant to section 102(b)).

"(n) Notwithstanding any other provision of law, the rental rates for housing provided to an employee by the Federal Government in Alaska pursuant to a self-determination contract shall be determined on the basis of—

"(1) the reasonable value of the quarters and facilities (as such terms are defined under section 5911 of title 5, United States Code) to such employee, and

"(2) the circumstances under which such quarters and facilities are provided to such employee,

as based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.";

(14) in section 106(a)—

(A) in paragraph (1), by inserting before the period at the end the following: ", without regard to any organizational level within the Department of the Interior or the Department of Health and Human Services, as appropriate, at which the program, function, service, or activity or portion thereof, including supportive administrative functions that are otherwise contractable, is operated";

(B) in paragraph (2), by inserting after "consist of" the following: "an amount for"; and

(C) by striking paragraph (3) and inserting the following new paragraphs:

"(3)(A) The contract support costs that are eligible costs for the purposes of receiving funding under this Act shall include the costs of reimbursing each tribal contractor for reasonable and allowable costs of—

"(i) direct program expenses for the operation of the Federal program that is the subject of the contract, and

"(ii) any additional administrative or other expense related to the overhead incurred by the tribal contractor in connection with the operation of the Federal program, function, service, or activity pursuant to the contract,

except that such funding shall not duplicate any funding provided under section 106(a)(1).

"(B) On an annual basis, during such period as a tribe or tribal organization operates a Federal program, function, service, or activity pursuant to a contract entered into under this Act, the tribe or tribal organization shall have the option to negotiate with the Secretary the amount of funds that the tribe or tribal organization is entitled to receive under such contract pursuant to this paragraph.

"(4) For each fiscal year during which a self-determination contract is in effect, any savings attributable to the operation of a Federal program, function, service, or activity under a self-determination contract by a tribe or tribal organization (including a cost reimbursement construction contract) shall—

"(A) be used to provide additional services or benefits under the contract; or

"(B) be expended by the tribe or tribal organization in the succeeding fiscal year, as provided in section 8.

"(5) Subject to paragraph (6), during the initial year that a self-determination contract is in effect, the amount required to be paid under paragraph (2) shall include start-up costs consisting of the reasonable costs that have been incurred or will be incurred on a one-time basis pursuant to the contract necessary—

"(A) to plan, prepare for, and assume operation of the program, function, service, or activity that is the subject of the contract; and

"(B) to ensure compliance with the terms of the contract and prudent management.

"(6) Costs incurred before the initial year that a self-determination contract is in effect may not be included in the amount required to be paid under paragraph (2) if the Secretary does not receive a written notification of the nature and extent of the costs prior to the date on which such costs are incurred.";

(15) in section 106(c)—

(A) by striking "March 15" and inserting "May 15";

(B) in paragraphs (1) and (2), by striking "indirect costs" each place it appears and inserting "contract support costs";

(C) in paragraph (4), by striking "and" at the end;

(D) in paragraph (5), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(6) an accounting of any deficiency of funds needed to maintain the preexisting level of services to any tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contractors to convert from a Federal fiscal year accounting cycle to a different accounting cycle, as authorized by section 105(d).";

(16) in section 106(f), by inserting immediately after the second sentence the following new sentence: "For the purpose of determining the 365-day period specified in this paragraph, an audit report shall be deemed to have been received on the date of actual receipt by the Secretary, if, within 60 days after receiving the report, the Secretary does not give notice of a determination by the Secretary to reject the single-agency report as insufficient due to noncompliance with chapter 75 of title 31, United States Code, or noncompliance with any other applicable law.";

(17) by striking subsection (g) of section 106 and inserting the following new subsection:

"(g) Upon the approval of a self-determination contract, the Secretary shall add to the contract the full amount of funds to which the contractor is entitled under section 106(a), subject to adjustments for each subsequent year that such tribe or tribal organization administers a Federal program, function, service, or activity under such contract.";

(18) by striking subsection (i) of section 106 and inserting the following new subsection:

"(i) On an annual basis, the Secretary shall consult with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the Indian Health Service and the Bureau of Indian Affairs (including participation of Indian tribes and tribal organizations in formulating annual budget requests that the Secretary submits to the President for submission to Congress pursuant to section 1105 of title 31, United States Code).."; and

(19) by adding at the end of section 106 the following new subsections:

"(j) Notwithstanding any other provision of law, a tribal organization may use funds provided under a self-determination contract to meet matching or cost participation requirements under other Federal and non-Federal programs.

"(k) Without intending any limitation, a tribal organization may, without the approval of the Secretary, expend funds provided under a self-determination contract for the following purposes, to the extent that the expenditure of the funds is supportive of a contracted program:

"(1) Depreciation and use allowances not otherwise specifically prohibited by law, including the depreciation of facilities owned by the tribe or tribal organization.

"(2) Publication and printing costs.

"(3) Building, realty, and facilities costs, including rental costs or mortgage expenses.

"(4) Automated data processing and similar equipment or services.

"(5) Costs for capital assets and repairs.

"(6) Management studies.

"(7) Professional services, other than services provided in connection with judicial proceedings by or against the United States.

"(8) Insurance and indemnification, including insurance covering the risk of loss of or damage to property used in connection with the contract without regard to the ownership of such property.

"(9) Costs incurred to raise funds or contributions from non-Federal sources for the purpose of furthering the goals and objectives of the self-determination contract.

"(10) Interest expenses paid on capital expenditures such as buildings, building renovation, or acquisition or fabrication of capital equipment, and interest expenses on loans necessitated due to delays by the Secretary in providing funds under a contract.

"(11) Expenses of a governing body of a tribal organization that are attributable to the management or operation of programs under this Act.

"(12) Costs associated with the management of pension funds, self-insurance funds, and other funds of the tribal organization that provide for participation by the Federal Government.

"(l) The Secretary may only suspend, withhold, or delay the payment of funds for a period of 30 days beginning on the date the Secretary makes a determination under this paragraph to a tribal organization under a self-determination contract, if the Secretary determines that the tribal organization has failed to substantially carry out the contract without good cause. In any such case, the Secretary shall provide the tribal organization with reasonable advance written notice, technical assistance (subject to available resources) to assist the tribal organization, a hearing on the record not later than 10 days after the date of such determination or such later date as the tribal organization shall approve, and promptly release any funds withheld upon subsequent compliance.

"(2) With respect to any hearing or appeal conducted pursuant to this subsection, the Secretary shall have the burden of proof to establish by clearly demonstrating the validity of the grounds for suspending, withholding, or delaying payment of funds.

"(m) The program income earned by a tribal organization in the course of carrying out a self-determination contract—

"(1) shall be used by the tribal organization to further the general purposes of the contract; and

"(2) shall not be a basis for reducing the amount of funds otherwise obligated to the contract.

"(n) To the extent that programs, functions, services, or activities carried out by tribal organizations pursuant to contracts entered into under this Act reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of contract funds determined under subsection (a), the Secretary shall make such savings available for the provision of additional services to program beneficiaries, either directly or through contractors, in a manner equitable to both direct and contracted programs.

"(o) Notwithstanding any other provision of law (including any regulation), a tribal organization that carries out a self-determination contract may, with respect to allocations within the approved budget of the contract, rebudget to meet contract requirements, if such rebudgeting would not have an adverse effect on the performance of the contract.".

SEC. 103. CONTRACT SPECIFICATIONS.

The Indian Self-Determination Education Assistance Act (25 U.S.C. 450 et seq.) is amended by inserting after section 107 the following new section:

"SEC. 108. CONTRACT OR GRANT SPECIFICATIONS.

"(a) Each self-determination contract entered into under this Act shall—

"(1) contain, or incorporate by reference, the provisions of the model agreement described in subsection (c) (with modifications where indicated and the blanks appropriately filled in), and

"(2) contain such other provisions as are agreed to by the parties.

"(b) Notwithstanding any other provision of law, the Secretary may make payments pursuant to section 1(b)(6) of such model agreement. As provided in section 1(b)(7) of the model agreement, the records of the tribal government or tribal organization specified in such section shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"(c) The model agreement referred to in subsection (a)(1) reads as follows:

"'SECTION 1. AGREEMENT BETWEEN THE SECRETARY AND THE ___ TRIBAL GOVERNMENT.

"'(a) AUTHORITY AND PURPOSE.—

"'(1) AUTHORITY.—This agreement, denoted a Self-Determination Contract (referred to in this agreement as the "Contract"), is entered into by the Secretary of the Interior or the Secretary of Health and Human Services (referred to in this agreement as the "Secretary"), for and on behalf of the United States pursuant to title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and by the authority of the ___ tribal government or tribal organization (referred to in this agreement as the "Contractor"). The provisions of title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are incorporated in this agreement.

"'(2) PURPOSE.—Each provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and each provision of this Contract shall be liberally construed for the benefit of the Contractor to transfer the funding and the following related functions, services, activities, and programs (or portions thereof), that are otherwise contractable under section 102(a) of such Act, including all related administrative functions, from the Federal Government to the Contractor: (List functions, services, activities, and programs).

"'(b) TERMS, PROVISIONS, AND CONDITIONS.—

"'(1) TERM.—Pursuant to section 105(c)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(c)(1)), the term of this contract shall be ___ years. Pursuant to section 105(d)(1) of such Act (25 U.S.C. 450j(d)), upon the election by the Contractor, the period of this Contract shall be determined on the basis of a calendar year, unless the Secretary and the Contractor agree on a different period in the annual funding agreement incorporated by reference in subsection (f)(2).

"'(2) EFFECTIVE DATE.—This Contract shall become effective upon the date of the approval and execution by the Contractor and the Secretary, unless the Contractor and the Secretary agree on an effective date other than the date specified in this paragraph.

"'(3) PROGRAM STANDARD.—The Contractor agrees to administer the program, services, functions and activities (or portions thereof) listed in subsection (a)(2) of the Contract in conformity with the following standards: (list standards).

"'(4) FUNDING AMOUNT.—Subject to the availability of appropriations, the Secretary shall make available to the Contractor the total amount specified in the annual funding agreement incorporated by reference in subsection (f)(2). Such amount shall not be less

than the applicable amount determined pursuant to section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1).

"'(5) LIMITATION OF COSTS.—The Contractor shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds awarded under this Contract. If, at any time, the Contractor has reason to believe that the total amount required for performance of this Contract or a specific activity conducted under this Contract would be greater than the amount of funds awarded under this Contract, the Contractor shall provide reasonable notice to the appropriate Secretary. If the appropriate Secretary does not take such action as may be necessary to increase the amount of funds awarded under this Contract, the Contractor may suspend performance of the Contract until such time as additional funds are awarded.

"'(6) PAYMENT.—

"'(A) IN GENERAL.—Payments to the Contractor under this Contract shall—

"'(i) be made as expeditiously as practicable; and

"'(ii) include financial arrangements to cover funding during periods covered by joint resolutions adopted by Congress making continuing appropriations, to the extent permitted by such resolutions.

"'(B) QUARTERLY, SEMIANNUAL, LUMP-SUM, AND OTHER METHODS OF PAYMENT.—

"'(i) IN GENERAL.—Pursuant to section 108(b) of the Indian Self-Determination and Education Assistance Act, and notwithstanding any other provision of law, for each fiscal year covered by this Contract, the Secretary shall make available to the Contractor the funds specified for the fiscal year under the annual funding agreement incorporated by reference pursuant to subsection (f)(2) by paying to the Contractor, on a quarterly basis, one-quarter of the total amount provided for in the annual funding agreement for that fiscal year, in a lump-sum payment or as semiannual payments, or any other method of payment authorized by law, in accordance with such method as may be requested by the Contractor and specified in the annual funding agreement.

"'(ii) METHOD OF QUARTERLY PAYMENT.—If quarterly payments are specified in the annual funding agreement incorporated by reference pursuant to subsection (f)(2), each quarterly payment made pursuant to clause (i) shall be made on the first day of each quarter of the fiscal year, except that in any case in which the contract year coincides with the Federal fiscal year, payment for the first quarter shall be made not later than the date that is 10 calendar days after the date on which the Office of Management and Budget apportions the appropriations for the fiscal year for the programs, services, functions, and activities subject to this Contract.

"'(iii) APPLICABILITY.—Chapter 39 of title 31, United States Code, shall apply to the payment of funds due under this Contract and the annual funding agreement referred to in clause (i).

"'(7) RECORDS AND MONITORING.—

"'(A) IN GENERAL.—Except for previously provided copies of tribal records that the Secretary demonstrates are clearly required to be maintained as part of the recordkeeping system of the Department of the Interior or the Department of Health and Human Services (or both), records of the Contractor shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"'(B) RECORDKEEPING SYSTEM.—The Contractor shall maintain a recordkeeping system and, upon reasonable advance request, provide reasonable access to such records to the Secretary.

"'(C) RESPONSIBILITIES OF CONTRACTOR.—The Contractor shall be responsible for managing the day-to-day operations conducted under this Contract and for monitoring activities conducted under this Contract to ensure compliance with the contract and applicable Federal requirements. With respect to the monitoring activities of the Secretary, the routine monitoring visits shall be limited to not more than one performance monitoring visit for this Contract by the head of each operating division, departmental bureau, or departmental agency, or duly authorized representative of such head unless—

"'(i) the Contractor agrees to one or more additional visits; or

"'(ii) the appropriate official determines that there is reasonable cause to believe that grounds for reassumption of the Contract, suspension of contract payments, or other serious contract performance deficiency may exist.

No additional visit referred to in clause (ii) shall be made until such time as reasonable advance notice that includes a description of the nature of the problem that requires the additional visit has been given to the Contractor.

"'(8) PROPERTY.—

"'(A) IN GENERAL.—As provided in section 105(f) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(f)), at the request of the Contractor, the Secretary may make available, or transfer to the Contractor, all reasonably divisible real property, facilities, equipment, and personal property that the Secretary has used to provide or administer the programs, services, functions, and activities covered by this Contract. A mutually agreed upon list specifying the property, facilities, and equipment so furnished shall also be prepared by the Secretary, with the concurrence of the Contractor, and periodically revised by the Secretary, with the concurrence of the Contractor.

"'(B) RECORDS.—The Contractor shall maintain a record of all property referred to in subparagraph (A) or other property acquired by the Contractor under section 105(f)(2)(A) of such Act for purposes of replacement.

"'(C) JOINT USE AGREEMENTS.—Upon the request of the Contractor, the Secretary and the Contractor shall enter into a separate joint use agreement to address the shared use by the parties of real or personal property that is not reasonably divisible.

"'(D) ACQUISITION OF PROPERTY.—The Contractor is granted the authority to acquire such excess property as the Contractor may determine to be appropriate in the judgment of the Contractor to support the programs, services, functions, and activities operated pursuant to this Contract.

"'(E) CONFISCATED OR EXCESS PROPERTY.—The Secretary shall assist the Contractor in obtaining such confiscated or excess property as may become available to tribes, tribal organizations, or local governments.

"'(F) SCREENER IDENTIFICATION CARD.—A screener identification card (General Services Administration form numbered 2946) shall be issued to the Contractor not later than the effective date of this Contract. The designated official shall, upon request, assist the Contractor in securing the use of the card.

"'(G) CAPITAL EQUIPMENT.—The Contractor shall determine the capital equipment, leases, rentals, property, or services the Contractor requires to perform the obligations of the Contractor under this subsection, and shall acquire and maintain records of such capital equipment, property rentals, leases, property, or services through applicable procurement procedures of the Contractor.

"'(9) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, any funds provided under this contract—

"'(A) shall remain available until expended; and

"'(B) with respect to such funds, no further—

"'(i) approval by the Secretary, or

"'(ii) justifying documentation from the Contractor, shall be required prior to the expenditure of such funds.

"'(10) TRANSPORTATION.—Beginning on the effective date of this Contract, the Secretary shall authorize the Contractor to obtain interagency motor pool vehicles and related services for performance of any activities carried out under this Contract.

"'(11) FEDERAL PROGRAM GUIDELINES, MANUALS, OR POLICY DIRECTIVES.—Except as specifically provided in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) the Contractor is not required to abide by program guidelines, manuals, or policy directives of the Secretary, unless otherwise agreed to by the Contractor and the Secretary, or otherwise required by law.

"'(12) DISPUTES.—

"'(A) THIRD-PARTY MEDIATION DEFINED.—For the purposes of this Contract, the term "third-party mediation" means a form of mediation whereby the Secretary and the Contractor nominate a third party who is not employed by or significantly involved with the Secretary of the Interior, the Secretary of Health and Human Services, or the Contractor, to serve as a third-party mediator to mediate disputes under this Contract.

"'(B) ALTERNATIVE PROCEDURES.—In addition to, or as an alternative to, remedies and procedures prescribed by section 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1), the parties to this Contract may jointly—

"'(i) submit disputes under this Contract to third-party mediation;

"'(ii) submit the dispute to the adjudicatory body of the Contractor, including the tribal court of the Contractor;

"'(iii) submit the dispute to mediation processes provided for under the laws, policies, or procedures of the Contractor; or

"'(iv) use the administrative dispute resolution processes authorized in subchapter IV of chapter 5 of title 5, United States Code.

"'(C) EFFECT OF DECISIONS.—The Secretary shall be bound by decisions made pursuant to the processes set forth in subparagraph (B), except that the Secretary shall not be bound by any decision that significantly conflicts with the interests of Indians or the United States.

"'(13) ADMINISTRATIVE PROCEDURES OF CONTRACTOR.—Pursuant to the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.), the laws, policies, and procedures of the Contractor shall provide for administrative due process (or the equivalent of administrative due process) with respect to programs, services, functions, and activities that are provided by the Contractor pursuant to this Contract.

"'(14) SUCCESSOR ANNUAL FUNDING AGREEMENT.—

"'(A) IN GENERAL.—Negotiations for a successor annual funding agreement, provided for in subsection (f)(2), shall begin not later than 120 days prior to the conclusion of the

preceding annual funding agreement. Except as provided in section 105(c)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(c)(2)) the funding for each such successor annual funding agreement shall only be reduced pursuant to section 106(b) of such Act (25 U.S.C. 450j-1(b)).

"'(B) INFORMATION.—The Secretary shall prepare and supply relevant information, and promptly comply with any request by the Contractor for information that the Contractor reasonably needs to determine the amount of funds that may be available for a successor annual funding agreement, as provided for in subsection (f)(2) of this Contract.

"'(15) CONTRACT REQUIREMENTS; APPROVAL BY SECRETARY.—

"'(A) IN GENERAL.—Except as provided in subparagraph (B), for the term of the Contract, section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476), shall not apply to any contract entered into in connection with this Contract.

"'(B) REQUIREMENTS.—Each Contract entered into by the Contractor with a third party in connection with performing the obligations of the Contractor under this Contract shall—

"'(i) be in writing;

"'(ii) identify the interested parties, the authorities of such parties, and purposes of the Contract;

"'(iii) state the work to be performed under the Contract; and

"'(iv) state the process for making any claim, the payments to be made, and the terms of the Contract, which shall be fixed.

"'(c) OBLIGATION OF THE CONTRACTOR.—

"'(1) CONTRACT PERFORMANCE.—Except as provided in subsection (d)(2), the Contractor shall perform the programs, services, functions, and activities as provided in the annual funding agreement under subsection (f)(2) of this Contract.

"'(2) AMOUNT OF FUNDS.—The total amount of funds to be paid under this Contract pursuant to section 106(a) shall be determined in an annual funding agreement entered into between the Secretary and the Contractor, which shall be incorporated into this Contract.

"'(3) CONTRACTED PROGRAMS.—Subject to the availability of appropriated funds, the Contractor shall administer the programs, services, functions, and activities identified in this Contract and funded through the annual funding agreement under subsection (f)(2).

"'(4) TRUST SERVICES FOR INDIVIDUAL INDIANS.—

"'(A) IN GENERAL.—To the extent that the annual funding agreement provides funding for the delivery of trust services to individual Indians that have been provided by the Secretary, the Contractor shall maintain at least the same level of service as the Secretary provided for such individual Indians, subject to the availability of appropriated funds for such services.

"'(B) TRUST SERVICES TO INDIVIDUAL INDIANS.—For the purposes of this paragraph only, the term "trust services for individual Indians" means only those services that pertain to land or financial management connected to individually held allotments.

"'(5) FAIR AND UNIFORM SERVICES.—The Contractor shall provide services under this Contract in a fair and uniform manner and shall provide access to an administrative or judicial body empowered to adjudicate or otherwise resolve complaints, claims, and grievances brought by program beneficiaries against the Contractor arising out of the performance of the Contract.

"'(d) OBLIGATION OF THE UNITED STATES.—

"'(1) TRUST RESPONSIBILITY.—

"'(A) IN GENERAL.—The United States reaffirms the trust responsibility of the United States to the ___ Indian tribe(s) to protect and conserve the trust resources of the Indian tribe(s) and the trust resources of individual Indians.

"'(B) CONSTRUCTION OF CONTRACT.—Nothing in this Contract may be construed to terminate, waive, modify, or reduce the trust responsibility of the United States to the tribe(s) or individual Indians. The Secretary shall act in good faith in upholding such trust responsibility.

"'(2) GOOD FAITH.—To the extent that health programs are included in this Contract, and within available funds, the Secretary shall act in good faith in cooperating with the Contractor to achieve the goals set forth in the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

"'(3) PROGRAMS RETAINED.—As specified in the annual funding agreement, the United States hereby retains the programs, services, functions, and activities with respect to the tribe(s) that are not specifically assumed by the Contractor in the annual funding agreement under subsection (f)(2).

"'(e) OTHER PROVISIONS.—

"'(1) DESIGNATED OFFICIALS.—Not later than the effective date of this Contract, the United States shall provide to the Contractor, and the Contractor shall provide to the United States, a written designation of a senior official to serve as a representative for notices, proposed amendments to the Contract, and other purposes for this Contract.

"'(2) CONTRACT MODIFICATIONS OR AMENDMENT.—

"'(A) IN GENERAL.—Except as provided in subparagraph (B), no modification to this Contract shall take effect unless such modification is made in the form of a written amendment to the Contract, and the Contractor and the Secretary provide written consent for the modification.

"'(B) EXCEPTION.—The addition of supplemental funds for programs, functions, and activities (or portions thereof) already included in the annual funding agreement under subsection (f)(2), and the reduction of funds pursuant to section 106(b)(2), shall not be subject to subparagraph (A).

"'(3) OFFICIALS NOT TO BENEFIT.—No Member of Congress, or resident commissioner, shall be admitted to any share or part of any contract executed pursuant to this Contract, or to any benefit that may arise from such contract. This paragraph may not be construed to apply to any contract with a third party entered into under this Contract if such contract is made with a corporation for the general benefit of the corporation.

"'(4) COVENANT AGAINST CONTINGENT FEES.—The parties warrant that no person or selling agency has been employed or retained to solicit or secure any contract executed pursuant to this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business.

"'(f) ATTACHMENTS.—

"'(1) APPROVAL OF CONTRACT.—Unless previously furnished to the Secretary, the resolution of the ___ Indian tribe(s) authorizing the contracting of the programs, services, functions, and activities identified in this Contract is attached to this Contract as attachment 1.

"'(2) ANNUAL FUNDING AGREEMENT.—

"'(A) IN GENERAL.—The annual funding agreement under this Contract shall only contain—

"'(i) terms that identify the programs, services, functions, and activities to be performed or administered, the general budget category assigned, the funds to be provided, and the time and method of payment; and

"'(ii) such other provisions, including a brief description of the programs, services, functions, and activities to be performed (including those supported by financial resources other than those provided by the Secretary), to which the parties agree.

"'(B) INCORPORATION BY REFERENCE.—The annual funding agreement is hereby incorporated in its entirety in this Contract and attached to this Contract as attachment 2.'".

SEC. 104. ADDITIONAL AMENDMENTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), as amended by sections 102 and 103, is further amended—

(1) in section 109—

(A) by inserting after "pursuant to such contract or grant agreement," the following "or in the management of trust fund, trust lands or interests in such lands pursuant to such contract or grant agreement,";

(B) by striking "action as prescribed by him" and all that follows through "in such cases, he" and inserting the following: "action as prescribed by the Secretary to remedy the contract deficiency, except that the appropriate Secretary may, upon written notice to a tribal organization, and the tribe served by the tribal organization, immediately rescind a contract or grant, in whole or in part, and resume control or operation of a program, activity, function, or service, if the Secretary finds that (i) there is an immediate threat of imminent harm to the safety of any person, or imminent substantial and irreparable harm to trust funds, trust lands, or interests in such lands, and (ii) such threat arises from the failure of the contractor to fulfill the requirements of the contract. In such cases, the Secretary";

(C) by inserting after "rescind such contract or grant agreement" the following: ", in whole or in part,";

(D) by striking the second period after "the tribal organization may approve"; and

(E) by inserting before the last sentence, the following new sentence: "In any hearing or appeal provided for under this section, the Secretary shall have the burden of proof to establish, by clearly demonstrating the validity of the grounds for rescinding, assuming, or reassuming the contract that is the subject of the hearing.";

(2) in section 110(a), by inserting immediately before the period at the end the following: "(including immediate injunctive relief to reverse a declination finding under section 102(a)(2) or to compel the Secretary to award and fund an approved self-determination contract)"; and

(3) in section 110(d), by inserting immediately before the period at the end the following: ", except that all administrative appeals relating to such contracts shall be heard by the Interior Board of Contract Appeals established pursuant to section 8 of such Act (41 U.S.C. 607)".

SEC. 105. REGULATIONS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), as amended by sections 2 through 4, is further amended—

(1) by striking subsections (a) and (b) of section 107 and inserting the following new subsections:

"(a)(1) Except as may be specifically authorized in this subsection, or in any other provision of this Act, the Secretary of the Interior and the Secretary of Health and Human Services may not promulgate any regulation, nor impose any nonregulatory requirement, relating to self-determination contracts or the approval, award, or declination of such contracts, except that the Secretary of the Interior and the Secretary of Health and Human Services may promulgate regulations under this Act relating to chapter 171 of title 28, United States Code, commonly known as the 'Federal Tort Claims Act', the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), declination and waiver procedures, appeal procedures, reassumption procedures, discretionary grant procedures for grants awarded under section 103, property donation procedures arising under section 105(f), internal agency procedures relating to the implementation of this Act, retrocession and tribal organization relinquishment procedures, contract proposal contents, conflicts of interest, construction, programmatic reports and data requirements, procurement standards, property management standards, and financial management standards.

"(2)(A) The regulations promulgated under this Act, including the regulations referred to in this subsection, shall be promulgated—

"(i) in conformance with sections 552 and 553 of title 5, United States Code and subsections (c), (d), and (e) of this section; and

"(ii) as a single set of regulations in title 25 of the Code of Federal Regulations.

"(B) The authority to promulgate regulations set forth in this Act shall expire if final regulations are not promulgated within 18 months after the date of enactment of the Indian Self-Determination Contract Reform Act of 1994.

"(b) The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of the Indian Self-Determination Contract Reform Act of 1994, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act."; and

(2) by adding at the end of section 107, the following new subsections:

"(d)(1) In drafting and promulgating regulations as provided in subsection (a) (including drafting and promulgating any revised regulations), the Secretary of the Interior and the Secretary of Health and Human Services shall confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members.

"(2)(A) In carrying out rulemaking processes under this Act, the Secretary of the Interior and the Secretary of Health and Human Services shall follow the guidance of—

"(i) subchapter III of chapter 5 of title 5, United States Code, commonly known as the 'Negotiated Rulemaking Act of 1990'; and

"(ii) the recommendations of the Administrative Conference of the United States numbered 82-4 and 85-5 entitled 'Procedures for Negotiating Proposed Regulations' under sections 305.82-4 and 305.85-5 of title 1, Code of Federal Regulations, and any successor recommendation or law (including any successor regulation).

"(B) The tribal participants in the negotiation process referred to in subparagraph (A) shall be nominated by and shall represent the groups described in this paragraph and shall include tribal representatives from all geographic regions.

"(C) The negotiations referred to in subparagraph (B) shall be conducted in a timely manner. Proposed regulations to implement the amendments made by the Indian Self-Determination Contract Reform Act of 1994 shall be published in the Federal Register by the Secretary of the Interior and the Secretary of Health and Human Services not later than 180 days after the date of enactment of such Act.

"(D) Notwithstanding any other provision of law (including any regulation), the Secretary of the Interior and the Secretary of Health and Human Services are authorized to jointly establish and fund such interagency committees or other interagency bodies, including advisory bodies comprised of tribal representatives, as may be necessary or appropriate to carry out the provisions of this Act.

"(E) If the Secretary determines that an extension of the deadlines under subsection (a)(2)(B) and subparagraph (C) of this paragraph is appropriate, the Secretary may submit proposed legislation to Congress for the extension of such deadlines.

"(e) The Secretary may, with respect to a contract entered into under this Act, make exceptions in the regulations promulgated to carry out this Act, or waive such regulations, if the Secretary finds that such exception or waiver is in the best interest of the Indians served by the contract or is consistent with the policies of this Act, and is not contrary to statutory law. In reviewing each request, the Secretary shall follow the timeline, findings, assistance, hearing, and appeal procedures set forth in section 102.".

SEC. 106. CONFORMING AMENDMENTS.

Section 105(h) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(h)) is amended by striking "and the rules and regulations adopted by the Secretaries of the Interior and Health and Human Services pursuant to section 107 of this Act".

TITLE II—SELF-GOVERNANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Tribal Self-Governance Act of 1994".

SEC. 202. FINDINGS.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management; and

(5) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that—

(A) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities, or portions thereof, is an effective way to implement the Federal policy of government-to-government relations with Indian tribes; and

(B) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities strengthens the Federal policy of Indian self-determination.

SEC. 203. DECLARATION OF POLICY.

It is the policy of this title to permanently establish and implement tribal self-governance—

(1) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(2) to permit each Indian tribe to choose the extent of the participation of such tribe in self-governance;

(3) to coexist with the provisions of the Indian Self-Determination Act relating to the provision of Indian services by designated Federal agencies;

(4) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(5) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities; and

(6) to provide for an orderly transition through a planned and measurable parallel reduction in the Federal bureaucracy.

SEC. 204. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act is amended by adding at the end the following new title:

"TITLE IV—TRIBAL SELF-GOVERNANCE

"SEC. 401. ESTABLISHMENT.

"The Secretary of the Interior (hereinafter in this title referred to as the 'Secretary') shall establish and carry out a program within the Department of the Interior to be known as Tribal Self-Governance (hereinafter in this title referred to as 'Self-Governance') in accordance with this title.

"SEC. 402. SELECTION OF PARTICIPATING INDIAN TRIBES.

"(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project at the Department of the Interior under title III on the date of enactment of this title shall thereafter participate in Self-Governance under this title and cease participation in the Tribal Self-Governance Demonstration Project under title III with respect to the Department of the Interior.

"(b) ADDITIONAL PARTICIPANTS.—(1) In addition to those Indian tribes participating in Self-Governance under subsection (a), the Secretary, acting through the Director of the Office of Self-Governance, may select up to 20 new tribes per year from the applicant pool described in subsection (c) to participate in Self-Governance.

"(2) If each tribe requests, two or more otherwise eligible Indian tribes may be treated as a single Indian tribe for the purpose of participating in Self-Governance as a consortium.

"(c) APPLICANT POOL.—The qualified applicant pool for Self-Governance shall consist of each tribe that—

"(1) successfully completes the planning phase described in subsection (d);

"(2) has requested participation in Self-Governance by resolution or other official action by the tribal governing body; and

"(3) has demonstrated, for the previous three fiscal years, financial stability and financial management capability as evidenced by the tribe having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe.

"(d) PLANNING PHASE.—Each Indian tribe seeking to begin participation in Self-Governance shall complete a planning phase in accordance with this subsection. The tribe shall be eligible for a grant to plan and negotiate participation in Self-Governance. The planning phase shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation.

"SEC. 403. FUNDING AGREEMENTS.

"(a) AUTHORIZATION.—The Secretary shall negotiate and enter into an annual written funding agreement with the governing body of each participating tribal government in a manner consistent with the Federal Government's laws and trust relationship to and responsibility for the Indian people.

"(b) CONTENTS.—Each funding agreement shall—

"(1) authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the Department of the Interior through the Bureau of Indian Affairs, without regard to the agency or office of the Bureau of Indian Affairs within which the program, service, function, and activity, or portion thereof, is performed, including funding for agency, area, and central office functions in accordance with subsection (g)(3), and including any program, service, function, and activity, or portion thereof, administered under the authority of—

"(A) the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

"(B) the Act of November 2, 1921 (25 U.S.C. 13); and

"(C) programs, services, functions, and activities or portions thereof administered by the Secretary of the Interior that are otherwise available to Indian tribes or Indians for which appropriations are made to agencies other than the Department of the Interior;

"(2) subject to such terms as may be negotiated, authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the Department of the Interior, other than through the Bureau of Indian Affairs, that are otherwise available to Indian tribes or Indians, as identified in section 405(c), except that nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions, and activities, or portions thereof, unless such preference is otherwise provided for by law;

"(3) subject to the terms of the agreement, authorize the tribe to redesign or consolidate programs, services, functions, and activities, or portions thereof, and reallocate funds for such programs, services, functions, and activities, or portions thereof, except that, with respect to the reallocation, consolidation, and redesign of programs described in paragraph (2), a joint agreement between the Secretary and the tribe shall be required;

"(4) prohibit the inclusion of funds provided—

"(A) pursuant to the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.);

"(B) for elementary and secondary schools under the formula developed pursuant to section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008); and

"(C) the Flathead Agency Irrigation Division or the Flathead Agency Power Division, except that nothing in this section shall affect the contract authority of such divisions under section 102;

"(5) specify the services to be provided, the functions to be performed, and the responsibilities of the tribe and the Secretary pursuant to the agreement;

"(6) authorize the tribe and the Secretary to reallocate funds or modify budget allocations within any year, and specify the procedures to be used;

"(7) allow for retrocession of programs or portions of programs pursuant to section 105(e);

"(8) provide that, for the year for which, and to the extent to which, funding is provided to a tribe under this section, the tribe—

"(A) shall not be entitled to contract with the Secretary for such funds under section 102, except that such tribe shall be eligible for new programs on the same basis as other tribes; and

"(B) shall be responsible for the administration of programs, services, functions, and activities pursuant to agreements entered into under this section; and

"(9) prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, and other laws.

"(c) ADDITIONAL ACTIVITIES.—Each funding agreement negotiated pursuant to subsections (a) and (b) may, in accordance to such additional terms as the parties deem appropriate, also include other programs, services, functions, and activities, or portions thereof, administered by the Secretary of the Interior which are of special geographic, historical, or cultural significance to the participating Indian tribe requesting a compact.

"(d) PROVISIONS RELATING TO THE SECRETARY.—Funding agreements negotiated between the Secretary and an Indian tribe shall include provisions—

"(1) to monitor the performance of trust functions by the tribe through the annual trust evaluation, and

"(2) for the Secretary to reassume a program, service, function, or activity, or portions thereof, if there is a finding of imminent jeopardy to a physical trust asset, natural resources, or public health and safety.

"(e) CONSTRUCTION PROJECTS.—(1) Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of the Office of Federal Procurement and Policy Act and Federal acquisition regulations in any funding agreement entered into under this Act. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply.

"(2) In all construction projects performed pursuant to this title, the Secretary shall ensure that proper health and safety standards are provided for in the funding agreements.

"(f) SUBMISSION FOR REVIEW.—Not later than 90 days before the proposed effective date of an agreement entered into under this section, the Secretary shall submit a copy of such agreement to—

"(1) each Indian tribe that is served by the Agency that is serving the tribe that is a party to the funding agreement;

"(2) the Committee on Indian Affairs of the Senate; and

"(3) the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

"(g) PAYMENT.—(1) At the request of the governing body of the tribe and under the terms of an agreement entered into under this section, the Secretary shall provide funding to the tribe to carry out the agreement.

"(2) The funding agreements authorized by this title and title III of this Act shall provide for advance payments to the tribes in the form of annual or semi-annual installments at the discretion of the tribes.

"(3) Subject to paragraph (4) of this subsection and paragraphs (1) through (3) of subsection (b), the Secretary shall provide funds to the tribe under an agreement under this title for programs, services, functions, and activities, or portions thereof, in an amount equal to the amount that the tribe would have been eligible to receive under contracts and grants under this Act, including amounts for direct program and contract support costs and, in addition, any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the tribe or its members, without regard to the organization level within the Department where such functions are carried out.

"(4) Funds for trust services to individual Indians shall be available under an agreement entered into under this section only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the tribe.

"(h) CIVIL ACTIONS.—(1) Except as provided in paragraph (2), for the purposes of section 110, the term 'contract' shall include agreements entered into under this title.

"(2) For the period that an agreement entered into under this title is in effect, the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81), and section 16 of the Act of June 18, 1934 (25 U.S.C. 476), shall not apply to attorney and other professional contracts by Indian tribal governments participating in Self-Governance under this title.

"(i) FACILITATION.—(1) Except as otherwise provided by law, the Secretary shall interpret each Federal law and regulation in a manner that will facilitate—

"(A) the inclusion of programs, services, functions, and activities in the agreements entered into under this section; and

"(B) the implementation of agreements entered into under this section.

"(2)(A) A tribe may submit a written request for a waiver to the Secretary identifying the regulation sought to be waived and the basis for the request.

"(B) Not later than 60 days after receipt by the Secretary of a written request by a tribe to waive application of a Federal regulation for an agreement entered into under this section, the Secretary shall either approve or deny the requested waiver in writing to the tribe. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is prohibited by Federal law. The Secretary's decision shall be final for the Department.

"(j) FUNDS.—All funds provided under funding agreements entered into pursuant to this Act, and all funds provided under contracts or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching requirements under any other Federal law.

"(k) DISCLAIMER.—Nothing in this section is intended or shall be construed to expand

or alter existing statutory authorities in the Secretary so as to authorize the Secretary to enter into any agreement under sections 403(b)(2) and 405(c)(1) with respect to functions that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe: *Provided*, however an Indian tribe or tribes need not be identified in the authorizing statute in order for a program or element of a program to be included in a compact under section 403(b)(2).

"SEC. 404. BUDGET REQUEST.

"The Secretary shall identify, in the annual budget request of the President to the Congress under section 1105 of title 31, United States Code, any funds proposed to be included in agreements authorized under this title.

"SEC. 405. REPORTS.

"(a) REQUIREMENT.—The Secretary shall submit to Congress a written report on January 1 of each year following the date of enactment of this title regarding the administration of this title.

"(b) CONTENTS.—The report shall—

"(1) identify the relative costs and benefits of Self-Governance;

"(2) identify, with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to Self-Governance tribes and their members;

"(3) identify the funds transferred to each Self-Governance tribe and the corresponding reduction in the Federal bureaucracy;

"(4) include the separate views of the tribes; and

"(5) include the funding formula for individual tribal shares of Central Office funds, together with the comments of affected Indian tribes, developed under subsection (d).

"(c) REPORT ON NON-BIA PROGRAMS.—(1) In order to optimize opportunities for including non-Bureau of Indian Affairs programs, services, functions, and activities, or portions thereof, in agreements with tribes participating in Self-Governance under this title, the Secretary shall—

"(A) review all programs, services, functions, and activities, or portions thereof, administered by the Department of the Interior, other than through the Bureau of Indian Affairs, without regard to the agency or office concerned; and

"(B) not later than 90 days after the date of enactment of this title, provide to the appropriate committees of Congress a listing of all such programs, services, functions, and activities, or portions thereof, that the Secretary determines, with the concurrence of tribes participating in Self-Governance under this title, are eligible for inclusion in such agreements at the request of a participating Indian tribe.

"(2) The Secretary shall establish programmatic targets, after consultation with tribes participating in Self-Governance under this title, to encourage bureaus of the Department to assure that a significant portion of such programs, services, functions, and activities are actually included in the agreements negotiated under section 403.

"(3) The listing and targets under paragraphs (1) and (2) shall be published in the Federal Register and be made available to any Indian tribe participating in Self-Governance under this title. The list shall be published before January 1, 1995, and annually thereafter by January 1 preceding the fiscal year in which the targets are to be met.

"(4) Thereafter, the Secretary shall annually review and publish in the Federal Register, after consultation with tribes participating in Self-Governance under this title, a revised listing and programmatic targets.

"(d) REPORT ON CENTRAL OFFICE FUNDS.—Within 90 days after the date of the enactment of this title, the Secretary shall, in consultation with Indian tribes, develop a funding formula to determine the individual tribal share of funds controlled by the Central Office of the Bureau of Indian Affairs for inclusion in the Self-Governance compacts. The Secretary shall include such formula in the annual report submitted to the Congress under subsection (b), together with the views of the affected Indian tribes.

"SEC. 406. DISCLAIMERS.

"(a) OTHER SERVICES, CONTRACTS, AND FUNDS.—Nothing in this title shall be construed to limit or reduce in any way the services, contracts, or funds that any other Indian tribe or tribal organization is eligible to receive under section 102 or any other applicable Federal law.

"(b) FEDERAL TRUST RESPONSIBILITIES.—Nothing in this Act shall be construed to diminish the Federal trust responsibility to Indian tribes, individual Indians, or Indians with trust allotments.

"(c) APPLICATION OF OTHER SECTIONS OF ACT.—All provisions of sections 6, 102(c), 104, 105(f), 110, and 111 of this Act shall apply to agreements provided under this title.

"SEC. 407. REGULATIONS.

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of this title, at the request of a majority of the Indian tribes with agreements under of this title, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be representatives of Indian tribes with agreements under this title.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of Self-Governance and the government-to-government relationship between the United States and the Indian tribes.

"(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this title.".

Mr. RICHARDSON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment in the nature of a substitute was agreed to.

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

TITLE AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. RICHARDSON: Amend the title so as to read: "A bill to specify the terms of contracts entered into by the United States and Indian tribal organizations under Indian Self-Determination and Education Assistance Act and to provide for tribal Self-Governance, and for other purposes.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES TO PROVIDE FINANCING RELATIVE TO THE EXPORT OF CERTAIN DEFENSE ARTICLES AND SERVICES

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4455) to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services and primary end use of which will be for civilian purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

(a) IN GENERAL.—Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. (b)(6)) is amended by adding at the end the following:

"(I)(i) Subparagraph (A) shall not apply to a transaction involving defense articles or services if—

"(I) the bank determines that—

"(aa) the defense articles or services are nonlethal; and

"(bb) the primary end use of the defense articles or services will be for civilian purposes; and

"(II) at least 15 calendar days before the date on which the Board of Directors of the Bank gives final approval to Bank participation in the transaction, the Bank provides notice of the transaction to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate.

"(ii) Not more than 10 percent of the loan, guarantee, and insurance authority available to the Bank for a fiscal year may be used by the Bank to support the sale of defense articles or services to which subparagraph (A) does not apply by reason of clause (i) of this subparagraph.

"(iii) Not later than September 1 of each fiscal year, the Comptroller General of the United States, in consultation with the Bank, shall submit to the Committees on Banking, Finance and Urban Affairs and on

Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate a report on the end uses of any defense articles or services described in clause (i) with respect to which the Bank provided support during the second preceding fiscal year.".

(b) REPORT TO THE CONGRESS.—Section 2(b)(6)(H) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(H)) is amended by inserting "or described in subparagraph (I)(i)" before the period at the end of the first sentence.

(c) PERIOD OF EFFECTIVENESS.—The amendments made by this section shall remain in effect during the period beginning on the date of enactment of this Act and ending on September 30, 1997.

SEC. 2. PROMOTION OF EXPORTS OF ENVIRONMENTALLY BENEFICIAL GOODS AND SERVICES.

(a) IN GENERAL.—The first section 11(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-5(b)) is amended—

(1) by inserting before "The Bank shall" the following:

"(1) IN GENERAL.—";

(2) in the first sentence, by inserting before the period "(such as exports of products and services used to aid in the monitoring, abatement, control, or prevention of air, water, and ground contaminants or pollution, or which provide protection in the handling of toxic substances, subject to a final determination by the Bank, and products and services for foreign environmental projects dedicated entirely to the prevention, control, or cleanup of air, water, or ground pollution, including facilities to provide for control or cleanup, and used in the retrofitting of facility equipment for the sole purpose of mitigating, controlling, or preventing adverse environmental effects, subject to a final determination by the Bank)"; and

(3) by adding at the end the following:

"(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to other funds available to support the export of goods and services described in paragraph (1), there are authorized to be appropriated to the Bank not more than $35,000,000 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of supporting such exports. If, in any fiscal year, the funds appropriated in accordance with this paragraph are not fully utilized due to insufficient qualified transactions for the export of such goods and services, such funds may be expended for other purposes eligible for support by the Bank.".

(b) TECHNICAL CORRECTION.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by redesignating the second section 11 (12 U.S.C. 635i-8) as section 14.

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. BEREUTER. Mr. Speaker, reserving the right to object, this Member does not intend to object, but wishes to express his support for the gentleman from Massachusetts [Mr. FRANK] in requesting that this legislation be considered under a unanimous-consent request.

This legislation, H.R. 4455, introduced by this Member, passed the house by voice vote under suspension of the rules on August 8, 1994. Yesterday, the Senate passed this measure under unanimous consent with a slight clarification of the language added by the Representative from Massachusetts [Mr. KENNEDY]—and with his consent—which encourages the Export-Import Bank to promote the export of environmentally beneficial goods and services.

Mr. Speaker, this Member would like to commend the gentleman from Massachusetts [Mr. FRANK], the chairman of the International Development, Finance, Trade, and Monetary Policy Subcommittee, for his hard work in getting this legislation passed. In addition, this Member would like to thank the chairman and the ranking member of the full Banking Committee, Mr. GONZALEZ and Mr. LEACH, for their support and assistance in moving this legislation to the floor today with the unanimous, bipartisan support of the Committee on Banking, Finance and Urban Affairs. And finally, this Member would like to commend the gentleman from Massachusetts [Mr. KENNEDY] for his valuable contribution to this legislation.

The principal purpose of the bill is to permit the Export-Import Bank, which now cannot finance any defense good and service unless it is used solely for civilian purposes or is used primarily for antinarcotics purposes, to consider financing for defense goods and services that are nonlethal but only in the narrow set of circumstances when the unquestionably primary use will be for civilian purposes. Without this legislation, we do not have a U.S. Government export finance program that can accommodate dual-use items that are used primarily for civilian purposes.

Thus, the bill provides a narrow exception to the current law. This Member does not consider the Eximbank to be an appropriate agency for financing defense sales for primarily military purposes nor for sales of lethal items. Many other Members share this view.

An example of an item which cannot now be financed by Eximbank, but which would be permitted if this bill is passed, is radar for air traffic control systems, if the radar feeds into both civilian and military air traffic control systems. The bill would allow such export sales to be considered for Eximbank financing as long as the primary use is for civil air traffic control. It does not make sense to cede to our trade competitors the whole field of high-technology dual-use electronics when the military use or involvement is clearly secondary and subsidiary to the civilian use. This step is consistent with the direction of conversion that many defense industries are seeking and being encouraged to pursue, and the current inflexible policy impedes export sales of such nonlethal dual-use items that are destined primarily for civilian purposes.

Mr. Speaker, again this Member would like to thank the chairman, the gentleman from Massachusetts [Mr. FRANK], and a number of other Members, including Appropriations Chairman OBEY and Representatives KENNEDY and WATT, for their assistance and that of their staff in crafting amendments to the original bill in a form that apparently satisfies their concerns about oversight, concerns about crowding out of other lending, and concerns about guarding against abuse. Adoption of this bill will help bolster U.S. exports of dual-use goods for primarily civilian purposes and create and sustain good, high skill jobs in the United States.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the gentleman from Massachusetts, under my reservation of objection.

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

Mr. Speaker, I would point out that this is very important from the standpoint of defense conversion. What this bill does is to say, among other things, to American companies that have been active in the defense business, that if they have nonlethal material which might deal with environmental sensing, which could deal with transportation, which could deal with a whole range of other things, if it is not lethal and it has a potential military use but is in fact sold for civilian use, this will now regularly be allowed to receive funding from the Export-Import Bank. We have very strict rules right now which interfere with the ability of many companies that are trying to convert from defense to civilian international sales, and this will clear it up.

Mr. Speaker, I think the gentleman from Nebraska [Mr. BEREUTER] is to be commended for bringing this forward. It also includes language that my colleague from Massachusetts offered to encourage the sale of environmental equipment with Export-Import Bank funding, and we believe it will be very useful. I hope that the bill will be passed.

Mr. BEREUTER. Mr. Speaker, continuing my reservation of objection, I thank the gentleman for his comments. The reporting requirements to the committees of Congress are very substantial and complete and appropriate. Indeed, this will help our defense industries to make the conversion to civilian uses.

Mr. Speaker, with these comments, I withdraw my reservation of objection.

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

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There was no objection.

A motion to reconsider was laid on the table.

BASE CLOSURE COMMUNITY REDEVELOPMENT AND HOMELESS ASSISTANCE ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2534) to revise and improve the process for disposing of buildings and property at military installations under the base closure laws, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mrs. ROUKEMA. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Texas [Mr. GONZALEZ] for the purpose of explaining this measure.

Mr. GONZALEZ. Mr. Speaker, this legislation establishes a collaborative process between the community and homeless providers in determining the use of military bases after closure to ensure that the best use of these bases is made for housing and community development. This is a significant reform to the process that will balance the needs of the jurisdiction in which a military base is located among economic development, housing, and housing for the homeless. This is the sole remaining reform of the many that had been included in the housing reauthorization bill which the other body failed to pass. Members on both sides of the aisle, communities, and homeless providers and advocates agree that this reform is needed and, indeed, essential.

Let me add that I am pleased to have worked on this matter with the chairman of the House Committee on Government Operations, Mr. CONYERS, whose committee has jurisdiction over these matters. I want to clarify for the record that the authorities delegated by this act are an extension of the authorities of the Federal Property and Administrative Services Act of 1949 and the Stewart B. McKinney Homeless Assistance Act and that nothing in this bill is meant in any way to alter the Government Operations Committee's jurisdictional interest in these matters.

I am also pleased to have worked with the Committee on Armed Services and many Members of the House on this provision which we initiated in H.R. 3838, the housing reauthorization bill.

Mr. Speaker, let me add that we owe quite a bit to the gentleman from Michigan [Mr. CONYERS], the chairman of the Committee on Government Operations, who has primary jurisdiction in these matters, and whose committee worked very diligently with ours, and yielded this aspect to the Committee on Banking, Finance and Urban Affairs.

I am also very pleased to report that we had equal, reciprocal, and harmonious dealings with the Committee on Armed Services, and we have provided a much-needed method and mechanism that has a direct impact on at least 10 different jurisdictions in our country right now.

Mr. Speaker, I would like to also, for the record, express profound appreciation for the great work the gentlewoman from New Jersey [Mrs. ROUKEMA], the minority ranking member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs, has continued to perform on a sustained and very substantial basis.

Mrs. ROUKEMA. Mr. Speaker, further reserving the right to object, and I will not object, but I appreciate the gentleman's explanation of the bill. I think it is quite a thorough explanation. It certainly has my support, and adds further flexibility to local authorities in dealing with these very difficult problems, and at the same time giving the help and assistance to the homeless.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Nebraska [Mr. BEREUTER], who was a major force in moving this legislation.

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

Mr. Speaker, this Member does not intend to object, but simply rises to confirm that this measure is the very slightly modified version of legislation passed by the House in H.R. 3838 as this Member's amendment relating to the disposition of closing military bases to homeless assistance providers.

Mr. Speaker, this legislation is a compromise measure worked out among Members of this body, the other body, homeless advocates, community representatives with particular assistance from the office of Gov. Pete Wilson, who originally brought this issue to this Member's attention. Although this Member does not have any closing military bases in his district, or even in his State, he is pleased to have offered the original version of this language in the House, and is most pleased with this broader compromise measure. This legislation is good policy which will create a more rational, orderly method in bringing communities and homeless advocates together to formulate a re-use plan which provides economic viability for the community while addressing the needs of the homeless in that community. This is truly a bipartisan effort and this Member thanks the distinguished chairman of the Banking Committee, Mr. GONZALEZ, the distinguished ranking minority member of the Banking Committee, Mr. LEACH and the distinguished ranking minority member of the Housing Subcommittee, Mrs. ROUKEMA, and all those involved in bringing this compromise before us today. This Member strongly urges its passage.

□ 0230

Mrs. ROUKEMA. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I thank the Members who worked on this, especially the staff. This is a simple little 4- or 5-page amendment that came up in the subcommittee markup on housing, and it has turned into some 25 pages, a rewrite of title V as it deals with base closures. This coordinates the McKinney Act and the base closure more closely while preserving the important excess property provisions of the McKinney Act. I thank the Members for their cooperation and patience and I think we saved what we could in regard to trying to provide housing for those who need it.

Mr. Speaker, I would like to give some perspective to this legislation we are considering now with regard to the rewrite of how McKinney title V surplus property rights for the homeless will be changed for military properties going through base closure procedures.

This legislation represents an agreement that has been carefully worked out between relevant committees on both sides of the Hill and on both sides of the aisle since legislation similar to this was passed by the House in July. We have reached this agreement between the Banking, Armed Services and Government Operations Committees to create a new and improved process for communities and homeless providers to come together to plan for "military base closure properties." This revised plan calls for them to come together at the same time, in the same process, in order to reduce the conflicts that localities, already under a great deal of stress, will have to go through in planning for their future.

Some are concerned that we have given away the store, here, with regard to using these Federal resources to assist the homeless.

Mr. Speaker, not only is that not our intent, it is not the case.

The provisions we would establish with this bill will create a process for notice and outreach to providers for the homeless, a defined process for applying for properties, a process for redevelopment plans, a review and approval of all of the above by the Secretary of HUD, an appropriate series of time lines, and a guarantee that applications approved prior to enactment will receive substantially equivalent properties, funds or services should a local redevelopment authority choose to fall under this new base closure redevelopment law.

This legislative proposal does not affect other surplus property, that is, those that are not military installations under base closure procedures, that fall under title V of the McKinney Act. It is a good compromise that represents a viable way to meet the serious

homeless needs in our communities across the country while providing a sense of empowerment to communities so that they may move ahead with the redevelopment of their economies and their lives. And that too, Mr. Speaker, is good for those without jobs or economic opportunity; those who might be homeless or near homelessness themselves.

Mr. Speaker, perhaps this legislation will not be what everyone wants. it is, however, a well worked compromise that I am pleased we will bring to fruition now.

Mrs. ROUKEMA. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Florida [Mr. MCCOLLUM], another member of the committee.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I want to comment, not only being a member of the committee but being a Member that has a base being affected by this, on the fact that this has been a very good resolution of a difficult problem for many communities that have base closures, because now that we have gotten this legislation in place, there will be an opportunity for the Base Reuse Commission or the Redevelopment Agency as is described in this legislation of the local community to have much more input in relationship to the homeless and the needs of the homeless and in the use of the properties than was present under the existing law. I think that is going to make a lot of people feel better about it.

It also allows the specific consideration of the economic impact to the community, the various considerations that are to be taken into account, including the use of the property for the homeless.

For many reasons, this is a very, very important step for those communities such as Orlando's which are involved in this process right now.

I commend the gentlewoman, the chairman of the committee, and all of the others who worked on it, especially the gentleman from Nebraska [Mr. BEREUTER] whom I know has spent many hours on this.

Mrs. ROUKEMA. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, the hour is late. I think much has been said. I want to thank the chairman, the gentlewoman, the gentleman from Nebraska, the gentleman from Minnesota, and all others who worked on this. I am in both categories, a member of the committee with a great interest in seeing we provide adequate housing for all Americans, and, second, someone with a base affected by this legislation. As has been said before, I think this bill reconciles both interests very, very well.

Mrs. ROUKEMA. Mr. Speaker, this work could not have been done without the assistance and leadership of the gentleman from New York [Mr. SCHUMER].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PETERSON of Florida). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2534

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 cited as the "Base Closure Community Redevelopment and Homeless Assistance Act of 1994".

SEC. 2. DISPOSAL OF BUILDINGS AND PROPERTY AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE.

(a) IN GENERAL.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7)(A) Determinations of the use to assist the homeless of buildings and property located at installations approved for closure under this part after the date of the enactment of this paragraph shall be determined under this paragraph rather than paragraph (6).

"(B)(i) Not later than the date on which the Secretary of Defense completes the final determination referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

"(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another department or agency of the Federal Government has identified a use, or of which another department or agency will accept a transfer;

"(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

"(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of the determination described in the stem of this sentence) information on any building or property that is identified under subclause (II); and

"(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

"(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

"(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

"(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

"(iii) In providing assistance under clause (ii), a redevelopment authority shall—

"(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

"(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

"(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after the date of approval of closure of the installation.

"(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

"(ii) The date specified under clause (i) shall be—

"(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 3 months and not later than 6 months after that date; and

"(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 3 months and not later than 6 months after the date of the recognition of a redevelopment authority for the installation.

"(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

"(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

"(II) notify the Secretary of Defense of the date.

"(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

"(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

"(II) An assessment of the need for the program.

"(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

"(IV) A description of the buildings and property at the installation that are necessary in order to carry out the program.

"(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

"(VI) An assessment of the time required in order to commence carrying out the program.

"(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

"(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

"(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J).

"(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

"(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

"(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 9 months after the date specified by the redevelopment authority for the installation under subparagraph (D).

"(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and to the Secretary of Housing and Urban Development.

"(ii) A redevelopment authority shall include in an application under clause (i) the following:

"(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

"(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

"(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

"(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

"(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

"(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

"(H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

"(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

"(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

"(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

"(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

"(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

"(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominate views on the plan of the communities in the vicinity of the installation covered by the plan.

"(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

"(iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

"(v) If the Secretary of Housing and Urban Development determines as a result of such a review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

"(I) an explanation of that determination; and

"(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

"(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

"(I) revise the plan in order to address the determination; and

"(II) submit the revised plan to the Secretary of Housing and Urban Development.

"(ii) A redevelopment authority shall submit a revised plan under this subparagraph to the Secretary of Housing and Urban Development, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

"(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

"(ii) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

"(K) Upon receipt of a notice under subparagraph (H)(vi) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property located at the installation that are identified in the plan as available for use to assist the homeless in accordance with the provisions of the plan. The Secretary of Defense may dispose of such buildings or property directly to the representatives of the homeless concerned or to the redevelopment authority concerned. The Secretary of Defense shall dispose of the buildings and property under this subparagraph without consideration.

"(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

"(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

"(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

"(III) request that each such representative submit to that Secretary the items described in clause (ii); and

"(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meets the requirements set forth in subparagraph (H)(i).

"(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

"(I) A description of the program of such representative to assist the homeless.

"(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

"(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

"(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

"(iii) The Secretary of Housing and Urban Development shall indicate to the Secretary of Defense and to the redevelopment authority concerned the buildings and property at an installation under clause (i)(IV) to be disposed of not later than 90 days after the date of a receipt of a revised plan for the installation under subparagraph (J).

"(iv) The Secretary of Defense shall dispose of the buildings and property at an installation referred to in clause (iii) to entities indicated by the Secretary of Housing and Urban Development or by transfer to the redevelopment authority concerned for transfer to such entities. Such disposal shall be in accordance with the indications of the Secretary of Housing and Urban Development under clause (i)(IV). Such disposal shall be without consideration.

"(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

"(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

"(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

"(O) For purposes of this paragraph, the term 'communities in the vicinity of the installation', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.".

(b) DEFINITION.—Section 2910 of such Act is amended by adding at the end the following:

"(10) The term 'representative of the homeless' has the meaning given such term in section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4)).".

(c) CONFORMING AMENDMENT TO 1990 BASE CLOSURE ACT.—Section 2905(b)(6)(A) of such Act is amended by adding at the end the following: "For procedures relating to the use to assist the homeless of buildings and property at installations closed under this part after the date of the enactment of this sentence, see paragraph (7).".

(d) CONFORMING AMENDMENT TO MCKINNEY ACT.—Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) APPLICABILITY TO PROPERTY UNDER BASE CLOSURE PROCESS.—(1) The provisions of this section shall not apply to buildings and property at military installations that are approved for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) after the date of the enactment of this subsection.

"(2) For provisions relating to the use to assist the homeless of buildings and property located at certain military installations approved for closure under such Act, or under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), before such date, see section 2(e) of Base Closure Community Redevelopment and Homeless Assistance Act of 1994.".

(e) APPLICABILITY TO INSTALLATIONS APPROVED FOR CLOSURE BEFORE ENACTMENT OF ACT.—(1)(A) Notwithstanding any provision of the 1988 base closure Act or the 1990 base closure Act, as such provision was in effect on the day before the date of the enactment of this Act, and subject to subparagraphs (B) and (C), the use to assist the homeless of building and property at military installations approved for closure under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before such date shall be determined in accordance with the provisions of paragraph (7) of section 2905(b) of the 1990 base closure Act, as amended by subsection (a), in lieu of the provisions of the 1988 base closure Act or the 1990 base closure Act that would otherwise apply to the installations.

(B)(i) The provisions of such paragraph (7) shall apply to an installation referred to in subparagraph (A) only if the redevelopment authority for the installation submits a request to the Secretary of Defense not later than 60 days after the date of the enactment of this Act.

(ii) In the case of an installation for which no redevelopment authority exists on the date of the enactment of this Act, the chief executive officer of the State in which the installation is located shall submit the request referred to in clause (i) and act as the redevelopment authority for the installation.

(C) The provisions of such paragraph (7) shall not apply to any buildings or property at an installation referred to in subparagraph (A) for which the redevelopment authority submits a request referred to in subparagraph (B) within the time specified in such subparagraph (B) if the buildings or property, as the case may be, have been transferred or leased for use to assist the homeless under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before the date of the enactment of this Act.

(2) For purposes of the application of such paragraph (7) to the buildings and property at an installation, the date on which the Secretary receives a request with respect to the installation under paragraph (1) shall be treated as the date on which the Secretary of Defense completes the final determination referred to in subparagraph (B) of such paragraph (7).

(3) Upon receipt under paragraph (1)(B) of a timely request with respect to an installation, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information describing the redevelopment authority for the installation.

(4)(A) The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall not, during the 60-day period beginning on the date of the enactment of this Act, carry out with respect to any military installation approved for closure under the 1988 base closure Act or the 1990 base closure Act before such date any action required of such Secretaries under the 1988 base closure Act or the 1990 base closure Act, as the case may be, or under section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(B)(i) Upon receipt under paragraph (1)(A) of a timely request with respect to an installation, the Secretary of Defense shall notify the Secretary of Housing and Urban Development and the Secretary of Health and Human Services that the disposal of buildings and property at the installation shall be determined under such paragraph (7) in accordance with this subsection.

(ii) Upon receipt of a notice with respect to an installation under this subparagraph, the requirements, if any, of the Secretary of Housing and Urban Development and the Secretary of Health and Human Services with respect to the installation under the provisions of law referred to in subparagraph (A) shall terminate.

(iii) Upon receipt of a notice with respect to an installation under this subparagraph, the Secretary of Health and Human Services shall notify each representative of the homeless that submitted to that Secretary an application to use buildings or property at the installation to assist the homeless under the 1988 base closure Act or the 1990 base closure Act, as the case may be, that the use of buildings and property at the installation to assist the homeless shall be determined under such paragraph (7) in accordance with this subsection.

(5)(A) In preparing a redevelopment plan for buildings and property at an installation covered by such paragraph (7) by reason of this subsection, the redevelopment authority concerned shall—

(A) consider and address specifically any applications for use of such buildings and property to assist the homeless that were received by the Secretary of Health and Human Services under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before the date of the enactment of this Act and are pending with that Secretary on that date; and

(B) incorporate in the plan an accommodation of the needs of the homeless on or off the installation that is at least substantially equivalent to the accommodations of the needs of the homeless that were provided for in any such applications that were so received before such date and were approved by that Secretary before that date.

(6) In the case of an installation to which the provisions of such paragraph (7) apply by reason of this subsection, the date specified by the redevelopment authority for the installation under subparagraph (D) of such paragraph (7) shall be not less than 1 month and not more than 6 months after the date of the submittal of the request with respect to the installation under paragraph (1)(B).

(7) For purposes of this subsection:

(A) The term "1988 base closure Act" means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The term "1990 base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(f) CLARIFYING AMENDMENTS TO BASE CLOSURE ACTS.—(1) Section 204(b)(6)(F)(i) of the Defense Authorization Amendments and Base Closure Act and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by inserting "and buildings and property referred to in subparagraph (B)(ii) which have not been identified as suitable for use to assist the homeless under subparagraph (C)," after "subparagraph (D),".

(2) Section 2905(b)(6)(F)(i) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting "and buildings and property referred to in subparagraph (B)(ii) which have not been identified as suitable for use to assist the homeless under subparagraph (C)," after "subparagraph (D),".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2534, the Senate bill just passed.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1569, DISADVANTAGED MINORITY HEALTH IMPROVEMENT ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-845) on the resolution (H. Res. 574) waiving points of order against the conference report to accompany the Senate bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1348, QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-846) on the resolution (H. Res. 575) providing for consideration of the Senate amendment to the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5231, PROVIDING FOR MANAGEMENT OF PORTIONS OF THE PRESIDIO

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-847) on the resolution (H. Res. 576) providing for consideration of the bill (H.R. 5231) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, which was referred to the House Calendar and ordered to be printed.

PRINTING OF COLLECTION OF STATEMENTS MADE IN TRIBUTE TO THE LATE SPEAKER OF THE HOUSE, THOMAS P. "TIP" O'NEILL, JR.

Mr. MANTON. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H.Con.Res. 292) providing for the printing of a collection of statements made in tribute to the late Speaker of the House of Representatives, Thomas P. "Tip" O'Neill, Jr., and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

Ms. DUNN. Mr. Speaker, I reserve the right to object, I yield to the gentleman from New York to explain the concurrent resolution.

Mr. MANTON. Mr. Speaker, H. Con. Res. 292 was introduced by Representative JOE MOAKLEY, and will authorize the printing of a collection of statements made in tribute to the late Speaker of the House of Representatives, Thomas P. "Tip" O'Neill, Jr., as prepared under the direction of the Joint Committee on Printing.

The Subcommittee on Personnel and Police, which I chair, approved this resolution on September 27, 1994. The Committee on House Administration approved this resolution on October 4, 1994. My colleagues should note that this resolution contains language to ensure that printing costs stay within GOP cost estimates.

Mr. Speaker, Tip O'Neill was a great and admirable man who had the personality and character that made him a magnificent leader. Tip O'Neill came to Congress in 1953 and for the next 34 years he never lost touch with the people he represented. Tip was a caring, compassionate and decent man.

Tip taught us that an essential ingredient in politics is compromise and that compromise means appealing to one's conscience, patriotism and loyalty. Tip O'Neill not only made an impact on this institution, but on each and every one of us. We all miss Tip terribly, but we must remember how fortunate we were to have had the opportunity to know him. I thank the gentlewoman for yielding and I urge adoption of the resolution.

Mr. MOAKLEY. Mr. Speaker, I rise today in strong support of the resolution authorizing the Tip O'Neill eulogy book.

As everyone knows, Tip O'Neill was my mentor and my dear friend. His memory serves as a great example to legislators from around the country. This eulogy book will help ensure that it continues to do so for years to come.

Tip O'Neill earned the reputation of being a true man of the people. He loved serving the people of Massachusetts; he loved public service; and he loved this institution. Unfortunately, we are seeing fewer and fewer people today who believe in the Tip O'Neill tradition of public service.

Tip's hard work, his big heart, and his selfless dedication to justice served the people of this Nation well. And, throughout his entire distinguished career, Tip never forgot where he came from.

He lived by his motto, "All politics is local," and the country is better for it.

I am very pleased to be the sponsor of this resolution to authorize the printing of Tip's eulogy book. It will include not only the many, many heartfelt homages made after his death, but also will be a very special tribute to the life and distinguished career of a very special man.

I want to thank Chairman CHARLIE ROSE and Subcommittee Chairman TOM MANTON and ranking members BILL THOMAS and JENNIFER DUNN for their assistance in bringing this resolution to the floor in such a timely manner. I also want to thank the staffs on both the subcommittee and full committee level for their assistance.

Ms. DUNN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 292

Resolved by the House of Representatives (the Senate concurring), That a collection of statements made in tribute to the late Speaker of the House of Representatives, Thomas P. "Tip" O'Neill, Jr., together with related materials, shall be printed as a House document, with illustrations and suitable binding. The document shall be prepared under the direction of the Joint Committee on Printing.

SEC. 2. In addition to the usual number, there shall be printed the lesser of—

(1) 5,000 casebound copies of the document, of which 1,760 copies shall be for the use of

the House of Representatives, 400 copies shall be for the use of the Senate, and 2,840 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of casebound copies of the document as does not exceed a total production and printing cost of $79,500, with distribution to be allocated in the same proportion as described in paragraph (1).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 292, the concurrent resolution just agreed to.

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

There was no objection.

PROVIDING FOR PRINTING OF BOOK, "HISTORY OF THE HOUSE OF REPRESENTATIVES"

Mr. MANTON. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 293) providing for the printing of the book entitled "History of the United States House of Representatives," and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

Ms. DUNN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York to explain the concurrent resolution.

Mr. MANTON. Mr. Speaker, House Concurrent Resolution 293, was introduced by Representative CHARLIE ROSE and will authorize the printing of the revised edition of "History of the United States House of Representatives," as prepared under the supervision of the Committee on House Administration.

This book will focus on structures, functions, processes, and people of the House. My colleagues should note that this resolution contains language to ensure that printing costs stay within GPO cost estimates. The resolution was amended in committee to make certain that each Member of the body receive at least five copies of this publication. I would like to commend Ms. DUNN for her work on this issue. I supported the amendment and I look forward to working with Ms. DUNN to make certain that all future printing resolutions contain similar language. I thank the gentlewoman for yielding and I urge adoption of the resolution.

Ms. DUNN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 293

Resolved by the House of Representatives (the Senate concurring), That a revised edition of the book entitled "History of the United States House of Representatives", prepared under the supervision of the Committee on House Administration of the House of Representatives, shall be printed as a House document.

SEC. 2. In addition to the usual number, there shall be printed the lesser of—

(1) 10,000 casebound copies of the document, of which 9,500 copies shall be for the use of the Committee on House Administration of the House of Representatives and 500 copies shall be for the use of the Senate; or

(2) such number of casebound copies of the document as does not exceed a total production printing cost of $150,000, with such copies to be allocated in the same proportion as described in paragraph (1).

AMENDMENT OFFERED BY MR. MANTON

Mr. MANTON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANTON: Page 1, line 9, strike out "10,000" and insert in lieu thereof "5,000".

Page 1, line 10, strike out "9,500" and insert in lieu thereof "4,750".

Page 2, line 2, strike out "500" and insert in lieu thereof "250".

Page 2, line 6, strike out "$150,000" and insert in lieu thereof "$75,000".

Page 2, after line 8, add the following new section:

SEC. 3. Of the copies of the document for the use of the Committee on House Administration of the House of Representatives under section 2(1), at the request of a Member of the House of Representatives, the Member shall be entitled to receive at least 5 copies. The Committee shall notify each Member of the entitlement under the preceding sentence. As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

Mr. MANTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. MANTON].

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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PRINTING OF BOOK ENTITLED "HISPANIC AMERICANS IN CONGRESS"

Mr. MANTON. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 299) authorizing the printing of the book entitled "Hispanic Americans in Congress," and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Ms. DUNN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. MANTON] to explain the legislation.

Mr. MANTON. Mr. Speaker, H. Con. Res. 299 was introduced by Representative JOSÉ SERRANO and will authorize the book entitled "Hispanic Americans in Congress" as prepared under the direction of the Joint Committee on Printing. The Subcommittee on Personnel and Police, which I chair, approved this resolution on September 27, 1994.

The Committee on House Administration approved this resolution on October 4, 1994. My colleagues should note that this resolution contains language to ensure that printing costs stay within GPO cost estimates. The resolution was amended to strike out the payment of administrative costs of compiling the document. This book will contain a biography and picture of Hispanic Americans who have served in Congress. Hispanics have a long and illustrious history of service in Congress. This book will chronicle the invaluable contributions Hispanics have made to this Congress and to our democratic form of government. I thank the gentlewoman for yielding and I urge the adoption of the resolution.

Ms. DUNN. Mr. Speaker, I congratulate the chairman of our subcommittee for doing such a fine job.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. SERRANO. Mr. Speaker, on behalf of the Congressional Hispanic Caucus, I proudly rise in support of House Concurrent Resolution 299, a resolution authorizing the printing of "Hispanic Americans in Congress." I had the honor of introducing this legislation on behalf of the Congressional Hispanic Caucus on September 27 of this year.

I must extend my deep thanks to Chairman ROSE and Chairman MANTON for their leadership in guiding this important bill to the floor.

The contributions of Hispanics to the culture, society, and economy of this Nation are

as varied as they are numerous. From the Southwest to the Northeast and many points in between, Hispanics have performed and excelled in their major industries and pursuits that have helped to make America what it is today. In fact, Hispanics have earned more Congressional Medals of Honor, per capita, than any other race or ethnic group in U.S. history.

With passage of this resolution, Members of the Congressional Hispanic Caucus hope to reveal to the Nation the little known history of Hispanic Americans in Congress. Hispanics have a long and illustrious history of service in the 19th century.

Hispanics have represented the congressional districts in the States of Florida, New Mexico, California, Louisiana, New York, Texas, New Jersey, Arizona, Illinois and the territories of Puerto Rico, the Virgin Islands and Guam. In addition, there have been three Hispanics, all from New Mexico, who have served in the United States Senate: Octaviano Larrazolo, Dennis Chavez and Joseph Montoya.

"Hispanic Americans in Congress" would parallel two other books—one on African-Americans and the other on women—in scope and content. Taken together, these three books offer role models from yesterday and today that might inspire future Hispanics, African-Americans and women to run for service in the Nation's highest legislative body.

It is my hope and expectation that this important publication will chronicle the first of many chapters of Hispanic participation in the Congress. Indeed, according to the Bureau of the Census, Hispanics will be the largest minority in the U.S. early in the next century. Already there are more Hispanic children, and future voters, than there are children of any other minority group.

As long as the constitutionally guaranteed voting rights of Hispanics are protected, there will be more and more Hispanic Members of Congress, offering their firsthand knowledge of the needs and concerns of the Hispanic community.

Mr. Speaker, I must thank my colleagues in the Hispanic Caucus for their support of this project. Without their support and guidance, the book, "Hispanic Americans in Congress," could never have become a reality.

Thus it is in the spirit of Hispanic Heritage Month, which runs through October 15, that I support this important concurrent resolution to authorize printing of the book, "Hispanic Americans in Congress" and urge my colleagues to vote aye.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 299

Resolved by the House of Representatives (the Senate concurring), That the book entitled "Hispanic Americans in Congress", prepared under the direction of the Joint Committee on Printing, shall be printed as a House document, with illustrations and suitable binding.

SEC. 2. There shall be paid from the contingent fund of the House of Representatives not more than $3,000 for administrative costs of compiling the document.

SEC. 3. In addition to the usual number, there shall be printed, for the use of the Joint Committee on Printing, the lesser of—

(1) 25,000 copies of the document; or

(2) such number of copies of the document as does not exceed a total production and print cost of $110,000.

AMENDMENT OFFERED BY MR. MANTON

Mr. MANTON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANTON: Page 1, strike out lines 6 through 8.

Page 2, line 1, redesignate section 3 as section 2.

Mr. MANTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. MANTON].

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 299, the current resolution just agreed to.

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

There was no objection.

HIGH-SPEED RAIL DEVELOPMENT ACT OF 1994

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4867) to authorize appropriations for high-speed rail transportation, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

House Amendment to Senate Amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the text, insert the following:

TITLE I—HIGH-SPEED RAIL

SEC. 101. SHORT TITLE.

This title may be cited as the "Swift Rail Development Act of 1994".

SEC. 102. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) high-speed rail offers safe and efficient transportation in certain densely traveled corridors linking major metropolitan areas in the United States;

(2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;

(3) Amtrak's Metroliner service between Washington, District of Columbia, and New York, New York, the United States premier high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;

(4) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;

(5) State and local governments should take the prime responsibility for the development and implementation of high-speed rail service;

(6) the private sector should participate in funding the development of high-speed rail systems;

(7) in some intercity corridors, Federal planning assistance may be required to supplement the funding commitments of State and local governments and the private sector to ensure the adequate planning, including reasonable estimates of the costs and benefits, of high-speed rail systems;

(8) improvement of existing technologies can facilitate the development of high-speed rail systems in the United States; and

(9) Federal assistance is required for the improvement, adaptation, and integration of proven technologies for commercial application in high-speed rail service in the United States.

(b) PURPOSE.—The purpose of this title is to encourage farsighted State, local, and private efforts in the analysis and planning for high-speed rail systems in appropriate intercity corridors.

SEC. 103. NATIONAL HIGH-SPEED RAIL ASSISTANCE PROGRAM.

(a) AMENDMENTS.—(1) Part D of subtitle V of title 49, United States Code, is redesignated as part E, chapter 261 of such title is redesignated as chapter 281, and sections 26101 and 26102 of such title are redesignated as sections 28101 and 28102.

(2) Subtitle V of title 49, United States Code, is amended by inserting after part C the following new part:

"PART D—HIGH-SPEED RAIL

"CHAPTER 261—HIGH-SPEED RAIL ASSISTANCE

"Sec.
"26101. Corridor planning.
"26102. High-speed rail technology improvements.
"26103. Safety regulations.
"26104. Authorization of appropriations.
"26105. Definitions.

"§ 26101. Corridor planning

"(a) CORRIDOR PLANNING ASSISTANCE.—(1) The Secretary may provide under this section financial assistance to a public agency or group of public agencies for corridor planning for up to 50 percent of the publicly financed costs associated with eligible activities.

"(2) No less than 20 percent of the publicly financed costs associated with eligible activities shall come from State and local sources, which State and local sources may not include funds from any Federal program.

"(b) ELIGIBLE ACTIVITIES.—(1) A corridor planning activity is eligible for financial assistance under subsection (a) if the Secretary determines that it is necessary to establish appropriate engineering, operational, financial, environmental, or socioeconomic projections for the establishment of high-speed rail service in the corridor and that it leads toward development of a prudent financial and institutional plan for implementation of specific high-speed rail improvements. Eligible corridor planning activities include—

"(A) environmental assessments;

"(B) feasibility studies emphasizing commercial technology improvements or applications;

"(C) economic analyses, including ridership, revenue, and operating expense forecasting;

"(D) assessing the impact on rail employment of developing high-speed rail corridors;

"(E) assessing community economic impacts;

"(F) coordination with State and metropolitan area transportation planning and corridor planning with other States;

"(G) operational planning;

"(H) route selection analyses and purchase of rights-of-way for proposed high-speed rail service;

"(I) preliminary engineering and design;

"(J) identification of specific improvements to a corridor, including electrification, line straightening and other right-of-way improvements, bridge rehabilitation and replacement, use of advanced locomotives and rolling stock, ticketing, coordination with other modes of transportation, parking and other means of passenger access, track, signal, station, and other capital work, and use of intermodal terminals;

"(K) preparation of financing plans and prospectuses; and

"(L) creation of public/private partnerships.

"(2) No financial assistance shall be provided under this section for corridor planning with respect to the main line of the Northeast Corridor, between Washington, District of Columbia, and Boston, Massachusetts.

"(c) CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.—Selection by the Secretary of recipients of financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

"(1) the relationship of the corridor to the Secretary's national high-speed ground transportation policy;

"(2) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 mph or greater;

"(3) the integration of the corridor into metropolitan area and statewide transportation planning;

"(4) the potential interconnection of the corridor with other parts of the Nation's transportation system, including the interconnection with other countries;

"(5) the anticipated effect of the corridor on the congestion of other modes of transportation;

"(6) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act (42 U.S.C. 7401 et seq.);

"(7) the past and proposed financial commitments and other support of State and local governments and the private sector to the proposed high-speed rail program, including the acquisition of rolling stock;

"(8) the estimated level of ridership;

"(9) the estimated capital cost of corridor improvements, including the cost of closing, improving, or separating highway-rail grade crossings;

"(10) rail transportation employment impacts;

"(11) community economic impacts;

"(12) the extent to which the projected revenues of the proposed high-speed rail service, along with any financial commitments of State or local governments and the private sector, are expected to cover capital costs and operating and maintenance expenses;

"(13) whether a specific route has been selected, specific improvements identified, and capacity studies completed; and

"(14) whether the corridor has been designated as a high-speed rail corridor by the Secretary.

"§ 26102. High-speed rail technology improvements

"(a) AUTHORITY.—The Secretary may undertake activities for the improvement, adaptation, and integration of proven technologies for commercial application in high-speed rail service in the United States.

"(b) ELIGIBLE RECIPIENTS.—In carrying out activities authorized by subsection (a), the Secretary may provide financial assistance to any United States private business, educational institution located in the United States, State or local government or public authority, or agency of the Federal Government.

"(c) CONSULTATION WITH OTHER AGENCIES.—In carrying out activities authorized by subsection (a), the Secretary shall consult with such other governmental agencies as may be necessary concerning the availability of appropriate technologies for commercial application in high-speed rail service in the United States.

"§ 26103. Safety regulations

"The Secretary shall promulgate such safety regulations as may be necessary for high-speed rail services.

"§ 26104. Authorization of appropriations

"(a) FISCAL YEAR 1995.—There are authorized to be appropriated to the Secretary $29,000,000 for fiscal year 1995, for carrying out sections 26101 and 26102 (including payment of administrative expenses related thereto).

"(b) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 1996, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 1996, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(c) FISCAL YEAR 1997.—(1) There are authorized to be appropriated to the Secretary $45,000,000 for fiscal year 1997, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 1997, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(d) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

"§ 26105. Definitions

"For purposes of this chapter—

"(1) the term 'financial assistance' includes grants, contracts, and cooperative agreements;

"(2) the term 'high-speed rail' has the meaning given such term under section 511(n) of the Railroad Revitalization and Regulatory Reform Act of 1976;

"(3) the term 'publicly financed costs' means the costs funded after April 29, 1993, by Federal, State, and local governments;

"(4) the term 'Secretary' means the Secretary of Transportation;

"(5) the term 'State' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States; and

"(6) the term 'United States private business' means a business entity organized under the laws of the United States, or of a State, and conducting substantial business operations in the United States.".

(b) CONFORMING AMENDMENTS.—(1) The table of chapters of subtitle V of title 49, United States Code, is amended by striking the items relating to part D and inserting in lieu thereof the following:

"PART D—HIGH-SPEED RAIL

"261. HIGH-SPEED RAIL ASSISTANCE 26101

"PART E—MISCELLANEOUS

"281. LAW ENFORCEMENT ..... 28101".

(2) The table of sections of chapter 281 of title 49, United States Code, as such chapter is redesignated by subsection (a)(1) of this section, is amended—

(A) by striking "26101" and inserting in lieu thereof "28101"; and

(B) by striking "26102" and inserting in lieu thereof "28102".

SEC. 104. COLUMBUS AND GREENVILLE RAILWAY.

(a) REDEMPTION OF OUTSTANDING OBLIGATIONS AND LIABILITIES.—Notwithstanding any other provision of law, the Secretary of Transportation, or the Secretary of the Treasury, if a holder of any of the obligations, shall allow the Delta Transportation Company, doing business as the Columbus and Greenville Railway, to redeem the obligations and liabilities of such company which remain outstanding under sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825 and 831, respectively).

(b) VALUE.—For purposes of subsection (a), the value of each of the obligations and liabilities shall be an amount equal to the value established under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

TITLE II—RAIL SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Railroad Safety Authorization Act of 1994".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a)(1) of title 49, United States Code, is amended by adding after subparagraph (B) the following new subparagraphs:

"(C) $68,289,000 for fiscal year 1995.

"(D) $75,112,000 for fiscal year 1996.

"(E) $82,563,000 for fiscal year 1997.

"(F) $90,739,000 for fiscal year 1998.".

SEC. 203. HOURS OF SERVICE PILOT PROJECTS.

(a) AMENDMENT.—Chapter 211 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 21108. Pilot projects

"(a) WAIVER.—A railroad carrier or railroad carriers and all labor organizations representing any class or craft of directly affected covered service employees of the railroad carrier or railroad carriers, may jointly petition the Secretary of Transportation for approval of a waiver, in whole or in part, of compliance with this chapter, to enable the establishment of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the strict application of the requirements of this chapter to such class or craft of employees, including requirements concerning maximum on-duty and minimum off-duty periods. Based on such a joint petition, the Secretary may, after notice and opportunity for comment, waive in whole or in part compliance with this chapter for a period of no more than two years, if the Secretary determines that such waiver of compliance is in the public interest and is consistent with railroad safety. Any such waiver may, based on a new petition, be extended for additional periods of up to two years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

"(b) REPORT.—The Secretary of Transportation shall submit to Congress, no later than January 1, 1997, a report that—

"(1) explains and analyzes the effectiveness of all pilot projects established pursuant to a waiver granted under subsection (a);

"(2) describes the status of all other waivers granted under subsection (a) and their related pilot projects, if any; and

"(3) recommends appropriate legislative changes to this chapter.

"(c) DEFINITION.—For purposes of this section, the term 'directly affected covered service employees' means covered service employees to whose hours of service the terms of the waiver petitioned for specifically apply.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end the following new item:

"21108. Pilot projects.".

SEC. 204. CONFORMING AMENDMENT REGARDING HOURS OF SERVICE VIOLATIONS.

Section 21303(a)(1) of title 49, United States Code, is amended by inserting "or violating any provision of a waiver applicable to that person that has been granted under section 21108 of this title," after "chapter 211 of this title".

SEC. 205. TECHNICAL AMENDMENT REGARDING FEDERAL RAILROAD SAFETY.

Section 20111(c) of title 49, United States Code, is amended by inserting "this chapter or any of the laws transferred to the jurisdiction of the Secretary of Transportation by subsection (e) (1), (2), and (6)(A) of section 6 of the Department of Transportation Act, as in effect on June 1, 1994, or" after "individual's violation of".

SEC. 206. BIENNIAL FEDERAL RAILROAD SAFETY REPORTING.

(a) Section 20116 of title 49, United States Code, is amended—

(1) by striking in its heading "**Annual**" and inserting in lieu thereof "**Biennial**";

(2) by striking "not later than July 1 of each year a report on carrying out this chapter for the prior calendar year. The report shall include the following information about the prior year" and inserting in lieu thereof "every two years, on or before July 1 of the year due, a comprehensive report on the administration of this chapter for the preceding two calendar years. The report shall include the following information about such calendar years"; and

(3) in paragraph (1), by inserting ", by calendar year" after "casualties by cause".

(b) The item relating to section 20116 in the table of sections for chapter 201 of title 49, United States Code, is amended to read as follows:

"20116. Biennial report.".

SEC. 207. REPORT ON BRIDGE DISPLACEMENT DETECTION SYSTEMS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20145. Report on bridge displacement detection systems

"Not later than 18 months after the date of enactment of the Federal Railroad Safety Authorization Act of 1994, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary on railroad bridge displacement detection systems.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20145. Report on bridge displacement detection systems.".

SEC. 208. TRACK SAFETY.

Section 20142 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "September 3, 1994" and inserting in lieu thereof "September 1, 1995";

(2) in subsection (a)(1), by inserting ", including cold weather installation procedures" after "attendant structure"; and

(3) by adding at the end the following new subsection:

"(d) IDENTIFICATION OF INTERNAL RAIL DEFECTS.—In carrying out subsections (a) and (b), the Secretary shall consider whether or not to prescribe regulations and issue orders concerning—

"(1) inspection procedures to identify internal rail defects, before they reach imminent failure size, in rail that has significant shelling; and

"(2) any specific actions that should be taken when a rail surface condition, such as shelling, prevents the identification of internal defects.".

SEC. 209. RESIDENCE OF EMPLOYEES.

The amendments made by section 7 of the Amtrak Reauthorization and Improvement Act of 1990 shall apply to all periods before and after the date of their enactment.

SEC. 210. INSTITUTE FOR RAILROAD SAFETY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20146. Institute for Railroad Safety

"The Secretary of Transportation, in conjunction with a university or college having expertise in transportation safety, shall establish, within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1994, an Institute for Railroad Safety. The Institute shall research, develop, fund, and test measures for reducing the number of fatalities and injuries relevant to railroad operations. There are authorized to be appropriated to the Secretary $1,000,000 for each of the fiscal years 1996 through 2000 to fund activities carried out under this section by the Institute, which shall report at least once each year on its use of such funds in carrying out such activities and the results thereof to the Secretary of Transportation and the Congress.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20146. Institute for Railroad Safety.".

SEC. 211. WARNING OF CIVIL LIABILITY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20147. Warning of civil liability

"The Secretary of Transportation shall encourage railroad carriers to warn the public about potential liability for violation of regulations related to vandalism of railroad signs, devices, and equipment and to trespassing on railroad property.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20147. Warning of civil liability.".

SEC. 212. RAILROAD CAR VISIBILITY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20148. Railroad car visibility

"(a) REVIEW OF RULES.—The Secretary of Transportation shall conduct a review of the Department of Transportation's rules with respect to railroad car visibility. As part of this review, the Secretary shall collect relevant data from operational experience by railroads having enhanced visibility measures in service.

"(b) REGULATIONS.—If the review conducted under subsection (a) establishes that enhanced railroad car visibility would likely improve safety in a cost-effective manner, the Secretary shall initiate a rulemaking proceeding to prescribe regulations requiring enhanced visibility standards for newly manufactured and remanufactured railroad cars. In such proceeding the Secretary shall consider, at a minimum—

"(1) visibility of railroad cars from the perspective of nonrailroad traffic;

"(2) whether certain railroad car paint colors should be prohibited or required;

"(3) the use of reflective materials;

"(4) the visibility of lettering on railroad cars;

"(5) the effect of any enhanced visibility measures on the health and safety of train crew members; and

"(6) the cost/benefit ratio of any new regulations.

"(c) EXCLUSIONS.—In prescribing regulations under subsection (b), the Secretary may exclude from any specific visibility requirement any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20148. Railroad car visibility.".

SEC. 213. COORDINATION WITH THE DEPARTMENT OF LABOR.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20149. Coordination with the Department of Labor

"The Secretary of Transportation shall consult with the Secretary of Labor on a regular basis to ensure that all applicable laws affecting safe working conditions for railroad employees are appropriately enforced to ensure a safe and productive working environment for the railroad industry.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20149. Coordination with the Department of Labor.".

SEC. 214. POSITIVE TRAIN CONTROL SYSTEM PROGRESS REPORT.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20150. Positive train control system progress report

"The Secretary of Transportation shall submit a report to the Congress on the development, deployment, and demonstration of

positive train control systems by December 31, 1995.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20150. Positive train control system progress report.".

SEC. 215. PASSENGER CAR SAFETY STANDARDS.

(a) AMENDMENT.—Section 20133 of title 49, United States Code, is amended to read as follows:

"§ 20133. Passenger cars

"(a) MINIMUM STANDARDS.—The Secretary of Transportation shall prescribe regulations establishing minimum standards for the safety of cars used by railroad carriers to transport passengers. Before prescribing such regulations, the Secretary shall consider—

"(1) the crashworthiness of the cars;

"(2) interior features (including luggage restraints, seat belts, and exposed surfaces) that may affect passenger safety;

"(3) maintenance and inspection of the cars;

"(4) emergency response procedures and equipment; and

"(5) any operating rules and conditions that directly affect safety not otherwise governed by regulations.

The Secretary may make applicable some or all of the standards established under this subsection to cars existing at the time the regulations are prescribed, as well as to new cars, and the Secretary shall explain in the rulemaking document the basis for making such standards applicable to existing cars.

"(b) INITIAL AND FINAL REGULATIONS.—(1) The Secretary shall prescribe initial regulations under subsection (a) within 3 years after the date of enactment of the Federal Railroad Safety Authorization Act of 1994. The initial regulations may exempt equipment used by tourist, historic, scenic, and excursion railroad carriers to transport passengers.

"(2) The Secretary shall prescribe final regulations under subsection (a) within 5 years after such date of enactment.

"(c) PERSONNEL.—The Secretary may establish within the Department of Transportation 2 additional full time equivalent positions beyond the number permitted under existing law to assist with the drafting, prescribing, and implementation of regulations under this section.

"(d) CONSULTATION.—In prescribing regulations, issuing orders, and making amendments under this section, the Secretary may consult with Amtrak, public authorities operating railroad passenger service, other railroad carriers transporting passengers, organizations of passengers, and organizations of employees. A consultation is not subject to the Federal Advisory Committee Act (5 U.S.C. App.), but minutes of the consultation shall be placed in the public docket of the regulatory proceeding.".

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 20133 in the table of sections for chapter 201 of title 49, United States Code, is amended to read as follows:

"20133. Passenger cars.".

SEC. 216. CONTRACT AND GRANT AUTHORITY.

Section 103 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) Subject to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions of the Federal Railroad Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.".

SEC. 217. TOURIST RAILROAD CARRIERS.

Section 20103 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f) TOURIST RAILROAD CARRIERS.—In prescribing regulations that pertain to railroad safety that affect tourist, historic, scenic, or excursion railroad carriers, the Secretary of Transportation shall take into consideration any financial, operational, or other factors that may be unique to such railroad carriers. The Secretary shall submit a report to Congress not later than September 30, 1995, on actions taken under this subsection.".

SEC. 218. OPERATION LIFESAVER.

Section 20117 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) OPERATION LIFESAVER.—In addition to amounts otherwise authorized by law, there are authorized to be appropriated for railroad research and development $300,000 for fiscal year 1995, $500,000 for fiscal year 1996, and $750,000 for fiscal year 1997, to support Operation Lifesaver, Inc.".

SEC. 219. RAILROAD TRESPASSING AND VANDALISM PREVENTION STRATEGY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20151. Railroad trespassing and vandalism prevention strategy

"(a) EVALUATION OF EXISTING LAWS.—In consultation with affected parties, the Secretary of Transportation shall evaluate and review current local, State, and Federal laws regarding trespassing on railroad property and vandalism affecting railroad safety, and develop model prevention strategies and enforcement laws to be used for the consideration of State and local legislatures and governmental entities. The first such evaluation and review shall be completed within 1 year after the date of enactment of the Federal Railroad Safety Authorization Act of 1994. The Secretary shall revise such model prevention strategies and enforcement codes periodically.

"(b) OUTREACH PROGRAM.—The Secretary shall develop and maintain a comprehensive outreach program to improve communications among Federal railroad safety inspectors, State inspectors certified by the Federal Railroad Administration, railroad police, and State and local law enforcement officers, for the purpose of addressing trespassing and vandalism problems on railroad property, and strengthening relevant enforcement strategies. This program shall be designed to increase public and police awareness of the illegality of, dangers inherent in, and the extent of, trespassing on railroad rights-of-way, to develop strategies to improve the prevention of trespassing and vandalism, and to improve the enforcement of laws relating to railroad trespass, vandalism, and safety.

"(c) MODEL LEGISLATION.—Within 18 months after the date of enactment of the Federal Railroad Safety Authorization Act of 1994, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for—

"(1) civil or criminal penalties, or both, for vandalism of railroad equipment or property which could affect the safety of the public or of railroad employees; and

"(2) civil or criminal penalties, or both, for trespassing on a railroad owned or leased right-of-way.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20151. Railroad trespassing and vandalism prevention strategy.".

TITLE III—GRADE CROSSING SAFETY

SEC. 301. EMERGENCY NOTIFICATION OF GRADE CROSSING PROBLEMS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20152. Emergency notification of grade crossing problems

"(a) PILOT PROGRAMS.—The Secretary of Transportation shall conduct a pilot program to demonstrate an emergency notification system utilizing a toll free telephone number that the public can use to convey to railroad carriers, either directly or through public safety personnel, information about malfunctions or other safety problems at railroad-highway grade crossings. The pilot program, at a minimum—

"(1) shall include railroad-highway grade crossings in at least 2 States;

"(2) shall include provisions for public education and awareness of the program; and

"(3) shall require information to be posted at the railroad-highway grade crossing describing the emergency notification system and instructions on how to use the system.

The Secretary may, by grant, provide funding for the expense of information signs and public awareness campaigns necessary to demonstrate the notification system.

"(b) REPORT.—The Secretary shall complete the pilot program not later than 24 months after the date of enactment of this section, and shall submit to the Congress not later than 30 months after that date an evaluation of the pilot program, together with findings as to the effectiveness of such emergency notification systems. The report shall compare and contrast the structure, cost, and effectiveness of the pilot program with other emergency notification systems in effect within other States. Such evaluation shall include analyses of the safety benefits derived from the programs, cost effectiveness, and the burdens on participants, including railroad carriers and law enforcement personnel.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20152. Emergency notification of grade crossing problems.".

SEC. 302. AUDIBLE WARNINGS AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 20153. Audible warnings at highway-rail grade crossings

"(a) DEFINITIONS.—As used in this section—

"(1) the term "highway-rail grade crossing" includes any street or highway crossing over a line of railroad at grade;

"(2) the term "locomotive horn" refers to a train-borne audible warning device meeting standards specified by the Secretary of Transportation; and

"(3) the term "supplementary safety measure" refers to a safety system or procedure, provided by the appropriate traffic control authority or law enforcement authority responsible for safety at the highway-rail grade crossing, that is determined by the Secretary to be an effective substitute for the locomotive horn in the prevention of highway-rail casualties. A traffic control arrangement that prevents careless movement over the crossing (e.g., as where adequate median barriers prevent movement around crossing gates extending over the full width of the lanes in the particular direction of travel), and that conforms to standards prescribed by the Secretary under this subsection, shall be deemed to constitute a supplementary safety measure. The following do not, individually or in combination, constitute supplementary safety measures within the meaning of this subsection: standard traffic control devices or arrangements such as reflectorized crossbucks, stop signs, flashing lights, flashing lights with gates that do not completely block travel over the line of railroad, or traffic signals.

"(b) REQUIREMENT.—The Secretary of Transportation shall prescribe regulations requiring that a locomotive horn shall be sounded while each train is approaching and entering upon each public highway-rail grade crossing.

"(c) EXCEPTION.—(1) In issuing such regulations, the Secretary may except from the requirement to sound the locomotive horn any categories of rail operations or categories of highway-rail grade crossings (by train speed or other factors specified by regulation)—

"(A) that the Secretary determines not to present a significant risk with respect to loss of life or serious personal injury;

"(B) for which use of the locomotive horn as a warning measure is impractical; or

"(C) for which, in the judgment of the Secretary, supplementary safety measures fully compensate for the absence of the warning provided by the locomotive horn.

"(2) In order to provide for safety and the quiet of communities affected by train operations, the Secretary may specify in such regulations that any supplementary safety measures must be applied to all highway-rail grade crossings within a specified distance along the railroad in order to be excepted from the requirement of this section.

"(d) APPLICATION FOR WAIVER OR EXEMPTION.—Notwithstanding any other provision of this subchapter, the Secretary may not entertain an application for waiver or exemption of the regulations issued under this section unless such application shall have been submitted jointly by the railroad carrier owning, or controlling operations over, the crossing and by the appropriate traffic control authority or law enforcement authority. The Secretary shall not grant any such application unless, in the judgment of the Secretary, the application demonstrates that the safety of highway users will not be diminished.

"(e) DEVELOPMENT OF SUPPLEMENTARY SAFETY MEASURES.—(1) In order to promote the quiet of communities affected by rail operations and the development of innovative safety measures at highway-rail grade crossings, the Secretary may, in connection with demonstration of proposed new supplementary safety measures, order railroad carriers operating over one or more crossings to cease temporarily the sounding of locomotive horns at such crossings. Any such measures shall have been subject to testing and evaluation and deemed necessary by the Secretary prior to actual use in lieu of the locomotive horn.

"(2) The Secretary may include in regulations issued under this subsection special procedures for approval of new supplementary safety measures meeting the requirements of subsection (c)(1) of this section following successful demonstration of those measures.

"(f) SPECIFIC RULES.—The Secretary may, by regulation, provide that the following crossings over railroad lines shall be subject, in whole or in part, to the regulations required under this section:

"(1) Private highway-rail grade crossings.

"(2) Pedestrian crossings.

"(3) Crossings utilized primarily by nonmotorized vehicles and other special vehicles.

Regulations issued under this subsection shall not apply to any location where persons are not authorized to cross the railroad.

"(g) ISSUANCE.—The Secretary shall issue regulations required by this section pertaining to categories of highway-rail grade crossings that in the judgment of the Secretary pose the greatest safety hazard to rail and highway users not later than 24 months following the date of enactment of this section. The Secretary shall issue regulations pertaining to any other categories of crossings not later than 48 months following the date of enactment of this section.

"(h) IMPACT OF REGULATIONS.—The Secretary shall include in regulations prescribed under this section a concise statement of the impact of such regulations with respect to the operation of section 20106 of this title (national uniformity of regulation).".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20153. Audible warnings at highway-rail grade crossings.".

Mr. SWIFT (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I will not object, but I take this reservation for the purpose of asking the gentleman from Washington [Mr. SWIFT] to explain what is in the legislation.

Mr. SWIFT. Mr. Speaker, the House amendment contains three titles.

Title I represents a compromise on high-speed rail that has been worked out with the other body.

It is the same bill that the House passed by a wide margin with only technical adjustments.

Title II provides a 4-year authorization for the rail safety activities of the Federal Railroad Administration. Title II includes the entire text of the rail safety bill which passed the House by a vote of 395 to 0 in August.

Included in title II are provisions which will strengthen the track safety regulations that FRA is currently working on as well as require that FRA set standards for passenger car safety and railroad car visibility.

Title III contains important provisions related to grade crossing safety—which is where the greatest number of fatalities occur.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I rise to support approval of this legislation to advance the development of high-speed rail passenger services in the United States. This bill is a modest first step in a long-term process: It is aimed at assisting State and local governments with the costs of preconstruction activities such as planning, environmental assessments, and refinement of developed technologies for use in high-speed rail corridors.

Although I had hoped for broader legislation in this area, H.R. 4867 will help lay the foundation for actual construction of the various infrastructure improvements needed for future high-speed rail passenger service.

I want to commend Chairman DINGELL, subcommittee Chairman SWIFT, and the subcommittee's ranking member, MIKE OXLEY, for their work on this legislation.

We in California are particularly conscious of the benefits of high-speed rail as part of our overall transportation strategy. It is energy efficient, environmentally benign, and it helps alleviate traffic congestion and meet our Clean Air Act air quality standards.

We know that the Nation's freight railroads will be key players in the ultimate operation of high-speed rail passenger service, because they own most of the rights-of-way which will have to be used for high-speed corridors. In California, we have so far been successful in obtaining the cooperation of the freight carriers in making rights-of-way available for our conventional passenger and commuter service. As we move on to high-speed rail, it is quite clear that suitable liability arrangements will have to be made to assure access to needed facilities. I believe that this is an area where the Department of Transportation can perform a vital service in its planning processes—both under current law and under this legislation. DOT can help to suggest approaches to addressing the liability problem as part of the planning and other preconstruction preparations provided for in this bill.

I also want to highlight the importance of the rail safety provisions in this amended version of the bill, corresponding to H.R. 4545, the rail safety reauthorization approved by the House in August. The amendment is in effect a common-denominator of House and Senate provisions to reauthorize and

improve the rail safety programs of the Federal Railroad Administration. As with the high-speed rail legislation, the rail safety provisions have been crafted on a bipartisan basis with outstanding cooperation among the members of the Energy and Commerce Committee. I also want to commend the leadership of the Public Works Committee on both sides of the aisle for their assistance and cooperation with respect to the safety provisions in title III that involve the jurisdiction of that committee.

Mr. Speaker, I want to congratulate the gentleman from Washington [Mr. SWIFT] for his work on this bill and for his number of years of service to the House. This is one of his last bills, and he has really contributed a lot to each of us.

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 4867, a bill to move forward the process of selecting and planning high-speed rail corridors around the United States. This legislation is structured to assist State and local governments in planning and other preconstruction activities aimed at eventual construction of high-speed rail rights-of-way. It provides for a matching program under which the Federal Government will assist the State and local governments in funding planning, feasibility studies, and the refinement-ready developed technologies for use in high-speed rail passenger service.

One of these developed technologies that may well prove crucial to high-speed rail in corridors of lower population density is high-speed nonelectric locomotives, such as those powered by turbine. Amtrak has utilized first-generation locomotives of this type on certain routes outside the Northeast Corridor, and improved versions hold the promise of allowing true high-speed operation on other routes where construction of a complete overhead electrical catenary system is not cost-effective. Under H.R. 4867, DOT is authorized to assist in the funding of improvement and adaptation of developed technologies for high-speed rail use, and turbine-powered high-speed locomotives should clearly be considered as one of these key technologies.

I want to commend Chairman DINGELL, subcommittee Chairman SWIFT, and our committee's ranking member, Mr. MOORHEAD, for their diligent work in moving this legislation forward. The bill is only a first step toward future rail service, but it is at least a beginning. We know that high-speed rail service must be part of any balanced national transportation policy.

I also strongly support the amended rail safety authorization that is part of this legislation, corresponding to H.R. 4545, approved by the House in August. The amended text reflects a common-denominator of House and Senate rail safety provisions which will reauthorize and improve the various rail safety programs administered by the Federal Railroad Administration. This includes important new initiatives in human-factors safety research, improved grade-crossing safety measures, and safety standards for passenger cars. It is important the Congress give FRA a current operating charter to keep the railroad industry operating safely, and this legislation does that in a responsible and carefully targeted manner. I strongly support its approval by the House.

Mr. DINGELL. Mr. Speaker, I commend the chairman of the subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his leadership and skill in crafting this legislation. It has been an honor and a privilege serving with AL. I also want to thank the ranking Republican member of the committee, Mr. MOORHEAD, and the ranking member of the subcommittee, Mr. OXLEY, for their help on this important legislation. I want to offer special thanks to Ms. SCHENK and to Mr. UPTON. I commend Members of the other body, for their hard work and spirit of cooperation on this matter. Finally, I want to thank the distinguished chairman of the Public Works and Transportation Committee, Mr. MINETA, and the ranking Republican member of the committee, Mr. SHUSTER, for their help.

I urge your support of H.R. 4867, which is a result of fruitful negotiations between our committee, the Public Works Committee, and our sister committee in the other body. I believe H.R. 4867 is a good compromise incorporating important rail legislation.

Title I of H.R. 4867 authorizes appropriations for high-speed rail transportation. Due to budget constraints, this is a scaled back high-speed rail package. It authorizes activities to assist in the implementation of steel-wheel high-speed rail transportation. It focuses on practical and efficient use of limited resources.

H.R. 4867 allows the Secretary of Transportation to provide financial assistance to States or public agencies for eligible high-speed rail corridor planning activities. It also allows the Secretary to provide financial assistance for developed technology improvements to assist in the implementation of high-speed rail service in the United States. This modest legislation is the best we can do at this time. I hope we can build and improve upon this framework in the future.

High-speed rail transportation offers many public benefits. It is recognized increasingly as an economically viable and socially acceptable solution to problems facing many intercity corridors. Changes need to be made in our transportation priorities by encouraging interested State and local governments to facilitate the development of needed high-speed rail corridors. This legislation is an important step in that direction.

Title II of H.R. 4867 authorizes railroad safety activities of the Federal Railroad Administration [FRA] for a period of 4 years ending September 30, 1998. FRA is responsible for oversight of the safety of the Nation's railroads. The Committee on Energy and Commerce passed comprehensive railroad safety legislation in 1988 and 1992. These bills mandated significant rulemaking and reporting actions by FRA as part of its safety and enforcement responsibilities. This legislation builds upon these legislative accomplishments.

Title II includes an important provision regarding bridge detection systems. It requires the Secretary of Transportation to issue a report concerning any action that the Department of Transportation has taken with regard to railroad bridge displacement detection systems. FRA is currently studying this matter as a result of the tragic train accident that occurred in Saraland, AL, on September 22, 1993. Another important provision requires FRA to address cold weather installation of continuous welded rail in issuing track safety regulations and to consider whether or not to issue regulations that address the problem of track shelling in the detection of internal rail defects. Finally, this title includes a provision on passenger car safety standards, requiring the Secretary of Transportation to prescribe regulations establishing minimum standards for the safety of cars used by railroad carriers to transport passengers.

Title III falls under the joint jurisdiction of the Committee on Energy and Commerce and the Committee on Public Works and Transportation. One important provision of this title directs the Secretary of Transportation to prescribe regulations requiring the use of locomotive horns for safety at highway-rail grade crossings. Over 600 persons die at highway-rail crossings each year, despite the expenditure of Federal and State funds to improve warning systems. Locomotive horns have been proven effective as an element of a warning system. This provision allows for exemptions from horn use where it is not needed. Title III also directs the Secretary of Transportation to conduct a pilot program to demonstrate an emergency notification system utilizing a toll-free telephone number that the public can use to convey to railroad carriers information about safety problems at railroad-highway grade crossings. The following is an exchange of correspondence between myself and Mr. MINETA, the distinguished chairman of the Committee on Public Works and Transportation, clarifying the jurisdiction of our two committees regarding title III. I include correspondence to be included for the RECORD.

I want to conclude by thanking Secretary Pēna and Administrator Molitoris for their efforts on this legislation.

I urge my colleagues to support H.R. 4867.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, October 6, 1994.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Energy and Commerce is prepared to take up H.R. 4867, the "High Speed Rail Act of 1994", as amended by the Senate.

It is also my understanding that your Committee would like the Committee on Public Works and Transportation to waive any referral to it because of provisions in Title III of the bill which fall under the jurisdiction of the Committee on Public Works and Transportation, in order to permit final consideration of H.R. 4867 by the Congress before it adjourns.

After review of the bill, the Committee has no objection to its proceeding forward and, thus, will not seek to exercise our jurisdictional authority with respect to Title III.

While we are waving our right to any referral of this bill, we want to state this should in no context be construed that our Committee is relinquishing its jurisdiction over the matter addressed in H.R. 4867. We can certainly foresee circumstances in the future when we would exercise our jurisdictional rights on this matter. However, we are proceeding this way in order that the legislation be brought to the Floor expeditiously. We do

reserve our right to have Members of our Committee named as conferees should there be a conference on this legislation.

Lastly, I would appreciate your including our exchange of correspondence in the Record during consideration of the bill. Thank you for your cooperation in this matter.

Sincerely,

NORMAN Y. MINETA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 6, 1994.

Hon. NORMAN Y. MINETA,
Chairman, Committee on Public Works and Transportation,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am in receipt of your letter today regarding H.R. 4867, the High-Speed Rail Development Act of 1994, as amended.

The Committee on Energy and Commerce acknowledges that the Committee on Public Works and Transportation shares jurisdiction with our Committee regarding provisions of the legislation contained in Title III of H.R. 4867, as amended. We appreciate your willingness to waive your Committee's right to referral of these provisions and to agree to proceed to consideration of this measure by the House.

I will be please to include this exchange of correspondence in the record, along with statements to accompany the passage of H.R. 4867, as amended, and wish to convey our appreciation to you and Mr. Shuster for your cooperation and assistance in these matters.

Sincerely,

JOHN D. DINGELL,
Chariman.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just adopted.

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

There was no objection.

RECOGNIZING ACHIEVEMENTS OF RADIO AMATEURS

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 90) to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I will not object, but I want to give the gentleman from Washington [Mr. SWIFT] an opportunity to tell us what is in this bill.

Mr. SWIFT. Mr. Speaker, I would like to tell my good friend, with whom I have enjoyed working these many years, what a great pleasure it has been. Our committee, I have noted over the 16 years I have served on it, has had some fierce and wonderful battles, sometimes, not always along partisan lines, but never once do I know of an instance in which the fights were for partisan purposes. And I think the gentleman himself represents that spirit of cooperation which has been a hallmark of the Committee on Energy and Commerce.

I would tell the gentleman that the bill commends radio amateurs for their contributions.

It urges the FCC to continue and enhance development of amateur radio service as a public benefit, and it encourages reasonable accommodation for the effective operation of amateur radios at all levels of government.

I particularly want to commend the gentleman from Washington [Mr. KREIDLER], the author of the companion House version of this resolution for his diligence in seeking and obtaining consideration and passage of this bill.

Mr. MOORHEAD. Mr. Speaker, I support enactment of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 90

Whereas Congress has expressed its determination in section 1 of the Communications Act of 1934 (47 U.S.C. 151) to promote safety of life and property through the use of radio communication;

Whereas Congress, in section 7 of the Communications Act of 1934 (47 U.S.C. 157), established a policy to encourage the provision of new technologies and services;

Whereas Congress, in section 3 of the Communications Act of 1934, defined radio stations to include amateur stations operated by persons interested in radio technique without pecuniary interest;

Whereas the Federal Communications Commission has created an effective regulatory framework through which the amateur radio service has been able to achieve the goals of the service;

Whereas these regulations, set forth in part 97 of title 47 of the Code of Federal Regulations clarify and extend the purposes of the amateur radio service as a—

(1) voluntary noncommercial communications service, particularly with respect to providing emergency communications;

(2) contributing service to the advancement of the telecommunications infrastructure;

(3) service which encourages improvement of an individual's technical and operating skills;

(4) service providing a national reservoir of trained operators, technicians and electronic experts; and

(5) service enhancing international good will;

Whereas Congress finds that members of the amateur radio service community has provided invaluable emergency communications services following such disasters as Hurricanes Hugo, Andrew, and Iniki, the Mt. St. Helens eruption, the Loma Prieta earthquake, tornadoes, floods, wild fires, and industrial accidents in great number and variety across the Nation; and

Whereas Congress finds that the amateur radio service has made a contribution to our Nation's communications by its crafting, in 1961, of the first Earth satellite licensed by the Federal Communications Commission, by its proof-of-concept for search and rescue satellites, by its continued exploration of the low Earth orbit in particular pointing the way to commercial use thereof in the 1990s, by its pioneering of communications using reflections from meteor trails, a technique now used for certain government and commercial communications, and by its leading role in development of low-cost, practical data transmission by radio which increasingly is being put to extensive use in, for instance, the land mobile service: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND DECLARATIONS OF CONGRESS.

Congress finds and declares that—

(1) radio amateurs are hereby commended for their contribution to technical progress in electronics, and for their emergency radio communications in times of disaster;

(2) the Federal Communications Commission is urged to continue and enhance the development of the amateur radio service as a public benefit by adopting rules and regulations which encourage the use of new technologies within the amateur radio service; and

(3) reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and that regulation at all levels of government should facilitate and encourage amateur radio operation as a public benefit.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

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

There was no objection.

ANIMAL MEDICINAL DRUG USE CLARIFICATION ACT OF 1994

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 340) to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I will not object, and I take this reservation for the purpose of asking the gentleman from California [Mr. WAXMAN] to explain this Senate bill.

Mr. WAXMAN. Mr. Speaker, this bill addresses a problem that has plagued veterinarians for many years; namely, the divergence between the law and veterinary practice with respect to the prescribing of animal drugs.

Here is what has happened. It is common medical practice for animal doctors to use drugs that have been approved by the FDA for unapproved uses. In other words, a drug that has been approved for sheep is often used in cows. Since there may be no drug approved for cows for a particular disease, the veterinarian has little choice but to break the law. In fact, as a matter of its enforcement discretion, the FDA permits animal doctors to prescribe drugs for unapproved uses.

In recent years, veterinarians have become increasingly concerned about this problem. They have convinced me that the law must be changed to take in account the realities of medical practice.

In drafting this bill, we have recognized that it is essential that the FDA know what animal drugs are used in food-producing animals for unapproved uses, and that it have the tools that it needs to monitor animal drug residue from those uses. I believe that this bill strikes the appropriate balance between the need of veterinarians and the need to protect the food supply. It will permit veterinarians to use drugs for unapproved uses, while giving the FDA the authority to regulate those uses and to impose requirements to protect the public health where appropriate.

The bill also contains a provision that would clarify that under the Federal Food, Drug, and Cosmetic Act the State of Vermont may retain its standard for maple syrup.

Considerable work has been required to craft the bill. I would like to note that Mr. STENHOLM introduced the original bill, H.R. 1423, which alerted us to this issue. The American Veterinary Medical Association has worked very hard and very constructively to develop this bill. I would like to acknowledge Kay Holcombe of the Energy and Commerce Committee staff and David Meade, our legislative counsel, who both made a significant contribution to this legislation.

I would also like to single out our subcommittee counsel, Mr. Bill Schultz, for his work in getting this bill to the point where it is today.

I am pleased that we have been able to resolve this issue, and I urge my colleagues to vote in support of this bill.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object. I am pleased to support this legislation. This bill is a modified version of H.R. 1432, a bill introduced by Representative STENHOLM which currently has 287 cosponsors. The primary purpose of this legislation is to permit veterinarians to prescribe approved animal or human drugs to species of animals for which the drugs are not currently approved.

The legislation is necessary because there are an insufficient number of drugs approved for all the various disease problems in all the animal species. Generally, an animal drug is approved on a species-by-species basis. For example, if a drug is approved for use in cows, the company must also go through the approval process to get that same drug approved for use in sheep. This process can be prohibitively expensive and, therefore, many animal drugs are not approved for use in multiple animals, especially for so-called minor species.

However, this bill does not address a very significant problem—the lack of drugs available to treat animals. A new animal drug application review process is required by law to be completed within 6 months. However, the reality is that the review process at FDA now averages 4 years. Hopefully, in the next Congress we can work to try to expedite the approval process for new animal drug applications.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 340

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 "Animal Medicinal Drug Use Clarification Act of 1994".

SEC. 2. UNAPPROVED USES.

(a) GENERAL RULE.—Section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)) is amended by adding the following new paragraphs at the end:

"(4)(A) Except as provided in subparagraph (B), if an approval of an application filed under subsection (b) is in effect with respect to a particular use or intended use of a new animal drug, the drug shall not be deemed unsafe for the purposes of paragraph (1) and shall be exempt from the requirements of section 502(f) with respect to a different use or intended use of the drug, other than a use in or on animal feed, if such use or intended use—

"(i) is by or on the lawful written or oral order of a licensed veterinarian within the context of a veterinarian-client-patient relationship, as defined by the Secretary; and

"(ii) is in compliance with regulations promulgated by the Secretary that establish the conditions for such different use or intended use.

The regulations promulgated by the Secretary under clause (ii) may prohibit particular uses of an animal drug and shall not permit such different use of an animal drug if the labeling of another animal drug that contains the same active ingredient and which is in the same dosage form and concentration provides for such different use.

"(B) If the Secretary finds that there is a reasonable probability that a use of an animal drug authorized under subparagraph (A) may present a risk to the public health, the Secretary may—

"(i) establish a safe level for a residue of an animal drug when it is used for such different use authorized by subparagraph (A); and

"(ii) require the development of a practical, analytical method for the detection of residues of such drug above the safe level established under clause (i).

The use of an animal drug that results in residues exceeding a safe level established under clause (i) shall be considered an unsafe use of such drug under paragraph (1). Safe levels may be established under clause (i) either by regulation or order.

"(C) The Secretary may by general regulation provide access to the records of veterinarians to ascertain any use or intended use authorized under subparagraph (A) that the Secretary has determined may present a risk to the public health.

"(D) If the Secretary finds, after affording an opportunity for public comment, that a use of an animal drug authorized under subparagraph (A) presents a risk to the public health or that an analytical method required under subparagraph (B) has not been developed and submitted to the Secretary, the Secretary may, by order, prohibit any such use.

"(5) If the approval of an application filed under section 505 is in effect, the drug under such application shall not be deemed unsafe for purposes of paragraph (1) and shall be exempt from the requirements of section 502(f) with respect to a use or intended use of the drug in animals if such use or intended use—

"(A) is by or on the lawful written or oral order of a licensed veterinarian within the context of a veterinarian-client-patient relationship, as defined by the Secretary; and

"(B) is in compliance with regulations promulgated by the Secretary that establish the conditions for the use or intended use of the drug in animals.".

(b) OTHER AMENDMENTS.—

(1) SECTION 301.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended—

(A) in paragraph (e), by striking "507(d) or (g)," and inserting "507(d) or (g), 512(a)(4)(C),"; and

(B) by adding at the end the following:

"(u) The failure to comply with any requirements of the provisions of, or any regulations or orders of the Secretary, under section 512(a)(4)(A), 512(a)(4)(D), or 512(a)(5).".

(2) SECTION 512(e).—Section 512(e)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)(1)(A)) is amended by inserting before the semicolon the following: "or the condition of use authorized under subsection (a)(4)(A)".

(3) SECTION 512(l).—Section 512(l)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(l)(1)) is amended by striking "relating to experience" and inserting "relating to experience, including experience with uses authorized under subsection (a)(4)(A)."

(c) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement paragraphs (4)(A) and (5) of section 512(a) of the Federal Food, Drug, and Cosmetic Act (as amended by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the adoption of the final regulations under subsection (c).

SEC. 3. MAPLE SYRUP.

(a) PREEMPTION.—Section 403(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-1(a)) is amended—

(1) in paragraph (1), by inserting at the end the following: "except that this paragraph does not apply to a standard of identity of a State or political subdivision of a State for maple syrup that is of the type required by sections 401 and 403(g),";

(2) in paragraph (2), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State that is of the type required by section 403(c) and that is applicable to maple syrup,"; and

(3) in paragraph (3) by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State that is of the type required by section 403(h)(1) and that is applicable to maple syrup,".

(b) PROCEDURE.—Section 701(e)(1) (21 U.S.C. 371(e)(1)) is amended by striking "or maple syrup (regulated under section 168.140 of title 21, Code of Federal Regulations).".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 784) to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 784

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 "Dietary Supplement Health and Education Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) improving the health status of United States citizens ranks at the top of the national priorities of the Federal Government.

(2) the importance of nutrition and the benefits of dietary supplements to health promotion and disease prevention have been documented increasingly in scientific studies;

(3)(A) there is a definitive link between the ingestion of certain nutrients or dietary supplements and the prevention of chronic diseases such as cancer, heart disease, and osteoporosis; and

(B) clinical research has shown that several chronic diseases can be prevented simply with a health diet, such as a diet that is low in fat, saturated fat, cholesterol, and sodium, with a high proportion of plant-based foods;

(4) healthful diets may mitigate the need for expensive medical procedures, such as coronoary bypass surgery or angioplasty;

(5) preventive health measures, including education, good nutrition, and appropriate use of safe nutritional supplements will limit the incidence of chronic diseases, and reduce long-term health care expenditures;

(6)(A) promotion of good health and healthy lifestyles improves and extends lives while reducing health care expenditures; and

(B) reduction in health care expenditures is of paramount importance to the future of the country and the economic well-being of the country;

(7) there is a growing need for emphasis on the dissemination of information linking nutrition and long-term good health;

(8) consumers should be empowered to make choices about preventive health care programs based on data from scientific studies of health benefits related to particular dietary supplements;

(9)(A) national surveys have revealed that almost 50 percent of the 260,000,000 Americans regularly consume dietary supplements of vitamins, minerals, or herbs as a means of improving their nutrition; and

(B) nearly all consumers indicate that dietary supplements should not be regulated as drugs;

(10) studies indicate that consumers are placing increased reliance on the use of nontraditional health care providers to avoid the excessive costs of traditional medical services and to obtain more holistic consideration of their needs;

(11) the United States will spend over $1,000,000,000,000 on health care in 1994, which is about 12 percent of the Gross National Product of the United States, and this amount and percentage will continue to increase unless significant efforts are undertaken to reverse the increase;

(12)(A) the nutritional supplement industry is an integral part of the economy of the United States;

(B) the industry consistently projects a positive trade balance; and

(C) the estimated 600 dietary supplement manufacturers in the United States produce approximately 4,000 products, with total annual sales of such products alone reaching at least $4,000,000,000.

(13) although the Federal Government should take swift action against products that are unsafe or adulterated, the Federal Government should not take any actions to impose regulatory barriers limiting or slowing the flow of safe products and needed information to consumers;

(14) dietary supplements are safe within a broad range of intake, and safety problems with the supplements are relatively rare; and

(15)(A) legislative action that protects the right of access of consumers to safe dietary supplements is necessary in order to promote wellness; and

(B) a rational Federal framework must be established to supersede the current ad hoc, patchwork regulatory policy on dietary supplements.

(b) PURPOSE.—It is the purpose of this Act to—

(1) improve the health status of the people of the United States and help constrain runaway health care spending by ensuring that the Federal Government erects no regulatory barriers that impede the ability of consumers to improve their nutrition through the free choice of safe dietary supplements;

(2) clarify that—

(A) dietary supplements are not drugs or food additives;

(B) dietary supplements should not be regulated as drugs;

(C) regulations relating to food additives are not applicable to dietary supplements and their ingredients used for food additive purposes, including stabilizers, processing agents, or preservatives; and

(D) the burden of proof is on the Food and Drug Administration to prove that a product is unsafe before it can be removed from the marketplace;

(3) establish a new definition of dietary supplement that differentiates dietary supplements from conventional foods, while recognizing the broad range of food ingredients used to supplement the diet;

(4) strengthen the current enforcement authority of the Food and Drug Administration by providing to the Administration additional mechanisms to take enforcement action against unsafe or fraudulent products;

(5) establish a series of labeling requirements that will provide consumers with greater information and assurance about the quality and content of dietary supplements, while at the same time assuring the consumers the freedom to use the supplements of their choice;

(6) provide new administrative and judicial review procedures to affected parties if the Food and Drug Administration takes certain actions to enforce dietary supplement requirements; and

(7) establish a Commission on Dietary Supplement Labels within the executive branch to develop recommendations on a procedure to evaluate health claims for dietary supplements and provide recommendations to the President and the Congress.

SEC. 3. DEFINITIONS.

(a) DEFINITION OF CERTAIN FOODS AS DIETARY SUPPLEMENTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(ff) The term 'dietary supplement' means—

"(1) a product intended to supplement the diet by increasing the total dietary intake that bears or contains one or more of the following dietary ingredients:

"(A) a vitamin;

"(B) a mineral;

"(C) a herb or other botanical;

"(D) an amino acid;

"(E) another dietary substance for use by man to supplement the diet by increasing the total dietary intake; or

"(F) a concentrate, metabolite, constituent, extract, or combination of any ingredient described in clause (A), (B), (C), (D), (E) or (F);

"(2) a product that—

"(A)(i) is intended for ingestion in a form described in section 411(c)(1)(B)(i); or

"(ii) complies with section 411(c)(1)(B)(ii); and

"(B) is not represented for use as a conventional food or as a sole item of a meal or the diet; and

"(C) is labeled as a dietary supplement.".

(b) EXCLUSION FROM DEFINITION OF DRUG.—Section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)) is amended by adding at the end the following new subparagraph:

"(3) The term 'drug' does not include a dietary supplement as defined in paragraph (ff), except that—

"(A) an article that is approved as a new drug, certified as an antibiotic (under section 355 or 357), or licensed as a biologic (under section 351 of the Public Health Service Act (42 U.S.C. 262 et seq.)) and was, prior to such approval, certification or license, marketed as a dietary supplement or as a food, may continue to be offered for sale as a dietary supplement unless the Secretary has issued a regulation, after notice and comment, finding that the article when used as or in a dietary supplement under the conditions of use and dosages set forth in the labeling for such dietary supplement, is unlawful under section 402(f); and

"(B) an article that is approved as a new drug, certified as an antibiotic (under section 355 or 357), or licensed as a biologic (under section 351 of the Public Health Service Act (42 U.S.C. 262 et seq.)) and was not prior thereto marketed as a dietary supplement or as a food, may not be considered as a dietary ingredient or dietary supplement unless the Secretary has issued a regulation, after notice and comment, finding that the article would be lawful under section 402(f) under the conditions of use and dosages set forth in the recommended labeling for such article.".

(c) EXCLUSION FROM DEFINITION OF FOOD ADDITIVE.—Section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)) is amended—

(1) by striking "or" at the end of subparagraph (4);

(2) by striking the period at the end of subparagraph (5) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(6) an ingredient described in paragraph (ff) in, or intended for use in, a dietary supplement.".

(d) FORM OF INGESTION.—Section 411(c)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350(c)(1)(B)) is amended—

(1) in clause (i), by inserting "powder, softgel, gelcap," after "capsule,"; and

(2) in clause (ii), by striking "does not simulate and".

SEC. 4. SAFETY OF DIETARY SUPPLEMENTS AND BURDEN OF PROOF ON FDA.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(f) If it is a dietary supplement that—

"(1) the Secretary finds, after rulemaking, presents a substantial and unreasonable risk of illness or injury under conditions of use recommended or suggested in labeling;

"(2) the Secretary declares to pose an imminent and substantial hazard to public health or safety, except that the authority to make such declaration shall not be delegated and the Secretary shall promptly thereafter convene rulemaking pursuant to section 701(e), (f), and (g) to affirm or withdraw the declaration; or

"(3) is or contains a dietary ingredient that renders it adulterated under paragraph (a)(1) under the conditions of use recommended or suggested in the labeling of such dietary supplement.

In any proceeding under this section, the United States bears the burden of proof on each element to show that a dietary supplement is adulterated.".

SEC. 5. DIETARY SUPPLEMENT CLAIMS.

(a) SUPPLEMENT CLAIMS.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by inserting after section 403A the following new section:

"DIETARY SUPPLEMENT LABELING EXEMPTIONS

"SEC. 403B. An article, another publication, a chapter in books, or the official abstract of a peer-reviewed scientific publication that appears in the article and was prepared by the author or the editors of the publication, reprinted in its entirety, shall not be defined as labeling when used in connection with the sale of dietary supplements to consumers when it—

"(1) is not false or misleading;

"(2) does not promote a particular brand of a dietary supplement;

"(3) is displayed or presented, or is displayed or presented with other such items on the same subject matter, so as to present a balanced view of the available scientific information on a dietary supplement; and

"(4) if displayed in an establishment, is physically separate from the dietary supplements.

This section shall not apply to or restrict a retailer or wholesaler of dietary supplements in any way whatsoever in the sale of books or other publications as a part of the business of such retailer or wholesaler. In any proceeding under this section, the burden of proof shall be on the United States to establish that an article or other such matter is false or misleading.".

SEC. 6. STATEMENTS OF NUTRITIONAL SUPPORT.

Section 403(r)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(r)(1)) is amended by adding the following new sentence at the end: "For purposes of this subparagraph, a statement for a dietary supplement shall not be considered a claim of the relationship of a nutrient or dietary ingredient to a disease or health-related condition if the statement does not claim to diagnose, prevent, mitigate, treat, or cure a specific disease or class of diseases. A statement for a dietary supplement may be made if the statement claims a benefit related to a classical nutrient deficiency disease and discloses the prevalence of such disease in the United States, describes the role of a nutrient or dietary ingredient intended to affect the structure or function in humans, characterizes the documented mechanism by which a nutrient or dietary ingredient acts to maintain such structure or function, or describes general well-being from consumption of a nutrient or dietary ingredient.".

SEC. 7. CONFORMING AMENDMENTS.

(a) SECTION 201.—The next to the last sentence of section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) (as amended by section 3(b)) is amended to read as follows: "A food or dietary supplement for which a claim, subject to section 403(r)(1)(B) and 403(r)(3) or section 403(r)(1)(B) and 403(r)(5)(D), is made in accordance with the requirements of section 403(r) is not a drug solely because the label or the labeling contains such a claim. A food, dietary ingredient, or dietary supplement for which a truthful and nonmisleading statement is made in accordance with section 403(r)(1) is not a drug solely because the label or the labeling contains such a statement.".

(b) SECTION 403.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

"A dietary supplement shall not be deemed misbranded solely because its label or labeling contains directions or conditions of use or warnings.".

SEC. 8. ADMINISTRATIVE AND JUDICIAL REVIEW.

The Federal Food, Drug, and Cosmetic Act is amended by adding at the end of chapter III (21 U.S.C. 331 et seq.) the following new section:

"SEC. 311. WARNING LETTERS.

"Any warning letter or similar written threat of enforcement under the Federal Food, Drug, and Cosmetic Act constitutes final agency action for the purpose of obtaining judicial review under chapter 7 of title 5, United States Code, if the matter with respect to such letter or threat is not resolved within 60 days from the date such letter or threat is delivered to any person subject to this Act. In any proceeding for judicial review of a warning letter or similar written threat of enforcement under the Act, the United States bears the burden of proof on each element of each alleged violation of law described.".

SEC. 9. WITHDRAWAL OF THE REGULATIONS AND NOTICE.

(a) IN GENERAL.—The advance notice of proposed rulemaking concerning dietary supplements published in the Federal Register of June 18, 1993 (58 FR 33690–33700), the notices of proposed rulemaking concerning nutrition labeling for dietary supplements and nutrient content claims for dietary supplements published in the Federal Register of June 18, 1993 (58 FR 33715–33731 and 58 FR 33731–33751), and the final rules and notices published in the Federal Register of January 4, 1944 concerning nutrition labeling for dietary supplements and nutrient content claims for dietary supplements (59 FR 354–378 and 378–395) are null and void and of no force or effect insofar as they apply to dietary supplements. Final regulations and notices published in the Federal Register of January 4, 1994 concerning health claims for dietary supplements under the Nutrition Labeling and Education Act of 1990 (59 FR 395–426) shall not be affected by this section and shall remain in effect until 120 days after the date of the submission of the final report of the Commission established under section 11 to the President and to Congress, or 28 months after the date of enactment of this Act, whichever is earlier.

(b) NOTICE OF REVOCATION.—The Secretary of Health and Human Services shall publish notices in the Federal Register to revoke all of the items declared to be null and void and of no force or effect under subsection (a).

(c) ISSUANCE OF REGULATIONS.—Notwithstanding any provision of the Nutrition Labeling and Education Act of 1990—

(1) no regulation is required to be issued pursuant to such Act with respect to dietary supplements of vitamins, minerals, herbs, amino acids, or other similar nutritional substances; and

(2) no regulation that is issued in whole or in part pursuant to such Act shall have any force or effect with respect to any dietary supplement of vitamins, minerals, herbs, amino acids, or other similar nutritional substances unless such regulation is issued pursuant to rulemaking proceedings that are initiated by an advance notice of proposed rulemaking that is published no earlier than 2 years after the date of enactment of this Act, and followed by, at least, a notice of proposed rulemaking prior to issuance of the final regulation, except insofar as the regulation authorizes the use of labeling about calcium, folic acid, or other matters and does not prohibit the use of any labeling.

SEC. 10. DIETARY SUPPLEMENT INGREDIENT LABELING AND NUTRITION INFORMATION LABELING.

(a) MISBRANDED SUPPLEMENTS.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following new paragraph:

"(s) If—

"(1) it is a dietary supplement; and

"(2)(A) the label or labeling of the supplement fails to list—

"(i) the name of each ingredient of the supplement that is described in section 201(ff); and

"(ii)(I) the quantity of each such ingredient; or

"(II) with respect to a proprietary blend of such ingredients, the total quantity of all ingredients in the blend;

"(B) the label or labeling of the dietary supplement fails to identify the product by using the term 'dietary supplement', which term may be modified with the name of such an ingredient;

"(C) the supplement contains an ingredient described in section 201(ff) (1)(C), and the label or labeling of the supplement fails to identify any part of the plant from which the ingredient is derived;

"(D) the supplement—

"(i) is covered by the specifications of an official compendium;

"(ii) is represented as conforming to the specifications of an official compendium; and

"(iii) fails to so conform; or

"(E) the supplement—

"(i) is not covered by the specifications of an official compendium; and

"(ii)(I) fails to have the identity and strength that the supplement is represented to have; or

"(II) fails to meet the quality (including tablet or capsule disintegration), purity, or compositional specifications, based on validated assay or other appropriate methods, that the supplement is represented to meet.".

(b) SUPPLEMENT LISTING ON NUTRITION LABELING.—Section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(1)) is amended by adding at the end the following: "A dietary supplement may bear on the nutrition label or in labeling a listing and quantity of ingredients that have not been deemed essential nutrients by the Secretary if such ingredients are prominently identified as not having been shown to be essential or not having an established daily value.".

(c) DIETARY SUPPLEMENT LABELING EXEMPTIONS.—Section 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by adding at the end the following new clause:

"(H) The labels of dietary supplements shall not be required to bear the nutrition information under subparagraph (1), but shall be required to list immediately above the ingredient listing the amount of nutrients required by the Secretary to be listed pursuant to clause (C), (D) or (E) of subparagraph (1) or clause (A) of subparagraph (2) that are present in significant amounts in the supplement.".

(d) VITAMINS AND MINERALS.—Section 411(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350(b)(2)) is amended—

(1) by striking "vitamins and minerals" and inserting "dietary supplement ingredients described in section 201(ff)";

(2) by striking "(2)(A)" and inserting "(2)"; and

(3) by striking subparagraph (B).

SEC. 11. COMMISSION ON DIETARY SUPPLEMENT LABELS.

(a) ESTABLISHMENT.—There shall be established as an independent agency within the executive branch a commission to be known as the Commission on Dietary Supplement Labels (hereafter in this section referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 7 members who shall be appointed by the President.

(2) EXPERTISE REQUIREMENT.—The members of the Commission shall consist of individuals with expertise and experience in dietary supplements and in the manufacture, regulation, distribution, and use of such supplements. At least three of the members of the Commission shall be qualified by scientific training and experience to evaluate the benefits to health of the use of dietary supplements and one of such three members shall have experience in pharmacognosy, medical botany, traditional herbal medicine, or other related sciences. No member of the Commission shall be biased against dietary supplements.

(c) FUNCTIONS OF THE COMMISSION.—The Commission shall conduct a study on, and provide recommendations for, the regulation of label claims for dietary supplements, including procedures for the evaluation of such claims. In making such recommendations, the Commission shall evaluate how best to provide truthful and nonmisleading information to consumers so that such consumers may make informed health care choices for themselves and their families.

(d) REPORTS AND RECOMMENDATIONS.—

(1) FINAL REPORT REQUIRED.—Not later than 24 months after the date of enactment of this Act, the Commission shall prepare and submit to the President and to the Congress a final report on the study required by this section.

(2) RECOMMENDATIONS.—The report described in paragraph (1) shall contain such recommendations, including recommendations for legislation, as the Commission deems appropriate.

(e) ADMINISTRATIVE POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 12. GOOD MANUFACTURING PRACTICES.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) (as amended by section 4) is further amended by adding at the end the following:

"(g)(1) If it is a dietary supplement and it has been prepared, packed, or held under conditions that do not meet current good manufacturing practice regulations issued by the Secretary under subparagraph (2).

"(2) The Secretary may by regulation prescribe good manufacturing practices for dietary supplements. Such regulations shall be modeled after current good manufacturing practice regulations for food and may not impose standards for which there is no current and generally available analytical methodology. No standard of current good manufacturing practice may be imposed unless such standard is included in a regulation promulgated after notice and opportunity for comment in accordance with the Administrative Procedure Act.".

SEC. 13. OFFICE OF DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Title IV of the Public Health Service Act is amended by inserting after section 486 (42 U.S.C. 287c-3) the following:

"Subpart 4—Office of Dietary Supplements

"SEC. 486E. DIETARY SUPPLEMENTS.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Dietary Supplements within the National Institutes of Health.

"(b) PURPOSE.—The purposes of the Office are—

"(1) to explore more fully the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

"(2) to promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

"(c) DUTIES.—The Director of the Office of Dietary Supplements shall—

"(1) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

"(2) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or the Office of Alternative Medical Practice;

"(3) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health, and to provide advice to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs, on issues relating to dietary supplements including—

"(A) dietary intake regulations;

"(B) the safety of dietary supplements;

"(C) claims characterizing the relationship between—

"(i) dietary supplements; and

"(ii)(I) prevention of disease or other health-related conditions; and

"(II) maintenance of health; and

"(D) scientific issues arising in connection with the labeling and composition of dietary supplements;

"(4) compile a database of scientific research on dietary supplements and individual nutrients; and

"(5) coordinate funding relating to dietary supplements for the National Institutes of Health.

"(d) DEFINITION.—As used in this section, the term 'dietary supplement' has the meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1994 and such sums as may be necessary for each subsequent fiscal year.".

(b) CONFORMING AMENDMENT.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

"(E) The Office of Dietary Supplements.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer an amendment in the nature of a substitute:

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. WAXMAN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dietary Supplement Health and Education Act of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Safety of dietary supplements and burden of proof on FDA.
Sec. 5. Dietary supplement claims.
Sec. 6. Statements of nutritional support.
Sec. 7. Dietary supplement ingredient labeling and nutrition information labeling.
Sec. 8. New dietary ingredients.
Sec. 9. Good manufacturing practices.
Sec. 10. Conforming amendments.
Sec. 11. Withdrawal of the regulations and notice.
Sec. 12. Commission on dietary supplement labels.
Sec. 13. Office of dietary supplements.

SEC. 2. FINDINGS.

Congress finds that—

(1) improving the health status of United States citizens ranks at the top of the national priorities of the Federal Government;

(2) the importance of nutrition and the benefits of dietary supplements to health promotion and disease prevention have been documented increasingly in scientific studies;

(3)(A) there is a link between the ingestion of certain nutrients or dietary supplements and the prevention of chronic diseases such as cancer, heart disease, and osteoporosis; and

(B) clinical research has shown that several chronic diseases can be prevented simply with a healthful diet, such as a diet that is low in fat, saturated fat, cholesterol, and sodium, with a high proportion of plant-based foods;

(4) healthful diets may mitigate the need for expensive medical procedures, such as coronary bypass surgery or angioplasty;

(5) preventive health measures, including education, good nutrition, and appropriate use of safe nutritional supplements will limit the incidence of chronic diseases, and reduce long-term health care expenditures;

(6)(A) promotion of good health and healthy lifestyles improves and extends lives while reducing health care expenditures; and

(B) reduction in health care expenditures is of paramount importance to the future of the country and the economic well-being of the country;

(7) there is a growing need for emphasis on the dissemination of information linking nutrition and long-term good health;

(8) consumers should be empowered to make choices about preventive health care programs based on data from scientific studies of health benefits related to particular dietary supplements;

(9) national surveys have revealed that almost 50 percent of the 260,000,000 Americans regularly consume dietary supplements of vitamins, minerals, or herbs as a means of improving their nutrition;

(10) studies indicate that consumers are placing increased reliance on the use of nontraditional health care providers to avoid the excessive costs of traditional medical services and to obtain more holistic consideration of their needs;

(11) the United States will spend over $1,000,000,000,000 on health care in 1994, which is about 12 percent of the Gross National Product of the United States, and this amount and percentage will continue to increase unless significant efforts are undertaken to reverse the increase;

(12)(A) the nutritional supplement industry is an integral part of the economy of the United States;

(B) the industry consistently projects a positive trade balance; and

(C) the estimated 600 dietary supplement manufacturers in the United States produce approximately 4,000 products, with total annual sales of such products alone reaching at least $4,000,000,000;

(13) although the Federal Government should take swift action against products that are unsafe or adulterated, the Federal Government should not take any actions to impose unreasonable regulatory barriers limiting or slowing the flow of safe products and accurate information to consumers;

(14) dietary supplements are safe within a broad range of intake, and safety problems with the supplements are relatively rare; and

(15)(A) legislative action that protects the right of access of consumers to safe dietary supplements is necessary in order to promote wellness; and

(B) a rational Federal framework must be established to supersede the current ad hoc, patchwork regulatory policy on dietary supplements.

SEC. 3. DEFINITIONS.

(a) DEFINITION OF CERTAIN FOODS AS DIETARY SUPPLEMENTS.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ff) The term 'dietary supplement'—

"(1) means a product (other than tobacco) intended to supplement the diet that bears or contains one or more of the following dietary ingredients:

"(A) a vitamin;

"(B) a mineral;

"(C) an herb or other botanical;

"(D) an amino acid;

"(E) a dietary substance for use by man to supplement the diet by increasing the total dietary intake; or

"(F) a concentrate, metabolite, constituent, extract, or combination of any ingredient described in clause (A), (B), (C), (D), or (E);

"(2) means a product that—

"(A)(i) is intended for ingestion in a form described in section 411(c)(1)(B)(i); or

"(ii) complies with section 411(c)(1)(B)(ii); and

"(B) is not represented for use as a conventional food or as a sole item of a meal or the diet; and

"(C) is labeled as a dietary supplement; and

(3) does—

"(A) include an article that is approved as a new drug under section 505, certified as an antibiotic under section 507, or licensed as a biologic under section 351 of the Public Health Service Act (42 U.S.C. 262) and was, prior to such approval, certification, or license, marketed as a dietary supplement or as a food unless the Secretary has issued a regulation, after notice and comment, finding that the article, when used as or in a dietary supplement under the conditions of use and dosages set forth in the labeling for such dietary supplement, is unlawful under section 402(f); and

"(B) not include—

"(i) an article that is approved as a new drug under section 505, certified as an antibiotic under section 507, or licensed as a biologic under section 351 of the Public Health Service Act (42 U.S.C. 262), or

"(ii) an article authorized for investigation as a new drug, antibiotic, or biological for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public,

which was not before such approval, certification, licensing, or authorization marketed as a dietary supplement or as a food unless the Secretary, in the Secretary's discretion, has issued a regulation, after notice and comment, finding that the article would be lawful under this Act.

Except for purposes of section 201(g), a dietary supplement shall be deemed to be a food within the meaning of this Act.".

(b) EXCLUSION FROM DEFINITION OF FOOD ADDITIVE.—Section 201(s) (21 U.S.C. 321(s)) is amended—

(1) by striking "or" at the end of subparagraph (4);

(2) by striking the period at the end of subparagraph (5) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(6) an ingredient described in paragraph (ff) in, or intended for use in, a dietary supplement.".

(c) FORM OF INGESTION.—Section 411(c)(1)(B) (21 U.S.C. 350(c)(1)(B)) is amended—

(1) in clause (i), by inserting "powder, softgel, gelcap," after "capsule,"; and

(2) in clause (ii), by striking "does not simulate and".

SEC. 4. SAFETY OF DIETARY SUPPLEMENTS AND BURDEN OF PROOF ON FDA.

Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

"(f)(1) If it is a dietary supplement or contains a dietary ingredient that—

"(A) presents a significant or unreasonable risk of illness or injury under—

"(i) conditions of use recommended or suggested in labeling, or

"(ii) if no conditions of use are suggested or recommended in the labeling, under ordinary conditions of use;

"(B) is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury;

"(C) the Secretary declares to pose an imminent hazard to public health or safety, except that the authority to make such declaration shall not be delegated and the Secretary shall promptly after such a declaration initiate a proceeding in accordance with

sections 554 and 556 of title 5, United States Code, to affirm or withdraw the declaration; or

"(D) is or contains a dietary ingredient that renders it adulterated under paragraph (a)(1) under the conditions of use recommended or suggested in the labeling of such dietary supplement.

In any proceeding under this subparagraph, the United States shall bear the burden of proof on each element to show that a dietary supplement is adulterated. The court shall decide any issue under this paragraph on a de novo basis.

"(2) Before the Secretary may report to a United States attorney a violation of paragraph (1)(A) for a civil proceeding, the person against whom such proceeding would be initiated shall be given appropriate notice and the opportunity to present views, orally and in writing, at least 10 days before such notice, with regard to such proceeding.".

SEC. 5. DIETARY SUPPLEMENT CLAIMS.

Chapter IV (21 U.S.C. 341 et seq.) is amended by inserting after section 403A the following new section:

"DIETARY SUPPLEMENT LABELING EXEMPTIONS

"SEC. 403B. (a) IN GENERAL.—A publication, including an article, a chapter in a book, or an official abstract of a peer-reviewed scientific publication that appears in an article and was prepared by the author or the editors of the publication, which is reprinted in its entirety, shall not be defined as labeling when used in connection with the sale of a dietary supplement to consumers when it—

"(1) is not false or misleading;

"(2) does not promote a particular manufacturer or brand of a dietary supplement;

"(3) is displayed or presented, or is displayed or presented with other such items on the same subject matter, so as to present a balanced view of the available scientific information on a dietary supplement;

"(4) if displayed in an establishment, is physically separate from the dietary supplements; and

"(5) does not have appended to it any information by sticker or any other method.

"(b) APPLICATION.—Subsection (a) shall not apply to or restrict a retailer or wholesaler of dietary supplements in any way whatsoever in the sale of books or other publications as a part of the business of such retailer or wholesaler.

"(c) BURDEN OF PROOF.—In any proceeding brought under subsection (a), the burden of proof shall be on the United States to establish that an article or other such matter is false or misleading.".

SEC. 6. STATEMENTS OF NUTRITIONAL SUPPORT.

Section 403(r) (21 U.S.C. 343(r)) is amended by adding at the end the following:

"(6) For purposes of paragraph (r)(1)(B), a statement for a dietary supplement may be made if—

"(A) the statement claims a benefit related to a classical nutrient deficiency disease and discloses the prevalence of such disease in the United States, describes the role of a nutrient or dietary ingredient intended to affect the structure or function in humans, characterizes the documented mechanism by which a nutrient or dietary ingredient acts to maintain such structure or function, or describes general well-being from consumption of a nutrient or dietary ingredient,

"(B) the manufacturer of the dietary supplement has substantiation that such statement is truthful and not misleading, and

"(C) the statement contains, prominently displayed and in boldface type, the following: 'This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.'.

A statement under this subparagraph may not claim to diagnose, mitigate, treat, cure, or prevent a specific disease or class of diseases. If the manufacturer of a dietary supplement proposes to make a statement described in the first sentence of this subparagraph in the labeling of the dietary supplement, the manufacturer shall notify the Secretary no later than 30 days after the first marketing of the dietary supplement with such statement that such a statement is being made.".

SEC. 7. DIETARY SUPPLEMENT INGREDIENT LABELING AND NUTRITION INFORMATION LABELING.

(a) MISBRANDED SUPPLEMENTS.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

"(s) If—

"(1) it is a dietary supplement; and

"(2)(A) the label or labeling of the supplement fails to list—

"(i) the name of each ingredient of the supplement that is described in section 201(ff); and

"(ii)(I) the quantity of each such ingredient; or

"(II) with respect to a proprietary blend of such ingredients, the total quantity of all ingredients in the blend;

"(B) the label or labeling of the dietary supplement fails to identify the product by using the term 'dietary supplement', which term may be modified with the name of such an ingredient;

"(C) the supplement contains an ingredient described in section 201(ff)(1)(C), and the label or labeling of the supplement fails to identify any part of the plant from which the ingredient is derived;

"(D) the supplement—

"(i) is covered by the specifications of an official compendium;

"(ii) is represented as conforming to the specifications of an official compendium; and

"(iii) fails to so conform; or

"(E) the supplement—

"(i) is not covered by the specifications of an official compendium; and

"(ii)(I) fails to have the identity and strength that the supplement is represented to have; or

"(II) fails to meet the quality (including tablet or capsule disintegration), purity, or compositional specifications, based on validated assay or other appropriate methods, that the supplement is represented to meet.".

(b) SUPPLEMENT LISTING ON NUTRITION LABELING.—Section 403(q)(5)(F) (21 U.S.C. 343(q)(5)(F)) is amended to read as follows:

"(F) A dietary supplement product (including a food to which section 411 applies) shall comply with the requirements of subparagraphs (1) and (2) in a manner which is appropriate for the product and which is specified in regulations of the Secretary which shall provide that—

"(i) nutrition information shall first list those dietary ingredients that are present in the product in a significant amount and for which a recommendation for daily consumption has been established by the Secretary, except that a dietary ingredient shall not be required to be listed if it is not present in a significant amount, and shall list any other dietary ingredient present and identified as having no such recommendation;

"(ii) the listing of dietary ingredients shall include the quantity of each such ingredient (or of a proprietary blend of such ingredients) per serving;

"(iii) the listing of dietary ingredients may include the source of a dietary ingredient; and

"(iv) the nutrition information shall immediately precede the ingredient information required under subclause (i), except that no ingredient identified pursuant to subclause (i) shall be required to be identified a second time.".

(c) PERCENTAGE LEVEL CLAIMS.—Section 403(r)(2) (21 U.S.C. 343(r)(2)) is amended by adding after clause (E) the following:

"(F) Subclause (i) clause (A) does not apply to a statement in the labeling of a dietary supplement that characterizes the percentage level of a dietary ingredient for which the Secretary has not established a reference daily intake, daily recommended value, or other recommendation for daily consumption."

(d) VITAMINS AND MINERALS.—Section 411(b)(2) (21 U.S.C. 350(b)(2)) is amended—

(1) by striking "vitamins or minerals" and inserting "dietary supplement ingredients described in section 201(ff)";

(2) by striking "(2)(A)" and inserting "(2)"; and

(3) by striking subparagraph (B).

(e) EFFECTIVE DATE.—Dietary supplements—

(1) may be labeled after the date of the enactment of this Act in accordance with the amendments made by this section, and

(2) shall be labeled after December 31, 1996, in accordance with such amendments.

SEC. 8. NEW DIETARY INGREDIENTS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following:

"NEW DIETARY INGREDIENTS

"SEC. 413. (a) IN GENERAL.—A dietary supplement which contains a new dietary ingredient shall be deemed adulterated under section 402(f) unless it meets one of the following requirements:

"(1) The dietary supplement contains only dietary ingredients which have been present in the food supply as an article used for food in a form in which the food has not been chemically altered.

"(2) There is a history of use or other evidence of safety establishing that the dietary ingredient when used under the conditions recommended or suggested in the labeling of the dietary supplement will reasonably be expected to be safe and, at least 75 days before being introduced or delivered for introduction into interstate commerce, the manufacturer or distributor of the dietary ingredient or dietary supplement provides the Secretary with information, including any citation to published articles, which is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such dietary ingredient will reasonably be expected to be safe.

The Secretary shall keep confidential any information provided under paragraph (2) for 90 days following its receipt. After the expiration of such 90 days, the Secretary shall place such information on public display, except matters in the information which are trade secrets or otherwise confidential, commercial information.

"(b) PETITION.—Any person may file with the Secretary a petition proposing the issuance of an order prescribing the conditions under which a new dietary ingredient under its intended conditions of use will reasonably be expected to be safe. The Secretary shall make a decision on such petition within 180 days of the date the petition is filed with the Secretary. For purposes of chapter 7 of title

5, United States Code, the decision of the Secretary shall be considered final agency action.

"(c) DEFINITION.—For purposes of this section, the term 'new dietary ingredient' means a dietary ingredient that was not marketed in the United States before October 15, 1994 and does not include any dietary ingredient which was marketed in the United States before October 15, 1994.".

SEC. 9. GOOD MANUFACTURING PRACTICES.

Section 402 (21 U.S.C. 342), as amended by section 4, is amended by adding at the end the following:

"(g)(1) If it is a dietary supplement and it has been prepared, packed, or held under conditions that do not meet current good manufacturing practice regulations, including regulations requiring, when necessary, expiration date labeling, issued by the Secretary under subparagraph (2).

"(2) The Secretary may by regulation prescribe good manufacturing practices for dietary supplements. Such regulations shall be modeled after current good manufacturing practice regulations for food and may not impose standards for which there is no current and generally available analytical methodology. No standard of current good manufacturing practice may be imposed unless such standard is included in a regulation promulgated after notice and opportunity for comment in accordance with chapter 5 of title 5, United States Code.".

SEC. 10. CONFORMING AMENDMENTS.

(a) SECTION 201.—The last sentence of section 201(g)(1) (21 U.S.C. 321(g)(1)) is amended to read as follows: "A food or dietary supplement for which a claim, subject to sections 403(r)(1)(B) and 403(r)(3) or sections 403(r)(1)(B) and 403(r)(5)(D), is made in accordance with the requirements of section 403(r) is not a drug solely because the label or the labeling contains such a claim. A food, dietary ingredient, or dietary supplement for which a truthful and not misleading statement is made in accordance with section 403(r)(6) is not a drug under clause (C) solely because the label or the labeling contains such a statement.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(u) The introduction or delivery for introduction into interstate commerce of a dietary supplement that is unsafe under section 413.".

(c) SECTION 403.—Section 403 (21 U.S.C. 343), as amended by section 7, is amended by adding after paragraph (s) the following:

"A dietary supplement shall not be deemed misbranded solely because its label or labeling contains directions or conditions of use or warnings.".

SEC. 11. WITHDRAWAL OF THE REGULATIONS AND NOTICE.

The advance notice of proposed rulemaking concerning dietary supplements published in the Federal Register of June 18, 1993 (58 FR 33690-33700) is null and void and of no force or effect insofar as it applies to dietary supplements. The Secretary of Health and Human Services shall publish a notice in the Federal Register to revoke the item declared to be null and void and of no force or effect under subsection (a).

SEC. 12. COMMISSION ON DIETARY SUPPLEMENT LABELS.

(a) ESTABLISHMENT.—There shall be established as an independent agency within the executive branch a commission to be known as the Commission on Dietary Supplement Labels (hereafter in this section referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 7 members who shall be appointed by the President.

(2) EXPERTISE REQUIREMENT.—The members of the Commission shall consist of individuals with expertise and experience in dietary supplements and in the manufacture, regulation, distribution, and use of such supplements. At least three of the members of the Commission shall be qualified by scientific training and experience to evaluate the benefits to health of the use of dietary supplements and one of such three members shall have experience in pharmacognosy, medical botany, traditional herbal medicine, or other related sciences. Members and staff of the Commission shall be without bias on the issue of dietary supplements.

(c) FUNCTIONS OF THE COMMISSION.—The Commission shall conduct a study on, and provide recommendations for, the regulation of label claims and statements for dietary supplements, including the use of literature in connection with the sale of dietary supplements and procedures for the evaluation of such claims. In making such recommendations, the Commission shall evaluate how best to provide truthful, scientifically valid, and not misleading information to consumers so that such consumers may make informed and appropriate health care choices for themselves and their families.

(d) ADMINISTRATIVE POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may necessary to carry out this section.

(e) REPORTS AND RECOMMENDATIONS.—

(1) FINAL REPORT REQUIRED.—Not later than 24 months after the date of enactment of this Act, the Commission shall prepare and submit to the President and to the Congress a final report on the study required by this section.

(2) RECOMMENDATIONS.—The report described in paragraph (1) shall contain such recommendations, including recommendations for legislation, as the Commission deems appropriate.

(3) ACTION ON RECOMMENDATIONS.—Within 90 days of the issuance of the report under paragraph (1), the Secretary of Health and Human Services shall publish in the Federal Register a notice of any recommendation of Commission for changes in regulations of the Secretary for the regulation of dietary supplements and shall include in such notice a notice of proposed rulemaking on such changes together with an opportunity to present views on such changes. Such rulemaking shall be completed not later than 2 years after the date of the issuance of such report. If such rulemaking is not completed on or before the expiration of such 2 years, regulations of the Secretary published in 59 F.R. 395-426 on January 4, 1994, shall not be in effect.

SEC. 13. OFFICE OF DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Title IV of the Public Health Service Act is amended by inserting after section 485B (42 U.S.C. 287c-3) the following:

"Subpart 4—Office of Dietary Supplements

"SEC. 485C. DIETARY SUPPLEMENTS.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Dietary Supplements within the National Institutes of Health.

"(b) PURPOSE.—The purposes of the Office are—

"(1) to explore more fully the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

"(2) to promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

"(c) DUTIES.—The Director of the Office of Dietary Supplements shall—

"(1) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

"(2) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or the Office of Alternative Medicine;

"(3) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health and provide advice to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs on issues relating to dietary supplements including—

"(A) dietary intake regulations;

"(B) the safety of dietary supplements;

"(C) claims characterizing the relationship between—

"(i) dietary supplements; and

"(ii)(I) prevention of disease or other health-related conditions; and

"(II) maintenance of health; and

"(D) scientific issues arising in connection with the labeling and composition of dietary supplements;

"(4) compile a database of scientific research on dietary supplements and individual nutrients; and

"(5) coordinate funding relating to dietary supplements for the National Institutes of Health.

"(d) DEFINITION.—As used in this section, the term 'dietary supplement' has the meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1994 and such sums as may be necessary for each subsequent fiscal year.".

(b) CONFORMING AMENDMENT.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

"(E) The Office of Dietary Supplements.".

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] is recognized for 1 hour.

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

There is no Member who is not aware of the issues addressed by this bill. We have all heard from constituents who are concerned about the regulation of dietary supplements.

I am pleased to announce that an agreement has been reached on dietary supplement legislation. This legislation will assure consumers access to all supplements on the market so long as they are not unsafe. It will allow manufacturers to distribute certain scientific publications and make certain statements about supplements if those publications and statements are not false and misleading.

The legislation also provides for a Presidential commission that will study a number of contentious issues pertaining to claims that can be made for supplements and the application of the Nutrition Labeling and Education Act to supplements. During the commission's consideration of these issues, the NLEA will remain in effect for supplements.

Mr. Speaker, this bill resolves an extremely contentious issue. Many members deserve credit for this compromise. In particular, I would like to acknowledge the chairman of my committee, Mr. DINGELL, as well as the lead sponsor of the House bill, Mr. RICHARDSON, and Mr. GALLEGLY who sponsored a similar bill. Mr. BLILEY and Mr. MOORHEAD were of great assistance. Senators HATCH, HARKIN, and KENNEDY also had enormous influence on the bill.

I would also like to acknowledge the untiring and skillful staff work of Kay Holcombe of the committee staff, as well as the important contribution made by Mary McGrane, counsel for the minority on our committee, and Melody Harned for the minority, as well as John Lewis of Mr. RICHARDSON's staff. David Meade, the House Legislative Counsel, was, as always, a superb draftsman who was available whenever we needed him.

Finally, the chief sponsors of the bill from both Chambers have agreed that the only legislative history for this legislation will be a statement of agreement that I ask be included in the RECORD immediately after this statement.

Mr. Speaker, I know of no opposition to the bill and I urge it be adopted by unanimous consent.

STATEMENT OF AGREEMENT

This statement comprises the entire legislative history for the Dietary Supplement Health and Education Act of 1994, S. 784. It is the intent of the chief sponsors of the bill (Senators HATCH, HARKIN and KENNEDY, and Congressmen RICHARDSON, BLILEY, MOORHEAD, GALLEGLY, DINGELL, WAXMAN) that no other reports or statements be considered as legislative history for the bill.

1. The bill does not affect the Food and Drug Administration's ("FDA's") existing authority under the Federal Food, Drug and Cosmetic Act to prohibit the import or sale of any product marketed as a drug in a foreign country.

2. In section 201(ff)(3)(B)(ii), added by section 3 of the bill, the term "substantial clinical investigations" does not include compassionate investigational new drug applications or an investigational new drug application submitted by a physical for a single patient.

3. Section 403B, added by section 5, does not apply to a summary of a publication other than an official abstract of a peer-reviewed scientific publication.

4. Section 403(r)(6)(A), added by section 6, does not permit premarket approval or require premarket review by the FDA of any statement permitted under that provision.

5. In section 413(a)(1), added by section 8, the term "chemically altered" does not include the following physical modifications: minor loss of volatile components, dehydration, lyophlization, milling, tincture or solution in water, slurry, powder, or solid in suspension.

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

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

Mr. MOORHEAD. Mr. Speaker, I support enactment of this legislation. I certainly wish to commend all of the people who the gentleman from California has listed, those that have participated.

This legislation is the result of long hours of negotiations over a number of days, and certainly the gentleman from New Mexico has worked extremely hard to get this legislation. I know in my own district I have gotten hundreds of letters from people badly wanting this bill passed.

I am happy at this late moment in this Congress we are able to be successful and bring this bill before the House.

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

Mr. WAXMAN. Mr. Speaker, no Member has worked more tirelessly for this legislation than has the lead sponsor in the House of Representatives, the gentleman from New Mexico [Mr. RICHARDSON], and I am happy to yield to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in full support of this amendment, which represents a historic agreement on the Dietary Supplements Health and Education Act.

Guaranteeing access to dietary supplements and information about them started with the introduction of my bill, H.R. 1709, the Dietary Supplement Health and Education Act of 1993.

Two hundred sixty-two cosponsors in the House and 66 cosponsors in the Senate listened intently to the thousands of calls, letters, and personal messages urging Congress to act. I want to thank each and every one of those cosponsors for their support.

This agreement is a big victory for consumers of supplements. It guarantees access to safe supplements now and in the future.

This agreement contains a very clear definition of dietary supplements.

It ensures that people who want to learn more about the benefits of supplements can do so through literature and labeling.

This agreement creates a commission to study health claims and other means of communicating information to consumers about supplements.

This agreement will also encourage the advancement of research about the relationship between nutrients and diseases through the creation of the Office of Dietary Supplements.

And there are good manufacturing practices included in this amendment to ensure high-quality products for consumers.

This is an agreement that we can all be proud of. This has been a long and difficult road to meeting the concerns of all those involved, but we have done it.

I would like to thank Chairman WAXMAN and Chairman DINGELL for all the time and energy that they put into this. I appreciate your efforts and the work of your staffs.

My sincere thanks to our ranking minority members, Representatives BLILEY and MOORHEAD, and their staffs for their fine work, especially John Lewis, my staff, Kay Holcomb, Mr. DINGELL's staff, Bill Schultz, and Tricia Knight of Senator HATCH's staff, and Mary Magraine of Mr. MOORHEAD's staff.

I would also like to extend my thanks to Representative GALLEGLY for his work on pushing this issue to the forefront.

Finally, I would like to extend my great appreciation to Senator ORRIN HATCH of Utah for championing this cause in the Senate. He is truly the king of vitamins. His staff has also done a tremendous job.

And I would be forgetting something very important if I did not thank the grassroots groups for helping to bring us to this resolution. Citizens for Health, the Nutrition Health Alliance, and the Natural Nutritional Foods Association are just a few of the groups who deserve a great deal of credit.

This is a great victory for the more than 100 million Americans who use these products and I am proud to be part of it.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. WAXMAN].

The amendment in the nature of a substitute was agreed to.

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

A motion to reconsider was laid on the table.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and the Committee on Ways and Means.

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1993, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *Oct. 6, 1994.*

MODIFICATION OF MORATORIUM ON ISSUANCE OF CERTIFICATES OF OPERATING AUTHORITY TO MEXICAN OWNED OR CONTROLLED MOTOR CARRIERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-323)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation and ordered to be printed:

To the Congress of the United States:

In November 1993, in preparation for the implementation of the North American Free Trade Agreement [NAFTA] on January 1, 1994, I informed the Congress of my intent to modify the moratorium on the issuance of certificates of operating authority to Mexican owned or controlled motor carriers that was imposed by the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10922(*1*)(2)(A)). The modification applied to Mexican charter and tour bus operations. At that time, I also informed the Congress that I would be notifying it of additional modifications to the moratorium with respect to Mexican operations as we continued to implement NAFTA's transportation provisions. In this regard, it is now my intention to further modify the moratorium to allow Mexican small package delivery services to operate in the United States provided that Mexico implements its NAFTA obligation to provide national treatment to U.S. small package delivery companies.

Prior to its implementation of the NAFTA, Mexico limited foreign-owned small package delivery services, such as that offered by United Parcel Service and Federal Express, to trucks approximately the size of a minivan. This made intercity service impractical and effectively limited small-package delivery companies to intracity service only. Mexico has no similar restriction on the size of trucks used by Mexican small package delivery services. Because Mexico did not take a reservation in this area, the NAFTA obligates Mexico to extend national treatment to U.S. small package and messenger service companies. Mexico must allow U.S. small package delivery services to use the same size trucks that Mexican small package delivery companies are permitted to use.

Mexico, earlier this year, enacted legislation that addresses the small package delivery issue. Amendments to the *Law on Roads, Bridges, and Federal Motor Carriers* authorize parcel delivery and messenger services to operate without restriction so long as they obtain a permit from the Secretariat of Communications and Transportation and direct that such permits be granted in a timely fashion. The law includes no restrictions on the size and weight of parcels nor on the dimensions of the vehicles that small package delivery services will be permitted to use.

At the North American Transportation Summit hosted by the United States on April 29, 1994, Mexico's Secretary of Communications and Transportation Emilio Gamboa reaffirmed his government's commitment to permit unrestricted operations by foreign-owned providers of small package delivery services in Mexico. In return, even though the United States does not have a similar obligation under the NAFTA, Secretary of Transportation Federico Peña stated the United States Government's intention to grant Mexican small package delivery service companies reciprocal operating rights in the United States by modifying the moratorium imposed by the Bus Regulatory Reform Act. Mexico and the United States agreed to establish a joint working group to specify the details of this arrangement by September 1, 1994.

The U.S. small package delivery service industry is supportive of United States Government efforts to eliminate Mexico's restrictions on small package delivery operations. Provided Mexico implements its NAFTA obligation to extend national treatment to U.S. small package delivery companies, the U.S. industry would not object to a modification of the moratorium that would provide Mexican small package delivery companies reciprocal treatment in the United States.

Provided that Mexico meets its NAFTA-imposed national treatment obligation to allow U.S.-owned small package delivery services unrestricted operations, I intend, pursuant to section 6 of the Bus Regulatory Reform Act, to modify the moratorium imposed by that section to permit Mexican small package delivery services to operate in the United States in exactly the same manner and to exactly the same extent that U.S. small package delivery services will be permitted to operate in Mexico. The Bus Regulatory Reform Act requires 60 days' advance notice to the Congress of my intention to modify or remove the moratorium. With this message, I am providing the advance notice so required.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *Oct. 6, 1994.*

REMOVAL OF NAME OF MEMBER AS A COSPONSOR OF HOUSE JOINT RESOLUTION 415

Mr. WALKER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Joint Resolution 415.

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

There was no objection.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to enter into the RECORD special orders relating to the retirement of Members.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS A COSPONSOR OF H.R. 3392

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3392.

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

There was no objection.

□ 0300

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PETERSON of Florida). As it is beyond the hour of midnight, under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each for insertions into the RECORD.

TRIBUTE TO ROY ROWLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I rise today to join my colleagues in recognizing my friend from Georgia, ROY ROWLAND.

It has been a distinct honor and privilege to have served in the House of

Representatives with Dr. ROWLAND and to have learned from him over the years. He brought a special contribution to every debate, particularly the recent health care debate, for which he was so qualified. His work to enact a bipartisan health care bill speaks for his entire career in the House. He put the best interest of every American ahead of partisan politics and did what was right.

Dr. ROWLAND can go back to Dublin, GA, proud of the work he has done here in Congress, and I know my colleagues from Georgia will continue to call on him for advice.

I wish only the best to both Dr. ROWLAND and his wife, Luella. He will be sorely missed by every Georgian and every Member of this body.

Mr. STUMP. Mr. Speaker, I rise today before the House of Representatives to pay tribute to one of this Chamber's most distinguished Members, Representative J. ROY ROWLAND of Dublin, GA, a statesman, a great personal friend, a physician, and a tireless advocate of America's veterans.

I have had the distinct pleasure of serving with Dr. ROWLAND in this great body since his first election to Congress in 1982 and for 12 years as a member of the Veterans, Affairs Committee of which I am the ranking minority member. Mr. ROWLAND was elected chairman of the Subcommittee on Hospitals and Health Care of the Veterans, Affairs Committee in 1992 and has distinguished himself in that position as the guiding force in efforts to reform veterans' health care and ensure that quality and compassion remain the keystones of the Nation's obligation to the men and women who have proudly served this country.

Dr. ROWLAND made history as the only physician serving in Congress from 1985 through 1988. Born in Wrightsville, GA on February 3, 1926, ROY decided at the age of 12 to follow in the footsteps of his great grandfather and great uncle and chose medicine as a career. He graduated from the Medical College of Georgia in 1952 and distinguished himself in the field of family practice medicine. In 1991 he was honored by the American Medical Association as the recipient of the Nathan Davis Award in recognition of his national contributions to U.S. medicine.

Dr. ROWLAND is a remarkable public servant. His love of medicine and his role as healer have had an impact far beyond traditional medical practice. ROY played a leadership role on controversial AIDS legislation. As a member of the Veterans, Affairs Committee, he introduced legislation calling for the creation of a national AIDS advisory commission and was instrumental in the fight to develop a national policy on the care and treatment of this deadly disease. His prophetic statement that "the AIDS virus does not stop at state boundary lines. It is a national problem and we need a national strategy," served to redirect and refocus the national debate on AIDS and precipitated the coordination and efficient administration of programs developed to fight this disease.

As the chairman of the Subcommittee on Hospitals and Health Care, Dr. ROWLAND made an incalculable contribution to the improvement of the veterans' health care system. He cosponsored legislation to increase compensation to VA nurses and to provide disability assistance to veterans racked by the mysterious yet debilitating Persian Gulf Syndrome. He was also in the forefront of providing disability benefits for those veterans suffering from radiation related illnesses. Perhaps, Dr. ROWLAND's most significant contribution is yet to be realized. It is his role in steering the VA toward full participation in emerging health care markets and as a player in a nationally reformed health care system.

Dr. ROWLAND's impact on the Nation's medical system can be traced in many areas, including women and children, and from the youngest to the oldest of our citizens. He served as the vice chairman of the Sunbelt Caucus Task Force on Infant Mortality and on the House Rural Health Care Coalition. As a leader of this coalition, he helped to draft and co-sponsor a wide range of legislation to improve the delivery of rural health care and measures to increase Medicare reimbursements for rural hospitals and to establish new incentives to attract health care professionals to underserved areas. He has introduced legislation to help older citizens obtain long-term care insurance and has cosponsored several measures to provide prenatal and child health care services to high-risk mothers.

Dr. ROWLAND has made lifelong contributions to the betterment of the environment, budget reduction, drug abuse, and to addressing the problems of community and infrastructure development. He has long supported a capital gains tax rate to help the timber and economic interests of south Georgia and has worked tirelessly to improve U.S. competitiveness with foreign countries through tort reform.

The Congress and the American people have been enriched through the dedicated public service of Dr. ROWLAND. In the words of Hippocrates, the Father of Medicine, "If I keep this oath faithfully, may I enjoy my life and practice my art, respected by all men and in all times." This is indeed a true reflection of Dr. ROWLAND, physician, public servant, and a man of the people.

I am proud to have had the opportunity to serve with him and ask my colleagues to join with me in thanking him for his great service to his country.

Mrs. FOWLER. Mr. Speaker, I rise this evening to pay tribute to someone I admire greatly, my good friend ROY ROWLAND, who will be retiring at the end of this Congress.

I have had the good fortune to know Congressman ROWLAND for many years because of his close and longstanding relationship with my family. He is a fellow Emory graduate, he served with my father in the Georgia legislature, and he represented my hometown of Milledgeville here in the House with a great deal of hard work and commitment.

For all these reasons, it has been a special pleasure for me to work with Congressman ROWLAND. But I can honestly say that even if I had never met him before coming to Congress, I would still hold him in the same high esteem, because he is a true southern gentleman. His kindness and good nature are legendary; his word is his bond; and he always gives a hundred and one percent to the task at hand.

As a physician, Congressman ROWLAND is especially knowledgeable about health care, and he has been a leader on issues such as rural health, infant mortality and veterans health. He also authored the legislation which created the National AIDS Commission. And everyone here is familiar with his impressive work on this year's health care debate in Congress. However, the Rowland-Bilirakis Health Care Plan is just the most recent entry in an impressive ledger of legislative achievement which includes work on such diverse issues as defense, transportation and the environment.

ROY ROWLAND is a man of character, courage and compassion, and I am proud to call him my friend. I join his many other friends and admirers on both sides of the aisle in wishing him the very best as he moves on to his next challenge. He will be greatly missed by everyone here on Capitol Hill, and by the people he has served so well.

Mr. JOHNSON of Georgia. Mr. Speaker, I am pleased to take this opportunity to pay tribute to the dean of the Georgia delegation, Dr. J. ROY ROWLAND, as he concludes his 12 years of service to the people of his district, the State of Georgia, and the Nation.

On a personal level, I have found many opportunities during my freshman term to turn to Dr. ROWLAND for guidance. As we all know, this is a unique institution. My 6 years in the Georgia State Senate were of some help as I began to negotiate the intricacies of the legislative process, but I often found myself in need of guidance, direction, explanation or just plain help. ROY ROWLAND was many times the person who offered that help.

Last summer, he honored my constituency by holding a field hearing of his committee on veterans hospitals and health care in my district. The topic of the hearing was the working relationship between the Eisenhower Army Medical Center, located at Fort Gordon in Augusta, GA, and the Veterans Hospital and the Medical College of Georgia. These three facilities are an invaluable medical resource not only for the 10th district but for the entire southeastern United States, and I want to thank ROY again for holding that hearing. I believe it successfully highlighted the advancements that have been made in medical care by sharing and integrating the resources of each facility with the other through technology.

On a broader level, Dr. ROWLAND has shown true leadership in the area of health care. While partisan interests played to the media and the public's fears, Dr. ROWLAND worked very hard, but quietly, to develop a plan to reform our Nation's health care system. He sought a plan that, first and foremost, solved the problems of access and equity. He sought a plan that could be supported by Members of both parties, a goal too often neglected in this House. And he sought a plan that responded to the people's desire to see improvements without more Government.

Though health care reform is dead for this session, we know that many Members supported the type of approach Dr. ROWLAND laid out for the process. When the 104th Congress takes up the task of health care reform again, they will doubtless build on the good work of Dr. ROWLAND. And for that, he deserves our thanks and praise.

No tribute to Dr. ROWLAND would be complete without mention of his tireless work on

behalf of America's veterans. As chairman of the Veterans Subcommittee on hospitals and health care, he combined his interests in health care and veterans issues. He sponsored numerous bills to improve the state of veteran benefits and worked for their passage. Just a few examples are: bills to elevate health services for women veterans and veterans of the Persian Gulf war; legislation to expand agent orange care; measures to expand former POW's and Medal of Honor recipients' eligibility for medical care; and a bill to establish a veterans health-care pilot program.

For 12 years Dr. ROWLAND has served the peopled of his district with dignity and caring. He has served the people of this country equally well. I am proud to call him my friend. We will miss him, and I wish him well in his life after Congress.

Mr. DEAL. Mr. Speaker, I rise to join with many of my colleagues in the House to honor a fellow member of our Georgia delegation who has chosen to leave our ranks at the end of this term, the Honorable J. ROY ROWLAND of the Eighth District of Georgia. Many of his contributions will be highlighted by those who served here with him the entire length of his tenure in this body. I would like to focus on what I as a freshman have learned from observing him and studying his accomplishments as a legislator in the U.S. House of Representatives.

When Dr. ROWLAND left the House in the Georgia General Assembly, I was completing my first term in the Georgia Senate. So here we are again, but this time, both in the same house. I'm completing my first term, but this time, he is retiring from public office. I say retiring from public office because most of us have difficulty imagining him and Miss Lou Ella sitting on the front porch in rocking chairs.

A first term legislator spends much of the first few months watching how others operate, looking for those who share views, principles, goals, to seek out solutions across party lines. I decided early on that one of my objectives would be to work on as many bipartisan approaches as possible. The bipartisan road, as many of you know, can be a very rough one filled with potholes and barricades. The journey is slow and tiring.

However, as our colleague from Georgia has demonstrated these past few months, the end product of the bipartisan approach often is the wisest choice. However, on the issue of health care, too many realized it too late.

If we look back over the gentleman from Georgia's legislative career here, we will probably find that one of the keys to his success in passing legislation has been traveling down that arduous bipartisan road. Another factor is that he has focused mainly on two areas—one, his area of expertise, the medical field, and the other, legislation to address the specific needs of his district.

While it is not uncommon for the chairmen of committees and subcommittees to author major pieces of legislation which become laws, it is of note when those who do not hold those positions successfully steer the bill they introduce to becoming laws. Our honoree holds quite an impressive record in that respect.

The list includes:

The Anti-hassle Medicare administration law;

A wide range of initiatives to improve the delivery of rural health care services;

The law creating the National AIDS Commission to coordinate and establish some efficiency among separate programs dealing with the disease;

Banning the prescribing of methaqualone (Quaalude) nationwide, attacking directly a serious drug abuse problem;

Helping to write the 1990 Clean Air Act and the 1987 Clean Water Act, serving on conference committees for both and authoring key provisions, such as those for storm water runoff, the first national standards for nonpoint source pollution;

Author of the health assessment provisions to provide compensation to citizens injured by toxic wastes in Superfund law;

Author of amendments to the 1987 Federal highway aid reauthorization bill to enable States to shift Interstate funds to non-Interstate projects;

Author of "Wayport" legislation to relieve congestion at the country's major airports by building major new airports away from metropolitan areas;

Sponsor of the legislation making the acquisition of the Bond Swamp National Wildlife Refuge possible; and

Author, co-author and cosponsor of many bills improving benefits for our veterans, the one of most note being the "Atomic Veterans" bill giving long-denied disability benefits to veterans suffering from severe illnesses potentially related to radiation exposure in the military.

Mr. CALLAHAN. Mr. Speaker, the House will lose a true statesman when Dr. ROY ROWLAND retires at the end of this Congress. I join his many friends in wishing him and Luella well-deserved rest and relaxation.

ROY ROWLAND has been a free spirit in the House, a term I use in the most complimentary way. He has rarely been persuaded to take a position for party or political reasons and, as such, has often bucked conventional wisdom on how he might be expected to act. On most occasions, I imagine that Dr. ROWLAND has been right.

Dr. ROWLAND and I had the honor to serve together on the Energy and Commerce Committee. We were both lucky enough to arrive there just in time to take up the Clean Air Act amendments. We had similar constituencies involved in this legislation and our interests were alike on many aspects of this complex issue. Dr. ROWLAND was a tireless and effective legislator in this instance, and I think the final law was better for his efforts.

Because of his medical background, Dr. ROWLAND contributed greatly to the health care reform debate this year. His reasoned approach and tireless efforts to reach a bipartisan agreement will serve us well even when he is gone. His ideas will certainly continue to be an option we will consider when the debate resumes next year.

It has been my great privilege to know Dr. ROY ROWLAND. He is a great American who has always endeavored to do the right thing. We need more individuals in this body with Dr. ROWLAND's integrity. I and all Americans who desire good government will miss him.

Mr. PICKLE. Mr. Speaker, I rise today to join my colleagues in paying tribute to the Honorable Dr. ROY ROWLAND, Mr. ROWLAND is a fine man, a country doctor, who served the people for many years in that capacity. He is a learned man, with a great deal of practical experience, and with an exemplary record as a legislator. I have always been impressed with what a caring individual he is, close to the people and close to the soil.

During this body's consideration of health care reform legislation, there were none more knowledgeable than he. His recommendations became the centerpiece of debate for many in this Congress, and indeed many in the entire nation. Throughout that important debate, I held no one's opinion in higher regard.

I have been privileged to serve with him in the House, and to visit with him and his family on a social as well as professional basis. I have even had the good fortune to travel with him as Representatives of our country.

In my 31 years in the Congress, I have seldom met a Member who was more caring, more compassionate, or more dedicated to the service of his district and his country. I am more than proud to stand with the rest of the Congress in a farewell tribute to our very esteemed colleague, the Honorable Dr. J. ROY ROWLAND.

Mr. STENHOLM. Mr. Speaker, it is with mixed feelings that I come to the floor this evening to pay tribute to my colleague, Dr. J. ROY ROWLAND. Naturally, I gladly offer my words of congratulations and appreciation to my friend from the Eighth District of Georgia. But my feelings are mixed because our good wishes are delivered to him as he ends his 12 years of service in the House of Representatives, and he will be sorely missed.

I have been privileged to share many efforts and battles with ROY over the years. Whether the arena dealt with health care, veterans, or a host of other issues taken on by the Conservative Democratic Forum, Dr. ROWLAND never forgot the political ways of his youth, learned from his father the judge and his grandfather, a member of the State legislature. From them, the legacy of public service was passed along. ROY'S second career as a thoughtful, concerned, genuine public servant would make them proud.

In an era when politics has become increasingly contentious and heated, Dr. ROWLAND has always managed to maintain the soft voice and courteous manner that in past years earned him the nickname "Marcus Welby, M.D." His southern ways of hospitality and courtesy will be sorely missed in this body next year.

I have eaten a lot of ROY'S peanuts and drunk his cokes. I have sat through hours and hours of meetings in his office. I have hosted him in the 17th District of Texas and visited him in Georgia. I have taken his advice on health issues and tried to convince him to take mine on agriculture.

I have debated, deliberated, diagnosed, discussed, deficit-reduced, decreed, developed and depended upon this Democrat from Georgia and now I can deduce but one thing: We sure will miss you, Doc!

Mr. COLLINS of Georgia. Mr. Speaker, I join my colleagues from Georgia to pay tribute to our friend Congressman ROY ROWLAND of Georgia.

Prior to joining this body, I heard many favorable comments about ROY ROWLAND, many

of those comments from a mutual friend, Bill Jones, who resides in Jackson, GA. Mr. Jones was a member of the Georgia House of representatives and was ROY'S seat-mate during his tenure in the Georgia General Assembly.

My first personal contact with ROY was during the long hours of waiting for the 1992 State legislature to finalize the redrawing of the 11 congressional districts prior to the 1992 campaigns. I could see and feel the respect the members of the conference committee had for Congressman ROWLAND.

When I arrived on the scene here in Washington, Congressman ROWLAND was one of the first to greet and welcome me to the House of Representatives. His greeting was sincere and respectful.

I know ROY could tell I was anxious to learn the ropes in my new job. Drawing on his many years of experience, he began to involve and introduce me to other Members. He helped familiarize me with the workings of the world's greatest deliberative body, and for that I am grateful.

ROY invited me to participate in a hearing at the V.A. Hospital in his home town of Dublin, GA. ROY wanted me to become familiar with and hear first hand the concerns of our brave veterans. By listening to his questions and remarks, it was evident to me that the veterans were ROY'S top priority and that their issues were the ones near and dear to his heart.

Congressman ROWLAND accepted invitations from me to participate in health care forums throughout the Third District to listen and to answer questions from my constituents about the direction of health care reform.

I have appreciated ROY ROWLAND'S generosity and his guidance. He is a man who sees beyond partisan politics and thinks only of the good of the people he represents. I can think of no greater compliment to pay a Representative of the people.

Mr. Speaker, this House of Representatives will lose a valuable and dedicated Member when this 103d Congress adjourns, and the people of Georgia will lose a valuable and dedicated representative.

On the other hand, Mr. Speaker, I imagine Mrs. Rowland and her family will welcome the full-time return of a valuable and dedicated husband, father, and grandfather.

I appreciate this opportunity to commend ROY ROWLAND for is many years of service and we should not forget to thank our Lord and the family of Congressman ROY ROWLAND for sharing this astute gentleman and statesman with us and with the country. We are deeply grateful.

God bless Congressman and Mrs. Roy Rowland. God bless the United States of America.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, ROY ROWLAND, who is retiring from Congress after 12 outstanding years of service.

"DOC" ROWLAND, as we fondly call him, came to Congress in 1983 and for many years was the only physician serving in the House. All of us have considered him an expert on health issues and he certainly has used his expertise wisely and to a good purpose.

He has pushed for health benefits for the unemployed and he has been active in the drive to prevent infant mortality.

He has taken a hard line on drug abuse and was instrumental in passing legislation to make the drug Quaalude illegal and to bar physicians from using heroin to treat cancer patients.

"DOC" ROWLAND cared a great deal about veterans and worked hard over the years to ensure that veterans receive proper health care benefits and treatment.

The people of Georgia and the people of this Nation have been well-served by "DOC" ROWLAND. He is one of the finest, most highly-respected Members to ever serve in Congress.

I have enjoyed serving with him and I will be among his many friends and colleagues who will miss him greatly. His contributions to the well-being of people everywhere will long be remembered.

Mr. SENSENBRENNER. Mr. Speaker, I rise to pay tribute to our favorite doctor in the House, Congressman Dr. J. ROY ROWLAND of Georgia. Congressman ROWLAND is known for his colorful personality and honest character. His small town background and common sense approach lends itself to his approachable and effective manner in the House of Representatives.

Representative ROWLAND'S public service career began as he created an organization to help inform Georgia physicians about medical issues. This involvement reinforced the Congressman's belief that more physicians should participate in the political process. Pursuing his desire to become more politically active, he sought office in the Georgia House of Representatives. After serving 6 years, he ran for the U.S. House of Representatives, where he was elected and has served diligently since 1983.

Being only one of two physicians in the House, Representative ROWLAND was asked to bring his specific knowledge and authority to the table as he argued that the AIDS virus is a national problem. Representative ROWLAND championed passage of legislation creating the National AIDS Commission. The Commission is responsible for establishing better coordination and efficiency in administering the many programs dealing with the disease.

Congressman ROWLAND'S talents have also been utilized in other areas of health care. He authored and sought passage of legislation to reduce unnecessary red tape in the administration of Medicare, called the "anti-hassle" bill. This bill eliminated additional Medicare regulations passed as part of comprehensive legislation. As a leader in the House Rural Health Care Coalition, Representative ROWLAND also helped draft and co-sponsor a wide range of legislation to improve the delivery of rural health care. This includes legislation to increase Medicare reimbursements for rural hospitals and the establishment of new incentives to attract health care professionals to underserved areas.

Representative ROWLAND'S medical background has strengthened his ability to communicate authoritatively with his constituents and colleagues while serving in the House of Representatives. It has been an honor to serve with Representative ROWLAND and I wish him every future success.

Mr. BALLENGER. Mr. Speaker, I am happy to join in a farewell tribute to my good friend ROY ROWLAND.

We enjoyed an occasional golf game and ROY always managed to play a competitive game and "hit the ball long and straight"—something that I intend to continue to work on with the help of "Boom Boom"!

In my considered opinion, ROY was one of the most reasonable and fair Democrats in the House! He will surely be missed next year—particularly in the health care debate. As one of the few physicians in the Congress, ROY put together a thoughtful and bipartisan health care bill. The bill he introduced with MIKE BILIRAKIS included reforms that had wide support and would have greatly improved health care benefits for more Americans without disrupting the current system. It had the support of many in the House and could have and should have been passed by Congress this year.

ROY, thanks for your years of dedicated service—you will be missed. Enjoy your retirement and come back and visit every now and then.

Mr. OXLEY. Mr. Speaker, I'd like to add to this tribute to Representative ROY ROWLAND, who will be concluding his service to the 8th District of Georgia at the end of this Congress.

He is perhaps best known as being the only physician currently serving in the House or the Senate. While he holds that public distinction, those of us who have been fortunate to serve with him know him to be a caring legislator and good friend. ROY ROWLAND has used his medical credentials in his work on health care, the prevention and cure of AIDS, and responsible use of prescription drugs. He took a particular interest in the Nation's health care system for veterans. I remember early in my career I held a meeting about some of the problems of rural hospitals, and the first Member to show up was ROY ROWLAND. His medical experience made him a particularly valuable resource for other Members on all of these issues that hold such importance for everyone in this country.

Congratulations to Dr. ROWLAND for his productive contributions to this legislative body. Best wishes to him and his family for a happy and productive retirement.

Mr. DARDEN. Mr. Speaker, the House of Representatives is losing a great statesman, patriot, physician, and American with the retirement of my good personal friend, Dr. J. ROY ROWLAND.

Dr. ROWLAND came to Congress in 1983 after a distinguished career in Georgia politics. He began his public service to Georgians in 1974 when he created an organization to ensure that Georgia's physicians were informed about the pending political issues of concern.

He then ran successfully for the Georgia House of Representatives in 1976 and was subsequently reelected twice without opposition. I first became friends with Dr. ROWLAND while we were both serving in the State House. Although he represented a rural area, and I represented a suburban district, I looked to him for guidance and wisdom, just as I have since I joined him in the U.S. House of Representatives.

Many people seek a position in Congress for the prestige or for the glamor and lifestyle. Not J. ROY. He came to Congress because he had a burning need to further serve his friends and fellow Georgians. I am sure he will tell you that, deep down, he really longed for his

days of service to rural Georgians as their family physician. This is where his heart is, with medicine and helping everyday folks to stay healthy.

But, when he saw that big government was complicating people's lives, making it more difficult for them to receive good competent health care through more and more regulations, he knew that personal sacrifice was in order. So, unlike some opportunists who run for Congress, Dr. ROWLAND sacrificed his medical practice, his true love, in order to come to Washington and serve his friends and associates in rural Georgia.

And, the citizens of Georgia have appreciated his sacrifice. He has made the hard vote when the political consequences could have disastrous. He has taken the road less travelled and followed the hearts of this fellow Georgians.

Mr. Speaker, many of us believe J. ROY should remain in Congress to finish the health care debate. Many of us believe he has many more years of leadership left. And, there is no question to anyone in this body that we will suffer without his guidance on any upcoming health care initiatives. But, like the ballplayer who wants to retire in his prime, before the blemishes of time have worked their course, Dr. ROWLAND has elected to retire. Every member in this body regrets his decision. Every Member in this body knows there can be no replacement for Dr. ROWLAND.

And, J. ROY's wife, Louella, is equally important to this body. She has shown each of our spouses the dignity that is incumbent and demanded of a Congressional spouse. Together, J. ROY's and Louella's friendship is cherised by Lillian and me and we look forward to many future years.

In closing, J. ROY, we all wish you the best and I hope we will conduct this body in a way that will honor your service. You have been an inspiration to us all and we will miss you. I personally thank you for your service, the citizens of Georgia thank you for your service, and all Americans are better because you have been a Member of Congress. God bless you.

Mr. THOMAS of California. Mr. Speaker, a quiet achiever—that is what ROY ROWLAND has been during his service in Congress, and throughout his life for that matter.

Whether it was helping his fellow infantrymen during World War II, where ROY earned the Bronze Star by risking his life to help rescue U.S. troops, or in decades-long service to his fellow physicians, earning ROY the American Medical Association's Nathan Davis award for national contributions to Medicine, he has demonstrated a strong sense of service to his fellow man.

I personally experienced ROY's reputation during our work together on the bi-partisan working group on health care reform. Throughout the months-long process of negotiation and compromise, ROY helped keep the group focused on the goal of producing an honest bi-partisan health care reform bill.

And I am happy to say that we did meet our goal. As a tribute to ROY and the whole group, I hope this bi-partisan process can serve as a model of how Congress should proceed next session. We demonstrated that we could achieve an increase in coverage—92 percent; reduce our Federal deficit—$65 billion; and do it without new taxes or job-killing mandates. Through his leadership we showed that Republicans and Democrats can cooperate to achieve an end. This is a fine legacy.

But this is not the only area ROY helped provide leadership. He has also played a major role in efforts to address a wide range of other issues including deficit reduction, the environment, economic development, drug abuse, crime and upgrading the country's infrastructure.

ROY ROWLAND can go back to Georgia sure that he will be missed and certain that his good works will not be forgotten. However, I cannot end without asking a couple questions. ROY, what exactly is Fruitopia and why do you have cases of it stacked in your closet?

Mr. HUGHES. Mr. Speaker, I rise to join in paying tribute this evening to a good friend and colleague, ROY ROWLAND, who like me, will be retiring from Congress at the end of this session.

It has been a real privilege for me to serve in the Congress with ROY these past 12 years. I have come to know him as a man of great honesty and integrity, who represents the very best in public service.

He is also one of the hardest working and most effective Members of Congress. He has made a lasting impression in the fields of health care, the environment, and veterans affairs.

From his first day in office, ROY brought with him a sense of compassion which too often is missing in government. I suppose that was simply the doctor in him coming out. Whatever it was, it helped ROY form a special bond with his constituents, and enabled him to be both an effective Congressman and highly respected figure throughout his district.

From his position as vice chairman of the National Commission To Prevent Infant Mortality, to his diligent efforts to clean up the air and water, ROY always did his best to cure our Nation's ills, and to make his district and our country a better place to live.

With ROY ROWLAND's retirement, the Eighth District of Georgia is losing a fine Congressman, but at least they are regaining a wonderful doctor. He will truly be missed here in Washington.

Mr. LEHMAN. Mr. Speaker, I rise today to pay tribute to a dear friend and colleague, Dr. ROY ROWLAND. My contact with Dr. ROWLAND while working on the Food Quality Protection Act and as a fellow member of the Energy and Commerce Committee has been richly rewarding. His presence and participation in this Chamber will be greatly missed.

Dr. ROWLAND's notable accomplishments in health care and veterans legislation have distinguished him as a respected and effective leader. Having practiced medicine, his ideas on specific medical issues and comprehensive health care reform always attracted the interest and consideration of his colleagues. Dr. ROWLAND's fight against the spread of AIDS and for the rights of HIV-infected individuals has provided direction for this Chamber's efforts on these vital issues.

I would also like to take note of Dr. ROWLAND's dedication to the concerns of veterans. As a member of the Veterans Affairs Committee, he has played an important role in providing veterans in my district with the benefits and services they justly deserve.

It has been a pleasure to work with Dr. ROWLAND on food safety legislation. His intense focus on public health concerns and clear view of the merits of pesticide reform helped form and maintain the broad, bipartisan coalition supporting our bill.

I offer my best wishes to ROY as he pursues his interests outside of Congress, and I thank him for all that he has done.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to a distinguished colleague and a great American, Congressman J. ROY ROWLAND. I want to take a moment to honor this Member—a man whom I greatly respect.

For more than 17 years, Congressman ROWLAND has been in the forefront of the public health initiatives on AIDS, health care reform and infant mortality. This Congressman has given more than 100 percent effort in representing the Eighth District of Georgia. The people of the Eighth District and the State of Georgia have been blessed with the leadership of J. ROY ROWLAND.

Congressman ROWLAND personifies the very best in the American tradition. He has dedicated his life to public service, first as a physician and second as a member of the House of Representatives.

The accomplishments of J. ROY ROWLAND are many. His efforts as a public health activist has helped to empower thousands of people. His leadership is unparalleled. His devotion to improving public health is complete.

I have known this man for several years. I know him well. He is a good and decent man. He is a leader in the truest sense of the word. He is a crusader.

J. ROY ROWLAND has been able to organize the unorganized. He gave many hope in a time of hopelessness. His work and his cause enhanced the dignity of humanity everywhere.

J. ROY ROWLAND is persistent and consistent. He has had a vision of a new America, a better America. He had a dream of what America could become. He has kept his eyes on the prize.

Mr. BISHOP. Mr. Speaker, when the Speaker gavels the 103d Congress to a close, the House of Representatives and the delegation from the great State of Georgia will bid farewell to our delegation's dean and a man who is arguable the most effective legislator Georgians have ever sent to Washington.

In the mid-1970's, Dr. ROY ROWLAND noticed that physicians like himself were missing from the legislative process yet essential to many of the issues facing Americans. And so in 1976 ROY sought election to the House of Representatives. Since then, he has dutifully represented the needs of all Georgians, particularly the people of the Eighth Congressional District.

During much of his service in the House, Congressman ROWLAND was the only Member of Congress with a degree in medicine. His insight and participation in the health care debate has been regarded by many as the most learned and thorough. While I regret the fact that Congress will not have the opportunity to act on ROY's health care reform proposal before he leaves, his wisdom and hard work has

provided those of us who will continue to carry that responsibility a foundation on which the Congress can build and enact a solid reform bill.

A native of Georgia, ROY was born in the town of Wrightsville, where he attended the local high school that shared the town's name. A varsity letterman in both basketball and football, he, like me, is also an Eagle Scout. Upon graduation, he was honored as the best all-around student of his high school class.

Young ROWLAND's college education at Emory University was quickly interrupted by World War II. Serving the U.S. Army in Europe, ROY earned a Bronze Star for crossing a river under heavy enemy fire in order to save American troops pinned down on the opposite bank.

When he returned to the States, ROY married his high school sweethheart and lifetime friend Luella Price. Luella's patience and support, I am told, helped ROY make it through the rigorous years at the Medical College of Georgia and his internship in Macon, where the midnight oil frequently burned into the early mornings.

And that midnight oil has continued to burn in room 2134 of the Rayburn House Office Building, where ROY and his staff have worked tirelessly to provide the people of the Eighth Congressional District with a sound and reasonable representative voice in Washington while providing middle and southern Georgians with effective legislative skills.1

Other than laying the foundation for comprehensive health care reform, perhaps one of ROY'S biggest contributions was a bill he authored to ban nationwide the prescribing of the highly addictive methaqualone, known on the street as the quaalude. With ROY'S hard work and medical knowledge, millions or Americans have been spared the addictive horrors that accompany that drug's use as quaaludes are today virtually unobtainable.

ROY has served his fellow American veterans as chairman of the Veterans' Affairs Hospitals and Health Care Subcommittee, of which I am a member. ROY has worked hard to make sure that veterans suffering from the mysterious Persian Gulf syndrome are not ignored as were our troops who returned home ill from Southeast Asia after being exposed to agent orange and other chemicals.

His accomplishments are innumerable, Mr. Speaker, but to illustrate how effective a leader and legislator Congressman ROY ROWLAND has been, I offer this figure; 80 percent of the bills ROY has authored have been made into law.

From health care to veterans issues to budget reduction, Dr. ROY ROWLAND has always provided the proper prescription to remedy the problems that have confronted Americans over the past two decades.

On behalf of the people of Georgia, the members of the Georgia delegation, and all of the Members of Congress, I would like to thank ROY for his wisdom, his guidance, and his exemplary commitment to his constituents. His work ethic has been, and even in his absence, will be the measure by which Georgia legislators, will be judged.

As the doctor's successor I prescribe this medicine: Take two aspirin before you get to Washington, because you will have a tough time filling Dr. ROY ROWLAND's shoes.

Mr. KLINK. Mr. Speaker, I would like to pay tribute to ROY ROWLAND.

Congressman J. ROY ROWLAND is leaving Congress this year after six terms. We will miss him as a legislator and as a friend.

In my short time in Congress, I have witnessed ROY ROWLAND's leadership on the issue of health care. He brings a unique perspective to this area: ROY is one of only two physicians in Congress today.

Congressman ROWLAND is active in all areas of the health care debate. He served this term as the chairman of the Veterans' Affairs Hospitals and Health Care Subcommittee, which has jurisdiction over the veterans' health care system. He is a leader in the House Rural Health Care Caucus and is vice-chair of the National Commission to Prevent Infant Mortality.

ROY ROWLAND authored the Medicare antihassle bill and legislation to create the National AIDS Commission. He has helped to draft legislation to improve the delivery of rural health care.

I have also seen first hand, ROY'S commitment to his own health. Virtually every morning that we are in Washington, ROY is in the House gym working out. I believe this personal dedication is translated to his work on national health care issues.

Mr. Speaker, the House is losing a rare combination in ROY ROWLAND, one that will be sorely missed as we debate health care and other important issues in the future.

Mr. GOSS. Mr. Speaker, I am proud to pay tribute to Dr. J. ROY ROWLAND. Dr. ROWLAND is retiring from Congress this year after representing the Eighth District of Georgia honorably for more than a decade.

As a Congressman, he has stood tall in the eyes of his colleagues. He is a likable and devoted Representative. As one of only two physicians in the House, He's well respected for his leadership on health policy issues. And as a veteran, and a tireless advocate of veterans' issues, he has earned the respect of those men and women who have worn a uniform for this country.

Dr. ROWLAND has served the Nation in one capacity or another for more than 50 years. First as an infantryman in the European theater in World War II. Then as a family practitioner back home in Georgia. After more than 20 years of healing and comforting his patients, he went ahead to represent them in the Georgia State Legislature.

In 1982 he came to Washington, and this body and the American people have benefited from his compassion and commitment to serving others ever since. Here he is known as a true Southern gentleman. And a strong and independent voice for his constituents.

I was fortunate to have the opportunity to work with him this summer on developing the bipartisan Health Care Reform Act. In many ways that bill typifies what "Doc" ROWLAND is all about. As a physician, Doc ROWLAND was committed to advancing the health debate. He reached out to Republicans and fellow Democrats alike to try and force a consensus.

In retrospect, joining with him and eight other Members to hammer out a compromise bipartisan health bill was one of the most gratifying experiences I've had since coming here. We spent many long nights holed up in the Doc's personal office hashing out our differences and debating the merits of different reform approaches.

In the process, I think I learned quite a bit about him. His leadership was instrumental in keeping our group at the task. And the end product, which will certainly impact the health debate next year, is as much a tribute to his commitment to improving people's health as it is to his coalition building skills. Through hours of sometimes tense debate, he was the perfect host, providing just the right mixture of refreshments and cajoling to keep us on track and moving forward.

While it's a regret Congress was unable to pass a proper health reform bill this year, I am proud of what we accomplished. And I give Doctor ROWLAND much of the credit for seeing the bipartisan effort through. I suspect that if America sent more people like Doc ROWLAND to Congress, a lot of things in America, not just the health system, would be greatly improved.

We will all miss Doc ROWLAND. He has earned our respect and selflessly given us his friendship. And he has served this country like few have ever done.

Mr. MAZZOLI. Mr. Speaker, I rise to honor my colleague and my friend, Congressman J. ROY ROWLAND of the Eighth Congressional District of Georgia.

From an early age, ROY wanted to become a physician. Although he fulfilled that dream, ROY later entered the world of politics because he saw the need for representation of medical professionals in the field.

Throughout his tenure in the House, ROY has offered his medical expertise by serving on the many health care panels. His other interests include the budget, the environment, and infrastructure development.

ROY successfully made the transition from physician to public servant. As he returns to the life of a private citizen, I wish him all the best.

Mr. MOORHEAD. Mr. Speaker, Congressman ROY ROWLAND is leaving the U.S. Congress after a dozen years of valuable service and numerous contributions to his Nation, his State, and the residents of his district.

I have gotten to know Dr. ROWLAND better since he joined the Energy and Commerce Committee 6 years ago. In this capacity as the only medical doctor on the committee, he has made outstanding contributions to the committee's unparalleled record of achievement.

He was especially active in the recent and all-consuming health care debate. ROY ROWLAND's experience and insights were of enormous help to his colleagues as we worked to understand and solve the problems within this most important and complex of industries.

Mr. Speaker, I want to express my gratitude to Dr. ROWLAND for his friendship and support and wish him all the best as he departs the Congress and begins another chapter in his very successful life.

Mr. BILIRAKIS. Mr. Speaker, I want to join my colleagues in wishing my good friend, Congressman ROY ROWLAND, the best of luck in his future endeavors. I know he is looking forward to retiring from the Congress. Unfortunately, his retirement leaves a void in the House of Representatives that will never be completely filled. For many years, Congressman ROWLAND has been the only family physician in the entire Congress. He willingly

shared his experience and medical knowledge with his colleagues on numerous occasions. Many times, when health care legislation was debated by the House Energy and Commerce Committee, Congressman ROWLAND's opinions and suggestions were sought out. My colleagues on both sides of the aisle and I always found them invaluable.

Over the past year, I have had the opportunity to work closely with Congressman ROWLAND and his very capable staff, especially Kathy Hennemuth, on health care reform. Before that, we had served on the House Energy and Commerce Committee and the Veterans Committee. In addition, we served as cochairmen of the Congressional Sunbelt Caucus on Infant Mortality.

In my opinion, our greatest legislative accomplishment together was drafting two separate and completely bipartisan health care bills in the 103d Congress. H.R. 3955, the Health Reform Consensus Act, was the first comprehensive health bill introduced in the Congress that was truly bipartisan. In addition, Congressman ROWLAND and I forged a completely bipartisan group of five House Republicans and five House Democrats. This congressional group was responsible for drafting the House bipartisan health bill, which drew significant support in the House this past summer—as well as interest in the other body. In my opinion, Congressman ROWLAND's medical background provided this bill with crucial credibility among our House colleagues.

Prior to this year, Congressman ROWLAND already had established himself as a legislative leader on health issues. A bill authored by Congressman ROWLAND to reduce unnecessary red tape in the Medicare Program was enacted into law. As a leader in the House rural health care coalition, Congressman ROWLAND assisted in drafting a wide range of bills to improve the delivery of rural health care that later became public law. He also authored legislation creating the National AIDS Commission to establish better coordination among programs associated with the disease. Finally, while serving as the vice chairman of the National Commission to Prevent Infant Mortality, he cosponsored several measures to provide prenatal and child health care services to high-risk mothers.

Throughout his congressional career, Congressman ROWLAND has been an effective legislator in other legislative areas as well. He has been actively involved in environmental issues and, in fact, served on the joint conference committee that authored the 1990 Clean Air Act. He also played a key role in the 1987 Clean Water Act and served as a House conferee when the final version of this legislation was debated by a House-Senate conference committee. In addition, Congressman ROWLAND served as one of the leaders in promoting the proposed balanced budget amendment to the Constitution.

With regard to veterans, Congressman ROWLAND served as the chairman of the House Veterans' Hospitals and Health Care Subcommittee. He has been a leader in fighting for improvements in the veterans' health care system and cosponsored several legislative measures to assist our veterans.

These are some of the highlights of Congressman ROWLAND's accomplishments as a Member of the House of Representatives. He has had numerous legislative achievements throughout his congressional career in Washington. While I congratulate Congressman ROWLAND on this distinguished career on the occasion of his retirement, I believe the U.S. Congress is losing one of its finest and most respected Members. He will be sorely missed, not only by me, but by all of us.

Mr. REGULA. Mr. Speaker, I am pleased to join a Special Order for my colleague and friend from Georgia, ROY ROWLAND. ROY has been a first class Member of this body.

His thoughtful, responsible leadership has served his constituents well while always recognizing the national interest.

Each of us, through experience, counsel with certain colleagues because we have a confidence in their judgments and look to them for leadership. ROY has been a Member that fills that role for me.

On a personal note, I will miss the delightful and instructive moments of "shop talk" with ROY as we shared early morning gym time staying fit.

Mary joins me in wishing ROY and Luella good health and a life with new challenges.

Mr. KINGSTON. Mr. Speaker, those of us who live in south Georgia are pretty close knit. Regardless of where we live in that area, there are many common threads of heritage, history, and culture that bind us together as neighbors, regardless of our education, income, family status, religion or other personal or social characteristics. Citizens of that area identify themselves as being—not just from the State of Georgia—but being from south Georgia.

It is a place—a region—a way of life that helps build quick relationships among friends, courtesy among strangers, and a warmth among neighbors. When someone moves from the area, we feel sorrow at their leaving—we feel sorry for them because they are going to live somewhere else and we feel sorry for ourselves at not having them nearby as a friend or as a confidant.

This is what I feel like because of Dr. ROY ROWLAND's retirement from the House of Representatives of the Congressman from the Eighth Congressional District. In Georgia, ROY has been my immediate neighbor to the west, as the western counties of the First Congressional District form the longest common boundary with another Georgia congressional district. When you travel west from six of the First District's western counties, you enter six of the Eighth District' counties.

Many of ROY's constituents work, play and shop within my district; likewise, many of my constituents cross county borders to do the same. Furthermore, in the 1992 election cycle, Roy's former constituents in five counties were redistricted into the First District from the Eighth District.

In Washington, I have come to know ROY so well that I feel he is more than just a neighbor. With the common constituent concerns we share, I have come to seek his advice and trust his judgment on many legislative matters. Our staffs have worked together on mutual legislative and constituent issues. Even though our political party identifications are different, that has not kept us from working closely in a coordinated manner to help with problems and concerns which our constituencies have in common.

My other delegation colleagues will touch on the specifics of ROY's background. It was his variety of experience—which included military service as a decorated infantryman in Europe in World War II and 28 years as a practicing physician in Dublin, GA—that helped to give him the practical background to make such his significant contribution in his committee assignments on the Veterans' Affairs Committee and the Energy and Commerce Committee. Through his membership on these two committees, ROY helped to gain legislative successes with issues dealing with rural health care, highway aid, Superfund, clean water, clean air, medicare reform, and veterans' health matters.

He became a recognized leader in crafting solutions to the problems faced by the Veterans' Affairs Hospital system and its health care delivery to our former military personnel. The culmination of his real-life experiences came this year in his working with Representative MICHAEL BILIRAKIS to draft the Rowland-Bilirakis Health Reform Consensus Act, a bill that many felt could well end up becoming the common-ground approach to legislated changes in the Nation's health care delivery system.

Circumstances ended up that no one version of the numerous health care reform proposals was debated or voted on by the House during the 103d Congress; but, ROY ROWLAND will leave behind a significant contribution by the hard work that he and his staff put into developing a consensus approach that many Members felt they would eventually end up supporting, if the concepts or another reform bill they initially supported did not advance.

Mr. Speaker, when ROY returns to his home town, I am sure one of his first priorities will be to take advantage of the opportunity to spend more personal time with his wife Luella, his two daughters, his son, his five grandsons, and his new born great-granddaughter. He will have the time to focus on noncongressional activities because he will not be scheduled to attend week-end events throughout the 32 counties of the 8th District; and, he will not be rushing to catch a plane back to Washington for late Monday or early Tuesday votes. ROY will have time to relax, spend time with friends and get back into synch with the day-to-day pace of living in south Georgia.

However, I do not think it will be too long before ROY is applying his tremendous energies and abilities to promoting health care reform and to addressing other social and economic issues in the city of Dublin, in Laurens County, in Atlanta with the State of Georgia government, and on the national level back here in Washington. It would indeed be a shame if decision makers and policy shapers on the local, State and national level did not have the advantage of ROY ROWLAND's experiences and his views on political, social, economic and cultural issues.

I would like to close my remarks with a special note of thanks and tribute to his talented and dedicated staff in Washington and those who have served in his seven district offices. Both I and my staff members have worked especially closely with Barbara Schlein, his Staff

Director who has helped coordinate many activities; with Cyndi Purkiss, a Legislative Assistant who has excelled in helping with the numerous demands created by the location of military bases in the District; and with Kathy Hennemuth, the Legislative Director who has done the principal staff work on the consensus health reform proposal.

All of us in the Georgia Delegation and those who have been fortunate to work with him through the years will miss ROY's counsel, his loyalty and his friendship. Although he will not longer be our neighbor in the Delegation here in Washington, we do look forward to having him still with us down home in south Georgia.

Mr. BEVILL. Mr. Speaker, I rise today to thank our colleague, Congressman ROY ROWLAND, for his outstanding service to the Nation.

As you know, ROY is one of the only Members of Congress who has also been a practicing medical doctor. He used this training and experience to bring many medical issues to the attention of this body. When Dr. ROWLAND speaks on a health-related issue, we all listen with open ears. He is honest and forthright in his opinions and thorough in his research. We will lose much with his retirement.

I first met ROY 12 years ago when he was elected to serve as Congressman for the Eighth District of Georgia. Over the years I have come to respect ROY for his judgment and to appreciate him even more for his friendship. I wish to let him know that, though I am sorry to see such a distinguished Member retire, I am confident that he will be happy and successful in his life after Congress. ROY has already been successful in two careers and I would not be surprised if he decides to take up a third.

My wife Lou wishes to join me in wishing ROY and his lovely wife Luella all the best in the years to come.

THE RETIREMENT OF REPRESENTATIVE TOM LEWIS, OCTOBER 6, 1994

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. FOWLER] is recognized for 5 minutes.

Mrs. FOWLER. Mr. Speaker, I rise this evening to pay tribute to my friend and colleague, Representative TOM LEWIS of Florida, who will be retiring at the conclusion of the 103d Congress.

Although as a freshman I have only known Mr. LEWIS for the last 2 years, I hold him in high esteem and have looked to him as an example of what a good legislator should be.

TOM LEWIS is a man of great intelligence and character, and he has served his constituents and his Nation with energy and dedication. He has been a stalwart defender of agriculture, which is Florida's second largest business. And he has put his engineering and aviation background to good use during his service on the Science, Space, and Technology Committee, working to keep American aviation competitive and on the cutting edge.

Representative LEWIS has also been a strong advocate for commonsense Government and fiscal responsibility, standing against the tide of increasing government regulations and reckless spending with courage.

Mr. Speaker, TOM LEWIS is the kind of man we need in Washington, and he has earned the friendship and respect of Members on both sides of the aisle. Honest, straightforward and kind, he has always put the good of Florida and this Nation at the top of his agenda. And from his service in World War II to his service here in Washington, he has always given his best. He will be greatly missed but as he leaves this body he takes with him the best wishes of his friends and colleagues.

Mr. WOLF. Mr. Speaker, it is a pleasure for me to join with my colleagues in recognizing the outstanding service to Congress and our Nation of my friend and colleague, TOM LEWIS.

TOM has been a Member of Congress since 1982 but has a record of public service which stretched over 50 years. A native of Philadelphia, which is also my hometown, TOM served for 11 years in the United States Air force. After completing his tenure in the Air Force, during which TOM fought in both World war II and the Korean War, TOM settled in Florida, graduated from the University of Florida, and began his work as the chief of rocket and jet engine testing with Pratt and Whitney.

In 1964, TOM successfully ran for mayor of North Palm Beach, FL, and has not looked back since, winning races for the Florida House, where he was the minority leader, the Florida Senate, and in 1982 to the U.S. House of Representatives from Florida's 16th District, which includes the beautiful coastal areas of Palm Beach.

Throughout his tenure in Congress, TOM has earned the respect of his colleagues through his hard work and support of programs beneficial to his district and our Nation. As a senior member of the House Science, Space, and Technology Committee, TOM has championed public-private business partnerships to help our Nation's aerospace and defense industries, which are essential especially in light of the downsizing of the military as we enter the next millennium. Through his position on the House Agriculture Committee, and as ranking minority member of the speciality crops and natural resources subcommittee, TOM has also worked on behalf of farmers across the Nation, opening up trade barriers and strengthening worker-safety provisions.

Above all, TOM has earned my respect and admiration, as well as the respect of his colleagues and constituents, through his integrity, devotion to this institution and his constituents, and his hard work. TOM LEWIS will be missed, and it is a pleasure for me to join with TOM's friends and colleagues in wishing him, his wife Marian, and his family all the best as he begins his retirement.

Mr. QUILLEN. Mr. Speaker, I am glad to be here tonight to honor my good friend TOM LEWIS, who has so ably represented the 16th District of Florida here in the House of Representatives for the last 12 years. I am saddened that he has chosen to retire at the end of this Congress, but this is not the first time that TOM has left one career to do something different.

TOM only came to Congress after 11 years in the Air Force, 17 years in the aerospace industry, 7 years in local government, and 10 years in Florida State government. I can think of few Members of this body with a greater breadth of experience gained before coming to Congress, and it shows in the broad perspective that TOM has brought to his work here.

TOM LEWIS has put in a tremendous amount of hard work on the House Agriculture Committee. As someone whose district is heavily dependent on growing specialty crops, I have come to appreciate TOM's good work as ranking minority member on the Specialty Crops and Natural Resources Subcommittee. We will sorely miss his expertise as the House tackles next year's farm bill.

TOM's work on the Committee on Science, Space, and Technology has also been exemplary, and I know that his close attention to detail in these matters has made the country better off. Here on the House floor, he has agreed with me on almost every issue that I can recall, and I deeply appreciate the advice and counsel he has given me over the years.

TOM will be sorely missed here, but it is good to know that he and Marian will be enjoying retirement at home in Palm Beach Gardens, thinking of TOM's next career choice. I hope he keeps in touch, and that he continues to come by the floor and see us now and then.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to a gentleman whose public service career will have spanned 30 years. The House of Representatives has been a fortunate beneficiary of Congressman TOM LEWIS' talents. I am pleased to have worked closely with Congressman LEWIS on the Science, Space, and Technology Committee.

While serving on Science, Space, and Technology, Representative LEWIS' personal expertise has made him a natural proponent of programs promoting U.S. aerospace competitiveness, and a keen watcher of the Federal Aviation Administration [FAA].

During the 102d Congress, Representative LEWIS monitored the FAA's implementation of two measures for increasing aviation safety that had passed in the previous Congresses. His National Air Safety Act of 1988 orders the FAA to spend a minimum of 15 percent of its annual research budget on a variety of safety issues. In the 101st Congress, Congressman LEWIS also wrote a law to require the FAA to perform additional research aimed at detecting problems that could lead to accidents involving aging airliners.

Congressman LEWIS' efforts continued in the 102d and 103d Congress, where he pushed for legislation providing a joint planning board from which NASA, the Defense Department, and private companies could map out future research development projects in the aerospace industry. This system would have afforded private companies the opportunity to advocate for defense-related projects that have commercial applications.

I know I am joined by my colleagues in saying Congressman LEWIS has served this body with dedication, virtue, and dignity. The Science, Space, and Technology Committee will be at a loss without the invaluable contributions of Representative LEWIS.

Mr. MOORHEAD. Mr. Speaker, I would like to join my colleagues in saying "Thank You" and "Goodbye" to our good friend from Florida, Congressman TOM LEWIS.

Representative LEWIS first came to the House in 1982. He retires today after more than a decade of distinguished service, which followed an equally distinguished period of service in the Florida House and Senate.

Mr. Speaker, the House of Representatives will be less for the loss of TOM LEWIS. He was a gentleman; a contributor; a friend and supporter. I wish him the very best.

Mr. STEARNS. Mr. Speaker, I am pleased to rise today in honor of a colleague and a dear friend, the Honorable TOM LEWIS of Florida. It is appropriate to praise TOM LEWIS' years of service in this House as he is retiring at the end of the 103d Congress.

TOM LEWIS has served in the people's House for six terms and he has been helpful to me since I first came to this body in 1989. I have great respect for TOM, because he truly is a man of the people. He is a workhorse, rather than a showhorse. TOM knows the people of the 16th Congressional District of Florida. He has served them ably in the Florida State Legislature and, for the past 12 years, in the U.S. House of Representatives.

TOM has been a tireless advocate of the U.S. aerospace industry, which is a key component of his south Florida district. TOM's work on the Science, Space, and Technology Committee has helped to ensure that our aerospace industry stays competitive with the rest of the world. TOM LEWIS has also made sure that Florida's Atlantic Coast benefit from the top-of-the-line hurricane detection technology, because the safety of the people he represents is of utmost importance to him.

As a member of the House Agriculture Committee, TOM LEWIS has also been an outstanding leader in ensuring that Florida's agriculture industry stays competitive in the world marketplace.

As an 11-year veteran of the U.S. Air Force, TOM LEWIS knows first-hand about the experiences of those who have put their lives on the line in service of our great country. TOM has made sure that needy veterans in his district were provided for, and he was instrumental in supporting the construction of the Department of Veterans Affairs Medical Center in Palm Beach County.

It is quite understandable, then, why the publication "Politics in America" stated about TOM LEWIS, that, quote, "his more important role in Congress is to come up with creative solutions that few other legislators have thought much about."

George Bush once said that quote,

> Tom Lewis means business. His work on the Agriculture Committee and the Science and Technology Committee means that if you ride in it, drive it, sail it, fly it, or eat it, Tom Lewis has something to do with it.

Mr. Speaker, as a colleague and friend of TOM LEWIS, I must say that I will miss him and I hate to see him go. He is a tough act to follow. But I know that all of us here wish him the very best in the years ahead.

TRIBUTE TO MAJ. GEN. JOHN J. CLOSNER III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to take this opportunity to recognize and pay tribute to Maj. Gen. John J. Closner III for his dedicated and exemplary service to this Nation as chief of the Air Force Reserve and commander of the Air Force Reserve. General Closner served as the principal advisor to the Chief of Staff of the Air Force and to the Secretary of the Air Force on all Reserve matters. As commander of the Air Force Reserve, he had overall responsibility for the command, control, and supervision of all U.S. Air Force Reserve units around the world. Over the past 4 years, General Closner performed outstanding service and exhibited exceptional commitment to the Air Force Reserve. His indepth knowledge of Air Force issues was a tremendous asset to the Congress as we deliberated the major national defense issues impacting both our Active and Reserve Forces. During his tour, General Closner's leadership and commitment to a free and open exchange of information and ideas provided a superlative framework for deliberations on Air Force and Air Force Reserve programs.

General Closner, a native of Houston, TX, was commissioned through the Air Force Reserve Officer Training Corps program at Texas A&M University where he also earned a bachelor's degree in business administration. He completed Squadron Officer School in 1971, Air Command and Staff College in 1973, and industrial college of the Armed Forces in 1976.

General Closner served in numerous leadership positions to include commander of the 466th Tactical Fighter Squadron at Tinker Air Force Base, OK; the 917th Tactical Fighter Group at Barksdale Air Force Base, LA; the 419th Tactical Fighter Wing at Hill Air Force Base, UT; and commander of the 10th Air Force at Bergstrom Air Force Base, TX. In July 1989, General Closner was assigned as Deputy Chief of the Air Force Reserve at Headquarters U.S. Air Force, and assumed his present duties in November 1990.

A motivated fighter pilot, General Closner flew over 300 combat missions while serving with the 615th Tactical Fighter Squadron, Phan Rang Air Base, South Vietnam in 1967. He has flown the A–10, A–37, F–16, F–100, and F–105 and has more than 5,000 flying hours as a command pilot. His military awards include the Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Meritorious Service Medal, Air Medal with 14 Oak Leaf Clusters, Air Force Commendation Medal and the Air Force Outstanding Unit Award with 3 Oak Leaf Clusters.

Mr. Speaker, we have been extremely fortunate to have had the opportunity to work with General Closner, as the Air Force Reserve's ambassador to the Congress. In today's ever changing world, decisions on downsizing of our defense forces or analysis of the budget effects on Weapons System Programs require accurate and timely information. In that regard, General Closner has served us all well by providing clear and concise data covering the full spectrum of Air Force Reserve issues which helped in the decision process.

It was a personal pleasure to work with Jay Closner as our bridge with the Air Force Reserve. As our primary point of contact, he served with distinction. His contributions to the defense of our country did not go unnoticed. He has been my friend as well as my close associate. I wish him and his wife, Angela, a fond farewell, success in their future endeavors and godspeed as they leave.

RETIREMENT OF BILL HUGHES AND DEAN GALLO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 5 minutes.

Mrs. ROUKEMA. Mr. Speaker, I rise to inform the House of the pending retirement of two of the most highly respected members of the New Jersey delegation, Representatives BILL HUGHES and DEAN GALLO.

It was New Jersey's own Woodrow Wilson who said, "There is no cause so sacred as the cause of a people. There is no idea so uplifting as the idea of the service of humanity."

BILL HUGHES and DEAN GALLO are two of New Jersey's most distinguished public servants. They have served with honor and distinction during their time here in Washington and have never forgotten the concerns of those back home in New Jersey. They have been well-known as leaders in their respective parties and we often looked to them for leadership in the bipartisan interests of our State. The New Jersey delegation has distinguished itself as one that always closed ranks in the interest of our beloved State. Representative HUGHES and Representative GALLO have outstanding reputations in seeking common ground between the political parties as well as regional concerns. In seeking common ground they have always advanced the best interest of the people of our State.

BILL HUGHES is the dean of our delegation. BILL was first elected in 1974—a full 20 years ago—and has served longer than any other Member of Congress now in the New Jersey delegation. In fact, he's represented the second district longer than anyone in New Jersey history.

Why has he served the second district for so long? We need to look only to his dedication to law enforcement and crime fighting, his protection of our New Jersey shore and his advocacy on behalf of older residents in New Jersey. The list goes on. I, for one, frequently sought him out to confer on these matters. I knew he would be objective and knowledgeable. You can rely on his judgment.

BILL HUGHES is a native of southern New Jersey, born in Salen and a graduate of Peens Grove Regional High School. He is a graduate of our State university, Rutgers, and of Rutgers Law School. His training at Rutgers law gave him the background he needed to go on to become one of New Jersey's most prominent attorneys. He spent 10 years as first assistant prosecutor in Cape May County, where his

long string of successful prosecutions were never overturned on appeal. He left the Prosecutor's Office to join the law firm of Loveland, Hughes & Garrett in Ocean City. He became president of that firm before his election to Congress. He is a member of the American, New Jersey, and Cape May County Bar Associations.

BILL HUGHES' dedication to public service has not been limited to his professional and political interests. He had dedicated his time as an officer of the Ocean City Exchange Club, the Ocean City Chamber of Commerce, Shore Memorial Hospital, and the Ocean City Historical Museum.

DEAN GALLO is no newcomer himself. I can still remember when he arrived here after the 1984 election. His reputation was legend and we welcomed him warmly to the New Jersey delegation overall and the New Jersey Republican delegation in particular. We soon learned that his reputation was well-deserved. He is a thoughtful legislator. While DEAN is a man of few words, his opinions are valued and when he speaks, we listen!

But DEAN's background in public service began long before Congress. He got his start on the Parisippany-Troy Hills Township Council in 1968, becoming president of the council only 2 years later. From the Township council, DEAN moved on to become a member of the Morris County Board of Chosen Freeholders, where he distinguished himself as freeholder director. In 1976, DEAN became a member of the New Jersey Assembly. Showing ability for leadership once again, he was chosen as Republican leader in 1982.

Recognition of DEAN's leadership abilities have continued here in Congress. He is a member of the House Appropriations Committee and has been the Republican regional whip since the 100th Congress.

DEAN has been stricken with a serious illness that has kept him away from Congress in many of the recent weeks. We miss DEAN. We miss him in our delegation meetings. We miss him on the floor. We miss his quiet leadership and his counsel. We even miss him at Newark Airport. I know that I speak for all of us when we offer him our prayers and support.

DEAN's decision to step down is a sign of his integrity. To try to remain in office while battling this illness would force DEAN to cut back to a part-time schedule. And DEAN believes that the citizens of the 11th district deserve a full time representative in Congress. He has made the honorable decision, putting his constituents first as always.

BILL and DEAN's time here in Congress has come to a close and they have accomplished much during this time. Our lasting memory of them will be their valuable public service. We hope that their lasting memory of us will be our friendship.

Mr. PALLONE. Mr. Speaker, this is a somewhat bettersweet occasion for the members of the New Jersey Delegation. Tonight, we pay tribute to two very distinguished colleagues who have decided to retire at the end of this session: BILL HUGHES and DEAN GALLO. Congressmen HUGHES and GALLO have been exemplary public servants for our State of New Jersey and for our great Nation. They have also been very special friends whose presence in the halls of Congress will be acutely missed.

Mr. Speaker, I know that when I arrived here 6 years ago I greatly benefited from the experience and expertise of BILL HUGHES and DEAN GALLO, and I'm sure that the same has been true of the more recent arrivals in our State's delegation. With BILL and DEAN now moving on, our delegation's clout will obviously suffer and those of us who plan to come back next year have our work cut out for us. I hope we can live up to the high standards set by our retiring colleagues in fighting for the needs of the people of our State.

The work of BILL HUGHES with regard to crime and judiciary matters is well known to the Members of this House. But I would like to pay particular tribute to Congressman HUGHES leadership on environmental protection. BILL and I, along with our colleague JIM SAXTON, as the Garden State's members of the Merchant Marine and Fisheries Committee, represent a sort of delegation unto ourselves on behalf of the Jersey Coast area. Since the coastal issues have been one of my primary legislative concerns, it has been very rewarding to work with someone like BILL HUGHES who shares my commitment to fight for clean water and clean beaches, and to look out for the interests of our fishermen, boaters and beachgoers.

Congressman HUGHES believes that environmental protection requires sound planning, and not just reacting to crises once they occur. In New Jersey, BILL HUGHES is perhaps best known for writing the law that banned the dumping of sewage sludge in the ocean. From the time that this legislation was first adopted, in the late 1970's Congressman HUGHES closely monitored progress and compliance. He worked for passage of a follow-up law in 1988 to impose tough fines on those who failed to comply. His tireless work has paid off: every municipal and industrial ocean dumper is now out of the ocean. Under the enforcement provisions included in the 1998 law, more than $51 million in fees was collected by the EPA, most of which was used to monitor sludge barges and to help develop environmentally sound, land-based disposal alternatives.

BILL HUGHES also authored the 1987 law that banned the disposal of plastic debris in the ocean from ships, including military vessels, and authorized a study of land-based sources of plastic pollution entering the ocean. He wrote important laws placing tough restrictions on the dumping of medical wastes in coastal waters, establishing improved tracking systems, and setting stringent regulations on the handling and transportation of garbage by barge. He won federal funds to develop a plan to clean up the New York Bight. He has also been working hard to develop legislation addressing the problems of combined sewer overflows, agricultural run-off and other nonpoint sources of pollution and has pushed for get-tough measures against polluters.

Congressman HUGHES has written legislation which would require coastal States to adopt beach and ocean testing procedures nationwide which are comparable to the stringent regulations we now have in place in New Jersey, with a system for notifying the public of potential health risks during periods when the water quality falls below minimum standards. He has also been a leader in the effort to restrict offshore oil and gas drilling operations off the New Jersey coast.

BILL HUGHES has always taken great pride in the scenic beauty of southern New Jersey, and he has worked hard to protect these natural resources. He has been a leader in the protection of the unique Pinelands region of South Jersey. He successfully worked for the creation of the Cape May National Wildlife Refuge, and the protection of some of the area's great waterways, including the Great Egg Harbor in Atlantic Harbor, and the Maurice, Manumuskin, Menmantico and Muskee Rivers in Cumberland County.

Another issue on which BILL HUGHES has distinguished himself is as an advocate for senior citizens. Since his election in 1974, BILL served as a member of the Select Committee on Aging, eventually being named chairman. After the committee was abolished, BILL founded and chaired the bipartisan House Older American Caucus. He has been a staunch defender of Social Security, and has shown true vision in stressing the need to build up a reserve to help pay for the retirement of future generations of Americans.

Mr. Speaker, the career of DEAN GALLO has truly represented, as the West Essex Tribune recently editorialized, "The Best in Public Service." Like BILL HUGHES, DEAN GALLO was not one of the Members of this body who were obsessed with the spotlight. But DEAN GALLO got things done. With the retirement our colleague Barney Dwyer in 1992, DEAN was New Jersey's sole member of the Appropriations Committee. During the appropriations process, Congressman GALLO was attentive to the funding concerns of all members of the New Jersey delegation. His membership on the Subcommittees on Energy and Water Development, and the VA, HUD and Independent Agencies put him in a position to fight for projects and programs vitally needed by our State. He could always be counted on to champion our concerns and to keep us apprised through every step of the appropriations process. For this hard work, DEAN GALLO deserves the gratitude of thousands and thousands of New Jerseyans, many of whom probably never knew about his work but who benefitted from his efforts.

DEAN GALLO's hard work on Appropriations was particularly important in terms of the water projects that he helped obtain funding for. In working for shore protection and water cleanup initiatives, I could always count on DEAN to help make these projects a reality. As a former member of the Water Resources Subcommittee of the Public Works and Transportation Committee, I was pleased with the cooperation between the authorizing and appropriating sides. Congressman GALLO's staff was always professional and dependable, working without any regard to partisanship.

Congressman GALLO also served as co-chairman of the Northeast-Midwest Coalition, a bipartisan alliance of members from 18 States in this region. The industrial States of the north have been losing influence to the Sunbelt in recent years, and this coalition allows us an appropriate forum to advance our interests and concerns. Congressman GALLO has truly made his mark on this coalition on behalf of our State and our region.

It has often been noted—correctly, I believe—that small business is the engine of our economy, the place where jobs are created and innovation happens. Congressman GALLO was a strong fighter for the small business people. As a small businessman himself, DEAN has won recognition and awards for his efforts. In 1985, he opposed efforts to dismantle the Small Business Administration, and fought for reforms to improve the SBA and make it more responsive to the small business people it is intended to serve. He has consistently worked against red tape and tax laws that hurt small businesses.

DEAN GALLO will be fondly remembered for his honesty and candor. His colleagues, Congressional staff, the press and, most importantly, his constituents, could always count on getting a straight answer from him. This honesty came through in DEAN GALLO's decision to retire at the end of this term and the classy way he went about announcing his decision. When DEAN began to experience a recurrence of cancer, he made the conclusion that the extensive treatment that he would have to undergo would take away from his ability to fulfill his responsibilities and represent his constituents full-time. That is the kind of public servant DEAN GALLO has been throughout his career.

Mr. Speaker, as I indicated, this is a bittersweet occasion for us. We will be saying goodbye to two good friends and esteemed colleagues. But looking back on their remarkable achievements, we can take pride that we had the opportunity to work with them and strive to aspire to the high standards they set.

Mr. SMITH of New Jersey. Mr. Speaker, I rise to honor two outstanding members of the New Jersey delegation who will be stepping down at the end of the 103d Congress, DEAN GALLO and BILL HUGHES. Both of these distinguished public servants have been invaluable colleagues for many years, and I wish them every success and happiness.

I have always known DEAN GALLO to be straightforward, honest, and extremely pleasant. As the only New Jersey member on Appropriations, DEAN has been crucial in securing much-needed funding for improvements to the State of New Jersey. On that committee, DEAN has been supportive and has helped protect my amendments and provisions to provide funding for flood projects in Monmouth County and beach erosion projects along the shore in my district. I'm grateful for his work, support, and assistance with these important projects.

His work outside the Appropriations Committee has also been of great assistance to all people nationwide. In the wake of the terrible oil disaster in Alaska involving the Exxon *Valdez*, DEAN fought to ensure that oil tankers are built with double hulls. I strongly supported his efforts, and I believe that because of DEAN, there is a greatly diminished chance that this tragedy will occur again.

Furthermore, his work on projects such as Superfund reform and flood control are true testaments to DEAN's responsible approach to lawmaking. His dedication to public service is rare and will be missed.

Because DEAN has always committed his full energy to everything he has set out to conquer, it is now necessary for him to focus on his illness and beat it. I am sure I speak for every Member of Congress, and all who know DEAN GALLO, when I wish him God's blessing and the speediest of recoveries and a long and healthy career outside of Congress.

BILL HUGHES has ably represented New Jersey's 2d Congressional District since his election in 1974. BILL's influence on improving his district is evident wherever you travel in South Jersey. My family and I regularly vacation in BILL's hometown of Ocean City. The valuable time we have enjoyed on Ocean City's beautiful beaches is testament both to BILL's commitment to his district and to his hard work in ensuring that New Jersey's beaches are among the best in the country.

As dean of the delegation, BILL has exhibited a deft touch rallying the delegation around causes of mutual concern to all the State's citizens. Many of us have joined him in petitioning Federal officials in support of funding for projects as diverse as blueberries for the Department of Agriculture to grants for homeless veterans. By and large, these requests were granted and resulted in further improvements in the quality of life for the people of New Jersey.

As a member of the Aging Committee, I looked forward to working with BILL, who was slated to become chairman at the beginning of the 103d Congress. Unfortunately, the House voted to abolish all select committees, and that opportunity was lost. Still, BILL's work on various issues of importance to senior citizens foreshadowed serious examination by several standing committees during the past years. Over and over again, BILL has led—and Congress has followed.

BILL'S exceptional skills as a legislator are well known. His dedication to his constituents is unquestioned. He is well liked—and respected by both Republicans and Democrats. Knowing BILL's energy and capacity for hard work, I am certain BILL will succeed in all of his new endeavors. And perhaps he will now have a little more time to spend with his wonderful family.

Mr. KLEIN. I want to thank my good friend and colleague, MARGE ROUKEMA, for arranging this special order this evening.

It is with mixed emotions that I stand here tonight to say farewell and pay tribute to two of New Jersey's finest Representatives—BILL HUGHES and DEAN GALLO.

First, to my friend and mentor, BILL HUGHES, let me say that this institution will not be the same without you.

In a Congressional career that spans 20 years, you have served New Jersey's 2nd District with distinction and devotion that can never be duplicated.

From your early days as a prosecuting attorney in Cape May County and throughout your tenure as a Member of the House Judiciary Committee, you have compiled an anticrime record that is second to none. In so doing, you have helped rid our streets of drugs and drug traffickers; you have protected American consumers, businesses and products; you have helped crack down on child pornography; and you have helped enact the toughest sentencing laws this Nation has ever seen.

I can think of no finer tribute to those efforts than enactment of this year's crime bill. It was your leadership and your knowledge of the issues that helped steer this legislation through.

As a Member of the Merchant Marine and Fisheries Committee and a strong environmental advocate, you have dedicated yourself to the protection of our Nation's oceans. It was your legislation that banned the dumping of harmful sewage sludge in the ocean and imposed stiff fines on municipalities that continued to do so. Beyond that, you pushed for new laws to ban the disposal of plastics and medical wastes in our Nation's oceans and coastal waters. Our oceans and beaches are cleaner and safer because of BILL HUGHES.

Your long list of accomplishments is so extensive, BILL, that there is no way I can do them or you justice in the brief time we have allotted here this evening.

Suffice it to say that your tireless efforts on behalf of your constituents and our State will never be forgotten and will always serve as a model for others to follow. As dean of our delegation, you have set an example of leadership and fairness that all of us aspire to.

BILL, I wish you all the best—health and happiness; a long and prosperous retirement with your lovely wife, Nancy; time with your children and grandchildren; and lots of enjoyable hours fishing in the Great State of New Jersey and wherever your travels might take you. You will be sorely missed.

And now on to the other great dean of the New Jersey delegation, the Honorable DEAN GALLO.

DEAN, it has been a genuine pleasure for me to serve with you in the Congress these past 2 years.

From the early years as a member of the Parsippany-Troy Hills Township Council, a freeholder in Morris County, a member of the New Jersey General Assembly, and most recently as a Member of Congress, you have dedicated your life to helping others.

Your straight-forward businessman's approach to solving problems has helped hundreds of people break through the morass of bureaucratic red tape. I know your greatest satisfaction comes from helping others, DEAN, and in that respect, no one in this body can match your record of service.

Your time here in Washington has been of great benefit to both New Jersey and the Nation as a whole. Under your leadership, we have made a great deal of progress in a number of areas. Housing for our seniors, small business protection, veterans programs, and Clean Air Act compliance are just a few of the areas that have benefitted from your efforts. As co-chairman of the Northeast-Midwest Congressional Coalition, you have vigorously fought to protect our unique interests and to insure that our region receives its rightful share of any Federal funds which might be available.

The one project that I think you can take the most pride in and one that will outlast all of us in this Chamber today, is the Tokamak Fusion Experiment at Princeton. A hundred years from now, our great grandchildren will be living in a world powered by fusion energy, an eventuality that would not have occurred without the vigorous efforts of DEAN GALLO.

DEAN, I want to congratulate you on your recent marriage, and I wish both you and Betsy many years of happiness together. Let me also wish you a complete and speedy recovery. You will be missed by our colleagues

here in Washington, but those of us up in New Jersey hope to see a great deal more of you in the future.

Mr. HUGHES. Mr. Speaker, I rise today to pay tribute to my friend and colleague, DEAN GALLO. After 10 years of exemplary service in the House of Representatives and an outstanding record of accomplishment for his constituents in New Jersey's 11th district, DEAN has announced his retirement. New Jersey will miss his dedication and his leadership.

Representing our State on the House Appropriations Committee, DEAN has worked tirelessly on issues of importance to all New Jersey residents. I am most grateful for the assistance DEAN has given to me and to the entire delegation in securing funding for numerous projects that benefit our individual constituencies and the entire State. His knowledge and expertise are second to none, and his stewardship in the area of appropriations will be difficult to replace.

DEAN GALLO's distinguished record of public service extends over a 25-year period, beginning in 1968 when he was first elected to the Parsippany-Troy Hills Township Council. Having also served as a Morris County freeholder, and a member of the New Jersey General Assembly, DEAN GALLO embodies what it means to be a dedicated and hard-working public servant.

It is for this reason that I rise with mixed emotions to congratulate my esteemed colleague on such a distinguished career.

DEAN GALLO is a tribute to the House of Representatives, and his premature retirement is a tremendous loss for the institution and for the Nation. If we had more public servants of the caliber of DEAN GALLO, I'm convinced this institution would be held in higher esteem by the American public.

But now I only wish the very best of everything to DEAN and Betty in the years ahead. My thoughts and prayers are with DEAN for a quick and successful recovery and a retirement filled with every joy and happiness life can offer.

Mr. SAXTON. Mr. Speaker, it is with considerable regret and a heavy heart that I make these remarks about my good friend, DEAN GALLO. I have had the deep pleasure of working with DEAN for over two decades. During that time, I have found him to be not only a colleague of the highest caliber, but a real professional in everything he does—including bestowing his friendship.

I can remember the first time I met DEAN. We had both just been elected to the New Jersey General Assembly in 1975. I noticed immediately that he was already recognized as one of our leaders. I continued to work closely with him after I went on to the State senate and DEAN became minority leader of the Assembly. 1984 was a special year for both of us. That was the year, 9 years after we met, that we were both elected to the U.S. House of Representatives.

I have met many people during the years I have been active in public service. None were DEAN's equal in their devotion to their constituents, passion for doing the right thing, willingness to stand upright, if often alone, for the things he believed in, and all without giving offense, or making an opponent into an enemy. The English language has a word for this kind of person—"thoroughbred."

As an influential member of the House Appropriations Committee, DEAN has always come through for New Jersey. No request ever made was too small for his meticulous attention. All one has to do is look around the State to see DEAN's congressional legacy. He fought for all of New Jersey with the same energy and commitment he did for his district. And so our constituents became his constituents. And DEAN became more than the Representative from New Jersey's 11th district. He evolved into a Congressman's Congressman.

All through his career, DEAN's colleagues recognized the leadership qualities in him. He is one of that rare breed of natural leaders. As Assembly Republican leader in Trenton and as Republican regional whip in Washington, DEAN has put his talents to the test and has forged winning coalitions from seemingly diverse groups and interests. In all his years in Washington, he was New Jersey's voice and was New Jersey at its best.

In all our years of public life, I always could count on DEAN to put things in perspective as we spent countless evenings discussing the day's events over dinner. I could always rely on him to remind me who I was, from where I came, and why I was here. If the truth be known, it was he who kept me from taking on too many of the ways of Washington.

I thank him not only for this, but for all he has meant for me, his colleagues, and the entire State of New Jersey. He will always be my friend. I look forward to continuing to call upon his wise counsel.

I would like to relate one short story which tells mountains about how people we know feel about DEAN.

A few weeks ago, DEAN's administrative assistant called to ask if, in DEAN's absence, I would have my picture taken on the House step's with his staff.

I met Donna and the staff at the steps a short time later. As we positioned ourselves on the steps, I noticed that each staff member held a bumper sticker. Donna handed me one and we held them in front of each of us as the photographer took our picture.

The bumper sticker said, "We love you, DEAN."

Mr. BLILEY. Mr. Speaker, I rise today to speak of a man who Congressional Quarterly's "Politics in America" describes as the "garrulous GALLO, known for his backslapping, deal-making style." Well, my fellow Members, this fine gentleman from New Jersey is not only a valued Member of this fine body, but also a good friend and a trusted colleague of mine.

Some have called DEAN GALLO "old-fashioned" because of his preference for calm deliberations, instead of heated, partisan confrontations. Well, if old-fashioned means accomplishing great things while earning the respect of Members from both sides of the aisle, then I hope DEAN wears that label proudly.

With a steady hand guiding the wants and needs of his constituents, DEAN has steered many a debate in the House through the smooth waters of agreement and the stormy seas of dissent. But, through it all, this loyal public servant has stayed the course—offering guidance and good humor to all along the way.

However, Mr. Speaker, what has distinguished this gentleman the most in his years of service is his devotion—his devotion to see the good in his fellow man and woman. While others only would see the bad; his devotion to guard not only for the things that would be food for the Garden State, but also for the things that would help all American families; and finally, his devotion to his party and this institution has been a constant source of inspiration to all those who may have forgotten the true meaning of public service.

It has been a distinct pleasure and privilege to serve in the U.S. House with DEAN GALLO. While his presence in this body will be greatly missed, there are plenty of us who understand his desire to conquer the new challenges that lie ahead. Thank you, DEAN, for your tireless efforts and your loyal commitment to your party and to your Nation—your hard work certainly did not go unnoticed.

Mr. DELAY. Mr. Speaker, Ralph Waldo Emerson once said, "A friend is a person with whom I may be sincere. Before him I may think aloud." How many of us will miss thinking aloud with DEAN GALLO in the cloakroom, on the House floor, or wherever else we had the privilege and pleasure of sharing time with him.

We may not have agreed on every issue, but looking back I cannot recall a divisive dispute with DEAN. That is the strength of DEAN GALLO. Even in opposition, DEAN remained a friend. And in this House that is rare.

His insight and strength are great traits that the Congress will sorely miss. DEAN was able to break down difficult issues with a pragmatic and logical analysis that not many possess.

As DEAN prepares to begin his new life free of the everyday hassles of Congress, I wish him the best of luck and happiness. Morris Country's gain will be Capitol Hill's loss. When I'm traveling in New Jersey, DEAN, please be sure and save me a seat at your favorite Italian restaurant where we can share great food and stories of past and future political wars.

Mr. SAXTON. Mr. Speaker, I rise to pay tribute to Congressman WILLIAM J. HUGHES, Dean of the New Jersey delegation who, as we all know, is retiring from congressional life this year.

BILL HUGHES has served for 10 terms in the House, representing New Jersey's Second Congressional District longer than anyone in history. The Second District is the largest and most diverse in New Jersey, geographically covering close to thirty percent of the State. It is a real tribute to BILL that he was able to be elected and re-elected ten times in a district that is ideologically and traditionally Republican-leaning. He is well-loved by his constituents and has selflessly represented their views. He is a native and life-long resident of southern New Jersey and cares deeply for the State and its people. He has worked long hours and weekends in service to his constituents. His eagerness to return to its natural beauty is obvious.

His rise in seniority in the House has been swift and well-deserved. Through his ten terms, BILL HUGHES rose to 49th in seniority out of the 435 Members. He has made his mark serving as chairman of the House Judiciary Committee's Subcommittee on Crime from 1981 to 1990 and wrote more than 40 major anti-crime bills which were enacted to strengthen our Nation's criminal laws. In 1991,

he was chosen chairman of the House Judiciary Committee's Subcommittee on Intellectual Property and Judicial Administration. As chairman, he has worked to enact strong laws to protect American films, books, computer software and music, both here and abroad.

While he has worked diligently to make New Jersey and the Nation a safer place, BILL HUGHES has also been a leader in Congress on environmental issues. He is second in Democrat seniority on the House Merchant Marine and Fisheries Committee, on which we both serve.

During my tenure in Congress, I have worked very closely with BILL on issues of importance to the New Jersey coastline, the interests of which we both represent in Congress. It has been a pleasure to join him in introducing and working for the passage of legislation to protect the shoreline of southern New Jersey as well as the Nation's coastline.

We have united to enact legislation to finally ban the ocean dumping of sewage sludge and ban the ocean disposal of plastic from ships.

One initiative that brought me especially close to BILL resulted in a law to require the Environmental Protection Agency to develop a cradle-to-grave system for tracking medical waste so it will never wash onto our beaches again. During the summer of 1988, medical waste washups were a persistent problem along the Northeastern coast. Because of our mutual concern, shared coastline, and service together on the Merchant Marine and Fisheries Committee, Bill and I held field hearings in tandem to solve this problem. Siting the hearings in both our districts helped us to gain diverse viewpoints. This assisted us in our later strategy sessions, which resulted in the medical waste tracking law. I learned a lot from him through this experience.

More recently, we teamed up to include the Mullica River/Great Bay system, which divides our districts, in the National Estuarine Research Reserve.

BILL HUGHES has also written laws to include five southern New Jersey rivers in the Wild and Scenic River system, to establish the Pinelands National Reserve, and to authorize the beach restoration project in Cape May.

It has been my true pleasure to collaborate with him throughout my time here. He has been a leader for New Jersey and for the Congress and will be sorely missed.

Mrs. LLOYD. Mr. Speaker, I join my colleagues this evening to pay the highest tribute to a dear friend of mine who, like myself, will be retiring at the end of the 103rd Congress—Representative BILL HUGHES.

BILL HUGHES and I entered Congress at the same time in 1975. Twenty years later we find ourselves at the same point in our careers. Together we have grown as members and legislators doing the best we can to help those whom elected us. While I chose to pursue interests in energy policy and defense, BILL became a leading voice on the House Judiciary Committee. He has fought tirelessly to fight crime and as a former chairman of the Crime and Criminal Punishment Subcommittee, he never lost sight of his goals brining to the floor many critical crime prevention and enforcement measures that reinforced the motto that "Crime Does Not Pay." Bill later moved on to the Intellectual Property Subcommittee and became Congress' leading authority on a difficult and complex issue.

Representing the beautiful coastal communities of Southern New Jersey, BILL was a champion on the Merchant Marine and Fisheries Committee for coastal protection and clean up. I believe that many of the beaches that many of us have walked along on both coasts are a lot better off due to the efforts of BILL HUGHES.

BILL and I literally served side by side on the now defunct House Aging Committee. BILL's passionate work on the Aging Committee and for the cause of the elderly is without equal. I have been consistently impressed and inspired by his efforts on behalf of our aging population.

My colleagues, while I have the utmost respect for the Congressman BILL HUGHES, what I will miss most is the friend BILL HUGHES. He has always been an understanding and caring friend who has been a source of advice, and guidance on many issues professional and personal. His wife Nancy, and I have become close also.

It is my hope and belief that after we adjourn that we won't have heard the last from BILL HUGHES. This body and this country is losing an effective and respected legislator that won't easily be replaced. BILL, my best of luck and warmest regard upon your retirement. I hope our paths will cross many times in the future.

Mr. ZIMMER. Mr. Speaker, as the 103d Congress draws to a close, I would like to take a moment to recognize two members of New Jersey's delegation who are retiring this year.

DEAN GALLO, my good friend from New Jersey's 11th District and BILL HUGHES, who has ably represented New Jersey's Second District since 1975, are not seeking reelection.

DEAN GALLO is a member of the GOP leadership team who has worked hard during his decade in Congress as a whip lining up support for our party's initiatives.

I've known DEAN since 1982, when I joined the New Jersey Assembly where he was Republican leader. DEAN became both a mentor and a friend, showing me the ropes and helping me avoid the pitfalls.

DEAN left the Assembly in 1984 to come to Congress, where he quickly became a leader in his party, initially as a freshman class whip and then as a regional whip.

As a member of the House Public Works and Transportation Committee, DEAN fought for his Morris County-based district and for New Jersey, winning passage of legislation to fight acid rain and using tax incentives to encourage mass transit and van pooling.

On the House Appropriations Committee, DEAN continued his work on behalf of the entire State, making sure that New Jersey got its fair share of federal resources.

When I came to Congress in 1991, DEAN again showed me the ropes and has served as a continuing source of inspiration and guidance.

DEAN and I have worked on several projects over the years, including cleaning up the Combe Fill South Superfund site in Washington Township, saving Picatinny Arsenal and trying to get the Federal Aviation Administration to deal responsibly with aircraft noise.

DEAN, I know I am expressing the thoughts of all your colleagues here in Washington when I say we will miss you and wish you the very best.

BILL HUGHES is going on to other pursuits after an active 20 years in Congress that saw him rise through the ranks to become the senior member of New Jersey's delegation.

BILL has managed to leave his mark both on New Jersey and the Nation during his tenure in Washington. He has been a fervent protector of the Jersey Shore, writing legislation banning ocean dumping of sewage sludge and trash and fighting proposals to burn toxic waste off the coast of New Jersey. He also obtained millions of dollars in federal funds to restore and enhance the beaches of the Jersey Shore.

As chairman of the House Crime and Criminal Justice Subcommittee for a decade, BILL drew upon his background as an assistant Cape May County prosecutor to leave his mark on every major crime bill to emerge from this House.

In 1991, he took on a new challenge as chairman of the Intellectual Property and Judicial Administration Subcommittee, a panel of immense importance to American commerce and industry.

BILL also worked hard on the Select Committee on Aging, where he was in line to become chairman until it was abolished in 1993. His efforts on behalf of Older Americans have appropriately led to his consideration to be head of the Social Security Administration.

We will all miss BILL and wish him well in his new ventures.

Mr. MENENDEZ. Mr. Speaker, I would like to thank Congresswoman ROUKEMA for arranging time this evening so that we can publicly acknowledge the contributions of Congressman BILL HUGHES and Congressman DEAN GALLO, both of whom have decided to retire from the House of Representatives.

BILL HUGHES, the dean of the New Jersey delegation, has had a long and distinguished career. A former prosecutor from Ocean City, NJ, BILL was well qualified to take a seat on the House Judiciary Committee when he came to Congress after the 1974 election.

During the 1980's, BILL chaired the Subcommittee on Crime, where his expertise as an attorney and a prosecutor served him well as he fashioned the 1984 and 1990 crime acts and the 1986 and 1988 drug bills. His demeanor, intelligence and knowledge of the legislative process assured success as he shepherded these bills through the House. Mr. Speaker, we all know from our experience with this year's crime bill that this is no small feat. These bills are always controversial and demanding and yet BILL HUGHES was able to manage these measures with a decorum and professionalism which is sadly lacking in many of our current debates.

In 1991, BILL gave up the Crime Subcommittee to chair the Subcommittee on Courts, Intellectual Property and Judicial Administration. While this subcommittee on its surface lacks the high profile of the Crime Subcommittee, to me it is evidence of the high regard in which BILL HUGHES holds our legal system. The subject matter with which this subcommittee deals is detailed, and to some, dry. Intellectual property, patent, trademark

and copyright laws are all under the jurisdiction of this subcommittee and the importance of these matters to the United States cannot be overstated.

Congressman HUGHES has left his mark on legislation which increased the penalties for child pornography; enabled the DEA to track chemicals used to produce illegal drugs; and imposed criminal penalties in product tampering incidents.

As a Representative from a coastal area, BILL HUGHES also made significant contributions in the area of environmental protection of our oceans. While serving on the Merchant Marine and Fisheries Committee, he wrote the historic 1978 ocean dumping law, which banned the dumping of sewer sludge into our oceans.

Mr. Speaker, anyone who lives in New Jersey remembers the summer beach crises where medical waste was washing up on our shores. BILL HUGHES authored legislation, which has been enacted, to impose tough restrictions and penalties on the dumping of medical wastes in coastal waters.

We will miss BILL HUGHES. We will miss his leadership, his integrity and his personal commitment to his district and his constituents. I want to wish BILL and his wife Nancy many years of pleasant South Jersey living.

At the reception honoring him on Tuesday night, BILL HUGHES said that he was only retiring from the House. He was not retiring from his life of service and activity. BILL, we're going to hold you to that.

Mr. Speaker, I would also like to reluctantly say good-bye to another Member of our delegation, DEAN GALLO.

As we all know, DEAN's medical problems have forced him into this decision so that he can focus his considerable energy into the fight he faces for his health.

However, it would be wrong for us to let this terrible situation overshadow the work and contributions which DEAN GALLO has made during his 10 years in the House.

DEAN GALLO has never forgotten who sent him to Congress and he has dedicated himself to working to help his communities and his constituents. He has been a true public servant. The West Essex Tribune, in an editorial after Mr. GALLO announced his retirement, stated that, his sincere concern for public service has earned him the respect and appreciation of people of all political persuasions. This is a testament which every public official would love to have applied to themselves, but which few will ever see.

DEAN has worked quietly, but effectively during his Congressional career, never seeking the limelight but always willing to help.

As New Jersey's lone member on the House Appropriations Committee during the 103d Congress, DEAN has been willing to help all of New Jersey. If there was a project which could benefit our State, DEAN was always willing to lend his support. We will all miss that. Our State will miss that.

As a small businessman, himself, DEAN could relate personally to the problems of small businesses and took a special interest in efforts to keep the SBA intact as well as overseeing bureaucratic administrative regulations which had the potential of overburdening them.

DEAN GALLO is a gentleman and the proof of his love of people and his treatment of them could be seen no more clearly than it was on Tuesday evening. The love, dedication and esteem in which DEAN is held was clearly seen on the faces of his staff as their boss was honored at a farewell reception. The loss of DEAN GALLO in the House of Representatives is something to which we can all relate.

I want to wish DEAN and bride Betty, Godspeed. He will be in my prayers.

Mr. EDWARDS of California. Mr. Speaker, I'm delighted to have an opportunity to participate in this special order on behalf of my friend and colleague, BILL HUGHES.

One of the finest experiences of my congressional life has been my close association with BILL. He and I have served for 20 years together on the House Judiciary Committee, and it's hard to think of an issue that has come before the Committee in that time where I have not sought out BILL and benefitted from his insight and advice.

I think especially of our work on criminal justice issues. The courts and the federal judiciary could have no finer champion than BILL. Always he has worked to ensure the efficient operation of our judicial system, but he has been equally committed to ensuring that the system is just and that due process is upheld.

BILL was especially creative in our work on the omnibus crime bill which was recently enacted. His efforts resulted in the very sound provisions of the bill which provide funding to states for needed new prison construction. Even more important was his work on creating within our sentencing structure a vitally important safety valve to restore to judges the discretion to moderate sentences for certain first time, non-violent offenders.

On this issue, BILL courageously bucked the popular trend of more and more mandatory minimum sentences, an approach to sentencing which has tied the hands of judges in meting out appropriate sentences to criminal offenders based on the particular circumstances of the case. As judges, criminal justice advocates and our Attorney General have pointed out, mandatory minimums have caused serious problems in the Federal prison system, resulting in overcrowding, and locking up for long sentences otherwise good candidates for rehabilitation. The safety valve provision that BILL insisted be included in the crime bill will do much to ameliorate the harmful effects of mandatory minimums.

BILL exemplifies the very best sort of Member of Congress—attentive to the needs of his district, but also sensitive to the needs and concerns of the whole country. I've been proud to call him a colleague and a dear friend. I suppose in a way that I'm happy that he and I are leaving our congressional service at that same time, because I cannot imagine being a member of the Judiciary Committee without his counsel and support.

Lastly, Mr. Speaker, Nancy Hughes, BILL's wife, has been a gracious member of the Capitol Hill community. My wife, Edie, and I always look forward to hours spent with BILL and Nancy. I wish them many happy and productive years after Congress.

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to say farewell to two of our colleagues with whom I have had the honor of serving. Congressman GALLO and Congressman HUGHES have both represented with distinction, and the State of New Jersey will greatly miss them.

As a member of the Appropriations Committee and a veteran legislator, Mr. GALLO has been instrumental in key legislative initiatives for the State of New Jersey. The entire delegation has greatly appreciated his bi-partisan leadership. I wish him the best of luck and our thoughts are with him and his family.

Mr. HUGHES is one of the most honorable, dedicated, and principled individuals who I have had the good fortune of serving with. He has had a profound impact on this country and we are better off as a result of his efforts. He has worked diligently to fight crime and to enact tough and fair laws. He has been the driving force in protecting our natural resources and preserving the beauty of the Jersey shore. Most importantly, he has always put service to his constituents above all else.

Chairman HUGHES has set a personal standard of conduct which I can only hope to live up to. I have found his leadership and guidance to be invaluable and I will sorely miss him. I know he will be as successful in his future endeavors, but he should know on his leaving Congress, that he has made a difference.

Mr. PAYNE of New Jersey. Mr. Speaker, I am proud to join in paying tribute to two of the finest men I have had the pleasure of serving with in Congress, Representatives BILL HUGHES and DEAN GALLO.

In our years of working together as New Jersey colleagues, BILL HUGHES and DEAN GALLO have been helpful, accessible, hard-working, and committed to making a difference. Even as they both gained in seniority and had increasing demands placed on their schedules, they always had time to listen. Both gained the respect of their colleagues in Congress and their constituents back home.

As dean of our delegation, BILL HUGHES was always attentive to New Jersey concerns and to the needs of his colleagues. We looked to him for guidance and advice and we benefitted from his vast knowledge and experience.

Before coming to Congress, he distinguished himself as a lawyer and prosecutor in Cape May County. His legal background and familiarity with law enforcement issues prepared him well for his outstanding service on the House Judiciary Committee, when he served as chairman first of the Crime Subcommittee and later, the Subcommittee on Intellectual Property and Judicial Administration.

DEAN GALLO distinguished himself by rising to the position of minority leader in the New Jersey Assembly before his election to Congress. In the U.S. House of Representatives, he gained a seat on the powerful House Appropriations Committee. Whenever I went to DEAN with a request on behalf of my congressional district, he and his staff were always extremely responsive and helpful. I greatly appreciate everything he did for my area of New Jersey.

My heartfelt thanks and best wishes go to BILL HUGHES and DEAN GALLO as they conclude their years of honorable and distinguished service here in the U.S. House of Representatives. They will be greatly missed.

Mr. PACKARD. Mr. Speaker, I rise to pay special tribute to my colleague and friend

DEAN GALLO. DEAN has served this body with great distinction. My colleagues and I will miss him when he retires at the end of this legislative session.

DEAN and I have worked together for a number of years—first on the Public Works and Transportation Committee and now on the Appropriations Committee. Throughout our service together I have known DEAN to be a forthright, hard working Member of this body.

He has made great contributions not only on behalf of those he represents in his home State of New Jersey, but to this body and the Nation as a whole.

I wish him a speedy recovery and good fortune in his future endeavors.

Mr. ZIMMER. I rise today on behalf of my colleague Congressman GALLO, who is on medical leave, and request that his statement be read into the RECORD on his behalf.

Mr. Speaker, in 1993, when health care reform came to the forefront of the Nation's agenda, I formed an advisory group for the purpose of helping me analyze and recommend solutions for reforming our health care system. I rise today to thank the members, and to the chairman, Mr. Ken Courey, for helping me with the task of determining the health care reform needs of District 11 residents.

The advisory group I formed was comprised of District 11 residents who are, as I have come to learn, some of the finest individuals I have had the opportunity to work with in my years of public service. Their dedication to the task of helping me far exceeded my expectations. Not only did they commit much personal time and energy, they provided me with a report that contains some of the more sensible and responsible reform proposals I have read to date. It is my hope that my colleagues will consider their recommendations when the issue arises again in the 104th Congress.

Although it's disappointing for us who were involved in the process, or for those who are suffering from a lack of health care, that the 103d Congress will soon adjourn without having passed any reform, I urge members of my advisory group, either individually or as a group, to continue their work.

It is clear that Americans need and want reasonable, responsible and much-needed reforms—and they deserve action. Mr. Speaker, this is a national problem that impacts every American, and I urge returning Members of Congress to consider my advisory group recommendations.

At this time I would like to recognize the members of my advisory group, including: Kenneth M. Courey, Fred Palace, Mark T. Olesnicky, Robert G. O'Driscoll, Gary S. Safier, Harvey Weinberg, Golden Bethune, Muriel Shore, Judith Quinn, Mario Casabona, Tom Marotta, Russell Hawkins, Karen Manning, Sal Risalvato, Jeff Baum, William Testa, Stanley Bergen, Cheryl Tice, Alex DeCroce, Mary Hastings Hager, Rosanna Hirshkind, Dennis F. Marco, Pat DeDeo, Dana Benbow, Ray Harper, Andrew Preston, Paul Melrose, Robert Brehm, Anne Liebers, William Ryan, Charles Johnson, Anthony Lori, George R. Laufenberg, Donald Scheidt, Bettina Gryzbowski, and Ken Becker.

Finally, Mr. Speaker, as I look back over my years in Congress, I do not recall any other group of individuals I have had the opportunity to work with of whom I am so proud or honored to have known. Their work has been exemplary and indispensable to me, and for this I extend my deepest gratitude. I look forward to continuing my work and friendship with each of them back in the district.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to two of my outstanding colleagues from New Jersey, DEAN GALLO and BILL HUGHES, who are both retiring at the end of the 103d Congress.

I wish both of them the best, but I am sorry to see them go.

DEAN GALLO

I have had the great pleasure to work with DEAN GALLO on my Energy and Water Development Appropriations Committee. He has been one of the most dedicated and loyal Members of Congress I have ever had the opportunity to serve with.

I deeply appreciate his friendship over the years and the great work he has done on our committee. We will miss him on Appropriations, but more than that, I know that his constituents in New Jersey and the people of our Nation will miss his many contributions.

DEAN has worked diligently for flood control projects not only in his State, but also throughout the country. He has gone to bat for the Passaic River flood control project in New Jersey and been very supportive when other States desperately needed funding for flood control. He recognizes the importance of improving our Nations' infrastructure and the importance of saving lives and property. Through his work on our committee, DEAN GALLO has dedicated himself to bettering the lives of people everywhere.

No one has been more of a champion for energy research programs than DEAN GALLO and his support has been very instrumental to the continued success of energy research at Princeton University. Dean has been a tremendous supporter of Princeton's magnetic fusion program, as well as other on-going energy programs.

As you know, DEAN has chosen not to seek another term in Congress for health reasons. I certainly wish him a full and speedy recovery and many years of happiness and good health. Congress is losing one of its finest members, but DEAN'S outstanding record of public service will certainly not be forgotten.

BILL HUGHES

I have had the honor of serving with BILL HUGHES, the dean of the New Jersey delegation, since he came to Congress in 1975. And, I have had the pleasure of spending time off Capitol Hill with BILL and his lovely wife Nancy. I must say, they were good company.

BILL has decided to leave the Congress to pursue other interests and I know that he will be highly successful in his future endeavors.

Throughout his years in Congress, BILL has been a very hard worker. He is not afraid to tackle tough and complicated issues and he always stands up for what he believes is right. This attitude has won him widespread respect among his colleagues.

BILL built a solid record on the House Judiciary Committee, especially in his 10 years, from 1981 to 1991, as chairman of the Crime Subcommittee, and in more recent years, as chairman of the Subcommittee on Intellectual Property and Judicial Administration.

He has put his stamp on many pieces of legislation and will long be remembered for his efforts to fight violent crime.

When BILL HUGHES steps down, the Congress will lose one of its most honorable Members. However, his record of service will stand as a fine example to public servants everywhere.

My hopes for a very fine future go with both DEAN and BILL. We will remember both of you for many years to come.

Mr. PAYNE of New Jersey. Mr. Speaker, I am proud to join in paying tribute to two of the finest men I have had the pleasure of serving with in Congress, Representatives BILL HUGHES and DEAN GALLO.

In our years of working together as New Jersey colleagues, BILL HUGHES and DEAN GALLO have been helpful, accessible, hardworking and committed to making a difference. Even as they both gained in seniority and had increasing demands placed on their schedules, they always had time to listen. Both gained the respect of their colleagues in Congress and their constituents back home.

As dean of our delegation, BILL HUGHES was always attentive to New Jersey concerns. We looked to him for guidance and advice and we benefitted from his vast knowledge and experience.

Before coming to Congress, he distinguished himself as a lawyer and prosecutor in Cape May County. His legal background and familiarity with law enforcement issues prepared him well for his outstanding service on the House Judiciary Committee, where he served as chairman first of the Crime Subcommittee and later, the Subcommittee on Intellectual Property and Judicial Administration.

DEAN GALLO distinguished himself by rising to the position of minority leader in the New Jersey Assembly before his election to Congress. In the U.S. House of Representatives, he gained a seat on the powerful House Appropriations Committee. Whenever I went to DEAN with a request on behalf of my congressional district, he and his staff were always extremely responsive and helpful. I greatly appreciate everything he did for my area of New Jersey.

My heartfelt thanks and best wishes go to BILL HUGHES and DEAN GALLO as they conclude their years of honorable and distinguished service here in the U.S. House of Representatives. They will be greatly missed.

Mr. DE LUGO. Mr. Speaker, I rise to commend one of the most skilled and hardworking Members of this body and one of my closest friends, the gentleman from the 2d District of New Jersey, BILL HUGHES.

My wife, Sheila, and I count BILL and his charming wife, Nancy, among our dearest friends.

As families, we and our children have been together many times while BILL and Nancy and their children, Nancy Lynne, Barbara Ann, Tama Beth, and Bill, Jr., visited their part-time home in my district of St. Thomas.

So, in a sense, BILL and his family have been constituents of mine for more than 20 years, and I'm very proud of that.

So, it was somewhat of a coincidence that BILL and I each chose to retire from the House in the same year. We'd discussed our plans to retire, and perhaps taking that step at the end of this session.

It was an even greater coincidence when we each decided to announce our retirements before the House on the same day, and that we were both leaving this House after 10 terms in office.

That is why I am privileged to make these remarks today.

I mean it when I say there are few Members whom I admire more than BILL HUGHES.

Before coming to Washington, BILL worked as a lawyer and served for a decade as first assistant prosecutor in Cape May County, where he was never once reversed on appeal, an extraordinary accomplishment.

In his 20 years in the House, BILL HUGHES's record of service is a remarkable and distinguished one.

He has been among the most active members of the Judiciary Committee.

He served 9 years as chairman of the Subcommittee on Crime, where he wrote more than 40 anti-crime bills. In 1991, he became chairman of the Intellectual Property Subcommittee where he played a key role in negotiations on GATT.

As a senior member of the House Merchant Marine and Fisheries Committee, BILL HUGHES was responsible for legislation prohibiting ocean dumping, controlling ocean pollution, and protecting wild and scenic rivers.

At the end of this year, when BILL HUGHES retires from this House, this body will lose one of its hardest working and most talented Members.

The men and women of the 2d District of New Jersey will lose the longest serving and most effective Representative in their history, and a man who has left an indelible mark on the laws of this Nation.

Mr. Speaker, I commend BILL HUGHES for his long and distinguished service to this House and to this country.

And I take this opportunity to say a personal, Thank you, BILL. Good job, well done, and I look forward to seeing you and your family in years to come on St. Thomas and at Hawk's Nest on St. John, where we will enjoy Nancy's great shrimp salad. That's Hawk's Nest Beach. What a life.

Mr. BROOKS. Mr. Speaker, I rise today to pay tribute to Congressman WILLIAM J. HUGHES of the Second District of New Jersey. BILL HUGHES has decided to retire after a distinguished career in this body spanning 20 years. BILL and I became colleagues on the Judiciary Committee in January 1975 when BILL began his service there. Congressman HUGHES first chaired the Subcommittee on Crime and then became chairman of the Subcommittee on Intellectual Property and Judicial Administration at the beginning of the 102d Congress. He has been an outstanding leader in Congress on all issues on which he has worked.

BILL has dealt with the difficult problems arising before his subcommittee in a workman like and skillful manner. His skill as a prosecutor and his grasp of intellectual property issues make him one of the finest lawyers ever to serve this body. He has been a loyal friend and staunch ally and I shall miss him on the committee and in the well of this House. BILL and his wife Nancy have a splendid and loving family they will now have more time to enjoy, but we will all miss BILL's dedicated service to his constituents, the Congress, and the Nation.

Mr. MAZZOLI. Mr. Speaker, it is with great pleasure that I pay tribute to Representative BILL HUGHES, my close friend and colleague of 20 years.

BILL HUGHES, a native of Salem, NJ, and lifelong resident of New Jersey, is a consummate Congressman. Since he was first elected to Congress in 1974, he has always remembered, in the words of former Speaker of the House Tip O'Neill, that "* * * all politics is local." In keeping with this belief, BILL HUGHES, throughout his career, has spent all but one weekend per year in New Jersey's Second District. BILL understood early into the game that you never forget who sent you here and you never forget your roots back home.

BILL HUGHES has devoted much of his professional life in the area of law enforcement serving 10 years as a prosecuting attorney in Cape May County, NJ, and 20 years in Congress as a member of the House Judiciary Committee. In his capacity as chairman of the Subcommittee on Crime and Criminal Justice, he has spearheaded efforts to establish boot camps for the rehabilitation of juvenile offenders and has pushed Congress to appropriate funds for new prisons. He has also led the fight against computer crime, child pornography, firearms violations, arson, drug offenders, product tampering, and many other problems plaguing our Nation.

Along with his work as chairman of the Subcommittee on Intellectual Property and Judicial Administration and his work on the Merchant Marine and Fisheries Committee, BILL HUGHES has also been very supportive of campaign finance reform legislation, an issue in which I have also been very involved. In his own campaigns, BILL HUGHES has sought to raise most of his campaign funds from small individual contributions, rather than from sources outside the State of New Jersey. He has limited PAC contributions to less than a third of his total campaign funds and he suggests that other members follow suit.

Through his work as chairman of the Subcommittee on Intellectual Property and Judicial Administration, BILL HUGHES has worked diligently to protect the interests of authors of software programs and books, composers, and film makers throughout the country as well as other areas of the world. He has also been very instrumental in advancing the GATT negotiations, working to remove trade barriers and strengthen the U.S. economy.

BILL has been the recipient of numerous awards and recognitions including: The Senior Distinguished Alumni Award for Rutgers University; the Leo Fraser Super Achiever Award from the Juvenile Diabetes Foundation; Man of the Year award by the Girl Scouts of America and; Congressman of the Year award by the National Association of Police Organizations.

But above all of these recognitions, BILL HUGHES' most lasting tribute is that the people of New Jersey's Second Congressional District has reposed their faith and trust in him for two decades and would have done so for another two decades or more if BILL and Nancy, his beloved wife, were not anxious to return home to start a new phase of their life.

For my part, I am losing a friend and a seatmate of long standing. I wish him, Nancy, and the family the best of health and happiness in retirement.

Mr. MAZZOLI. Mr. Speaker, it is a honor for me to join the many other Members, from both sides of the aisle, paying tribute to Representative DEAN GALLO, our friend and colleague.

DEAN GALLO, first elected to New Jersey's 11th Congressional District in 1985, has served as a constant voice for the small businesses of New Jersey, and has insured that resources and financial backing are available to small businesses. DEAN himself a real estate agent, understands the needs of small businesses and, through his work on the House Small Business Committee, has strengthened and expanded the Small Business Association, which, at the time of DEAN's arrival to the Congress in 1985, was threatened with extinction.

His efforts in Washington have not gone unnoticed. In 1989, DEAN GALLO was awarded the New Jersey Small Business Development Center's excellence award. Furthermore, he is a five-time recipient of the Guardian of Small Business Award, and a five-time recipient of the Spirit of Enterprise Award from the U.S. Chamber of Commerce.

Throughout DEAN GALLO's career in public service, beginning in 1968 as a member of the Parsippany-Troy Hills Township Council, he has been a champion of small businesses, and has understood that today's larger corporations and all businesses were once small businesses. DEAN has spearheaded the effort in Congress to increase exports and expand our international trade routes, most recently in dealing with the European Community. As a member of the House Appropriations Committee, DEAN GALLO helped to increase Export-Import Bank funding from $500 million to $750 million.

Under the circumstances of DEAN's retirement, he should know that my prayers are with him and his family for a full and speedy recovery. May God bless you, DEAN.

CLARIFYING CONCERN FOR CONFERENCE REPORT ON TRANSPORTATION APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, the transportation appropriations conference report was signed by the President and the new fiscal year is now underway. During the conference of the transportation bill there were several issues that were left somewhat unclear and I am taking this opportunity to clarify my concerns regarding two issues.

There is a small but very important provision in the conference report regarding section 13(c) of the Federal Transit Act. This language attempts to down play and even ignore the delays experienced in 13(c) processing by the Department of Labor. Put simply, this language ignores the fact that significant delays have occurred and continue to occur in obtaining 13(c) certification—delays that have caused numerous transit properties to wait substantial periods of time to receive capital and operating assistance for transit services. Even the Department of Labor itself recognized earlier this year that a problem existed,

finding that over 57 grants amounting to roughly $300 million were held up due to 13(c) processing.

The concern voiced by the original House Report (H. Report 103–543) that an identifiable problem existed was echoed in the Senate on a bipartisan basis. At the time the fiscal year 1995 DOT appropriations bill was considered by the Senate, several Senators expressed disagreement with the notion contained in the Senate Report (S. Report 103–310), that the 13(c) program was not broken. Senator BUMPERS stated that:

This language, quite frankly does not adequately reflect the experience in my State and, I am sure, many others. The Senate language stands in stark contrast to the House report which indicates that numerous transit grants have been delayed due to 13(c), and that "[t]hese delays frustrate the effectuation of the Committee's spending priorities and allocation of scarce resources for important transit projects." One of the fundamental problems in the 13(c) program is the lack of time frames for the negotiation or development of 13(c) protections or for certification action by the Department of Labor.

Similarly, Senator KASSEBAUM stated that:

[T]he current process is not working and our local transit system cannot afford these needless and costly delays.

Senator BOND also commented that not only were considerable delays experienced in receiving transit funding, but the Department of Labor has issued determinations of questionable validity which directly conflict with State law and the process initiated for establishing terms and conditions of employment. Senator BOND concluded by stating that:

For the Senate report to say that the 13(c) program is working well simply ignores these very real and considerable problems.

I believe that these statements verify that it is undisputed that important transit projects have failed to be promptly obligated because of delays in the Department of Labor's section 13(c) case processing. There is a clear need for the Department of Labor to develop a more time sensitive process for certification of transit projects by establishing time frames for the negotiation and mediation process, and by making its own determinations on contested issues as promptly as possible, and in accordance with clearly articulated legal standards. Further, to avoid unnecessary delays in the issuance of section 13(c) certifications, the obligation for negotiating new 13(c) protections should only be triggered by a showing of potential employee harm tied to the specific Federal project involved. With such changes to the 13(c) processing of grants, the Congress spending priorities can be fully effectuated and important transit projects can be promptly undertaken.

Mr. Speaker, my second concern has to do with a commitment that the Federal Aviation Administration has made with regards to the Dallas-Fort Worth International Airport.

First and foremost, I want to encourage the FAA to continue to obligate federal funds in a manner that will provide the greatest benefit to the national air transportation system. In this regard, the FAA should honor its commitment to allocate $75 million over a 3-year period to complete the east-side runway now under construction at the Dallas-Fort Worth International Airport. This project will substantially increase the capacity of the U.S. air transportation system, thereby benefiting the system as a whole.

The funding plan for the new runway was eventually finalized after numerous internal discussions and lengthy negotiations with the airport's tenant airlines. The funding program was based on certain assumptions. One of these assumptions was the use of an $82.7 million amended letter of intent that was issued by the FAA in 1989. A second source of funds is the $75 million in joint revenue bonds that were sold in November 1993. The airport was also assuming funds from passenger facility charges.

The final source of funds was contingent upon the FAA's assurance to commit an additional $75 million in the form of a letter of intent. Through efforts of several of my colleagues, it became apparent that the FAA had agreed to commit the additional $75 million in Federal funds to DFW's east-side project. At that time, it was understood that the $75 million would be paid to the airport from the AIP discretionary fund over 3 years. Specifically, in fiscal year 1994 the airport would receive $12.5 million; in fiscal year 1995, $25 million; and in fiscal year 1996, $37.5 million.

Since this announcement, the FAA indicated that some of the funding might be allocated over additional years. This is not necessarily good news. I feel that it is important for the FAA to clarify exactly what the payment schedule in the distribution of these funds will be.

Thank you Mr. Speaker.

HONORING REPRESENTATIVE DON EDWARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California, [Ms. ESHOO] is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I am honored to join with my colleagues tonight to honor our distinguished colleague from California, Congressman DON EDWARDS.

I have had the pleasure of knowing DON EDWARDS for years and serving with him in the 103d Congress. He has served in this body and represented his San Jose district since 1962.

Over the years he has proven himself a true public servant. His acts of public service transcend his district. Indeed, he has been a key player in our country's civil rights movement, a committed steward of the environment, an unwavering advocate of veterans, and a champion of human rights and peace throughout the world.

DON EDWARDS has served as chairman of the Subcommittee on Civil and Constitutional Rights where he has steadfastly protected our individual rights under the Constitution. He was the floor manager in the House for the equal rights amendment and author of both the Freedom of Choice Act and the Religious Freedom Restoration Act.

He has been an unyielding leader in the push for civil rights for all Americans. Working first with President Kennedy and then President Johnson, Mr. EDWARDS was a floor leader in the enactment of the 1964 Omnibus Civil Rights Act and the Voting Rights Act of 1965. He participated in the civil rights demonstration and marches in Washington and in the south and in 1963, he visited Dr. Martin Luther King, Jr., in the Birmingham jail.

When it comes to civil rights and constitutional law he is often called "the conscience of the Congress." DON EDWARDS has also been an active member of the Veterans Affairs Committee for 31 years. During his tenure he sponsored legislation to establish neighborhood clinics for veterans and was the first Member of Congress to alert the public about the effects of agent orange on our veterans.

At home, in the Bay Area of San Francisco, DON EDWARDS is known well for his leadership in creating and expanding the 40,000-acre San Francisco Bay Federal Wildlife Refuge. He also authored the Wetlands Reform Act to protect the Nation's remaining wetlands.

DON EDWARDS served our country in World War II and continues to be active in foreign affairs. He was one of Congress' most active Members opposing the Vietnam War; he helped organize the American Committee for Democracy in Greece; he was an active opponent of apartheid in South Africa; he helped lead opposition to United States military aid to Nicaragua and El Salvador; and more recently has led efforts to limit conventional arms sales.

Clearly, DON EDWARDS legislative and public service record speaks for itself. What it doesn't say is how Mr. EDWARDS conducted himself throughout his long distinguished career.

Although he has stood firmly behind the principles he supports, he has always been a fair and honest legislator. He has not only been a gentleman but he has also been a gentle man.

To me, he has also been a friend and I will sorely miss him. Thank you, Dear DON, for all you have done for your constituents, our State, and the United States of America.

Mr. MONTGOMERY. Mr. Speaker, I want to join my colleagues ANNA ESHOO and NORM MINETA in paying tribute to DON EDWARDS, who is retiring this year after serving San Jose, California so effectively since 1962.

I count DON and his wife Edie as two of my closest friends in Washington. They have graciously had me over to their summer home on the Chesapeake Bay on several occasions and we have played a lot of tennis together over the years here in Washington.

DON has been a member of the House Veterans' Affairs Committee for 31 years and has truly been a leader in passing legislation to help our veterans in so many areas. I will also always appreciate the fact that DON gave me the chance to be chairman of the Veterans' Affairs Committee. He had seniority and could have taken the gavel of the Veterans' Affairs Committee, but he chose to chair a Judiciary Subcommittee instead, where he was one of this Chamber's most knowledgeable Members on the Constitution.

I will miss DON and Edie and wish them the best on their retirement.

Mr. MCDERMOTT. Mr. Speaker, I would like to take a few moments to speak on behalf of the retiring chairman from California, Representative DON EDWARDS.

Many of us in Congress have followed Mr. EDWARDS' accomplishments with awe and are sorry to see him leave. As chairman of the Subcommittee on Civil and Constitutional Rights, he has worked nonstop to protect the rights of the individual throughout his decades of congressional service. Whether it be his courageous efforts to codify civil rights legislation in the 1960's, his work in support of women's rights by sponsoring such needed legislation as the Equal Rights Amendment in the 1970s, or the Freedom of Choice Act in the 1980s, Representative EDWARDS has served the American people well.

As a cosponsor of H.R. 1200, the American Health Security Act, Representative EDWARDS illustrated that security and rights come in many different forms in the 1990s. He recognized that the major issue of the day which threatens the American family is their inability to obtain comprehensive medical care without the fear of being bankrupted. As a cosponsor of single-payer health care legislation, he serves as an important voice in identifying this problem and bringing it to the forefront of the congressional agenda.

Regardless of the issue, Congressman EDWARDS' proactive efforts have set an example to all of us here in Congress and his strong legislative presence will be missed.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise this evening to pay honor to an outstanding American, Congressman DON EDWARDS of California. Throughout his long and distinguished career in the House of Representatives, Congressman EDWARDS has been one of the great leaders of civil and constitutional rights in America.

Through his efforts as chairman of the Judiciary Committee's Subcommittee on Civil and Constitutional Rights, Congressman EDWARDS has proved a true pioneer in the area of constitutional rights.

His commitment to this most important facet of American life and Government has been without pomp and circumstance.

He has remained resolute and undaunted in his leadership, and uncommonly candid about the issues that embrace the very heart of civil rights.

He has been praised by organizations like the NAACP Legal Defense Fund, for his devotion to the civil rights movement

He has been heralded for having the courage and the fortitude to speak up for those issues that so many others refer to as "too liberal."

For Congressman EDWARDS, a great American, "liberal" is still a moniker that indicates the commitment to do what is right by our fellow man: a word that suggests freedom and justice, not for a particular group or class, but for all people, everywhere.

I am therefore proud to have served with this courageous American, and I will always consider the day that I met Congressman DON EDWARDS one of the shining moments of my career in the U.S. Congress.

Mr. SENSENBRENNER. Mr. Speaker, I have had the distinct honor of serving 16 years in Congress with the distinguished gentleman from California, Congressman DON EDWARDS. Throughout his years in the U.S. House of Representatives, he has served tirelessly and with dedication for the betterment of our society. I am fortunate to have worked closely with him on the Judiciary Committee.

Since early in his first term, Congressman EDWARDS has served on the Judiciary Committee, and since 1971 as Chairman of the Subcommittee on Civil and Constitutional Rights. It is his work on the Subcommittee and the full Judiciary Committee that has been the driving force behind his energies in the House of Representatives.

Congressman EDWARDS has been a staunch defender of civil liberties. He has taken a firm stand in the enforcement of individual rights protected by the Constitution and its Bill of Rights. He was floor leader in the House for the Equal Rights Amendment, the 1964 Omnibus Civil Rights Act, the Voting Rights Act of 1965, the Religious Freedom Restoration Act, and the Americans with Disabilities Act.

In 1973, the Judiciary Subcommittee chaired by Rep. EDWARDS was assigned jurisdiction over the FBI for oversight. Congressman EDWARDS assumed the role as the House's self-appointed overseer of the FBI, his one-time employer. In this capacity, he was the bureau's "best friend but severest critic." He held several subcommittee hearings to investigate FBI undercover activities and ordered several General Accounting Office audits. These actions proved invaluable in cleaning up the misconduct of the organization.

In addition, he has been a member of the House Veterans Affairs' Committee for 31 years. Here he has played an active role in the committee's work. In 1978, the Congressman was the first Member of Congress to sound the alarm about the effects of Agent Orange on the health of Vietnam veterans.

I now I am joined by my colleagues in saying that Congressman EDWARDS has served with distinction. His tireless drive and determination to serve his convictions and this Congress are beyond approach. Although we often disagreed on the merits of the issue, I can say honestly that Mr. EDWARDS' commitment to the ideals in which he believes so strongly has elevated the quality of debate in the House and contributed greatly to the discourse of some of the most fundamental and divisive issues in our nation's struggle to define itself and who we are as a people. His contributions will be missed.

Mr. WHITTEN. Mr. Speaker, I would like to take this opportunity to say how much I will miss the counsel and friendship of my colleague DON EDWARDS, who is joining me in retiring this year.

For many years in Congress, DON and I have been across the hall from each other and our staffs have worked closely as friends and neighbors. Leaving Congress, for both of us, will be like moving to a new neighborhood.

DON EDWARDS has been a capable Representative for the people of California and has been outstanding in his leadership role on the Judiciary Committee and Veterans Affairs Committee. His service has always been honest and straight-forward. While we may have disagreed on some specific issues through the years, I have always had the greatest respect for DON's views. We have always been able to disagree without being disagreeable.

As he leaves Congress, I know he has been an asset to this institution and his many contributions in veterans affairs, civil liberties, housing, education and all the rest will be greatly missed.

I wish him, Edie, McKeever and the rest of his family the best for the future.

Mr. DIXON. Mr. Speaker, I rise today in special tribute to the Honorable DON EDWARDS. Congressman EDWARDS' 34 years of dedicated service and leadership rank him among the top ten senior members of Congress. He is the dean of the California Congressional Delegation, and chairman of its democratic delegation. He is also the Vice Chairman of both the Judiciary Committee and the Veterans' Affairs Committee. Congressman EDWARDS chairs the Judiciary Subcommittee on Civil and Constitutional Rights. His many years as a staunch defender of civil rights has earned him the title of "the conscience of the Congress." Though the subcommittee has been the primary focus of his energies in the House, DON has also made his mark in legislation dealing with veterans' issues, foreign affairs, and the environment. His strong presence in the House leadership has been instrumental in passing such landmark legislation as the 1964 Omnibus Civil Rights Act, the Voting Rights Act of 1965, and the Equal Rights Amendment. The Dean brought to this institution an unwavering commitment to the protection of civil rights, an enthusiasm for upholding the Constitution, and a genuine respect for the American people. it is my pleasure to offer just a few words in honor of this distinguished gentleman and admired colleague.

Born on January 6, 1915, DON EDWARDS attended public schools in his native city before going to Stanford University and then Stanford Law School. Before being elected to Congress, he served as an FBI agent in 1940 and 1941, and as a Naval intelligence officer and a gunnery officer at sea during World War II.

Upon his election to the House of Representatives in 1962, DON proved to be a man before his time. His views were not always the popular choices among some of his colleagues, but Congressman EDWARDS never failed to recognize our most basic rights, like free speech and due process of the law. Early in his first term, for example, he spoke out against the House Committee on UnAmerican Activities, and was instrumental in its eventual abolishment. His convictions were evident outside of Congress as well, as he participated in civil rights marches and demonstrations throughout the country. More recently, the Dean was the author of both the Freedom of Choice Act and the Religious Freedom Restoration Act.

Congressman EDWARDS has been a champion for veterans, and was an active member of the Veterans' Affairs Committee for 31 years. In 1976, he introduced legislation to establish neighborhood clinics for our veterans known as Vet Centers. He was the first member of Congress to vocalize the detrimental effects of Agent Orange on the health of Vietnam veterans. Furthermore, in testimony to his drive and determination, DON ended a long struggle when his bill establishing a special veterans appeals court to rule on veterans' health and compensation claims was passed in 1988.

Congressman EDWARDS has also been active in foreign affairs and environmental issues. From opposing the Vietnam war to

standing up against apartheid in South Africa, he has worked ardently towards preserving peace and spreading the principles of democracy. He has also been a leader in the fight to limit conventional arms sales. Congressman EDWARDS is responsible for creating the 40,000 acre San Francisco Bay Federal Wildlife Refuge, and introduced in the 103d Congress major legislation to protect our remaining wetlands, the Wetlands Reform Act.

Mr. Speaker, I join my colleagues in the House of Representatives in acknowledging the illustrious career and leadership of Congressman DON EDWARDS. He has served nobly in the U.S. Congress for over three decades, and his reputation as the consummate, committed statesman remains a challenge to all of us. I join his wife, Edith; their children, Judge Leonard Perry Edwards, Judge Thomas C. Edwards, Samuel Dwyer Edwards, Dr. Bruce Haven Edwards, and William Don Edwards, Esq.; and a host of family and friends in saying well done, and in wishing him continued happiness in the future.

Mr. NADLER. Mr. Speaker, I rise to join my colleagues in honoring our colleague, DON EDWARDS of California, who is retiring at the end of this session.

The courage and foresight of DON EDWARDS was first made apparent to me when, as a high school student, I heard of his courageous vote to abolish the House Committee on Un-American Activities. A junior Member of Congress, with few allies on his side, DON EDWARDS had the courage to defy the tide of public opinion and his more senior colleagues, and stand up for what we now know was right. His courage was inspirational and would be repeated many times during his long and impressive career.

My next encounter with my future chairman was in December 1967, when he spoke at the National Conference of Concerned Democrats. His speech about the direction of the country so inspired me that I have saved the text of his speech of 27 years.

Throughout his career, DON EDWARDS has been a stalwart defender of the civil rights of all, and has never cowered in the face of controversy. From his excellent work defending women's right to choose, to his advocacy to end the war in Vietnam, to his principled stand against the death penalty, DON EDWARDS is a skilled legislator, and an effective activist.

But in addition to his vast collection of legislative accomplishments, DON EDWARDS has managed to win the respect and friendship of his colleagues from all parts of the ideological spectrum. He has led with grace, and with courage, and with compassion.

It has been an honor to serve with him in the House, and an inspiration to serve on the Subcommittee on Civil and Constitutional Rights under his leadership. He will be missed dearly not only by his colleagues, but by all who have benefited from his work over the years. I wish him well.

Mr. FAZIO. Mr. Speaker, as we near the end of the 103d Congress, I rise in tribute to a Member who, after 16 terms, has chosen to move on to another phase in his life.

It has been said that a constitutional statesman is "* * * a man of common opinions and uncommon abilities." This aptly describes DON EDWARDS, who has consistently utilized his interpersonal and intellectual skills in defense of the constitutional principles to which he has always been so strongly committed.

DON has never run from controversy. Whether working to abolish the House Committee on UnAmerican Activities, championing the equal rights amendment, or denouncing the horrors of South African apartheid, DON has always been consistent in his defense of the rights of the individual—even when his stand was not popular and even if it meant he stood alone.

I know that, wherever life takes Chairman EDWARDS, he will continue to live his life as he always has—as an activist, a statesman and the true gentleman that he is. It is my honor and privilege to have known and served with DON. I salute him as dean of my delegation, my colleague, and my friend.

Ms. WOOLSEY. Mr. Speaker, every new Member of Congress has a political idol. Someone with similar values and ideals. Someone who sets an example. Someone whose experience proves that if you stick with your convictions and vote your beliefs, you can, indeed, fulfill your duties, and still keep a sense of yourself.

When I came to Congress in 1993, I was fortunate, because my political idol was still here. That person is DON EDWARDS.

Throughout his career, DON EDWARDS has stood up for what is right, not necessarily what is popular.

History will record his successful effort to abolish the House Committee on Un-American Activities. His fight to pass the Landmark Civil Rights Act and Voting Rights Act. His unflagging support of the equal rights amendment and women's reproductive rights.

Californians will remember his tireless work on behalf of our State. As dean of the California delegation, DON EDWARDS taught us all—Democrat and Republican, liberal and conservative, northern Californian and southern Californian—how to work together for the good of our State.

DON EDWARDS' achievements are given even greater weight by the manner in which he did them. He has treated his colleagues, staff, and constituents with a respect and humility that show that his successes are not only the fruit of hard work and great mind, but also of an extraordinary heart and soul.

DON, thank you for being you. Thank you for your guidance and friendship. You are my idol and I will miss you.

Mr. BERMAN. Mr. Speaker, I am saddened by the occasion of this special order, but since I have now had several months to get used to the prospect of a U.S. Congress without DON EDWARDS, I am happy to offer my words of tribute in honor of this great American.

All Americans are in the debt of DON EDWARDS. I have no doubt whatsoever that he will be remembered as one of the great heroes of our republic. For here was a public official who understood that the bedrock principles of our Constitution and Bill of Rights must be protected from the temptations of temporary partisan advantage or the enflamed passions of the mob.

His valiant defense of the great writ of habeas corpus was part and parcel of his commitment to ensuring that all Americans, including the most despised among us, are accorded the full measure of our civil and constitutional rights.

How well DON EDWARDS understands the words of Justice Felix Frankfurter, that "the history of liberty has largely been the history of the observance of procedural safeguards." Others might impatiently assign those safeguards to a lower priority in the interest of law enforcement or national security, but DON EDWARDS' career in this body is a reminder that in a free and democratic nation, the objectives of law enforcement and national security must always be reconciled with individual rights. That task is an arduous one, but DON EDWARDS and his staff accomplished it superbly.

A number of years ago, DON filed a Freedom of Information Act request, seeking to review any files the FBI may have kept on him. He discovered a memo written to J. Edgar Hoover reporting a rumor, obviously mistaken, of DON's imminent retirement. Hoover had written on the memo, "good riddance!" J. Edgar Hoover might have said, "good riddance," but I say Congress and the American people are the poorer for losing this great Member.

But it is not only for his principles and his deeds that I revere DON EDWARDS. It is also the way in which he conducted himself in this body which I seek to honor.

His commitment to the dignity and human rights of all people was reflected in his treatment of all the individuals with whom he came in contact throughout his career. Since he announced his retirement, I have heard countless individuals throughout this body, from the most junior staff to the most senior Members recount fondly their experiences with this man.

I have also been struck by the very kind words of DON EDWARDS' ranking Republican on the Civil and Constitutional Rights Subcommittee, the gentleman from Illinois [Mr. HYDE] who has saluted DON for the civility and courtesy with which he conducted his business in this body.

Whether you agreed with DON EDWARDS, as I did, or disagreed, you always understood that this was one of the most honorable Members who ever graced this body.

And no tribute to DON would be complete without some words in honor of his elegant and accomplished wife, Edie Wilkie, who from her post as Executive Director of the Arms Control and Disarmament Caucus, has been a indefatigable force in the fight to end the dangerous and destabilizing arms race. For those of us in what is loosely called the arms control community, Edie was an invaluable source of information, analysis, and strategy. She has truly been an instrument for peace on earth and I am proud beyond words to be her friend and colleague.

Now we are faced with the arduous task of carrying on without DON and Edie. I hope we can continue to count on their good counsel—I know I will. But the responsibility for protecting and defending the civil and constitutional rights of all Americans and for fighting against the proliferation of instruments of destruction now rest with us. I hope we are up to the task.

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased to join my colleagues in honoring a man of courage and integrity who has left his mark on the U.S. House of Representatives, Congressman DON EDWARDS.

Throughout his career, DON EDWARDS has championed the cause of justice and fairness for all members of our society. As chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, he led the fight to reverse a number of damaging Supreme Court decisions that had made it more difficult to challenge discrimination in the workplace. He has worked hard to promote fair housing, voting rights, and a more equitable criminal justice system.

As dean of the California delegation, Congressman EDWARDS has worked diligently in behalf of his State. He helped secure funding for the San Francisco Bay National Wildlife Refuge and he worked tirelessly to protect jobs and promote economic prosperity in industries important to California.

Mr. Speaker, I have long admired DON EDWARDS not only as a symbol of fairness and justice, but also as a true gentleman. Even in the face of the most contentious debate, he never lost his sense of dignity and grace. Let me join in extending best wishes to Congressman EDWARDS and his family. I know he will continue to make significant contributions of his time and talent as he moves on to new challenges.

Mr. WAXMAN. Mr. Speaker, when you gavel the close of the 103d session, you will be marking the beginning of retirement for one of the most respected Members of Congress, DON EDWARDS.

DON EDWARDS has spent his career in Congress fighting to protect and preserve our constitutional rights, often for the most unpopular in our society, and during times when it has been least popular to do so. When he first came to Congress in 1963, DON voted with only 19 other House Members to abolish the House Committee on Unamerican Activities. He stuck to principle, as he always has, and finally won this fight on the House floor in 1975.

As a member of the House Judiciary Committee, and as chairman of the Subcommittee on Civil and Constitutional Rights since 1971, DON'S influence has been legendary in its reach across so many segments of our society. DON was a leading force in moving some of the most significant civil rights legislation in our history including the 1964 Civil Rights Act, the 1965 Voting Rights Act, the equal rights amendment, the Americans with Disabilities Act, and the Religious Freedom Restoration Act. During the last decade, he succeeded in passing legislation that reversed a number of Supreme Court decisions that weakened voting rights, equal education opportunity, and fair employment rights.

DON has been an ardent supporter of abortion rights and legislation to outlaw discrimination against persons on the basis of sexual orientation. We will sorely miss him as we continue our fight to codify Roe versus Wade and to extend civil rights protections to gay and lesbian Americans.

A number of years ago, "Politics in America" described DON eloquently:

> The self-doubt that has afflicted many House liberals in recent years has stopped somewhere short of EDWARDS, whose belief in social change has all the gentle passion it did twenty years ago.

Throughout his career, DON has never abandoned principle for temporary political gain. He protected Richard Nixon's right to due process during the House Judiciary Committee's 1974 impeachment inquiry just as steadfastly as he worked to protect the rights of CISPES against FBI abuses during the 1980's. With DON's retirement, we Democrats have a big void to fill. Our work will be made significantly more difficult without his guidance, but we are inheriting a legacy of achievement on which to build. Our greatest tribute to him will be a constant vigilance over our precious freedoms and ensuring their extension to everyone in our society.

Janet and I extend our heartfelt best wishes to DON and Edith as they enter this new phase in their lives.

Mr. MAZZOLI. Mr. Speaker, I rise to honor my friend, Congressman DON EDWARDS of the 16th Congressional District of California. Don and I have served together on the House Judiciary Committee for most of my tenure in the House.

DON has invariably pursued the rights of the common good and rejected the route to conformity and popularity. Although such conduct is considered rare for a politician, DON has proved, since his election to Congress in 1962, that legislators do not have to go along to get along. Instead, he has earned the respect of numerous colleagues and constituents because of his remarkable ability to voice unpopular stands on legislative issues.

Over the years, I have admired DON for his integrity, determination, and dedication as an elected official. The House of Representatives will never be the same without DON, who has exemplified the life of a public servant through his words and deeds.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to join in paying tribute to a great legislator, upholder of constitutional rights and good friend—Congressman DON EDWARDS.

DON has had no equal in his commitment to and action on behalf of our constitutional rights. He has served as chairman of the Subcommittee on Civil and Constitutional Rights, leading this House in the consideration of the Equal Rights Amendment. He was also the author of the Freedom of Choice Act and the Religious Freedom Restoration Act.

Although his legislative accomplishments are many, I am most awed by his leadership skills. He led the charge on all important battles during the last 30 years on behalf of civil liberties, civil rights, alternatives to nuclear destruction, environmental protection, and women's rights.

Being a Member of Congress is not easy. But DON showed us how to do it with style, grace, and an unwavering commitment to do what is right for all Americans.

This Congress is losing a great champion in the cause for freedom—and it is up to the rest of us to take his lead and continue this important work for the future of our great Nation.

DON, we wish you and Edie a wonderful future filled with great accomplishments and an abundance of blessings. It is comforting to know, however, that even though you won't be in Congress, you will still be out there fighting to make a difference in the lives of all Americans.

Mr. TORRES. Mr. Speaker, I rise today to pay homage to one of the finest, most honorable men to serve this institution, the people of the 16th Congressional District of California, and the people of this Nation.

Since first being elected to Congress in 1962, DON EDWARDS has fought for the constitutional rights of all Americans. His record as a civil rights leader is exemplary. DON has been and will always be a shining example of the true meaning of public service. During the civil rights movement of the 1960's, DON was an active participant in marches and other public demonstrations in both Washington and in the South. In 1963, DON visited Dr. Martin Luther King, Jr., in the Birmingham jail to show his support and solidarity for the civil rights leader before it was popular to be allied with Dr. King. DON wasn't interested in doing what was popular, but in doing what was right.

In Congress, DON has been a leader in the enactment of both the Civil Rights Act of 1964 and the Voting Rights Act of 1965. As chairman of the Subcommittee on Civil and Constitutional Rights, his accomplishments are almost too numerous to name. Most recently DON has demonstrated his outstanding leadership in passing the Religious Freedom Restoration Act.

Known as a consensus builder, DON is respected by members of both parties. DON has carried his fight for protection of our rights to other areas: concern for the environment; protection for the health of our veterans; opposition to the Vietnam war; and strong condemnation of apartheid in South Africa.

It is no wonder that DON is often called the conscience of the Congress. No Member will be more missed than DON EDWARDS.

It is so fitting that the same day we rise to pay honor to DON, is also the day that the President of South Africa, Nelson Mandela, spoke to a joint session of Congress. It is as if all the effort and diligence of DON EDWARDS to rid South Africa of the ugly specter of apartheid had suddenly come to fruition. DON's heart must have been happy to know that he played a role in such a great accomplishment like this. Today was the reward of all that he has done as we do this tribute to him. Perhaps DON's hopes and dreams for South Africa can best be described by President Mandela when he quoted T.S. Eliot:

> Lo, the most excellent sun so calm and haughty,
> The violet and purple morn with just felt breezes,
> The gentle soft-born measureless light,
> The miracle spreading bathing all, the fulfill'd noon,
> The coming eve delicious, the welcome night and the stars,
> Over my cities shining all, enveloping man and land.

It has been my extreme privilege to have been able to serve with a man like DON EDWARDS. Not only has he been the Dean of our State Delegation, but a personal mentor to me. I shall try to follow his example.

Mr. FARR of California. Mr. Speaker, I rise today in tribute to Congressman DON EDWARDS, who is retiring from public service after 16 terms in the U.S. House of Representatives.

For more than 30 years, Congressman EDWARDS has served the 16th District and the people of California with leadership and wisdom. He has long been admired by those in his district and by members of both parties for

his warmth, fairness, and commitment to principle.

He has been a leader for the State of California, having served as Dean of the California Congressional Delegation. It was his leadership that led to the creation of the California Institute, a bipartisan think tank in Washington, DC. He also worked to develop bipartisan approaches to issues unique to California, such as environmental protection, immigration, and military base closures.

But Congressman EDWARDS will perhaps be best known for his tireless work in the area of civil and constitutional rights. From his early work in the American Civil Liberties Union, the National Association for the Advancement of Colored People, and other civil rights organizations, to his work as Chairman of the Civil and Constitutional Rights Subcommittee, Congressman EDWARDS has worked to protect the constitutional rights of all Americans. He has been a leader in the House of Representatives in fighting discrimination in employment, housing, and the criminal justice system.

Few have spoken out for the rights of Americans with such eloquence and thoughtfulness as Mr. EDWARDS, or have fought to protect those rights so consistently or with such commitment. Congressman EDWARDS has served as the conscience of Congress, reminding us that while it is often tempting to ignore the rights of the few in pursuing what is most popular, it is our duty to protect and uphold the constitutional rights of all Americans, no matter how unpopular.

The departure of Congressman EDWARDS is indeed a great loss to this body. But his leadership, courage, and dedicated public service serve as an inspiration for us and for future leaders in Congress. I look forward to having him as my constituent when he moves to Carmel, CA, and I wish him, his wife Edie, and his family well.

Mrs. MINK of Hawaii. It is with great honor and some sadness that I pay this tribute to our distinguished colleague DON EDWARDS for his 32 years of service to the Congress and the people of the 16th District of California.

There are very few in our history who have contributed more to the protection of our most fundamental rights and preserving the integrity of the Constitution than DON EDWARDS. Over the last three decades he has worked diligently and effectively to assure that everyone in this Nation, no matter their race, sex, economic status, sexual orientations, or disability is assured their basic civil rights.

The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Equal Rights Amendment, the Americans With Disabilities Act, the Civil Rights Restoration Act of 1988, the Fair Housing Act of 1990, the Civil Rights Act of 1991, and the Religious Restoration Act, are all products of DON's hard work and dedication.

This is an accomplishment to be tremendously proud of, for individuals all across the country have gained, and will gain in the future, employment, housing, educational opportunities, religious freedom, and access to the electoral process all because of these laws.

When I first came to the Congress in 1965 DON had already made a mark by taking a leadership role in the passage of the 1964 Civil Rights Act. His strength and resolve to stand up for what he believed no matter how unpopular it might be was an inspiration to me as a new Member faced with many difficult votes during difficult times.

We did take some tough votes together, against the Vietnam War, against amendments to the Constitution that were popular at the time, and we took strong stands on civil rights, voting rights, and women's rights. I can remember a few times when only a handful of members went against the grain on a popular vote and DON and I always seemed to end up among the handful on the unpopular side.

His persistence, integrity and strong resolve has made him an effective legislator for the people of California and for many across the country who are often forgotten—our children, those in poverty, minorities, the disabled, and new immigrants.

Returning to Congress in 1990 it almost felt like old times when we found ourselves again fighting together on civil rights, trying to restore the original intent of the Civil Rights Act of 1964 which had been weakened by the Courts. The passage of the Civil Rights Act of 1991 during the Bush administration is a testament to the political and legislative skill of DON EDWARDS.

We did not win all the battles on that bill. But DON did not give up and helped us lead the effort to eliminate the exemption in the Civil Rights Bill for the Alaskan Wards Cove Co.—the very company whose plantation like treatment of Asian and Pacific workers started the case which led to the Civil Rights Act of 1991.

We have not won that one yet, but DON, we are going to continue your good efforts on this on.

For his efforts on Wards Cove and many other issues the newly formed Congressional Asian Pacific American Caucus unanimously elected DON to be a member of the Executive Committee this year. DON served as one of only three Members on the Executive Committee that were not of Asian or Pacific Island ancestry, which I believe demonstrates the high regard for DON in the Asian Pacific community.

With your retirement DON, we lose a great ally on many issues that we both care so much about. I am very sorry to see you go, but I feel privileged to have served along side you for many years and that I can call you my colleague, my mentor, and my friend.

We live in a better world because of your many years of service to this country. We will miss you, DON. Best of luck and much happiness in this exciting new chapter of your life.

Mr. DELLUMS. Mr. Speaker, I rise to honor a distinguished colleague upon his retirement. He is the dean of the California delegation, of which I am a part, and has served in that capacity with distinction and dignity. I refer to my close personal friend, DON EDWARDS.

DON EDWARDS has been an unwavering defender of the Constitution and the civil liberties that it provides for our population since he was first elected in 1962. He has served with distinction on the House Judiciary Committee and as the Chairman of its Subcommittee on Civil and Constitutional Rights. DON was a floor leader in the enactment of the historic civil rights legislation of the sixties—the 1964 Omnibus Civil Rights Act and the Voting Rights Act of 1965. He participated in the civil rights demonstrations and marches in Washington and in the South. He was the floor manager in the debate concerning the Equal Rights Amendment. He was a floor leader of the Americans with Disabilities Act. He has successfully brought forth legislation to overturn the Supreme Court decisions of the mid-80's that saw a reversal of decades of progress in civil rights. He has authored both the Freedom of Choice Act and the Religious Freedom Restoration Act. These are just the highlights. His contribution to the civil rights movement has been immeasurable.

DON EDWARDS has vociferously fought to ensure a fair, unbiased judicial process and has not allowed a questionable process to go unchallenged. He pursued the case of Ben Chavis until he was freed and has continually worked for clemency in the case of Leonard Peltier, a case that I am also pursuing. DON has worked to ensure that habeas corpus, the historic right to seek review in a higher court of an unjust criminal conviction, remains the right of every American.

Nelson Mandela's address today brought back many memories of our struggle here in the US to focus attention on the injustice of apartheid. DON EDWARDS was a part of that struggle. After visiting South Africa in 1978, Don was deeply affected and appalled by the persecution of blacks in that country. Back in this country, he joined me and other Members in our campaign of civil disobedience by picketing the South African Embassy here in Washington and was arrested for it. He also joined in calling for the imposition of strict sanctions against South Africa.

In a short time I could never do justice to the career and contributions that DON has made to this country. It is with a sad heart that I bid farewell to my dear friend DON EDWARDS. You have been an inspiration. You have led by example and have been the conscience of this institution. A great void will be left with your departure. You have served the people of California and this country well. I wish you well, my friend, on your new journey.

Ms. HARMAN. Mr. Speaker, we are on the eve of the departure from Congress of one of its most decent and quietly courageous Members, the gentleman from California [Mr. EDWARDS].

No doubt he will flinch at being called a giant, but DON EDWARDS is a giant. A moral giant. An intellectual giant. A thoroughly decent human being and mentor and friend.

Two decades ago I served as chief counsel and staff director to the Senate Judiciary Subcommittee on Constitutional Rights, under the chairmanship of former California Senator John Tunney. Then as now, Mr. EDWARDS chaired the House counterpart, and we worked closely together. Then as now, he carefully guarded the U.S. Constitution, and worked for equal rights for all Americans. Then as now, he was beloved and respected.

DON, I learned a great deal from you and will miss you very much. Godspeed as you and Edie enjoy the gentler and quieter joys of life. You have earned some peace and enriched us all.

Mr. MINETA. Mr. Speaker, I am very proud to be here this evening to talk about someone whom I consider to be one of the finest and

most principled Members ever to serve in this Congress, my close friend, Congresman DON EDWARDS.

For the past 20 years, I have had the honor of jointly representing our home town of San Jose, CA, with DON. I've known DON since 1958, and, in 1962, I had the privilege of being the treasurer for DON's first campaign for Congress. At the time, I had no idea I would be serving with him in the Congress one day, but I can honestly say that serving together with DON in the House has been one of the greatest joys of my time in Washington, DC.

Mr. Speaker, we live in a cynical age—an age in which all too many of our political leaders determine their positions on the issues on the basis of the latest opinion poll or focus group. To me, DON EDWARDS has always been the antidote to that cynicism.

DON has never worried about what sounds right or looks right. He only cares about what actually is right.

You know, I hosted a retirement dinner for DON along with the California Democratic delegation. We went around the table to talk about our association with DON, and something extraordinary happened.

Every Member who was there said the same thing: That he or she hadn't taken a single vote on a controversial issue in this Congress without looking up on the board to see how DON EDWARDS had voted.

We didn't always vote the same way DON did, but all of us knew that DON—on every single vote—was making a statement of principle.

It's no wonder that DON EDWARDS has more than once been called the conscience of the Congress.

Throughout his career, DON's passion has been the protection of our Constitution, and the protection of the rights of Americans whose rights have meant little to most of the people in this country.

He has placed his mark on every single piece of civil rights legislation to pass this Congress during the past 32 years—and every single one of those bills was made better, and more just, because of his leadership.

DON EDWARDS is the elected representative of the 16th Congressional District of California. And I can tell you that no one could possibly have been more effective in representing the constituents of that district than DON.

But DON does not just represent his own constituents. Throughout his 32 years in the Congress, he has represented the highest principles of this country and the most basic precepts of fairness and justice enshrined in our Constitution.

In short, DON EDWARDS has dedicated his career in public service to representing a dream of what this Nation has the power to be: a nation with liberty and justice for all.

Time and time again over the past 32 years, DON has moved this Nation closer to that dream.

There are many of us in this country who began our lives on the margins of society—and I count myself among them.

We have moved into the mainstream of American life, and had opportunities opened to us that would never have been available before, because of DON EDWARDS' life and work here in the Congress.

There simply are no words to adequately describe how much that means.

How many Americans today have jobs they never would have had, attend schools they could never have attended, vote in elections in which they would never have been allowed to vote, have access to restaurants and public buildings to which they would never have had access, if it were not for DON EDWARDS' vision and dedication to principle?

I am sure that the number must be in the tens of millions.

But I know that this is a better and more just Nation, and that the principles of our Constitution are stronger and more vibrant today, because DON EDWARDS' leadership has made them so.

DON's retirement will be a loss to this Congress, this Nation, and to the State of California.

For me personally, I will lose the benefit of having a colleague in the Congress who is also my best friend.

But if anyone has earned the right to some rest, and a little peaceful time with his family, it is DON EDWARDS.

Mr. Speaker, I know that I can speak for all of my colleagues when I wish DON and his wife, Edie all the best in his retirement, and when I tell him how much his work has meant to this Congress and to this Nation.

His energy, his drive, his principle and his courage will be sorely missed.

Ms. PELOSI. Mr. Speaker, I rise today to join my colleagues in honoring DON EDWARDS on his retirement from the House of Representatives. DON has been a colleague, a mentor, a constitutional scholar, a voice for greater civil rights, the dean of my State's delegation, and above all, a friend. DON EDWARDS is a great patriot—no one loves our Constitution more and fights harder to protect it.

Mr. Speaker, DON's career has spanned eight Presidents and has seen many historic changes in our country. His legislative accomplishments over that period of time are vast and reflect DON's underlying belief that our Government has a moral obligation to work for peace and to end discrimination in all forms.

From the earliest days of his tenure as a Member of this House, DON has worked steadfastly to achieve peace and reduce military spending. He was one of the first opponents of the Vietnam war and has been a staunch advocate of a sensible, realistic and down-sized defense budget.

The true hallmark of DON's legislative career has been the struggle to remove discrimination from all levels of American society and to preserve our constitutional rights. DON has played a critical role in every piece of civil rights legislation since the Civil Rights Act of 1964. As the chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights and as a leader on the full committee, DON has worked to enact legislation like the Voting Rights Act extension of 1982, the Fair Housing Amendments Act of 1988, the Americans With Disabilities Act of 1990, and the Civil Rights Act of 1991. DON also led the House passage of the equal rights amendment of 1971. For this body of legislation, every American is indebted to DON EDWARDS.

Mr. Speaker, DON also deserves our thanks for protecting our privacy from an increasingly intrusive Government. He has been a resolute foe of domestic surveillance operations and of all inhibitions on the free expression of political vies. In fact, DON has passed up opportunities to chair other committees so that he could keep his position as monitor of the FBI and CIA.

As the dean of California's 52-member House delegation, DON EDWARDS unified us in the face of partisan division. He has worked with Members who span the political spectrum to forge a California agenda and he has never let his ideology undermine his commitment to California.

Mr. Speaker, as this House enters an era where we seem more divided than ever, DON will be missed not only for his vast institutional knowledge, but also for his courtly manner and kind words. This House is losing a giant, Mr. Speaker and we already miss him.

Mr. YATES. Mr. Speaker, DON EDWARDS has been a very good friend and colleague of mine for over 30 years. He has been an exceptional member of this institution and I am honored to have shared this time with him.

Known to many as the conscience of the Congress, Mr. EDWARDS has been a champion of social change. He has successfully led the charge to protect a woman's right to choose, to guarantee civil rights and civil liberties for all people, and to protect the environment.

DON will be remembered in this Chamber for many years to come for his undying commitment to what is just and fair. He won the respect from both sides of the aisle for being a decent, honorable gentleman.

I regret to see such a good friend leave this House, and I am sorry that the State of California and this country is losing an outstanding legislator. However, I am grateful to have had the distinct pleasure of serving with a man whose integrity and convictions are an example to us all.

It has been an honor to have shared this floor with DON EDWARDS. He will truly be missed.

Mr. MOORHEAD. Mr. Speaker, I have served with DON EDWARDS in the House since I arrived in 1973.

We worked together on the Judiciary Committee for the same length of time.

As the senior members of the California congressional delegation, we worked cooperatively on issues of importance and concerns to the State for nearly a decade.

Through all of this, DON EDWARDS has always been the consummate gentleman. After hundreds of issues, endless hours of debate, and discussion, the decency of DON EDWARDS has never dimmed or diminished. He has always been respectful, friendly, courteous, approachable.

DON EDWARDS has always understood that if differences and partisan dialog were rooted in mutual respect and common decency, the House would serve its noble purpose of bettering the lives of all Americans.

Mr. Speaker, it is difficult to wrap the gratitude and admiration of years into a few sentences in the CONGRESSIONAL RECORD. I will miss DON EDWARDS, a great Californian, an outstanding Member of the House, a fine gentleman and a very good friend.

Mr. RANGEL. Mr. Speaker, please join me in honoring our distinguished colleague, Representative DON EDWARDS, who is retiring from

the House of Representatives at the end of this, the 103d Congress, Representative EDWARDS, the dean of the California delegation, has represented his San Jose district with considerable distinction since 1962.

Representative DON EDWARDS was born and raised in the community that he now represents. He attended public schools in San Jose and received both his bachelors and juris doctorate degrees from nearby Stanford University. Don served as a Federal Bureau of Investigation agent from 1940 to 1941, and during World War II as a Naval intelligence officer and gunnery officer at sea. He and his wife, Edith B. Wilkie, a native New Yorker and presently executive director of the Arms Control and Foreign Policy Caucus, raised five sons: Judge Leonard Perry Edwards and Judge Thomas C. Edwards, both of Santa Clara County Superior Court; Samuel Dwyer Edwards, a software designer living in Portola Valley; Dr. Bruce Haven Edwards, a mathematics professor at the University of Florida; and William Don Edwards, a San Jose lawyer. By perpetuating the leadership and commitment to serving fellow human beings, these five men will serve, perhaps, as DON and Edith's greatest legacy.

Matching his legacy of congressional service, which he will bestow upon the Members of this body in a few short weeks, will prove difficult, if not impossible. Upon arriving in Washington, he made clear his goals to serve the people of San Jose and southern San Francisco Bay and to defend the liberties and laws of the Constitution. Working with both Presidents Kennedy and Johnson, Representative EDWARDS was the floor leader in the enactment of the 1964 Omnibus Civil Rights Act and the Voting Rights Act of 1965. He participated in civil rights demonstrations and marches in Washington and throughout the South. In 1963, he visited Dr. Martin Luther King, Jr. in the Birmingham Jail. Later, he helped to shepherd the equal rights amendment through the House and authored both the Freedom of Choice Act and the Religious Freedom Act. His respect for civil liberties and consistent support of those principles have led many of us to refer to Mr. EDWARDS as "The Conscience of the Congress."

Representative EDWARDS never wavered in his adherence to those principles, even when it led to helping those outside of this body's realm. Whether referring to his work on oversight of the FBI, United States involvement in El Salvador, Nicaragua, Vietnam, or South Africa, DON brought his integrity and decency with him. It has touched all who know him.

And by doing so, DON EDWARDS has better served his constituency and his country. In his 32 years of service, Mr. EDWARDS' legislation has: doubled the size of the San Francisco Bay Wildlife Refuge; established environmental education centers in Alviso and Fremont; given copyright protection to semiconductor manufacturers; streamlined export licensing; helped build the Robert F. Peckham U.S. Courthouse and Federal Building in San Jose, and many other highway, flood control, earthquake relief, and rail projects.

I find it perfectly appropriate that we honor Representative EDWARDS in the same week that this body honored President Nelson Mandela of the Republic of South Africa and welcomed him here to address Congress and the Nation. Like President Mandela, DON EDWARDS believes that our society's enemy is never an organization, an event, a symbol, or a race of people. Humanity's true enemies are tyranny, contempt for liberty, and injustice. In waging a never-ending battle against these foes, DON has transcended the legislative works of this body. In doing so, he has inspired generations of constituents, colleagues, and friends, including this humble legislator.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to honor Congressman DON EDWARDS, a distinguished colleague and a great American. I want to take a few moments to honor this man because he means a great deal to me.

DON EDWARDS is one of those brave men we have read and studied about throughout history. He embodies the courage of those countless numbers of Americans who struggled for change before us. We stand on the shoulders of many great men and women who dedicated their lives to making sure that we are able to enjoy all of the rights and freedoms of this great Nation. We are fortunate to honor such an individual.

His retirement means the loss of one of the most able Members of the House of Representatives. DON EDWARDS has been one of the most progressive and most liberal voices in the Congress. The American people, those who believe in fairness, civil and human rights, and consumer rights are indebted to this man.

Congressman EDWARDS will be deeply missed, not only by the people of California whom he served so well, but by people throughout America. He has been a champion for the weak, for those who do not have much of a voice and for those who had very little power.

I have known and admired the good work of DON EDWARDS long before I came to Congress. During the civil rights movement, a much younger Congressman EDWARDS was often seen on the front lines of the struggle in places like Alabama, Georgia and Mississippi.

I am proud of the legacy that men and women, such as DON EDWARDS have left for us. Were it not for his past achievements, I would not be here.

We all knew where DON stands on the great issues of our times. He has truly made a difference and for that we are truly grateful. We are blessed for his service.

Mr. BROOKS. Mr. Speaker, I rise today joining with all my colleagues in bidding farewell to Congressman DON EDWARDS, the Dean of the California Delegation. DON's distinquished career in this House spans 32 years and he has spent that same number of years in diligent work on the House Committee on the Judiciary. He became Chairman of the Subcommittee on Civil and Constitutional Rights in the 93d Congress and has served in that capacity since. I have noted in many publications the use of two titles in referring to my good friend from California—"Mr. Civil and Constitutional rights" and "Guardian of the Constitution."

DON has justly earned these titles from his many years of vigorous and dedicated work in behalf of the rights of all his fellow Americans. My memories of DON are formed from the many issues, such as Watergate, where we spent long hours sitting next to one another on the Judiciary Committee. For the Nation, However, the memories of DON will be his legendary work on all civil rights issues coming before the Congress for the past 30 years, all of which have greatly benefited this Nation. I know Edie and DON will remember all their friends here as they travel the next road and I wish both of them good health and many years of enjoyment together.

Mr. STARK. Mr. Speaker, the adjournment of this 103d Congress will mark the end of the remarkable congressional career of my good friend from San Jose, DON EDWARDS.

When he announced his intention to end his service in this House several months ago, the news was greeted with headlines that included such phrases as guardian of the Constitution, champion of civil liberties, principled politician and liberal champion. It's my judgment that this was not the usual newspaper hyperbole. These phrases were an accurate reflection of what DON meant to the people of California and the Nation during the 32 years he served them in Congress.

His absence from our ranks when the 104th Congress convenes will be apparent. There will be a large gap in the line of those who defend the constitutional liberties we take for granted in this country. Others will rally to fill this void, but no one will take DON EDWARDS' place. He is unique and irreplaceable.

I have known and worked with DON since I came to Congress in 1973. He has been a wise counselor, a supportive colleague and a constructive critic. I will miss him and his wife Edie—she once served as my administrative assistant—greatly. I am pleased that the two of them will be able to travel and have time for pursuits their busy lives didn't permit before, but their absences will be tough to abide.

It's not that they will disappear from our lives. We will still have the advantage of their penetrating views of public affairs, their counsel on how to make this the peaceful and just world we know it can be. They have earned the more relaxed lives they have chosen. A part-time contribution from DON and Edie is still more than most people contribute working full time. But things will not be quite the same when the people of San Jose are no longer represented by the ever-youthful DON EDWARDS.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, on October 7.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DARDEN, for 5 minutes, today.
Mr. KLINK, for 5 minutes, today.
Mr. MAZZOLI, for 5 minutes, today.
Ms. DANNER, for 5 minutes, today.
Mr. LEWIS of Georgia, for 5 minutes, today.
Mr. GLICKMAN, for 5 minutes, today.
Mr. DURBIN, for 5 minutes, today.
Mr. DEAL, for 5 minutes, today.
Mr. PARKER, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.
Mr. LEHMAN, for 5 minutes, today.
Mr. STENHOLM, for 5 minutes, today.
Mr. BARLOW, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. MCCLOSKEY, for 5 minutes, today.
Ms. ESHOO, for 5 minutes, today.
Mr. RICHARDSON, for 5 minutes, today.
Mr. PICKLE, in support of Dellums-Murtha-Hastings on House Joint Resolution 416 in the Committee of the Whole, today.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1520. An act to amend the Petroleum Marketing Practices Act.

H.R. 2826. An act to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2902. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes.

H.R. 3485. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1995 and 1996.

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

H.R. 4653. An act to settle Indian land claims within the State of Connecticut, and for other purposes.

H.J. Res. 401. Joint resolution designating the months of March 1995 and March 1996 as "Irish-American Heritage Month".

H.J. Res. 417. Joint resolution providing for the temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2170. An act to provide a more effective, efficient, and responsive Government.

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until today, Friday, October 7, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3919. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of Implementation of the D.C. Depository Act During Fiscal Year 1992 and 1993," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3920. A letter from the Inspector General, Environmental Protection Agency, transmitting the EPA's annual Superfund report for fiscal year 1993, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

3921. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on missile proliferation, pursuant to 22 U.S.C. 2797 note; to the Committee on Foreign Affairs.

3922. A letter from the Acting Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 3841, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3923. A letter from the Chair, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the fiscal year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Energy and Commerce.

3924. A letter from the Administrator, Federal Aviation Administration, transmitting its report on progress in correcting deficiencies in the Airmen and Aircraft Registry System, pursuant to 49 U.S.C. app. 1401 note; to the Committee on Public Works and Transportation.

3925. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination that the Russian Federation is in full compliance with the criteria of the Jackson-Vanik Amendment and of the Trade Act of 1974 concerning the freedom to emigrate to join a close relative in the United States, pursuant to 19 U.S.C. 2432(c), (d) and 19 U.S.C. 2439(b); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with amendments (Rept. 103-601 Pt. 6). Ordered to be printed.

Mr. GIBBONS: Committee of Conference. Conference report on H.R. 4278. A bill to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act (Rept. 103-842). Ordered to be printed.

Mr. DINGELL: Committee of Conference. Conference report on S. 1569. An act to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes (Rept. 103-843). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4522. A bill to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes; with an amendment (Rept. 103-844). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules, House Resolution 574. Resolution waiving points of order against the conference report to accompany the bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes (Rept. 103-845). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules, House Resolution 575. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes (Rept. 103-846). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules, House Resolution 576. Resolution providing for consideration of the bill (H.R. 5231) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior (Rept. 103-847). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 5199. A bill to amend the National Institute of Standards and Technology Act to provide for the establishment and management of voluntary encryption standards to protect the privacy and security of electronic information, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. WILLIAMS:

H.R. 5200. A bill to resolve the 107th merdian boundary dispute between the Crow Indian Tribe and the United States; to the Committee on Natural Resources.

By Mr. WYDEN:

H.R. 5201. A bill to amend the Internal Revenue Code of 1986 to provide for nonrecognition of gain on the sale of eligible small business stock if the proceeds of the sale are reinvested in other eligible small business stock; to the Committee on Ways and Means.

H.R. 5202. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain capital assets for purposes of determining gain or loss; to the Committee on Ways and Means.

H.R. 5203. A bill to improve small business export assistance; to the Committee on Foreign Affairs.

H.R. 5204. A bill to amend the Internal Revenue Code of 1986 to provide incentives for awards to an employee under a performance-based reward plan and to direct the Administrator of the Small Business Administration to establish a program to promote implementation of performance-based reward plans and employee decisionmaking participation programs, and for other purposes; jointly, to the Committees on Ways and Means, Education and Labor, and Small Business.

By Ms. MARGOLIES-MEZVINSKY:

H.R. 5205. A bill to provide Federal assistance for compliance with federally-mandated motor vehicle inspection and maintenance requirements and employee trip reduction requirements in effect under the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. BACCHUS of Florida (for himself and Mr. SHAW):

H.R. 5206. A bill to authorize the reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. BAKER of California:

H.R. 5207. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion on gain from sale of a principal residence to be taken before age 55 if the taxpayer or a family member suffers a catastrophic illness; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. BREWSTER, Mr. SAM JOHNSON, Mr. BOEHNER, Mr. DELAY, Mr. HEFLEY, and Mr. CUNNINGHAM):

H.R. 5208. A bill to establish limits on wage continuation and severance benefits for Amtrak employees displaced by a discontinuance of service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTON of Texas:

H.R. 5209. A bill to establish a wholly owned Government corporation for the operation of the air traffic control system, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. COLEMAN (for himself, Mrs. SCHROEDER, Mr. RICHARDSON, and Mr. SCHIFF):

H.R. 5210. A bill to direct the Secretary of Transportation to carry out a demonstration project to establish a highway corridor from Chihuahua, Mexico, through El Paso, TX to Denver, CO; to the Committee on Public Works and Transportation.

By Mr. DELAY:

H.R. 5211. A bill to amend the Clean Air Act to repeal certain emissions standards for motor vehicles which have not yet taken effect; to the Committee on Energy and Commerce.

H.R. 5212. A bill to amend the Clean Air Act to allow emission reductions caused by fleet turnover to be credited to the emission reduction requirements of the act; to the Committee on Energy and Commerce.

H.R. 5213. A bill to amend the Clean Air Act to prohibit the Federal Government from requiring State plans to mandate trip reduction measures; to the Committee on Energy and Commerce.

H.R. 5214. A bill to repeal provisions of the Clean Air Act dealing with toxic air emissions; to the Committee on Energy and Commerce.

H.R. 5215. A bill to repeal provisions of the Clean Air Act dealing with acid rain; to the Committee on Energy and Commerce.

H.R. 5216. A bill to repeal provisions of the Clean Air Act dealing with stratospheric ozone protection; to the Committee on Energy and Commerce.

H.R. 5217. A bill to repeal the Clean Air Act Amendments of 1990 (Public Law 101-549); to the Committee on Energy and Commerce.

By Mr. DELLUMS (for himself, Mr. HINCHEY, Mr. EVANS, Mr. RANGEL, Mr. OWENS, Mr. LEWIS of Georgia, Mr. CONYERS, Ms. NORTON, Ms. VELÁZQUEZ, Mr. TOWNS, Mr. NADLER, and Mr. BONIOR):

H.R. 5218. A bill to promote the fulfillment of basic unmet needs and to protect certain basic economic rights of the people of the United States, and for other purposes; jointly, to the Committees on Education and Labor, Foreign Affairs, Banking, Finance and Urban Affairs, Government Operations, Armed Services, and Ways and Means.

By Mr. EMERSON:

H.R. 5219. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements of vitamins, minerals, or vitamins and minerals; to the Committee on Agriculture.

By Ms. ENGLISH of Arizona (for herself and Mr. COPPERSMITH):

H.R. 5220. A bill to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, AZ, under section 3 of the act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995; to the Committee on Education and Labor.

By Mr. FIELDS of Texas (by request):

H.R. 5221. A bill to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a U.S. Government corporation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LANTOS (for himself, Mr. ACKERMAN, Mr. BEILENSON, Mr. BROWN of California, Mr. DEFAZIO, Mr. DELLUMS, Mr. GEJDENSON, Mr. HAMBURG, Mr. HOCHBRUECKNER, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KLECZKA, Mr. MANTON, Mr. MINETA, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. RAVENEL, Ms. ROYBAL-ALLARD, Mr. SHAYS, Mr. SWETT, Mr. SWIFT, and Mr. TOWNS):

H.R. 5222. A bill to provide for nonanimal acute toxicity testing by the Federal Government; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 5223. A bill to provide that a spouse, former spouse, surviving spouse, or surviving former spouse may qualify for retirement, survivor, and health benefits under the Foreign Service Act if the Foreign Service participant is disqualified for such benefits for reasons of misconduct or disloyalty to the United States; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Ms. MARGOLIES-MEZVINSKY:

H.R. 5224. A bill to direct the Secretary of Transportation to carry out a project for the implementation of a comprehensive transportation improvement program in Kulpsville, PA; to the Committee on Public Works and Transportation.

By Mr. MENENDEZ:

H.R. 5225. A bill to strengthen child support enforcement; jointly, to the Committees on Ways and Means, Education and Labor, and Banking, Finance and Urban Affairs.

By Mrs. MINK of Hawaii:

H.R. 5226. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve enforcement of such title by adding certain provisions with respect to the auditing of employee benefit plans, and for other purposes; to the Committee on Education and Labor.

By Mr. PETRI (for himself, Mr. COX, Mr. ARMEY, and Mr. LEVY):

H.R. 5227. A bill to provide for a system of guaranteeing the deposits and certain other liabilities of depository institutions through a self-regulating system of cross guarantees, to protect taxpayers against deposit insurance losses, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. ROWLAND (for himself, Mr. COOPER, Mr. BILIRAKIS, Mr. GRANDY, Mr. MCCURDY, Mr. GOSS, Mr. PARKER, Mr. HASTERT, Mr. STENHOLM, and Mr. THOMAS of California):

H.R. 5228. A bill to reform the health insurance market, to promote the availability and continuity of health coverage, to remove financial barriers to access, to reform the Medicaid Program, to enhance health care quality, to contain costs through market incentives and administrative reforms, to provide incentives to purchase long-term care insurance, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, the Judiciary, and Veterans' Affairs.

By Mr. TAUZIN (for himself and Mr. FIELDS of Texas) (both by request):

H.R. 5229. A bill to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a U.S. Government corporation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. VENTO:

H.R. 5230. A bill to require a revision of criteria, policies, and practices regarding the provision of housing to National Park Service employees; to the Committee on Natural Resources.

By Ms. PELOSI:

H.R. 5231. A bill to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. MCMILLAN:

H.R. 5232. A bill to ensure that only persons eligible to receive a firearm may purchase and possess firearms, and to prevent felons and persons adjudicated mentally incompetent from obtaining firearms from firearms dealers by providing for a system for identifying persons prohibited from possessing firearms through a magnetic strip affixed to driver's licenses and other identification documents; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. SCHUMER, Mr. SAXTON, Mr. LIPINSKI, Mrs. MALONEY, Mr. ENGEL, Mr. HASTINGS, Mr. CARDIN, and Mr. OWENS):

H.R. 5233. A bill to amend title VII of the Civil Rights Act of 1964 with respect to religious accommodation in employment; to the Committee on Education and Labor.

By Mr. PENNY:

H.R. 5234. A bill to amend the Agricultural, Trade, Development, and Assistance Act of 1954 to authorize the use of agricultural commodities in promote market development; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. WILSON:

H.R. 5235. A bill to provide a minimum for payments with respect to counties in the

State of Texas from receipts from national forests; to the Committee on Agriculture.

By Mr. KOPETSKI:

H.R. 5236. A bill to provide for the establishment and management of the Opal Creek Forest Preserve in the State of Oregon; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. SANTORUM:

H.R. 5237. A bill to amend title 31, United States Code, to close appropriation accounts available for an indefinite period; to the Committee on Government Operations.

By Mr. ISTOOK (for himself, Mr. INHOFE, Mr. BARRETT of Nebraska, Mr. BATEMAN, Mr. DORNAN, Mr. MOORHEAD, Mr. HANSEN, Mr. DELAY, Mr. MCNULTY, Mr. SKEEN, Mr. BAKER of California, Mr. ROBERTS, Mr. LIVINGSTON, Mr. PACKARD, Mr. CALLAHAN, Mrs. VUCANOVICH, Mr. HUTTO, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. BUNNING, Mr. ARMEY, Mr. BARTLETT of Maryland, Mr. BACHUS of Alabama, Mr. KINGSTON, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EMERSON, Mr. GOODLATTE, Mr. HERGER, Mr. HANCOCK, Mr. MCCOLLUM, Mr. SOLOMON, Mr. TAYLOR of Mississippi, Mr. BREWSTER, Mr. PETE GEREN of Texas, Mr. DICKEY, Mr. EWING, Mr. GINGRICH, Mr. HALL of Texas, Mr. STEARNS, Mr. ORTON, Mr. CONDIT, Mr. HYDE, Mr. LUCAS, AND Mr. EVERETT):

H.J. Res. 424. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. BARTON of Texas:

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with respect to the use of selective inspection and maintenance [I&M] programs as part of State implementation plans under the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. BROWDER:

H. Con. Res. 310. Concurrent resolution expressing the sense of the Congress that any comprehensive health care reform legislation that is enacted should not take effect until the legislation is approved through a national referendum; jointly, to the Committee on Energy and Commerce and Ways and Means.

By Mr. FARR (for himself, Mr. JOHNSON of South Dakota, and Mr. MICA):

H. Con. Res. 311. Concurrent resolution expressing the sense of the Congress that the percentage of United States Armed Forces participating in the U.N. led peacekeeping force in Haiti should not exceed the annual percentage assessed the United States by the United Nations for contributions to finance the peacekeeping activities of the United Nations; to the Committee on Foreign Affairs.

By Mr. HALL of Texas:

H. Con. Res. 312. Concurrent resolution to honor the U.S. military astronauts who flew to the Moon While on duty with the National Aeronautics and Space Administration; to the Committee on Armed Services.

By Mr. THOMAS of California:

H. Con. Res. 313. Concurrent resolution providing for a technical correction in the enrollment of S.21; considered and agreed to.

By Mr. FRANK of Massachusetts:

H. Res. 572. Resolution expressing the sense of the House of Representatives relating to the eradication of slavery where it exists throughout the world; to the Committee on Foreign Affairs.

By Mr. POMEROY:

H. Res. 573. Resolution requiring Members of the House of Representatives to pay, from the Official Expenses Allowance, the actual cost of extraneous matter printed in that portion of the CONGRESSIONAL RECORD entitled "Extensions of Remarks"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 5238. A bill to authorize the vessel R/V *Ross Seal* to be documented under the laws of a foreign country during a 3-year period; to the Committee on Merchant Marine and Fisheries.

By Mr. KOPETSKI:

H.R. 5239. A bill to amend the fishing endorsement issued to a vessel owned by Ronnie C. Fisheries, Inc.; to the Committee on Merchant Marine and Fisheries.

By Mr. TORRES:

H.R. 5240. A bill for the relief of Jose J. Aceves; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 50: Mr. MARTINEZ and Mr. NADLER.

H.R. 140: Mr. SMITH of Iowa and Mr. LEWIS of Kentucky.

H.R. 162: Mr. GOODLATTE Mr. EHLERS, and Mr. LEVY.

H.R. 635: Mr. ABERCROMBIE.

H.R. 642: Mr. FURSE, Ms. SHEPHERD, and Mr. SKAGGS.

H.R. 672: Mr. REED and Ms. DELAURO.

H.R. 1705: Mr. MACHTLEY, Mr. WISE, Mr. KOPETSKI, Mr. PAYNE of New Jersey, Mr. THOMAS of California, and Mr. KLECZKA.

H.R. 1780: Mr. MANTON.

H.R. 2420: Mr. CALVERT and Mr. HASTINGS.

H.R. 2543: Ms. ESHOO and Mr. SANDERS.

H.R. 2717: Mr. HUTCHINSON and Mr. KNOLLENBERG.

H.R. 2863: Ms. LOWEY.

H.R. 3137: Mr. BACHUS of Alabama.

H.R. 3207: Mr. MOAKLEY.

H.R. 3334: Mr. RAMSTAD.

H.R. 3434: Mr. LEVIN.

H.R. 3526: Mr. FORD of Tennessee, Ms. NORTON, and Mr. PRICE of North Carolina.

H.R. 3628: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Mr. FROST, Mr. QUINN, and Mr. FINGERHUT.

H.R. 3630: Mr. EVANS.

H.R. 3756: Mr. DREIER, Mr. POMBO, Mr. KIM, Mr. ROYCE, Mr. MOORHEAD, Mr. BAKER of California, Mr. DOOLITTLE, Mr. DORNAN, Mr. GALLEGLY, Mr. HERGER, Mr. HORN, Mr. HUNTER, Mr. PACKARD, Mr. ROHRABACHER, Mr. THOMAS of California, Mr. MCCANDLESS, Mr. CUNNINGHAM, Mr. CALVERT, and Mr. HUFFINGTON.

H.R. 3795: Mr. PACKARD.

H.R. 3866: Mr. DIXON.

H.R. 3906: Mrs. THURMAN, Mr. QUINN, and Ms. CANTWELL.

H.R. 3971: Mr. KINGSTON and Mr. SOLOMON.

H.R. 4056: Mr. CANADY, Mr. GORDON, Mr. ANDREWS of Texas, and Mr. ZELIFF.

H.R. 4142: Mr. WYDEN.

H.R. 4163: Mr. SKAGGS.

H.R. 4289: Mr. MCHALE.

H.R. 4303: Mr. FAWELL.

H.R. 4356: Mr. MCINNIS, Mr. MACHTLEY, Mr. MANZULLO, and Mr. MCCOLLUM.

H.R. 4427: Ms. MARGOLIES-MEZVINSKY.

H.R. 4491: Mr. PACKARD.

H.R. 4496: Mr. LAUGHLIN, Mr. BERMAN, Mr. OWENS, Mr. MANTON, and Mr. SERRANO.

H.R. 4507: Mr. HASTINGS.

H.R. 4514: Mr. DOOLITTLE, Mr. GEJDENSON, AND Mr. WILSON.

H.R. 4531: Mr. JOHNSTON of Florida, Mr. HASTINGS, and Mr. BROWN of Ohio.

H.R. 4562: Mr. BONILLA, Mr. DOOLEY, Mr. BEREUTER, and Mr. MINGE.

H.R. 4589: Mr. MCHALE.

H.R. 4831: Mr. PETERSON of Florida and Mrs. FOWLER.

H.R. 4897: Mr. JOHNSON of Georgia and Mr. SOLOMON.

H.R. 4898: Mr. JOHNSON of Georgia and Mr. SOLOMON.

H.R. 4936: Mr. STUPAK and Mr. SMITH of New Jersey.

H.R. 4949: Mr. THOMAS of Wyoming and Mr. SOLOMON.

H.R. 4977: Mr. KILDEE.

H.R. 4978: Mr. KILDEE.

H.R. 4979: Mr. KILDEE.

H.R. 4997: Mr. KLEIN, Mr. BONIOR, Mr. TORRICELLI, Mr. GOSS, and Mr. FRANK of Massachusetts.

H.R. 5043: Mrs. KENNELLY, Mr. RAHALL, Mr. MENENDEZ, Mr. HOYER, Mr. GEKAS, Mr. BARLOW, Mr. KLECZKA, Mr. JOHNSON of South Dakota, Mr. WALSH, and Mr. EVANS.

H.R. 5055: Mr. TOWNS, Mr. TORRICELLI, and Mr. KREIDLER.

H.R. 5056: Mr. SHAYS.

H.R. 5068: Mr. EVANS.

H.R. 5073: Mr. DELAY, Mr. PORTMAN, and Mr. BACHUS of Alabama.

H.R. 5076: Mr. NEAL of Massachusetts, and Mr. SOLOMON.

H.R. 5082: Mr. YOUNG of Alaska, Mr. HUTCHINSON, Mr. CASTLE, Mr. BARTLETT of Maryland, Mrs. MORELLA, Mr. UPTON, Mr. FRANKS of New Jersey, Mr. KING, Ms. MOLINARI, Mr. FISH, Mr. BOEHLERT, Mr. WALSH, Mr. QUINN, Mr. HOUGHTON, Mr. TAYLOR of North Carolina, Mr. GREENWOOD, Mr. RAVENEL, Mr. INGLIS of South Carolina, Mr. DUNCAN, Mr. RIDGE, Mr. QUILLEN, Mr. HANSEN, Mr. DICKEY, Mr. SCHAEFER, Mr. LIVINGSTON, Mr. SMITH of New Jersey, Mr. SCHIFF, Mr. SOLOMON, Mr. KINGSTON, Mr. PAXON, Mr. GOODLATTE, Mr. EVERETT, Mr. COLLINS of Georgia, Mr. LEACH, Mr. BAKER of Louisiana, Mrs. ROUKEMA, Mr. GILMAN, Mr. BALLENGER, Mr. INHOFE, Mr. SHUSTER, Mr. BATEMAN, Ms. DUNN, Mr. ROGERS, Mr. KASICH, Mr. CALLAHAN, Mr. ROTH, Mr. ZELIFF, Mrs. VUCANOVICH, Mr. BEREUTER, Mr. CAMP, Mr. LIGHTFOOT, Mr. SMITH of Michigan, Mr. Skeen, Ms. BROWN of Florida, Mr. LEVY, Mr. MACHTLEY, Mr. GEKAS, Mrs. BENTLEY, Mr. WHEAT, and Mr. SPENCE.

H.R. 5092: Mr. UNDERWOOD, Mr. BARCA of Wisconsin, and Ms. ENGLISH of Arizona.

H.R. 5100: Mr. CANADY.

H.R. 5106: Mr. BALLENGER and Mr. DEUTSCH.

H.R. 5111: Ms. DELAURO and Mr. HUGHES.

H.R. 5135: Mr. BARTON of Texas, Mr. BALLENGER, Mr. ZIMMER, Mr. COX, Mr. ARMEY, and Mr. RAMSTAD.

H.R. 5141: Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Ms. LOWEY, Mr. DURBIN, Mrs. BYRNE, Ms. SHEPHERD, Mr. DE LUGO, Mr. FARR, Mr. HILLARD, Mr. JACOBS, Mr. FAZIO, Mr. TORKILDSEN, Mr. HINCHEY, Ms. FURSE, Mr. ROMERO-BARCELO, Mr. TUCKER, Mr. VENTO, Mr. COPPERSMITH, Mr. COLEMAN, Ms. ROYBAL-ALLARD, Mr. ENGEL, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NEAL of North Carolina.

H.R. 5185: Mr. POMBO, Mr. DORNAN, and Mr. PACKARD.

H.J. Res. 44: Ms. DUNN and Mr. DEAL.

H.J. Res. 184: Mrs. LLOYD, Ms. SLAUGHTER, Mr. FLAKE, Mr. DIXON, Mr. DELLUMS, Mr. PAYNE of New Jersey, Mr. ROSE, Mr. TRAFICANT, Mr. THOMPSON, Mr. HYDE, Mr. PORTER, Mr. ANDREWS of Texas, Mr. BAESLER, Mr. GLICKMAN, Miss COLLINS of Michigan, Mr. DUNCAN, Mr. SUNDQUIST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Florida, Mrs. BENTLEY, Mr. KLEIN, Mr. HUTTO, Mr. ACKERMAN, Mr. SANGMEISTER, Mr. ANDREWS of New Jersey, Mr. MCCOLLUM, Mr. FIELDS of Texas, Mr. STUMP, Mrs. BYRNE, Mr. CASTLE, Mr. FORD of Tennessee, Mr. KANJORSKI, Ms. MCKINNEY, Mr. BROWN of California, Mr. MOORHEAD, Ms. KAPTUR, Mrs. MEYERS of Kansas, Mr. BATEMAN, Mr. BLUTE, Mr. BREWSTER, Mr. BLILEY, Mr. BROWDER, Mr. LEVY, Mr. REYNOLDS, Mr. HOCHBRUECKNER, Mr. DORNAN, Mr. BILBRAY, Mr. ANDREWS of Maine, Mr. TORKILDSEN, Mr. DELAY, Mr. GINGRICH, Mr. SAXTON, Mrs. JOHNSON of Connecticut, Mr. FORD of Michigan, and Mr. BLACKWELL.

H.J. Res. 230: Mr. BAKER of Louisiana, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BLACKWELL, Ms. BROWN of Florida, Mr. BURTON of Indiana, Mr. DEFAZIO, Mr. EMERSON, Mr. FLAKE, Mr. HOYER, Mr. HUTTO, Mr. KIM, Mrs. MEEK of Florida, Ms. MOLINARI, Mr. NADLER, Mr. TORRES, and Mr. YOUNG of Alaska.

H.J. Res. 231: Mrs. BYRNE, Mr. ANDREWS of New Jersey, Mr. KLEIN, Mr. LIVINGSTON, Mrs. MEEK of Florida, Mr. SCHAEFER, Mr. BORSKI, Mr. KING, Mr. MURPHY, Mr. HOAGLAND, Mr. FRANK of Massachusetts, Mr. YOUNG of Alaska, Mr. PICKETT, Mr. REED, Mr. FROST, Mrs. LLOYD, Mr. MANTON, and Mr. HOYER.

H.J. Res. 244: Mr. MOORHEAD, Mr. GALLEGLY, Mr. ROTH, Mr. VALENTINE, Mr. BROWN of California, Mr. FILNER, Mr. SABO, Mr. STUMP, Mr. BALLENGER, Mr. CALVERT, Mr. DIAZ-BALART, Mr. REGULA, Mr. EVANS, Mrs. BENTLEY, Mr. GOODLATTE, Mr. MARTINEZ, Mr. DORNAN, and Mr. FLAKE.

H.J. Res. 402: Mr. SOLOMON, and Mr. THOMAS of Wyoming.

H.J. Res. 411: Mrs. BYRNE, Mr. BACCHUS of Florida, Mr. BARCA of Wisconsin, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. MACHTLEY, Mr. RAMSTAD, Mr. GALLO, Mr. HASTERT, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. BROWN of California, Mr. WOLF, Mr. ROGERS, Mr. SMITH of Oregon, Mr. STOKES, Mrs. VUCANOVICH, Mr. BEVILL, Mr. LAUGHLIN, Mr. OLVER, Mr. HAMBURG, Mr. BECERRA, Mr. SCOTT, Mr. ROSTENKOWSKI, Mr. FIELDS of Louisiana, Mrs. MINK of Hawaii, Ms. MARGOLIES-MEZVINSKY, Ms. SHEPHERD, Mr. DARDEN, Mr. DEAL, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. DELLUMS, Mr. HUTTO, Mr. KANJORSKI, Mr. MAZZOLI, Mr. MOAKLEY, Mr. SPENCE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. GEKAS, Mr. HOLDEN, Mr. SHUSTER, Mr. MURPHY, Mr. RIDGE, Mr. ORTON, Mr. ANDREWS of Maine, Mr. KLINK, Mr. NEAL of North Carolina, Mr. SARPALIUS, Mr. LEVY, Mr. FLAKE, Mr. NADLER, Mr. SCHUMER, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. MOLINARI, Mr. RANGEL, Mr. ENGEL, Mr. GILMAN, Mr. PAXON, Mr. LAFALCE, Mr. HOUGHTON, Mr. SAM JOHNSON, Mr. SMITH of Michigan, Mr. ROHRABACHER, Mr. ZIMMER, Mr. CALVERT, Mr. HOKE, Mr. BARTLETT of Maryland, Mr. GRAMS, Ms. SNOWE, Mr. UPTON, Mr. YOUNG of Florida, Ms. DELAURO, Mr. HOCHBRUECKNER, Mr. CARDIN, Mr. TAUZIN, Mr. LEHMAN, Mr. HASTINGS, Mr. DOOLITTLE, Mr. HUNTER, Mr. LEACH, Mrs. MEYERS of Kansas, Mr. QUILLEN, Mr. RAVENEL, Mr. ROEMER, Mr. FALEOMAVAEGA, Mr. SERRANO, Mr. HALL of Texas, Mr. ANDREWS of Texas, Mr. ABERCROMBIE, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BROWDER, Mr. CARR, Mrs. CLAYTON, Mr. CLYBURN, Miss COLLINS of Michigan, Mr. COYNE, Mr. CRAMER, Ms. DANNER, Mr. DEFAZIO, Mr. EDWARDS of Texas, Ms. ENGLISH of Arizona, Mr. FARR, Mr. FINGERHUT, Mr. FOGLIETTA, Ms. FURSE, Mr. HUGHES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KLECZKA, Mr. KOPETSKI, Ms. LAMBERT, Mrs. LOWEY, Mr. MANTON, Mr. MARKEY, Mr. MCHALE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MINGE, Mr. MORAN, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. GEPHARDT, Mr. GONZALEZ, Mr. HAMILTON, Mr. PETERSON of Florida, Mr. POMEROY, Mr. RAHALL, Mr. ROMERO-BARCELÓ, Mr. ROSE, Mr. RUSH, Mr. SMITH of Iowa, Mr. STENHOLM, Mr. STUPAK, Mr. SYNAR, Mrs. THURMAN, Mrs. UNSOELD, Ms. WATERS, Ms. WOOLSEY, Mr. WYDEN, and Mr. DELAY.

H.J. Res. 413: Mr. PASTOR, Mr. BLUTE, Mr. JEFFERSON, Mr. TAUZIN, Mr. HAMILTON, Mr. GONZALEZ, Mr. LIPINSKI, Mr. EMERSON, Mr. ROMERO-BARCELO, Mrs. MINK of Hawaii, Mr. FLAKE, Ms. ENGLISH of Arizona, Mr. GILMAN, Mrs. MORELLA, Mr. TORKILDSEN, Mrs. BENTLEY, Mr. SHAW, Mrs. MEYERS of Kansas, Mr. CRANE, Mr. HOBSON, Mr. HYDE, Mr. BOEHLERT, Mr. FIELDS of Texas, Mr. HUNTER, Mr. REGULA, Mr. THOMAS of California, Mr. OXLEY, Mr. MYERS of Indiana, Mr. PACKARD, Mr. LIGHTFOOT, Mr. BALLENGER, Mr. WALSH, Mr. BARRETT of Nebraska, Mr. WELDON, Mr. DIAZ-BALART, Mr. DELAY, Mr. SKEEN, Mr. LEACH, Mr. SOLOMON, Mr. LIVINGSTON, Mr. RAMSTAD, Mr. MCMILLAN, MR. ROBERTS, Mr. TAYLOR of North Carolina, Mr. COBLE, Mr. HOUGHTON, Mr. HANSEN, Mr. MCCRERY, Mr. HAYES, Mr. COX, Mr. STUMP, Mr. CALLAHAN, Mr. DUNCAN, Mr. LAUGHLIN, Mr. SPENCE, Mr. KIM, Mr. RIDGE, Mr. DORNAN, Mr. BLILEY, Mr. POMBO, Mr. LUCAS, Mr. GINGRICH, Mr. LEWIS of California, Mr. HASTERT, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. GILCHREST, MR. GREENWOOD, Mr. HOEKSTRA, Mr. ROTH, Ms. SNOWE, Mr. GRANDY, Mr. KOLBE, Mr. EHLERS, Mr. YOUNG of Alaska, Mr. RAVENEL, Mr. PORTER, Mr. GEKAS, Mrs. FOWLER, Mr. BUNNING, Mr. SMITH of Iowa, Mr. SMITH of Texas, Mr. DURBIN, Mr. ROGERS, Mr. HALL of Texas, Mr. FAWELL, Mr. CUNNINGHAM, Mr. SAM JOHNSON, Mr. GRAMS, Mr. UPTON, Mr. GUNDERSON, Mr. MCCOLLUM, Mr. QUINN, Mr. ZIMMER, Mr. BEREUTER, Ms. MOLINARI, Mr. SCHAEFER, Mr. ROYCE, Mr. ROHRABACHER, Mr. CAMP, Mr. PETRI, Mr. CALVERT, Mr. SAXTON, Mr. MCKEON, Mr. DOOLITTLE, Ms. PRYCE of Ohio, Mr. CASTLE, Ms. DUNN, Mr. SANTORUM, Mr. QUILLEN, Mr. KASICH, Mr. MACHTLEY, Mr. HUTCHINSON, Mr. LEVY, Mr. LAZIO, Mr. BAKER of California, Mr. HERGER, Mr. FISH, Mr. PORTMAN, Mr. APPLEGATE, Mr. MILLER of Florida, Ms. LONG, Mr. KNOLLENBERG, Mr. FROST, Mr. BILIRAKIS, Mr. BROOKS, Mr. TRAFICANT, Mr. MURPHY, Mr. MILLER of California, Mr. FARR, Ms. MCKINNEY, Mr. GLICKMAN, Mr. COLEMAN, Mr. REED, Ms. COLLINS of Michigan, Ms. VELAZQUEZ, Mr. SERRANO, Mr. CARDIN, Mr. PAYNE of Virginia, Mr. HOAGLAND, Mr. HASTINGS, Mr. FORD of Michigan, Mr. VOLKMER, Mr. BARCA of Wisconsin, Ms. DANNER, Mr. THORNTON, Mr. MAZZOLI, Mr. PAXON, Mr. MOORHEAD, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BUYER, Mr. CLINGER, Mr. COLLINS of Georgia, Mr. DICKEY, Mr. DREIER, Mr. YOUNG of Florida, Mr. EWING, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Ms. SLAUGHTER, Mr. VISCLOSKY, Mr. GOODLATTE, Mr. HOKE, Mr. HORN, Mrs. JOHNSON of Connecticut, Mr. KING, Mr. KLUG, Mr. LEWIS of Kentucky, Mr. LEWIS of Florida, Mr. MCCANDLESS, Mr. MCDADE, Mr. MCINNIS, Mr. MICHEL, Mr. NUSSLE, Mr. SCHIFF, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. TALENT, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. WOLF, Mr. BACHUS of Alabama, Mr. KINGSTON, Mr. MINETA, Mr. BROWN of California, Mr. FAZIO, Mr. SKELTON, Mr. SISISKY, Mr. KILDEE, Mr. STUDDS, Mr. GIBBONS, Mr. GENE GREEN of Texas, Mr. JACOBS, Mr. VENTO, Mr. BEILENSON, Mr. BERMAN, Mr. MONTGOMERY, Mr. MARKEY, Mr. DINGELL, MR. BILBRAY, Mr. KREIDLER, Ms. DELAURO, Ms. LAMBERT, Mr. KANJORSKI, Mr. FORD of Tennessee, Mr. RAHALL, Mr. ROSE, Mr. POSHARD, Mr. PETE GEREN of Texas, Mr. CONDIT, Mr. WISE, Mr. WILSON, Mr. CHAPMAN, Mr. COYNE, and Mr. BORSKI.

H.J. Res. 418: Mr. PAXON and Ms. DUNN.

H.J. Res. 419: Mr. WOLF, Mr. EWING, Mr. DUNCAN, and Mrs. VUCANOVICH.

H.J. Res. 422: Mr. WHEAT, Mr. MEEHAN, Mr. DEUTSCH, Ms. LOWEY, Mr. OWENS, Mr. BARRETT of Wisconsin, and Ms. MARGOLIES-MEZVINSKY.

H. Con. Res. 148: Mrs. VUCANOVICH and Mr. WILSON.

H. Con. Res. 173: Mr. ROEMER, Mr. MONTGOMERY, Mr. GEJDENSON, Mr. MILLER of California, Mr. POMEROY, Mr. MCDERMOTT, Mr. BISHOP, Mr. PALLONE, Mr. HASTINGS, Mrs. BYRNE, Mr. STOKES, and Mr. COX.

H. Con. Res. 233: Mr. ROSE, Mr. NADLER, Ms. CANTWELL, and Mr. NEAL of Massachusetts.

H. Con. Res. 239: Mr. FILNER, Mr. COLEMAN, and Mr. VOLKMER.

H. Con. Res. 243: Mr. PASTOR.

H. Con. Res. 247: Mr. KILDEE, Mr. BEILENSON, and Mr. WYDEN.

H. Res. 497: Ms. FURSE and Mr. LEWIS of Georgia.

H. Res. 525: Mr. GRAMS.

H. Res. 529: Mr. THORNTON.

H. Res. 531: Mr. CLEMENT.

H. Res. 569: Mr. LINDER, Mr. DUNCAN, Mr. ROGERS, Mr. THOMAS of Wyoming, Mr. DELAY, Mr. ROTH, Mr. GOODLATTE, and Mr. DICKEY.