HOUSE OF REPRESENTATIVES—*Wednesday, June 28, 1995*

The House met at 10 a.m.

PRAYER

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

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

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

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

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

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

And let us say: Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The Pledge of Allegiance will be led by the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS led the Pledge of Allegiance as follows:

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

OPENING PRAYER BY ISRAELI CHIEF RABBI YISRAEL MEIR LAU

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

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

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING THE LUBAVITCHER REBBE

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

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

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

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

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

We honor his memory today because the Rebbe's work on behalf of morality, education, and charity and his essential goodness made him a respected and beloved religious leader around the world. The Rebbe's good work reached far beyond the Chassidic community he led so well from a small brownstone building in the Crown Heights section of Brooklyn.

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

TRIBUTE TO RABBI MENACHEM MENDEL SCHNEERSON

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

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

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

I can speak, in a sense from a personal perspective, from the community that I represent in south Florida. Before I move to that community, there was no presence of the Chabad movement. In the near 15 years, there are six centers of learning, a school that has several hundred students. It is not

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just a community that, in a sense, the Rebbe taught to, but the entire community of the world in terms of education and really faith that we have the opportunity today in a special way to thank and to bless his memory.

OCALA: ALL-AMERICAN CITY

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

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

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

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

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

HONORING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES ADVOCACY DAY

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

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

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

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

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

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

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

REPUBLICANS ARE KEEPING THEIR PROMISES

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

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

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

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

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

VIOLATION OF THE RULES OF THE HOUSE

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

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

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

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

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

ALLOWING FAMILIES TO KEEP MORE OF THEIR OWN MONEY

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

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

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

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

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

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

JAPAN: OPEN YOUR MARKETS

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

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

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

Beam me up. There is only one way to get the attention of the land of the

rising sun: Midnight tonight put the sanctions on Japan. You have been screwing us for years. Open your markets or pay the price.

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

SALUTE TO THE ISRAELI CENTER FOR INTERNATIONAL COOPERATION

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

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

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

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

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

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

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

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

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

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

FLY THE FLAG, DO NOT AMEND THE BILL OF RIGHTS

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

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

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

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

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

□ 1020

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

BALANCED BUDGET PLAN AND A TAX CUT ARE LONG OVERDUE

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

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

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

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

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

IS THIS ANY WAY TO TREAT THE CONSTITUTION?

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

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

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

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

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

REPUBLICANS ARE TOUGH ON CRIME

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

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

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

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

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

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

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

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

COMPACT-IMPACT AID

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

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

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

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

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

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

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

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

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

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

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

HOW DO REPUBLICANS BALANCE THE BUDGET?

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

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

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

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

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

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

THE JEWISH HOSPITAL OF ST. LOUIS

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

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

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

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

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

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

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

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

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

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

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

WHO SAID WHAT ABOUT MEDICARE?

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

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

The President's trustees, the President's trustees, three members of the President's Cabinet, have said that the Medicare Trust Fund will be broke, bankrupt, out of money—without anything—in 6 to 7 years. That is under the median case scenario. It could be even shorter if things are worse.

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

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

WOMEN MUST HAVE SAME HEALTH CARE RIGHTS AS MEN DO

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

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

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

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

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

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

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS AND COMMITTEE ON SCIENCE AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: The Committee on International Relations and the Committee on Science.

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

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

Mr. WISE. Reserving the right to object, Mr. Speaker, the gentleman is correct. The Democrat leadership has been consulted, has no objections to these requests.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

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

The Clerk read the resolution, as follows:

H. RES. 173

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

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

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1040

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

Within days, the House responded by scheduling consideration of a constitutional amendment identical to the one

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

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

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

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

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

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

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

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

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

[As of June 27, 1995]

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

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

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

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

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

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of June 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191; A: 233–183 (6/13/95)

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

[As of June 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

there is every reason to leave well enough alone. Let these misfits who desecrate our flag remain in obscurity, where they deserve to be.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, the gentleman from Massachusetts has made the case ably. I would like to just reiterate that the rule on a constitutional amendment before us permits no amendments to be offered, despite the fact that numerous alternatives, both statutory and constitutional, were granted. Instead, the Committee on Rules is making merely in order a motion to recommit, which is more a procedural tactic as it has been used in the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I know that many of the colleagues in this body are concerned about adopting this rule and approving the amendment, that it will harm the Bill of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1115

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

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

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

Mr. Speaker, I yield 2 minutes to the gentlewoman from Miami, FL, Ms. ILEANA ROS-LEHTINEN, another extremely important Member of this body. I know she speaks from her heart on this issue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Then you will understand this issue. Men have died under that flag.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, as a Democrat, a former Marine, like our chairman, the gentleman from New York [Mr. SOLOMON], and our good colleague, the gentleman from Colorado [Mr. SKAGGS], and as an original cosponsor of House Joint Resolution 79, I rise in strong support of this rule to provide for the consideration of this proposed amendment to the U.S. Constitution which would permit Congress and the States to prohibit the physical desecration of the American flag.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1130

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By 1989, 48 States and the Federal Government had laws on the books prohibiting the desecration of our beloved American flag. And as we all know, in 1989 the Supreme Court struck down a Texas statute which prevented flag

burning, and declared such an outrageous act an expression of speech protected by the first amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That upon the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 79) proposing an amendment to the Constitution of the United States authorizing the Congress and

the States to prohibit the physical desecration of the flag of the United States. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed two hours equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five minute rule and shall be considered as read. No amendment shall be in order except the following amendments in the nature of a substitute printed in section 2 of this resolution: (1) an amendment in the nature of a substitute offered by Representative Bryant of Texas or his designee; (2) an amendment in the nature of a substitute offered by Representative Skaggs of Colorado or his designee; and (3) an amendment in the nature of a substitute offered by Representative Thornton of Arkansas or his designee. The amendments in the nature of a substitute shall be considered as read, are each debatable for one hour equally divided and controlled by the proponent and an opponent thereto and are not subject to amendment. All points of order are waived against the amendments in the nature of a substitute printed in this resolution. At the conclusion of the consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2.

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

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

"ARTICLE—

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection Act of 1995".

SEC. 2. FLAG PROTECTION.

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

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

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

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

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

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

□ 1145

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

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

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

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

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

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

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

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

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

The previous question was ordered.

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

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

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

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

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

[Roll No. 428]

YEAS—258

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

NAYS—170

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

NOT VOTING—6

Gibbons
Hoyer
Kasich
Moakley
Reynolds
Torres

□ 1209

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

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

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

[Roll No. 429]

AYES—271

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

Talent	Traficant	White
Tate	Upton	Whitfield
Tauzin	Volkmer	Wicker
Taylor (MS)	Vucanovich	Wilson
Taylor (NC)	Waldholtz	Wise
Thomas	Walker	Wolf
Thompson	Walsh	Wynn
Thornberry	Wamp	Young (AK)
Tiahrt	Watts (OK)	Zeliff
Torkildsen	Weldon (FL)	Zimmer
Torres	Weldon (PA)	
Towns	Weller	

NOES—152

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

NOT VOTING—11

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

□ 1218

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

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

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

PERSONAL EXPLANATION

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

PERSONAL EXPLANATION

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

CONSTITUTIONAL AMENDMENT TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG

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

The clerk read the title of the joint resolution.

The text of House Joint Resolution 79 is as follows:

H.J. RES. 79

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

"ARTICLE—

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

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

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

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

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

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

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

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

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

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

Justice Black bluntly stated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

□ 1230

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

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

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

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

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

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

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

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

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

the American people decide. Put this out to them.

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

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

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

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

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

Mr. SOLOMON. So what?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What does that mean?

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

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

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

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

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

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

That's why I have joined my colleagues, Representative DAVID SKAGGS of Colorado

and Representative JIM KOLBE of Arizona, in sponsoring the alternative resolution to the proposed constitutional amendments to ban flag desecration that the editorial talks about. The resolution simply reaffirms the place of honor that the American flag holds and states that respect for the flag cannot be mandated, especially at the expense of the first amendment guarantee of free speech.

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

SYMBOLISM TO THE FORE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge a "no" vote on this resolution.

The SPEAKER pro tempore. The gentleman from Mississippi.

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

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

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

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

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

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

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

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

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

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

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

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

□ 1245

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of totalitarian oppression. In which country does the flag fly as a true symbol of national pride?

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

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

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

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

The U.S. Constitution has made ours a better country than any in the world because it has guaranteed that certain basic individual rights are more important than the powers of Government. The Constitution says that certain inalienable rights, such as liberty, cannot be invaded by Government—Federal or State—no matter how well-meaning the Government might be.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pass the amendment.

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

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

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

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

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

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

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

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

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

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

Please, vote to protect the flag.

□ 1300

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If people are veterans and they are worried about fewer hospitals, they should not worry about that, we are going to save the flag for them. They should not worry about too few outreach centers or losing physicians or losing pharmacies, the Republican leadership is going to save the flag for

them. They should not worry that they do not have any veterans' nursing homes; my veterans' friends, the Republicans, are going to save the flag for them. If they are Desert Storm victims, they should not worry about the fact that they are getting inadequate service.

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

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

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

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

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

That heart can tolerate no longer any further desecration of the symbol that binds all our American hearts together. If I had it in me, I would add another amendment to make the English language the language of our Nation, because only the flag and the language are the unifying symbols of our country.

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

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

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

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

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

□ 1315

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We've heard a lot this year in other contexts about cost/benefit analysis. What about now? The costs—a real, if subtle, paring down of the rights of open and free expression; a softening up of the first amendment, making subsequent and more damaging cuts into its protection of freedom that much easier—a school prayer amendment, perhaps; the prospect of years of litigation about the multiplicity of definitions of "flag" and "desecration" that will abound under this amendment. The benefits—Old Glory will be protected—even as the magnificent freedoms it stands for are diminished.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. HUNTER. Mr. Speaker, I thank the gentleman for leading this fight and for the great work he has done. I have to agree with him with respect to burning the flag. That is not a statement, that is not speech. That, as

Judge Rehnquist said, is an inarticulate grunt. There are a lot of other ways to express yourself rather than lighting a fire, and this is not speech. I think the gentleman is right on that. I thank him for his leadership.

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

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

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

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

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

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

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

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

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

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

This morning I had a call from a veteran who, like me, served his country. In that he urged me to protect the flag, but he said to do so by protecting the Constitution. He shares with me the disgust for those who would dishonor the flag. However, he reminded me, more importantly, that by voting for this amendment I would create a monster that would trample the rights that he fought to protect.

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

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

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

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

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

□ 1330

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

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

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

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

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

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

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

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

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

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

I wish that recent circumstances were not dictating this course of action. However, with

a somber attitude and a great love of the country for which our flag stands, I urge my colleagues to support this amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Our freedom, our individual rights and liberties, are what our flag represents. When we deny our citizens the right to desecrate the flag, we diminish these freedoms. When we diminish our freedoms, we diminish our flag, our country, and ourselves.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I was sitting there just listening and it occurred to me that we are trying to decide what speech means and the protection of speech and expression under our Constitution and Bill of Rights. I have said on other occasions that our Maker has endowed us with minds that can allow us to look at the same set of facts and arrive at conclusions 180 degrees apart from one another.

I use that to justify the thinking of Members on the other side sometimes, but this is carrying it too far. Anyone, including the Supreme Court, that cannot look at a dictionary definition of

what speech means and expression means and decide the correct way on this question is beyond me.

If we were to say that burning or desecrating a flag is speech and expression, we could also say that tossing a bomb into a building is our way of free speech and expression. Put another way, you can cuss the flag, you can call it all kind of names, you can speak at length against the flag, but you cannot do the act of desecrating or destroying it.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN, who has been a strong supporter of this amendment.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise as a proud cosponsor of this resolution. There is a need to set aside our flag as a special item and in a special place; an exception to the freedom of speech. That is what this constitutional amendment is about.

We can disagree on particular language that we have, and I am sure that the U.S. Senate will even make some changes in it. But I think what we are doing today is so important. We need to make the flag designation a separate symbol of our country. Once again, I rise again in proud support of this resolution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

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

I love our country and I love our flag, and several years ago in this body I voted for a law, a statute, that would have made it illegal to desecrate the American flag. I would vote for such a statute again, but the Supreme Court in its wisdom declared such a law unconstitutional, and may I point out that the Supreme Court appointees, conservative Republican appointees, appointees of Reagan and Bush, declared the law unconstitutional.

So the question we have now is should we amend the Bill of Rights for the first time in American history? Should we tamper with our Constitution, which is sacred, to do something which really is not a threat to the Republic? The idiots that burn the American flag, and I hate them, are not that many. Why highlight them? They are no threat to the Republic. This is what they want.

I do not think we should tamper with the Constitution. I do not think we should amend the Constitution. Several years ago, someone before mentioned Nazi Germany, Nazi Germany had a statute to make it a crime to desecrate their flag. I do not think we want to follow in their footsteps. While we abhor what these idiots do, we should not desecrate our Constitution. Vote "no."

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

Mr. Speaker, there have been many points made in the debate today. I want to read a statement by Chief Justice Rehnquist which I think puts this issue in perspective in a way that we have not seen it put in perspective thus far. The Chief Justice said:

> The significance of the flag, and the deep emotional feelings it arouses in a large part of our citizenry, cannot be fully expressed in the two dimensions of a lawyer's brief or of a judicial opinion. But if the Government may create private proprietary interests in written work and in musical and theatrical performances by virtue of copyright laws, I see no reason why it may not . . . create a similar governmental interest in the flag by prohibiting even those who have purchased the physical object from impairing its physical integrity. For what they have purchased is not merely cloth dyed red, white, and blue, but also the one visible manifestation of 200 years of nationhood—a history compiled by generations of our forefathers and contributed to by streams of immigrants from the four corners of the globe, which has traveled a course since the time of this country's origin that could not have been "foreseen . . . by the most gifted of its begetters."

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

□ 1345

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the most thoughtful gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker and Members, I love America. I love the Constitution. I love all of the symbols of our free society, our democracy.

My ancestors loved America. They loved America even when America did not love them. My ancestors loved America when they were not free to pray to their God. They loved America when they were not free to rally or protest. They loved America even when they had to die to help America live up to her ideals.

Their sacrifices instilled in me an undying loyalty and commitment to always defend the Bill of Rights. It is the Bill of Rights that gave my ancestors hope that there could be a democracy for all people, even people who look like me.

This amendment being offered here today endangers the most profound protection guaranteed to us by the Bill of Rights, the right to disagree, the right to confront, the right to rally, the right to march, the right to protest.

The flag is, indeed, a precious symbol, a powerful symbol, but no symbol is more powerful than the powerful ideas embodied in the Bills of Rights that guarantees to us all the freedom of expression, the right to express ourselves as a proud and determined people.

Mr. KOLBE. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GREENWOOD].

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

Mr. Speaker, in making a decision today on the proposed constitutional amendment to ban desecration of the flag, I was confronted with the fundamental question of our democracy. That question is: What is it that makes us free?

The flag is a symbol, perhaps the sacred symbol, of our freedom, but the Constitution is the guarantee of our freedom. The flag reminds people throughout the world of everything we stand for, but the Constitution is the bedrock upon which we stand.

The flag touches our mystic chords of memory, but the Constitution is not about the past only, but our future as well.

The founders made it possible for the Congress of the United States to change the flag tomorrow, its color, its shape, its size. But the Constitution can only be changed when the great weight of the Nation comes to believe that human liberty is at stake.

Like each of my neighbors, I pledge allegiance to the flag. Yet each of us who have the honor to serve our Nation has taken a higher oath before God and man to uphold the Constitution. At the heart of that great document is the Bill of Rights, and at the center are 10 words that settle forever the issue of whether the State or the individual is our Nation's sovereign. "Congress," the majestic first amendment begins, "shall make no law abridging the freedom of speech." Speech we admire and speech we despise, protest we support and protest we condemn, beliefs we embrace and beliefs we reject, nonviolent actions we applaud and nonviolent actions we deplore, all are protected here.

I honor the flag. I revere everything it represents. But in the end, I cannot vote for this amendment.

Those who fought for the flag, those of us who defend its honor today do not fight for a piece of cloth, no matter how treasured it is, but for an idea now more than 200 years old that human liberty, even the liberty to disagree, is the greatest treasure of mankind.

Mr. Speaker, we stand in the most sacred shrine of freedom in the history of the Earth, and if we abandon the Bill of Rights here, where will it then find a home?

I urge a "no" vote, Mr. Speaker.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. It is very appropriate that I am allowed to speak right after that previous speech, because I take a different point of view.

The burning of the flag is a behavior. It is not free speech.

When you find a book you do not like, you do not burn down the library. When you argue against a government policy, which you have the right to do under the first amendment, you do not blow up a Federal building, and the sooner that person gets the death penalty, the sooner we can reaffirm our constitutional liberties.

But this flag is more than just a colored piece of rag. It is a symbol of liberty and justice. It is beyond free speech. It is a foundation of liberty, and you do not tear down the foundations because you do not like an action of government or the people in government.

We would not amend the Constitution if it were not for the Supreme Court ruling, unless we do make it clear in the Constitution the States and the people therein cannot protect their own flag.

We find this 5 to 4 decision disheartening. We decry this 5 to 4 ruling, and we are now allowing the States and the people therein to have their voices be heard.

So this debate is not about free speech. It is about the preservation of a great experiment in liberty.

Can we continue to speak about our elected officials and the government without tearing down our foundations and falling, like most democracies have done over the 2,000-year history that we are so familiar with? And the answer is "yes."

Give liberty a chance. Vote "yes" on this amendment.

Mr. CONYERS. Mr. Speaker, I yield the remainder of my time to the gentleman from Utah [Mr. ORTON].

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

Mr. Speaker, I also love the United States of America and the principles of liberty and justice guaranteed in the Constitution which established our Nation. I would lay down my life to protect those rights and our Nation.

I also love and respect our flag, which is the symbol that represents all that our Nation stands for. But we err if, in our attempts to protect the symbol, we damage the rights which the symbol represents.

Thomas Jefferson, in his first inaugural address in 1801, said, "If there be any among us who would wish to dissolve this Union or change its republican form, let them stand as monuments of the safety with which error of opinion may be tolerated where reason is left to combat it."

My fellow Americans, if there be any among us who wish to desecrate this flag, let them stand undisturbed as monuments of the liberties and freedoms which it represents.

I urge you to vote against this amendment.

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

I want to thank the gentleman from Michigan for giving me the opportunity to have this time. I thought that was very, very fair, and I appreciate it, along with the gentleman from Florida.

Mr. Speaker, I hope this amendment is adopted. This is not the last vote. This amendment will go to the Senate. Then, if it is adopted, it will go to the different States, and it will take three-fourths of the States to ratify this amendment.

So I would certainly hope that today will give the first step forward in a constitutional amendment to protect the flag.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. VOLKMER].

Mr. CANADY of Florida. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in strong support of the proposed constitutional amendment, and it does not do what many of the people in opposition to it have said.

I have no problems with defining a flag. We can do that through implementing legislation. Once it has gone through the process, as the gentleman from Mississippi has talked about, and three-fourths of the States have ratified this proposed constitutional amendment, it will come back to here, and the Congress at that time will have to pass implementing legislation. I have no difficulty with that.

One of the things that I disagreed strongly with the Supreme Court, and many Supreme Court decisions I have disagreed with, and that was the one on flag burning. In my opinion, that Supreme Court, in its decision, amended the Constitution of the United States because it said for the first time that I know of, that actions, not words, were protected by freedom of speech. The act or the conduct of burning a flag was protected by the speech provisions of the first amendment. I strongly disagree with that.

I find no problem with proposing an amendment to the Constitution that would say that that action, not the words, the action, is not protected by the Constitution.

So I just remind everybody here that, in my opinion, the Supreme Court has already amended our Constitution, and it was a 5-to-4 decision. It could very easily have been the other way, and we would not be here today.

So I have no difficulty at all in proposing and supporting this constitutional amendment so that flag desecration will no longer be possible, hopefully, in the United States after we go through the process. Surely it will take several years, but that, to me, is worthwhile, and there is nothing wrong with this Congress, because it has done it in the past, in the past years has said the Supreme Court was wrong, and we have had constitutional amendments to change what the Supreme Court has done.

Mr. CANADY of Florida. Mr. Speaker, I yield the remainder of my time to the gentleman from Georgia [Mr. DEAL], who will close the debate.

Mr. DEAL of Georgia. I thank the gentleman for yielding me this time.

Mr. Speaker, this topic is a great one for patriotic speeches, and we have certainly heard some sincere ones on both sides of this issue today, that in itself perhaps the best illustration of what the first amendment, freedom of speech, is all about.

But this debate symbolizes more than just a venting of patriotism. It highlights the perversions which the Supreme Court has allowed in the name of free speech, and the very Constitution that both sides to this argument have revered in their comments allows us, through the process we are engaged in at this very minute, to correct those perversions of that Supreme Court.

For those who would suggest that this proposed constitutional amendment would in any way detract from the original first amendment, I would suggest quite the opposite is true. Freedom of speech is elevated in importance as much by what it excludes as by what it includes.

For those who would suggest that someone would intentionally violate this law by wearing clothing that has a flag on it, I suggest, is a hollow argument, indeed.

As Chief Justice Oliver Wendell Holmes once observed, "Even a dog can tell the difference between a man who unintentionally stumbles over him and the one who intentionally kicks him." Certainly, we can do the same with regard to desecration of the flag.

A nation that tolerates every form of behavior, no matter how demeaning, under the passport of free speech will eventually find that it has very little power to govern, indeed.

I support this constitutional amendment to protect our flag. You do not have to love it. You do not have to leave it. But you should not be allowed to burn it.

If it is, indeed, the symbol of liberty and that symbol can be destroyed, can the freedom that it symbolizes it be far behind?

I suggest not. I urge you to support this amendment to protect the freedom that all of us hold so dear.

Mr. MINGE. Mr. Speaker, I have a deep and abiding respect for our flag and what it symbolizes. Freedom is our greatest commodity. The flag is our greatest representation of that freedom. We should never take lightly the supreme sacrifice our fallen soldiers have made in defense of freedom. Likewise, I do not believe we can take lightly the freedoms their sacrifice entrusted to us.

One of the most important liberties our Founding Fathers gave us, and one of the most important liberties our soldiers died for, is the freedom of expression. If everyone in America is truly free to express opinions, each of us will undoubtedly be disgusted by someone's views or actions at one time or another. Nothing enrages me more than when someone burns our flag. Nonetheless, I do not believe that the people who are disrespectful of the flag should move us to limit personal freedom and amend the Bill of Rights, something

that has never been done. If any limits, no matter how reasonable they appear to us, are placed on the freedom of expression, we will open the possibility that other limits can be placed on our freedoms in the future.

Each of us must decide how we will be patriots to our hallowed past. I believe defending the freedom of expression is patriotic. I also believe doing what I can to serve the people of the Second District, including our veterans, is patriotic. Others, such as veterans organizations, have shown their continued patriotism in part by educating young people about what this great symbol represents. Educating young people about its significance, rather than mandating respect, is the only way to build the true and enduring reverence our flag deserves.

It is ironic that many of the congressional champions of the amendment to prohibit flag burning are advocating harsh reductions in veterans programs to finance substantial tax cuts for higher income Americans. Secretary of Veterans Affairs Jesse Brown has indicated that 35 to 40 veterans medical centers will close and the jobs of more than 50,000 professionals providing care to veterans will be eliminated as a part of the congressional Republican budget plan that includes tax cuts. Sadly, passing a flag burning amendment when no pressing problem exists appears to be, not a display of patriotism, but a gesture to provide political cover for my colleagues who are financing tax cuts on the backs of veterans.

Mr. VENTO. Mr. Speaker, I rise today in support of the motion to recommit House Joint Resolution 79 with instructions offered by my colleague from Texas.

House Joint Resolution 79 would amend the Constitution of the United States prohibiting the desecration of the American flag. I too am concerned about the treatment of our flag; in 1989 I supported the Flag Protection Act. However, the language of this proposed amendment, as it stands, raises serious questions as to its exact extent and intent.

Mr. BRYANT's motion to recommit with instructions, in my opinion, clarifies this amendment by establishing guidelines for Federal and State courts and legislatures to follow when interpreting and developing future laws. The motion calls for a definition of what constitutes a flag, as well as the proper procedure for the disposal of a flag. Together with its decided definition of "physical desecration", this motion ensure the amendment will lead to clear and specific laws.

For over 200 years our Constitution and the Bill of Rights has stood strongly protecting the freedom of the citizens of this Nation without ever being amended. Today, Congress is attempting to amend arguably the most precious doctrine within the Constitution's Bill of Rights, the first amendment guarantee of free speech. We must not, and can not enter into this process without proper consideration and understanding endangering the strength and integrity of our most valuable liberty and freedoms protected by the first amendment. The flag is a symbol of our freedom, but the Bill of Rights is the substance of our freedoms and rights.

I urge my colleagues to join me in support of the Bryant motion to recommit with instructions and provide at the very least some specifics to this proposed constitutional action.

Mr. FRELINGHUYSEN. Mr. Speaker, on June 14, America celebrated flag day. Millions of American men and women all across the country retrieved their Star Spangled Banner from the basement or attic and proudly displayed it to honor the day. For many families, the flag itself is a tradition. Perhaps it was a grandfather's flag, or a gift from a son or daughter serving in the military. Perhaps it even draped the coffin of a sister or brother who made the ultimate sacrifice for the United States.

Whatever the case—the American flag means something special and personal to each and every one of us. It represents our freedom, our liberty, and our common bond. It is the emblem of a unity to which every fourth-grader has pledged their allegiance in homeroom. In the House of Representatives, we begin every day with that same pledge. We pledge allegiance to the flag because of "the Republic for which it stands." As a veteran, I believe that our flag is our Nation's most enduring symbol.

It is unfortunate and saddening that some disagree. They use the flag to express an opinion or make a statement. I think that this is wrong. Burning our flag is simply wrong, and should be outlawed. As an original cosponsor of a constitutional amendment to ban flag desecration, and with nearly 280 of my colleagues in the House of Representatives, I am working to protect the flag and what it stands for.

I plan to vote today for this constitutional amendment. Our goal is to pass the amendment this year and to present it to the States for ratification. Forty-nine States have already passed resolutions requesting that Congress pass this amendment banning the desecration of our American flag.

We hold high respect for the flag not because of what it is but because of what it stands for. We have rules which define the proper way to display, store, and maintain our flag. These rules were established for a reason. They were established so that we would not grow complacent about our flag, and hence our unity and our freedom. They protect our flag so that we remember the high price we paid for our freedom and personal liberties. Our flag reminds us that we are one nation, one People—regardless of our diverse backgrounds, religions, or heritage.

Our flag reminds us of who we are as Americans, and deserves the utmost honor, esteem, and protection.

Mr. SMITH of New Jersey. Mr. Speaker, in the wake of all the rhetoric, the question boils down to whether or not the flag and the American ideals it symbolizes should be protected by our constitution.

To me the flag is about freedom; about liberty and equality in a nation made up of various cultures; about the American veterans who braved the foreign warlords to preserve our freedoms and to ensure that future generations of Americans can live in the security of life, liberty and pursuit of happiness.

Mr. Speaker, here in Washington we are constantly reminded of the dedicated men and women who died in battle, in lands far away, for the preservation of our country and the ideas for which it stands. The flag, now as then, serves as remembrance for the gift of freedom given to us by those fallen heroes. Should they have died knowing that future generations would permit the desecration of the very symbol for which they lay buried in foreign cemeteries?

Thanks to those veterans who fought and died for our freedom, and promulgated on the idea of the "melting pot", the United States represents a community where heterogeneity is championed and individualism, regardless of race, creed, sex or color, is revered. Hence, we, as Americans, have a unique opportunity available to us. Where Alexander the Great failed to keep his holdings together, and diversity crippled the Roman Empire, our unity under one flag affords us the unique opportunity to maintain a harmonious multicultural superpower. Being the first successful community of its kind in history, maintenance does not come easily.

Mr. Speaker, what bonds our seemingly different people into one nation, one soul? Values, ideas, hopes, dreams, all symbolized in our common denominator, the flag. The unity inherent in the flag is beyond measure. What does a person from New Jersey have in common with person living in Wyoming but born in Nepal? They are both Americans, and they both possess an allegiance to our country and the recognition that such allegiance manifests itself in an allegiance to the flag. Without a doubt, the flag remains the best symbol of solidarity for our country.

Furthermore, Mr. Speaker, the flag embodies all that Americans treasure. The vast imagery the flag evokes points to that very fact. Who hasn't seen paintings of Betsy Ross sewing a garment that would consolidate a collection of English colonists in defiance of a King who refused to give them representation. A new and improved system of government is why Betsy Ross created the flag; democracy is what we got.

Who can say they haven't seen the statue of the Marines storming the island of Iwo Jima to raise Old Glory high above the fray. Freedom is why those soldiers raised the flag; liberty is what we—what the world—got.

Who hasn't heard the story of Francis Scott Key as he sat aboard a British frigate and watched our flag continue to flutter above the devastation in Fort McHenry. Sheer amazement is why Mr. Key wrote down what he saw; an understanding of the transcendently unifying nature of our flag is what we got.

Burning or desecrating the flag is a destructive act, Mr. Speaker. It is not free speech. And it is only a small fringe group who even care to mutilate, desecrate or burn the flag. In fact, the vast majority of Americans support a constitutional amendment to protect this symbol of freedom. Indeed, it is time the Congress of the United States act to protect our flag.

Mr. UNDERWOOD. I would like to call attention to an oversight in the text of House Joint Resolution 79, the constitutional amendment to prohibit the physical desecration of the flag of the United States. While it may seek improbable that an amendment of only 20 words can contain an important oversight, the amendment would grant Congress and the States the power to pass laws to prohibit the physical desecration of the flag.

So, it is conceivable that some States will pass restrictive laws, some States will pass

more lenient laws, and some States will not do anything. And it is conceivable that flag desecration would have various State definitions, unless Congress chooses to make a standard of desecration and Federal penalties for such actions. Of course, if such congressional action were taken, or such standardized definitions were adopted by Congress, then all the arguments we hear today that it is up to the States to determine what is desecration, and all the arguments we hear today that this is a transferring of Federal power to the States, fly out the window.

If Congress instead defers to the States, and chooses to let the States make their own determinations, then it is possible that flag burning and other acts of desecration would be made illegal in the several States, but there would be no similar Federal law for the territories and the District of Columbia. We could then have the incredibly ironic situation where flag burning would be illegal everywhere but here, and those who would burn flags as an expression of their free speech or in protest of some cause would be able to do so legally in the Nation's capital.

In the case of Guam, and the other far flung American territories of American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and Puerto Rico, the territorial governments would have no power under this amendment to act one way or the other to prohibit flag desecration. As you know, Mr. Speaker, but as many of our colleagues tend to forget, the flag also flies over there.

Should this constitutional amendment be adopted by the States, then I intend to introduce legislation to give the territories and the District of Columbia the same authority as the States to prohibit flag desecration. My concern is that as the new federalism emerges to transfer powers to the States, as this amendment represents, let's not forget to transfer powers to the territories, too. If it does not make sense for Congress to act for the States, it makes even less sense for Congress to act for Guam, 10,000 miles away.

Or, conversely, if Congress were to legislate a restriction on free speech only for the territories and the District, places where American citizens have no voting representation, what is that saying about the value of our constitutional rights? What is the Congress saying when it legislates restrictions on the basic freedoms in the Bill of Rights for the territories that do not even vote in this body? Would it not seem more logical for Congress to allow such decisions to be made by the territories in recognition of their lack of representation? If Congress tries to dictate to the disenfranchised Americans in the territories what it would not dictate to the States, maybe then flag burning would become the protest of choice for those Americans in the territories who value their freedoms as much as any other American.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to House Joint Resolution 79, the constitutional amendment to prohibit flag desecration. While I am aware of the deep and sincere feelings of many Americans concerning this emotional issue, I am also mindful of my duty as a Member of Congress to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold.

We cannot and should not, in an attempt to protect the flag, trample on the freedoms so many of our bravest citizens have fought and died to protect. As Members of the U.S. Congress, we must not shirk our responsibility to act in the best interest of the American people by disregarding the dangers to all of our civil liberties this resolution symbolizes.

The bill before us today, House Joint Resolution 79, seeks by constitutional amendment, to prohibit the physical desecration of the American flag. The objective of this amendment is to overturn the U.S. Supreme Court's decisions in *Texas* v. *Johnson,* 491 U.S. 397 (1989).

In Texas versus Johnson, a majority of the Supreme Court considered for the first time whether the first amendment protects desecration of the U.S. flag as a form of symbolic speech. Like the State argued in Texas versus Johnson, proponents of this resolution argue that flag desecration results in breaches of the peace and attacks the integrity of the our national symbol of unity. The majority opinion of the Court correctly responded that the desecration was "expressive conduct" because it was an attempt to convey a particular message.

The Supreme Court also correctly held that the State may not use incidental regulations as a pretext for restricting speech because of its controversial content or because it simply causes offense. Justice Brennan concluded that "If there is a bedrock principle underlying the first amendment, it is that Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Mr. Chairman, I find the desecration of the American flag abhorrent, but I find the compromise of the principles the flag represents absolutely unacceptable. This attempt to infringe upon the proud American tradition of dissent is the hallmark of authoritarian States, not democracies. Voting against this resolution is a vote for the Constitution and for the Bill of Rights, but most importantly it is a vote for the freedom and democracy the flag symbolizes.

In addition to compromising our first amendment rights this resolution is defective on its face because it fails to define what constitutes a flag, or constitutes desecration. The resolution simply gives Congress and the States sweeping powers to criminalize a broad range of acts falling far short of flag burning or mutilation. This kind of broad amendment to the Constitution will certainly lead to State and Federal flag protection legislation that violates the rights the flag represents.

Mr. Chairman, amending the U.S. Constitution is a serious business. This is one of the most important and sacred acts that can be taken by a Member of Congress. With very little opportunity for open hearing, and with limited debate, this resolution has been placed before us. A measure of this kind required detailed analysis of the impact it may have on the American people, and the greatest pillar of the American Republic: The first amendment to the U.S. Constitution—but no such review has, or will, take place.

During a period when the House of Representatives is slashing public assistance and medical benefits to the poor, our children, the elderly and veterans across this Nation we are faced with this cynical attempt to protect the flag. Individuals who wish to protect the flag should first protect the citizens who hold the flag so dear.

In the current rush to force this bill through the House, the liberty of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this resolution.

Mr. BORSKI. Mr. Speaker, I rise today in opposition to the amendment and in support of the Constitution of the United States.

For over 200 years, the Constitution of the United States and the Bill of Rights have endured as real, physical symbols of the values of this country. Never in our Nation's history has Congress passed a constitutional amendment to curtail the freedoms guaranteed by these documents. After careful thought, I have come to the conclusion that we must not do so now.

The issue of free-speech inherent in the flag-burning argument is far too important to be politicized or trivialized through name-calling and scare tactics. The values and freedoms embraced by the Constitution are so fundamental to this Nation, that we should defend against any attempts to relinquish these rights.

Let me clearly state that I do not condone flag burning. I strongly oppose it. Flag burning—for whatever reason—is offensive to me and to all patriotic citizens. It is repulsive to see people burning our flag. I stand alongside patriotic citizens and veterans, nationwide, in condemning flag burners everywhere. Yet, even these unpatriotic acts of protest must remain protected if the essential freedoms our Founding Fathers and veterans have fought for are to mean anything. We cannot protect freedom by taking away freedom.

The Stars and Stripes has always had a special meaning for my family and me. My father, a World War II Marine veteran, was born on Flag Day, June 14. In proudly serving his country during the war, my father successfully fought against the tyrannical and strong-handed suppression of freedom of Nazi Germany. The flag under which he fought symbolizes the constitutional freedoms for which he risked his life. Let us not chip away at these real fundamental beliefs and freedoms for protection of the symbol.

For over 200 years, the Bill of Rights has never once been amended. Historically, lawmakers have been unwilling to tamper with these liberties, reflecting an appropriate reverence for the Constitution and a hesitance for turning this document into a political platform. Yet amending the Constitution in order to prevent a few disgruntled citizens from expressing their views creates a special exception in the definition of free speech, opening up the door for further clarifying of our God-given freedoms.

By overwhelming numbers, Americans have chosen to display the flag proudly. And what gives this deed its patriotic and unique symbolism is that the choice was freely made, coerced by no man, out of respect for the symbol of freedom. Were it otherwise—should respectful treatment of the flag be the only

choice for Americans—this gesture would mean something different, possibly something less.

In addition, Mr. Speaker, I find it ironic that at the same time we stand here pledging our respect for the flag and to the veterans who fought under it, the majority will soon pass a package of cuts to the hard-fought and long-earned benefits to our Nation's veterans and senior citizens. The Republican budget agreement, which I strongly oppose, calls for $32 billion in cuts to veterans programs over the next 7 years as well as a $270 billion cut in Medicare spending over 7 years. At the same time, the majority's budget calls for a $245 billion tax break for our Nation's wealthiest citizens. It is unfortunate that the same veterans who so proudly fought under this flag will soon be denied the benefits for which they fought and worked all their lives.

Finally, Mr. Speaker, I stand here today to proudly express my respect for the flag and for the constitutional freedom it symbolizes and for the men and women who fought for these freedoms. Yet, I must remain faithful to my sworn duty to protect the Constitution from attacks on its integrity, and oppose this amendment.

Mr. DINGELL. Mr. Speaker, my colleagues, behind the Speaker's rostrum stands the glorious symbol of the United States—our flag—the most beautiful of all the flags, resplendent with colors of red, white, and blue, carrying on its face the great heraldic story that of 50 States descended from the original 13 colonies. I love it and I revere it. I have served it with pride, in the Army of the United States, actively in one war and in reserve status in another. Like millions of young Americans in all the wars of this country, I have served under this great flag, symbol of our Nation, our unity, our freedom, tradition, and the glory of our country.

This small book, my dear colleagues, which I now hold up in my hand, is the Constitution of the United States. It is not so visible as is our wonderful flag, and regrettably oftentimes we forget the glory, the majesty of this magnificent document—our most fundamental law and rule of order, the document which defines our rights, liberties, and the structure of our Government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people of this great republic. As Chief Justice Burger, Chairman of the Commission on the Bicentennial of the U.S. Constitution observed in his remarks on the Constitution.

> The work of 55 men at Philadelphia in 1787 was another step toward ending the concept of the divine right of kings. In place of the absolutism of monarchy the freedoms flowing from this document created a land of opportunities. Ever since then discouraged and oppressed people from every part of the world have made their way to our shores; there were others too—educated, affluent, seeking a new life and new freedoms in a new land.
>
> This is the meaning of our Constitution.

Justice Burger observed the Declaration of Independence was the promise, the Constitution was the fulfillment.

This is the most successful and magnificent document ever to create a government. The Government which is the product of the agreement of the people on this Constitution is the most successful government that has ever served free men, now over 200 years old, and still a wonder of the world.

The Constitution was designed to assure that it could be amended, but only with difficulty. High hurdles were imposed on successive generations, lest it be too easy to amend, and lest it be too easy to impair the greatness of this wonderous document by unwise actions taken in the haste of a moment of passion or folly.

We are today compelled to debate in a process constrained by inadequate time. We are told we must choose between the glorious symbol of our Nation and the great, majestic fundamental document which is the soul and the guardian of principles which not only define the structure of our Government, but the rights of every American.

This is not a choice that I like to make, and it is not a choice that other Members of this body like. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this Nation. And yet when we make the decision today, we must keep in mind that we are choosing between the symbol of our country and the soul, and the guardian principles of our democracy.

I call upon this body and all Americans to understand the issue before us. I believe that if Americans understand this issue, they will come to the same wise conclusion. Like other Americans, I say the Pledge of Allegiance to our flag with reverence and pride. I join my colleagues here in reciting this great pledge to our Nation's flag as I do in joining my constituents at home in frequent public ceremonies in saying this important Pledge of Allegiance to the dear flag of this country.

I again hold up before you the Constitution of the United States, a small document, successfully amended only a few times, and wisely subject to strong constraints on attempted amendments. On many occasions, because of the difficulty in amending this wonderful document, unwise attempts to amend it have thankfully not come to fruition.

The Constitution says "the Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press * * *"

That right of freedom of speech is absolute, not in any way constrained. And there is no power in the Congress to abridge the freedom of speech.

That is the question before us here. Only here, we are called on to not simply pass a law, but rather, to amend the Constitution itself, or to permit the States to do so.

The Constitution is the soul of our Nation, the guiding principles of both government and protection of our liberties. It is the Constitution which makes being an American so unique and which gives us such precious quality and character to our lives as citizens of this great Nation.

The Supreme Court is hardly a group of left-wing antigovernment protestors, but rather a group of conservative men and women, given lifetime tenure, to carry out one of the most singularly important responsibilities in our Government—the interpretation of our Constitution and laws. That court has said plainly and clearly that freedom of speech guaranteed by the first amendment is a right so precious that it may not be interfered with by a statute which criminalizes the conduct of anyone who "knowingly mutilates, defaces, physically defiles, burns, or maintains on the floor or ground or tramples upon" a United States flag, *United States, appellant* v. *Eichman, et al.* 496 U.S. 310. In this case and in the case of *Texas* v. *Johnson,* 491 U.S. 397, a similar conversion was reached.

My colleagues, we are compelled to choose—a great symbol of the Nation, our beloved flag, or the majestic Constitution of the United States and the great 10 amendments to that Constitution, the first amendment guaranteeing freedom of speech and freedom of expression.

In this there is only one choice, defend the majesty and glory of the Constitution. Protect, support, and defend the Constitution and the rights guaranteed thereunder.

Like the rest of my colleagues, I pledge allegiance to the flag, regularly in this body. But, I remind all here and elsewhere, that every 2 years each Member of Congress takes a great and solemn oath, to support and defend the Constitution of the United States against all enemies, foreign and domestic. This oath is a far higher and greater responsibility than that which we take in any of our other activities as citizens. It is a precious commitment to the people of the United States, to those who have served here before us, to those who will serve here after us, and to all Americans throughout history.

In this oath we honor all those who have loved and served this country. And, we commit solemnly to all Americans from the first days of its founding until the end of time, that the principles of our Government will be protected and defended by us against all, regardless of how powerful politically they might be or how wonderful a cause that they may assert. When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong, but recognizing that the defense of the Constitution and the rights that are guaranteed under it is the ultimate responsibility of every American.

Whether we hold elective office, or whether we are simply citizens living our day-to-day lives under the protection of the Constitution, this commitment is to defend our greatest Government treasure. When I cast my vote today, it will be for the Constitution, it will be for the rights enunciated in the Constitution, it will be against wiping away or eroding the constitutional rights of Americans in even the slightest way. I remind my colleagues of their oath and I call on them for keen awareness of that oath to defend and support the Constitution. The great and awesome oath binds me to a duty of the greatest importance to all Americans past, present, or future.

We do not defend our beloved flag by passing the first amendment to our Constitution to reduce the rights of Americans. Honor our flag. Honor a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. LEACH. Mr. Speaker, I rise in reluctant opposition to the amendment.

It is interesting to note that this debate is taking place almost 5 years to the day since the last time the House considered amending the Constitution to protect the flag. The intervening years have been ones of momentous change.

As we approach the conclusion of the bloodiest century in human history, the United States has emerged as undisputed leader of the world community. The individualistic, democratic values that are the hallmark of our society are in ascendancy everywhere and America has never been more secure from foreign threat.

Yet all is not well here at home. The heinous crime perpetrated in Oklahoma City this spring raises anew questions about America's social fabric, of whether, in William Butler Yeats' terms, the center—that is, civilization—can hold.

In what may be the most disturbingly prophetic poem in Western civilization, "The Second Coming," Yeats wrote:

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the center cannot hold;
Mere anarchy is loosed upon the world
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction while the worst are full of passionate intensity.

"Surely," Yeats continues, "some revelation is at hand."

The question is of what that revelation might be.

In America today hate is one the rise; prejudice is bubbling. There is growing doubt, if not fear, of the very values—such as free competition within the rule of law—that have impelled America to the position of unprecedented preeminence on the world stage it now occupies.

It is in this context that the amendment before us has been brought forward. It is an attempt to affirm all that is good about our great country. It is, in the words of our distinguished colleague from Illinois and chairman of the Judiciary Committee, HENRY HYDE, "an effort by mainstream Americans to reassert community standards. It is a popular protest against the vulgarization of our society."

This is an honorable motive, and I am reluctant to oppose it.

Moreover, this amendment is championed by organizations—particularly the American Legion, VFW, and DAV—which represent those without whose sacrifices this country and its values would not exist. Had it no been for our Nation's veterans, the only competition in the world today would be between totalitarianism of he left and totalitarianism of the right.

These are honorable men and women, and I am reluctant to oppose them.

Yet, Mr. Speaker, I cannot support this amendment because I am convinced that to do so is to undercut the very essence of the system of governance for which the flag itself stands.

At the heart of our democracy is a struggle, an ongoing conflict of ideas for which the Constitution provides the rules. It is in this conflict that the e pluribus unum—the "one out of many," as the motto borne on the ribbon held in the mouth of the American bald eagle on the Great Seal of the United States puts it—arises. And it is precisely this unity in multiplicity for which our flag with its 50 stars and 13 stripes stands.

The genius of our Constitution lies in the ways in which it structures and ensures the continuity of this conflict of ideas which is our democracy. It does so through the system of checks and balances and separation of powers with which it structures our Government on the one hand, and the protection of freedom of expression it provides in the first amendment on the other. The former ensures that the fight is always a fair one and that no momentary majority uses its temporary advantage to destroy its opponents; the latter ensures that no idea, however obnoxious, is excluded from the consideration in the debate.

It should be stressed that the protection provided by the first amendment is a two-edged sword. In fact, the Bill of Rights does not exempt ideas and the actions that embody them from criticism, but ensures they are exposed to it. As Jefferson put it in his "Act for Establishing Religious Freedom" in Virginia:

Truth is great and will prevail if left to herself . . . she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapon, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

Thus any abridgment of the protections provided by the first amendment, no matter how nobly motivated, would diminish freedom and in all likelihood precipitate, in this instance, more symbolic incidents tarnishing the flag than would otherwise be the case. Accordingly, great care must be taken not to take actions in the name of protecting the flag that have the effect of misinterpreting the meaning of the flag.

In this assessment, the distinction between liberties to protect and symbols to rally behind must be made. Freedom of speech and freedom of religion require constitutional protection. The flag, on the other hand, demands respect for what it is—the greatest symbol of the greatest country on the face of the Earth. It is appropriate to pass laws expressing reverance for the flag and applying penalties, wherever possible, to those who would trash it, but I have grave doubts the Constitution is the right place to address these issues.

Mr. SHAYS. Mr. Speaker, I find it abhorrent that someone would desecrate the flag of the United States of America. But I will not support an amendment to the Constitution to prevent it.

When I think of the flag, I think about the men and women who died defending it. What they really were defending was the Constitution of the United States and the rights it guarantees.

My colleagues in Congress, and I, sought to address this problem when we overwhelmingly passed the Flag Protection Act of 1989. I don't feel anyone should be allowed to desecrate the flag. I wish the Supreme Court had decided in favor of the law, but regretfully, by a vote of 5 to 4, it declared the act unconstitutional.

Congress anger and frustration with the decision led us to consider an amendment to the Constitution. Keep in mind the Constitution has been amended only 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote, and guarantees freedom of speech and freedom of religion.

Republicans have proposed amendments to the Constitution to balance the budget, mandate school prayer, impose term limits on Members of Congress, institute a line-item veto, change U.S. citizenship requirements, and many other issues.

Amending the Constitution is an extraordinarily serious matter. I don't think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag, and there is no constitutional amendment.

I love the flag for all that it represents—the values of freedom, democracy, and tolerance for others—but I love the Constitution even more. The Constitution is not just a symbol. It defines the very principles on which our Nation is founded.

Mrs. ROUKEMA. Mr. Speaker, I strongly support House Joint Resolution 79, the resolution proposing a constitutional amendment to prohibit desecration of the American flag.

The last time that the House considered a constitutional amendment allowing the States or Congress to prohibit the desecration of the American flag was June 1990. This vote followed an earlier decision by the Supreme Court which struck down the Flag Protection Act of 1989 that had passed the House overwhelmingly the year before. And, although the constitutional amendment failed, I strongly supported both the amendment and the Flag Protection Act

Although the Supreme Court agrees that desecrating our flag is deeply offensive to many, it has twice overturned laws that bar flag burning. In both cases, the decision has been handed down by the narrowest of margins, 5 to 4. Such distinguished constitutionalists as Justices Stevens and White hold that burning of the U.S. flag is not an expression protected by the first amendment. Instead, they believe that flag burning is an action, a repugnant action. And, therein lies the distinction. Burning a flag is conduct, not speech.

I believe strongly in this amendment, although I believe it to an issue on which patriotic Americans of good faith can, and do, have legitimate differences. Many assert that burning a flag endangers no one. Using that standard, one would then assume that we would not see the inherent violation of decency of throwing blood on the U.S. Capitol, painting a swastika on a synagogue, or defacing a national monument. These actions also endanger no one. And, yet, laws have been wisely enacted to prohibit these actions.

I feel very strongly that we must do all we can to protect our flag. This constitutional amendment is a necessary good-faith measure that defends our most treasured national symbol.

Mr. CLINGER. Mr. Speaker, 5 years ago, I was one of only 17 Republicans in the House of Representatives and the only Republican from the Pennsylvania delegation who did not support the constitutional amendment prohibiting flag desecration.

I did not arrive at this decision easily. Polls showed an overwhelming majority of Americans supporting the amendment, and my Republican colleagues and President Bush were lobbying hard for its passage.

Only after painful reflection did I come to the conclusion that the amendment would diminish the first amendment and make martyrs of the twisted lowlifes who defile the flag for public attention. Although I deplore flag burners and despise their cheap theatrics, I have greater reverence for the Constitution and the Bill of Rights and refuse to give these pathetic individuals and their sorry causes the stature that a constitutional amendment provides.

When I learned that the flag burning amendment would be coming to the House floor again for a vote, I dug out my old files on the flag burning amendment to review the constituent letters I received after the 1990 vote.

Many constituents were irate with me, and they didn't sugarcoat their feelings or pull any punches. I was invited to "stick it where the sun don't shine." I was told that I was "as guilty as the flag burners" and "should hang my head in shame." I convinced several lifelong Republicans to join the Democratic Party. And I was instructed by several of my strongest supporters and closest friends to remove their names from my mailing list.

But not all of the mail was as negative as one might imagine. In fact, a majority of the letters were supportive of my vote.

As I read these letters from former servicemen, widows, and disabled veterans who explained what patriotism meant to them and why they opposed the flag burning amendment, I realized that many were far more eloquent than any statement or speech I could compose. So rather than read a prepared statement that merely outlines my views, I would like to read passages from several of the letters I received and let some of my constituents speak for me.

One reads:

DEAR CONGRESSMAN: I had four and one half years in the United States Army. Three of those years were overseas helping to fight a war to keep fascism and Nazism away from our shores. I was not drafted. I volunteered to serve my country. I love and respect the flag as much as anyone, but I love the freedom for which it stands more so.

Another reads:

DEAR CONGRESSMAN CLINGER: My father tried to raise his sons as patriots. Only time will tell if he succeeded. I enlisted on my 17th birthday and served in the submarine force. This was my way of trying to preserve our land as a nation of free people. It would have been tragic to risk my life for freedom, only to have it voted away.

A third one reads:

DEAR CONGRESSMAN CLINGER: I am a 100% service-connected, double amputee veteran of the Korean War. I agree with you on your vote on the flag burning amendment. Please feel free to use my name or letter to support your position as stated.

A fourth letter reads:

DEAR MR. CLINGER: I am not a resident of your voting district. I am a disabled Vietnam era veteran. I could easily have avoided service, however, I chose to serve my country when it was not a popular thing to do. It was a difficult choice. I see that you recently made a difficult and unpopular choice; the choice to vote against the Constitutional amendment prohibiting burning of the U.S. flag. I am glad that you had the courage to vote against this amendment and I thank you for standing up for the "Bill of Rights."

Finally, the shortest, but probably the most poignant, struck a chord with me:

DEAR CONGRESSMAN CLINGER, I support your vote on the flag amendment.

If the day ever comes when we must ensure patriotism by statute, it will already be too late for our country.

The point is it isn't too late; we don't need to ensure patriotism by statute. The vast majority of Americans have a deep-seated respect for the flag and fly the flag proudly. We shouldn't let an ignorant few force us to compromise the integrity of the Constitution and the Bill of Rights—the true source of our Nation's greatness.

If we really want to stop the burning, we should not adopt this measure. A constitutional amendment will turn a fool's act of cowardice into a martyr's civil disobedience, and encourage more dimwits to burn the flag.

Preserving and exercising the first amendment's guarantee of freedom of expression, not suppressing it, is the best way to combat this disgraceful behavior. We must ridicule those fringe elements and expose them for what they are: despicable, grandstanding losers who are beneath contempt and unworthy of any attention whatsoever.

Mr. JONES. Mr. Speaker, I have the privilege of representing three military bases, many active and retired military personnel, and a large group of patriotic civilians who all have strong feelings of respect for the American flag. As a proud cosponsor of the flag desecration constitutional amendment, I strongly believe in protecting the American flag and everything that it symbolizes. Old Glory, the most respected and recognized symbol in our country, represents the continued struggle for freedom and democracy. Far too often people disregard and betray all that the flag has stood for throughout our history and continues to. The flag is the physical embodiment of that for which many men and women have sacrificed their lives. To desecrate the flag is to desecrate them. We owe it to these unsung heroes to continue the job they started by ensuring passage of this constitutional amendment. Our flag is a unique symbol of our country's heritage that deserves the highest degree of respect and dignity.

Mr. MINETA. Mr. Speaker, as a former Army intelligence officer, as a former major in the U.S. Army Reserve, and as a Member of Congress who is sworn to uphold the Constitution, I cannot support this proposed amendment.

More than a half century ago, President Franklin Roosevelt spoke to this country and told us we had nothing to fear but fear itself. Truer words were never spoken.

Time and again throughout our history, the greatest tragedies have occurred when we have allowed our fear or anger to lead us into drastic overreaction.

The redbaiting of the 1950's with its blacklists and purges, arose in response to the fear of the Soviet Union. Even at the time, many Americans realized that Senator McCarthy's crusade was not the way to respond to the threat of communism. With 20–20 hindsight today, virtually all Americans regret the national hysteria that caused so many lives to be ruined.

In the 1940's it was our justified anger over the Empire of Japan's attack on our naval installation at Pearl Habor, HI, that led this Nation to ignore the civil liberties guaranteed by our Constitution and force 120,000 Americans from their homes and into internment camps simply on the basis of their Japanese ancestry.

It is unfortunate that President Roosevelt, in authorizing that action, failed to appreciate the wisdom of his own warning on the dangers of fear.

Today, we are faced with a situation in which a few individuals have on occasion set fire to the American flag. That is an action which, as a former Army officer, as a Member of Congress, and as an American, I find repugnant.

Our response to these incidents will say a lot about this country. Will we once again allow our anger to overrule our reason? If this resolution were to pass, the answer would unfortunately be "Yes."

Our response to flag burning should be to denounce it.

However, this resolution goes so far as to narrow the provision of the Constitution which guarantees to all Americans the freedom of speech and the freedom of political debate.

That is unnecessary, it is an over-reaction, and it represents an action which is far more dangerous to the future of this Nation than a few misguided flag burners.

This resolution will do nothing but cut off the Constitution's nose to spite its face. In an effort to deny the right of a few people to express an idea we despise, it would place at risk the right of all Americans to freedom of speech.

I would have hoped that this Congress would have learned more from the mistakes of history than to take this road. The vote today in the House will tell us whether that is true.

I urge my colleagues to join me in opposing this misguided resolution, and vote "no" on House Joint Resolution 79.

Mr. MARTIN. Mr. Speaker, I rise today in strong support of House Joint Resolution 79, an amendment to the Constitution to allow the banning of the desecration of the American flag.

It is a crucial amendment, one aimed at restoring a civility and patriotism that our Nation seems to have been lacking in recent years.

For the better part of two centuries, democracy in America has been characterized by vibrant and rich debate. Disagreement has been a hallmark of our system of government; the competition of ideas has helped make us the greatest nation on Earth. Unanimity on political matters has never been achieved, and it has never been pursued. It has been the freedom to disagree, to criticize, and to dissent that has made the United States so worthy of our loyalties.

Indeed, the freedom of expression is something so precious as to be worth fighting and dying for. This freedom of expression has enabled individuals to engage in the great American discourse, a legacy which will go down in history as perhaps our Nation's finest accomplishment.

Yet in recent years, it seems as if a once eloquent discourse has become something of a rough, almost violent argument. As individuals in the public arena raise their voices, it appears that nothing is sacred.

Almost every constituent with which I speak, no matter what political stripe he or she is, agrees on at least one point: They demand that a degree of civility be returned to the public debate. And this amendment is one of the first and one of the few legislative steps we can take to answer these demands.

The flag is a symbol of our heritage; it represents our common institutions and traditions. It has stood for peace and democracy abroad, and justice and progress at home.

For two centuries, millions of our finest men and women have sacrificed to defend the flag and all that it stands for. They have risked their lives in every corner of the world so that we may enjoy the liberties guaranteed us by the Constitution.

Yet there are some in our society who would abuse the freedoms and privileges our land provides. They do such offensive and outrageous things to the symbol of our Nation that they cause us to propose amendments to the Constitution.

House Joint Resolution 79 will help remind the American people of the debt we all owe to those who have fought and died for the freedoms we enjoy.

This would be an altogether healthy development for the United States and one which a great majority of the people would applaud.

But the need for this amendment runs even deeper than these positive effects.

If a society that holds the freedom of expression as a right of all citizens wishes to remain free, then that society needs to state some kind of baseline to that expression. Without that baseline, such a society would soon devolve to anarchy. And out of anarchy, there will come no freedom of speech.

To the contrary, if we want to continue the excellent American tradition of freedom of speech, then at the very least we must all agree on one thing: It is the U.S. Government and its institutions that allow us to exercise that speech. And as the symbol of those institutions, the flag ought to be protected from heinous and debasing acts.

You see, those that speak out against this amendment in defense of the freedom of speech are threatening their own freedom.

By leaving nothing sacred, not even the symbol of hope and liberty for billions around the world, we are doing a great disservice to all those who have come before us, and all those who will come after. In fact, we threaten the freedom of speech itself.

House Joint Resolution 79 represents the opportunity to do just what Americans across the country are pleading for: namely, returning civility to the public arena.

It would allow States and Congress to prohibit the gross mistreatment of our national symbol, and help restore a faith in our institutions that has been sorely missed by the public at large. Protect Old Glory and the freedom of speech, support House Joint Resolution 79.

Mr. COYNE. Mr. Speaker, I rise today to express my opposition to the proposed amendment to the U.S. Constitution that would seek to amend our Nation's Bill of Rights for the first time in American history. This is the wrong way to honor the American flag which is intended to symbolize the freedoms first set forth by our Nation's Founders in the Constitution and the Bill of Rights.

There is a very real question about why this amendment is before the House today. It seems that there have been very few, if any, reports of flag desecration since the late 1980's when the flag became embroiled in a Presidential political campaign. I will venture to predict, however, that efforts to pass this amendment will prompt some malcontent in our society to engage in the very act some would prohibit. There will always be a few who will do anything to claim their 15 minutes of fame, or infamy in this case.

Still, simply stated, the most important question before us today is whether we should carve out a constitutional exception to first amendment protections under the pretext of saving the flag. The issues before us involve legal matters but, more importantly, they also involve fundamental questions about the nature of our democracy and the freedoms we will celebrate in less than a week on July 4.

The United States has always been a beacon of freedom to the world because of the principles of liberty set forth by our Nation's Founders. This was true over 200 years ago and it is true today. Our freedoms have endured and prevailed over monarchists, Fascists, and Communists. This is due in large part to the fact that our Nation's Founders enshrined in our Constitution and the Bill of Rights an unyielding commitment to liberty. This commitment finds its most noble expression in the first amendment to the U.S. Constitution. And one of the most fundamental elements of this amendment is the idea that each person should be free to express his or her views, no matter how repugnant they may be.

The freedom of speech embodied in America's first amendment is celebrated here in the United States and around the world. It has provided inspiration to prisoners of conscience who have struggled in foreign lands against dictatorship. It has been repeatedly upheld by the U.S. Supreme Court as one of our Nation's most important constitutional principles. Our right to free speech is something that makes us uniquely American.

No one has ever attempted an outright repeal of our first amendment right of free speech. Instead, there have been efforts over the course of our history to nibble away at these rights. This periodic pressure to erode the full expression of free speech in our Nation has always been dangerous. Such efforts have always raised basic questions of where do we stop if we start down the slippery road of curbing speech or expressions that some may find offensive. Such a selective defense of liberty has always threatened to eat away at the very foundations of our democratic values. These are the true threats to our Nation's most sacred principles.

We see an example of this danger today in the proposed amendment to prohibit the desecration of the flag. It is an important step in the wrong direction.

I would stress at this point that I share the belief of many Americans that desecration of the U.S. flag is an offensive act. Burning the American flag is an extremely despicable way for any individual to express their views on the U.S. Government, its laws, or the flag itself. I also understand that American veterans feel especially offended to see the flag that they have served under desecrated. As someone who is proud to have worn the uniform of the U.S. Army, I am also disgusted to see our flag desecrated at any time by malcontents who seek to draw attention to an issue by burning the American flag.

Yet, the real issue before us is how committed we are to the Bill of Rights and the guarantee of free speech set forth in the first amendment. The question is whether we are willing to defend the right of free speech even while we condemn the acts of those who would express their views by burning the American flag.

I have every right to join the vast majority of Americans in condemning those who would burn our Nation's flag. Yet, I have taken a solemn oath to defend the Constitution and that also requires a defense of the first amendment. I refuse to let the actions of a few despicable malcontents who would burn the flag lead me to take an action that would erode the freedoms guaranteed by our Constitution and the Bill of Rights. I cannot permit myself to join with those who would honor the flag by weakening the first amendment.

Supreme Court Justice William Brennen said it well, "we do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

Mr. Speaker, I believe that the U.S. flag is best honored by upholding all of the traditions of freedom outlined in the U.S. Constitution and the Bill of Rights. I urge my colleagues to vote against this amendment.

Mr. HEINEMAN. Mr. Speaker, for more than 200 years, the American flag has been a symbol of all that was good, honorable and just in our great Nation. Unfortunately, on June 21, 1989, the Supreme Court ruled that the American flag could be burned just like any other piece of cloth. This amendment will remedy this gross error.

I am proud to say that I am an original cosponsor of this amendment and strongly support the flag desecration constitutional amendment. Throughout the U.S. history, during wars abroad and at home, the one symbol that unites this great Nation is the flag. Since Congress last voted on the flag desecration issue, 49 States, including my home State of North Carolina, have passed resolutions requesting Congress give them the opportunity to protect the American flag by ratifying such an amendment.

We should have the deepest gratitude for those wartime heroes who fought and died for our freedom. We should be humbled by those who gave their lives in defense of those things we treasure as Americans. We should be in awe of the ultimate symbol of these acts of patriotism and heroism. With every act of flag desecration, we are allowing patriotism and heroism to be mocked.

Opponents of the flag desecration amendment argue that this is an infringement on free speech and the first amendment. This amendment will simply restore what was the law of the land for more than two centuries. The flag

is a unique symbol in our society. No other act arouses the amount of outrage as flag desecration. This amendment will simply give the States the power to decide on what is and what is not flag desecration. I urge my colleagues to vote yes on this bi-partisan amendment. Our greatest national treasure deserves no less.

Mr. FOGLIETTA. Mr. Speaker, here we go again.

Here we go again spending time on a sound-bite solution to an issue.

The symbol of our flag is very important to me. It was in my hometown of Philadelphia where Betsy Ross sewed the first flag. But that's not all that happened in Philadelphia. The Constitution and its first amendment were also written there.

Our goal here is to honor America. And it is an admirable goal to pay homage to this, the greatest Nation on Earth.

But the flag—no matter how beautiful and special—is a symbol. Justice Jackson said this more than 50 years ago in a landmark decision about pledging allegiance to our flag: "The use of an emblem or flag * * * is a short cut from mind to mind."

We can honor America and pass on to our children reverence for our country in much more genuine ways. First, as Members of Congress we should spend every day in this institution living up to the highest ideals of democracy and constitutional Government.

Second, we should do our best to preserve and expand debate and free speech. Free speech is the essence of democracy and the energy that drives our Nation.

Burning the flag is speech; it is hideous speech but it is speech. Oliver Wendell Holmes said this about offensive speech: we need to protect the "freedom for the thought we hate."

It is unfortunate that we are spending our time passing this amendment. There's a better way. The next time someone desecrates our flag—I would rather spend my energy defending our Nation by challenging this ugly form of speech, through speech. That's the way to pledge allegiance to America.

Mr. BILIRAKIS. Mr. Speaker, I rise today, as an original cosponsor of House Joint Resolution 79, in strong support of this legislation to protect our flag from desecration. I congratulate my colleague and friend from New York for introducing this measure and for his persistence in bringing it to the floor today.

Because of what America is, our flag should always be one of our most cherished and revered symbols. Therefore, I was astounded and gravely disappointed by the 1989 Supreme Court decision legitimizing desecration of our flag as protected conduct. I was one of those in Congress at the time who immediately afterward introduced legislation to reverse it.

However, I must tell you that I took this step not at all lightly. I believed that to reverse this decision of the Supreme Court, one course and one course only was open to us: Amending the U.S. Constitution. Today we seek to do just that with this legislation authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States.

My friends, I have to tell you that I never believed that the issue involved is one of free speech—that burning the flag is a form of protest against government policies. The American flag does not stand for any particular government policy or decision or official. It stands for the United States of America, and to desecrate it means that America should not exist—that freedom and democracy should not exist—that, in fact, right to peaceful protest should not exist. I cannot and will not support this idea.

It has been said that allowing the desecration of the flag is the best way to prove we believe in equal freedom for those with whom we disagree. The late Senator from Illinois, Everett M. Dirksen, once answered this argument. He called it false and sour.

"A person can revile the flag to his evil heart's content," he said, but it is only if his contempt takes physical form—such as trampling, tearing, spitting on and burning the flag—that he can be punished. Only his violence is punished. I could not agree more.

Let me repeat, I say that by protecting our flag we deny no one the right of free speech or of peaceful political protest. I will defend the right of anyone to get up and say whatever is on his mind. That is, in fact, the entire point: By defending the flag we ensure that this right never will be denied.

All we ask is that the flag be accorded the same respect we offer to those who protest under its freedoms.

If living symbols of freedom and liberty mean nothing, if the ideals and not the evidence are all that matter, why don't we just open up the National Archives and tear up the Constitution and Declaration of Independence? They're just fading, old pieces of paper, aren't they?

The fact of the matter is that they are much more than that. They have told generations and generations of immigrants seeking a better life—immigrants like my parents and some of yours—that here in America we believe it is an individual's right to choose, to control his own destiny.

Senator Dirksen had it right—he said that:

> Reverence for our stars and stripes is but our simple tribute to the republic and to all of its hopes and dreams.

In this country, we do not pledge allegiance to a king or a President or even a piece of old parchment.

We pledge allegiance to a flag because its bright stars and bold stripes mean something that no other flag on Earth today means: Here in America, the people are the Government, and for that reason we will always be free.

No, it is not lack of commitment to the flag and the great freedoms and ideals it symbolizes that make me uneasy.

What disturbs me is that we as a Nation must go to these lengths—to the extreme of amending the document upon which all of our national history and heritage rests—to reconfirm these very national beliefs.

We cannot hold ourselves apart, we cannot claim that we are Americans, and at the same time believe that this flag should be burned or otherwise desecrated.

This flag means America, it means that we should be able to disagree. How can anyone believe otherwise? How could anyone not choose freedom over tyranny, justice over injustice, liberty over servitude? This flag—our flag—stands for these great ideals. It is hope, dreams, the very best man can offer the world and the future.

Our cemeteries are filled with the bodies of those who had great dreams of productive lives with loving families—dreams that were forfeited in order that you and I and our children would be able to lead better lives.

Our freedoms have been bought and paid for by their sacrifice, and we own it to them to ensure that this country can be all that it was meant to be.

That does not include contempt and desecration—it requires determined, constructive effort every day. All of this and more is woven into those few yards of cloth. We need to remember that.

Mr. Speaker, I urge all of my colleagues to support this valuable and needed legislation today. Protect our flag and ensure that it's protections will never be compromised.

Mr. EWING. Mr. Speaker, I rise today in strong support of House Joint Resolution 79. I take great pride in supporting this resolution which will protect Old Glory, from being desecrated. Contrary to what this resolution's opponents say, we are not trampling on the Bill of Rights. Indeed, we are ensuring the rights of millions of Americans who find burning the American flag to be offensive to their beliefs.

It does not make sense to argue that burning the American flag is a protected form of expression. It is a felony to burn U.S. currency, even if a political statement is being made, and it is illegal to damage a Postal Service mailbox. But you can burn the American flag. This makes no sense.

Until 1989 the Supreme Court upheld State laws that prohibited the desecration of the flag. In 1989, the Supreme Court overturned a Texas statute that prohibited the desecration of the flag. Consequently, Congress passed a Federal law that prohibited the desecration of the flag. Once again, the Supreme Court overturned a statute that barred flag-burning. Faced with these two decisions, a constitutional amendment is the only way to give the American flag the protection it so dearly needs. This amendment will provide Congress and the States with the constitutional authority to protect the flag, authority that they had prior to the Supreme Court's intervention in 1989. This amendment itself will not prohibit desecration of the flag, it will simply return this authority to the States.

Public opinion polls show that more than 80 percent of the American people support this amendment. Forty-nine State legislatures have passed resolutions calling on Congress to pass this amendment and send it to the States. One needs only to look at the Iwo Jima Memorial to witness the powerful nature of the American flag. The American flag is a symbol throughout the world for liberty and justice and we should treat it with the utmost respect and admiration, not just for what it symbolizes but also for countless numbers of soldiers and others who fought, served and died protecting it. In a country as wonderfully diverse as ours, the American flag serves as a national symbol of unity. No matter who you are, whether you are rich or poor, African-American or Irish-American, male or female it is our flag that reminds us of our common history and our heritage.

The American people want us to pass this amendment, and I urge my colleagues to vote for it.

Mr. KLECZKA. Mr. Speaker, I rise in opposition to this unnecessary constitutional amendment.

All of us here today respect and honor our flag. We all feel so proud when we see the Stars and Stripes on a front porch.

We all agree that the flag is a treasured symbol of our democratic ideals and the values we hold most dear to our hearts. And, we all agree that damaging that symbol is disgraceful and should never be condoned.

The key question is, are we truly prepared to amend the Bill of Rights for the first time ever, to begin eroding the freedom of speech and expression? Our Founding Fathers drafted the Bill of Rights as a guarantee against the abuses and tyranny they had fled. These inalienable rights have stood the test of time and survived for 204 years. Are we prepared to begin placing qualifications on the first amendment? What provision of the Bill of Rights will be next?

If we start down the slippery slope of eroding fundamental rights like free speech, where will the assault on individual freedom we all take for granted end? What is the logical extension?

I am disturbed by the remarks of American Legion National Commander William Detweiler, who stated, "Burning the flag * * * is a problem even if no one ever burns another American flag." These comments show an alarming lack of perspective. Is Congress going to begin amending the Constitution to prohibit actions which do not even occur? There is no rampant abuse of the flag occurring in this country. There has not been a major incident in 5 years. But know full well, as soon as we pass this amendment, someone will burn a flag just to get in the news.

Old Glory has a special place in our Nation's history and damaging it is disgraceful. But we should not let a few isolated hooligans and malcontents blackmail us into whittling away at the Bill of Rights.

Moreover, our flag, while revered and held in honor, is a secular symbol and thus should not be worshiped. It should not be elevated to the exalted status this amendment would confer.

That is why I am perplexed by the use of the word desecration in connection with the flag. The word actually means "to violate the sanctity of," a definition with obvious religious undertones.

William Safire, one of the most conservative commentators in America today, addressed the question of the flag's true secular symbolism eloquently. In 1990 he wrote,

> * * * in this democracy, nothing political can be consecrated, "made sacred." * * * Any attempt to make the nation's flag sacred—to endow this secular symbol with the holiness required for "desecration"—not only undermines our political freedom but belittles our worship of the Creator.

He continued,

> Should we respect the flag? Always. Should we worship the flag? Never. We salute the flag but we reserve worship for God.

Mr. Speaker, in spite of my deep respect and affection for our flag, I will vote against this constitutional amendment. This amendment would alter our Bill of Rights for the first time in more than 200 years to prohibit an act which almost never occurs. It is ironic that this amendment's sponsors are using our Nation's symbol of freedom to begin eroding that freedom.

I urge my colleagues to vote no on this unnecessary constitutional tampering.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Joint Resolution 79, legislation I have cosponsored to allow Congress and the States to prohibit the physical desecration of the American flag.

As we debate this long overdue legislation to correct a 1989 Supreme Court ruling that allowed for the desecration of the American flag, I cannot help but recall my good friend and constituent Charles Allen, a veteran who served in the Navy during World War I. He is a legend at the Department of Veterans Affairs Hospital at Bay Pines which he helped build. Later he served on the hospital's maintenance team and upon his retirement devoted thousands of hours as a hospital volunteer and donated thousands of dollars to the volunteer services program. Although Charlie died 4 years ago, he is buried at the National Cemetery at Bay Pines and is with us in spirit during every memorial day and Veterans Day program.

Perhaps the greatest gift left to us by Charlie Allen was a special tribute to the American flag he wrote and recited at Memorial Day and Veterans Day services for more than 25 years. It is a stirring tribute to Old Glory which I would like to share with my colleagues.

> It is my privilege and high honor to direct your attention to this beautiful flag of our beloved country. It is, and should always be displayed in the proper place and conditions where it is accorded the position of highest honor and is a constant inspiration to every loyal citizen. It demands unswerving loyalty and wholehearted devotion of the principals of which it is the glorious representative. It is the majestic emblem of freedom under constitutional government.
>
> Beneath its protective folds, liberty, equality, and fraternity have become the heritage of every citizen—while the opposed of many nations have found peace and happiness in the land over which it floats.
>
> Each time I see Old Glory wave against a clear blue sky.
>
> I know that deepest reason that our flag will always fly.
>
> And so I set about to write just how it made me feel.
>
> To see the banner fluttering, our guardian so real.
>
> I will not say, as others did, for which each color stands.
>
> I'll only state this grand old flag a Nation great commands.
>
> And that each mother's sons of us would more than gladly give.
>
> Our blood, and yes, our very life so it can wave and live.
>
> The flags of many empires have come and gone, but the Stars and Stripes remain.
>
> Alone of all flags, it has the sanctity of revelation. He who lives under it, is loyal to it, is loyal to truth and justice everywhere. For as long as it flies on land, sea, or air, Government of the people, by the people, for the people, shall not perish from this earth.
>
> (Charles Allen, WW I veteran)

Before his death, Charlie willed his tribute to the flag to another legend of Bay Pines and our local veterans community, Mr. W.B. Mackall. He is a leader of Florida's Citizen Flag Alliance who now carries on the tradition of reciting this tribute at the appropriate events.

Mr. Speaker, as a veteran and as one who dedicated his life to other veterans and to our Nation, it is most appropriate that Charlie Allen's word from the heart about the American flag be a part of this historic debate. In just a few sentences, he captures its essence and the urgent need to protect the Stars and Stripes from those who would desecrate it. Those who would trample on our flag also trample upon our Nation, the honor of Charlie Allen, all those who went before him into battle, and all those who will go into battle in the future in defense of our Nation and our way of life.

Mr. GUNDERSON. Mr. Speaker, the flag of the United States is very dear to almost every American. To see it desecrated evokes anger among most of us because it is such a powerful and important symbol. The flag makes us proud and reminds us of what we, our friends and relatives and our forefathers have sacrificed to ensure it will continue to symbolize peace, strength and above all, freedom.

The Supreme Court has ruled that statutes which prohibit flag desecration violate the first amendment protection of freedom of speech and are unconstitutional. Therefore, it has become necessary to amend the Constitution so that Congress and the states may enact legislation protecting the flag. The constitutional amendment before us today provides such power; no more, no less. It states: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States." I support this narrowly drawn amendment to allow us to protect the flag, our symbol of all that we are as a people.

The most important part of this debate, and one we won't decide today, is how a future Congress will define two important terms in this amendment. Those terms are "physical desecration" and "flag." This will require careful and thoughtful consideration to make sure we protect both our flag and our right to free speech.

Some would argue that we cannot protect the flag through a constitutional amendment, because to do so would restrict the right to free speech. The first amendment protects a wide variety of expression of ideas and the means by which these ideas are conveyed. For example, the spoken word, a gesture, and picket signs are largely protected by the first amendment. However, the Supreme Court has ruled that first amendment does have reasonable limits. The Supreme Court has ruled that the first amendment does not protect one from yelling "fire" in a crowded movie theater or from provoking a riot. It has also allowed restrictions on when, where and how speech is conveyed in public.

Let me illustrate with a hypothetical situation. Assume that I am the owner of a business on Main Street in town and the mayor decides to close Main Street. I can express my dislike for the mayor's decision by giving a speech against the idea in a public square or by holding a picket sign. However, the town can legally regulate when, where and how I can do these things. In my example above,

the town could prevent me from screaming my speech through a megaphone at 2 o'clock in the morning. It could also prevent me from throwing a paint bomb at city hall. But it cannot prevent me from expressing my dislike of the mayor's decision to close Main Street.

It will be necessary for a future Congress to be thoughtful in defining the term "physical desecration." Obviously, the definition cannot be so narrow that it prevents burning of a soiled or tattered flag. That is considered a respectful means of disposal. However, it should not be so broad as to prevent a flag being present at a protest against a certain government action. Such a prohibition would not involve physical contact with the flag and would not, therefore, involve any changes to the flag.

The definition of "physical desecration" will depend upon how a future Congress defines "flag," which will be just as difficult. What exactly is a flag? I have no problem with the traditional "flag" that is flown on a flag pole in front of a house or city hall or above the Capitol. Similarly, a flag on a stick distributed at a Fourth of July parade seems clearly to be a flag which deserves protection. But what about a flag emblem on a sweater or on a shoe? What about a flag cake or a flag tie on the Fourth of July? Or a video picture of a flag that is transformed into the face of a politician? Is this video emblem a flag capable of desecration?

These are the very detailed and difficult questions which a future Congress must resolve if the amendment is adopted and ratified by the States. I support this amendment because I believe in protecting the flag. However, I also support the amendment because in the process of defining "flag" and "physical desecration," the American public will see just how challenging it is to define what is and what is not protected by the first amendment. This civics lesson will increase our understanding of the freedoms which our flag symbolizes.

Mr. DOYLE. Mr. Speaker, I am a proud cosponsor of House Joint Resolution 79, the resolution to protect the U.S. flag from physical desecration.

This year, we continue to commemorate anniversaries of the passage of 50 years since notable events of World War II. One of those celebrations marked the anniversary of the U.S. capture of the Japanese island Iwo Jima. Many of us can picture the famous photograph and bronze monument near Washington, D.C., and adjacent to Arlington National Cemetery. Of the many monuments, memorials, and truly powerful sights, the Iwo Jima Memorial, illustrating U.S. Marines raising the U.S. flag above a battleground covered with American casualties, has prominence in our appreciation of the flag. It was the wish of President John F. Kennedy to fly a fabric U.S. flag atop the mast being raised by the dramatic figures.

Our flag is the embodiment of our national pride. It is what we use to identify our Nation at everything from community picnics to international events such as the Olympic games. It is used to cover the caskets of those who served in our military when they are interred. We witnessed the positive expressions and use of the flag when our pilot returned safely from Bosnia. One might ask, Why should not all Americans share the same reverence and regard for the flag as those six Marines did in 1945? Not all share the same feelings. But that is exactly what the flag represents—varying opinions. And that is why I believe strongly we must protect is from desecration.

Many men and women fought to defend and protect the flag and the great Nation it represents. During our Nation's history, few objects have evoked such emotion, loyalty, and bravery. The U.S. flag is more than a fabric which flies over courthouses and post offices. It represents our beliefs, our dreams, our sense of responsibility and community. We should remember what it means to each of us today and pledge our allegiance to the principles it represents.

Mr. BACHUS. Mr. Speaker, some people just don't get it. Our flag is more than just another piece of cloth.

Our flag is a symbol, a proud symbol. It represents much of what is good and right in America. But, as history has taught us, what is good and right does not necessarily prevail merely because it is good and right, often it must be fought for.

We face just such a fight today as we consider an amendment to the Constitution that would forbid burning the flag.

Some self-styled liberals contend this is a question of freedom of speech, that malcontents in our population have a right to burn the flag to show their defiance of this country or its policies.

They are wrong, dead wrong.

Dissidents in this country have an unbridled freedom to voice their dissent and opposition whether it comes from the right or the left of the political spectrum. This freedom does not extend to the physical destruction of our flag, the official symbol of our Nation.

Millions of Americans have often spoken of having proudly fought for the flag. Such a statement is not quite accurate. Those millions fought not for the flag itself, but they did fight for what that flag represents—what it stands for—what it means.

Just before the critical battle at Valley Forge, George Washington cited the true importance of our flag as he implored his desperate, outnumbered troops. Washington said, "Let us raise a standard to which the wise and honest can repair, the event is in the hands of God." This standard helped carry the Nation to victory.

That is the real significance and meaning of this debate. We are fighting for the very values, concepts, and principals on which this country was founded.

I am proud to be one of the 281 members of this House in support of the amendment to protect our flag. I urge all of my colleagues to reflect on the true significance of this issue and join us in support of this amendment.

Mr. MFUME. Mr. Speaker, today we vote on legislation which would create a constitutional amendment that would authorize the Congress and the States to prohibit the physical desecration of the Nation's flag.

There are many dangers presented by this constitutional amendment, particularly to the first amendment right to free speech and free expression. In 1989, the Supreme Court handed down a decision which supported this argument. In effect, the decision reversed 48 State flag protection laws that were already on the books. In response to this decision, Congress passed the Flag Protection Act in 1989 and deleted any reference to an individual's intent in mutilating the flag. However, in 1990, the Supreme Court ruled that the statute was unconstitutional because it infringed on the first amendment right to freedom of speech and freedom of expression. The statute was found to "suppress[es] expression out of concern for its communicative impact."

I agree that the burning of the American flag is disrespectful and I am often disgusted and disturbed by this act. I also feel compelled to protect the right of any American to express themselves as they see fit. In a democratic society, we have the enormous and sometimes difficult duty of protecting all forms of speech.

House Joint Resolution 79 seeks to eliminate the already rare incidents of flag burning. From 1777 to 1989, there were only 45 incidents reported. Since the 1989 and 1990 Supreme Court decisions which deemed the flag-desecration statutes unconstitutional, there has been no outbreak of flag burning. In fact, fewer than 10 flag burning incidents have been reported since 1990.

There is no flag burning problem sufficient to justify the radical step of amending the Constitution.

The Supreme Court has been consistent in its rulings that the destruction of the flag is a political statement and political expression, which is exactly the kind of unpopular speech which the first amendment has always sought to protect. For example, in Street v. New York, Sidney Street publicly burned the American flag in protest of the shooting of civil rights activist James Meredith. He was convicted under a New York law which made it illegal to mutilate a flag or to show contempt for it in words or conduct. The Supreme Court overturned the decision and stated that the language was too broad because it punished not only Street's actions but his words as well.

The amendment we debated today was written with such broad strokes that it fails to define desecration and fails to establish which flags or representations of the flag are to be protected. Such open-endedness and vague wording provides Congress and the States with enormous powers to criminalize a broad range of acts which fall short of flag burning or mutilation.

This bill would amend the Bill of Rights and damage the first amendment's protection of freedom of expression.

Prohibiting the right of expression is characteristic of a totalitarian society not a democracy such as ours. We must not erode the right of citizens to express their political opinions no matter how repugnant they may seem to some. There is only one thing more distressing than the desecration of this national symbol and that is the desecration of the principles which it represents. It is certainly a sad day in this country when we invest all of our beliefs into a single symbol and are willing to forgo real constitutional rights for it.

The freedom of expression that is guaranteed to every citizen of the United States carries with it a great responsibility. Any attempts to curb that right must not be taken lightly. If so, our freedom of speech and expression becomes the price for adopting a constitutional amendment.

Ms. PELOSI. Mr. Speaker, I rise to oppose the constitutional amendment which would ban desecration of the flag. House Joint Resolution 79 would—for the first time in our Nation's history—modify the Bill of Rights to limit our freedom of expression, a preeminent human right and one which is central to fostering all other forms of freedom.

I firmly believe that one of the unique and special characteristics of our democracy is that we uphold the freedom of expression even when we do not believe in or approve of the statement being made. As former Supreme Court Justice William Brennan wrote in 1984, "punishing desecration of the flag dilutes the very freedom that makes this emblem so revered, and worth revering."

It would be a hollow form of patriotism to coerce reverence for national symbols at the expense of real constitutional rights. Prohibiting dissent and lawful freedom of expression is the hallmark of totalitarian states like China and North Korea, not of great democracies like our own.

I urge my colleagues to reject this amendment. Voting against House Joint Resolution 79 is a vote for the Constitution and for the Bill of Rights.

The SPEAKER pro tempore (Mr. OXLEY). All time has expired.

Pursuant to House Resolution 173, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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

MOTION TO RECOMMIT OFFERED BY MR. BRYANT OF TEXAS

Mr. BRYANT of Texas. Mr. Speaker, as the minority leader's designee, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. BRYANT of Texas. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit with instructions.

The Clerk read as follows:

Mr. BRYANT of Texas moves to recommit the joint resolution, H.J. Res. 79, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

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

"ARTICLE—

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

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

□ 1400

The SPEAKER pro tempore (Mr. OXLEY). Pursuant to House Resolution 173, the gentleman from Texas [Mr. BRYANT] and the gentleman from New York [Mr. SOLOMON] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would dearly love to be freed at this moment from any restraints of conscience so that I could simply content myself with a sincere speech about my love of this country and this flag and then go on my way because life would certainly be more simple for me and for many others who have spoken here today if we did that, but the fact of the matter is, if we love this country, if we truly want to be patriots who bear responsibility for the future of our people, and, after all, they are this country, we have the obligation to legislate for the long run in a way that is workable and in a way that protects them from accidentally getting in trouble and in a way that protects the things that we hold dear insofar as possible.

The fact of the matter is that in haste to bring this bill to the floor in time to precede the July Fourth recess the bill that has been brought to us today is one that I think bore a great deal more study and a great deal more consideration than it received. Why is that? Because either inadvertently or perhaps on purpose the way this current provision is written, Mr. Speaker, it allows 52 different definitions of what the flag is and 52 different definitions of what desecration of the flag is.

Well, I submit to my colleagues that the polls that I have heard the gentleman from New York [Mr. SOLOMON] make reference to during this debate, that the American people are for a prohibition on burning the flag, certainly would not be the same if they knew it was going to be 50 different laws and 50 different definitions of the flag; 52 that is. Surely, if there is anything that is within the province and responsibility of this Congress, it is defining what is an American flag. That should not be subject to 52 different definitions, and surely if we are going to deal with this problem in a way that goes as far as possible to avoid limiting freedom of speech and to avoid accidental prosecutions and accidental crossing of the legal prohibitions, it is our job to write a single statute, a Federal statute, to govern the question of what is desecration of the flag.

I asked during the course of the debate in the Committee on the Judiciary of the gentleman from Florida [Mr. CANADY], who is the chairman of the subcommittee with jurisdiction, what would happen if a State said that a flag has 49 stars, or 48 stars, or a flag is green, and yellow, and blue instead of red, white, and blue, and the answer that I received was, "Well, it is up to the States. It depends on what the States do." That is not an outcome that befits a Congress that is supposed to be handling with extreme care and reverence the Constitution of the United States and the best interests of the people that sent us here.

The motion to recommit is in effect an amendment to this bill, this resolution. It says quite simply that Congress and the States shall have power to prohibit the burning, trampling, soiling, or rending of the flag of the United States, and for purposes of this article the Congress shall determine by law what constitutes the flag and shall prescribe procedures for the proper disposal of the flag. That, if we are going to pass a constitutional amendment, is what the public would have in mind. That is something that tells people what is the flag, what is the law, and where is the line which one cannot cross.

I simply submit to the many Republicans, as well as Democrats who stood up today and spoke for this, that this is what they had in mind, not the provision that was hastily brought to the floor today in order to get here before the July Fourth recess and perhaps permit the delivery of many inspriational speeches with a slight political overtone over this coming holiday. How are we serving the interests of this country if we handle this in a way that is designed to meet our political needs rather than handling it in a judicious way that is designed to protect the interests of the public?

I submit the motion to recommit is constructive, it deals with the problem that has been articulated by the authors of the amendment in a way and in a way that tells the American people what is permitted and is not permitted.

Finally I would say this: You have made much of how important it is to prohibit anyone from desecrating the flag, but your proposal would allow States to permit the desecration of a flag because all 50 states can do what they want to do in terms of defining desecration and defining the flag. This proposal, this motion to recommit, says that the Congress defines the flag and the Congress defines desecration. If we are to take this monumental move, action, if we're to amend the most sacred civil document of this land, surely we ought to do it in a way that is constructive and it serves the interests of the people.

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

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

Mr. Speaker, first of all let me just say to Members on both sides of the

aisle that reasonable men and women can disagree with each other, and certainly there is a reasonable disagreement on this issue. I respect those on both sides of the aisle regardless of what their opinion is, and I am sure that they are sincere, and I do not think that any of us are any more patriotic or any more standing up for the flag than the other. It is a question of a difference of opinion, and, because of that, I rise in opposition to the alternative for two basic reasons.

One, Mr. Speaker, is because it changes the wording of the language recommended by 49 States of the United States of America, and more than three-quarters of these States have memorialized this Congress to pass this exact language.

Now all of the State's attorneys in those States, whether it is Ohio, yours, Mr. Speaker, or Texas, or New York, they have looked at the language in House Joint Resolution 79, as have all of the veterans' organizations, as have many of the constitutional lawyers around this country. They have said that this language is the language we should adopt.

Now, if we change it, then it is going to cause a problem. We know now that these 49 States would almost immediately, within the first year that their legislatures go back into session, we know that they would ratify the language in House Joint Resolution 79. That means within 2 years we are going to settle this issue one way or the other. It would not be like the equal rights amendment that went for 7 years and then failed. If we pass this exact language, then we are assured that we are going to protect that flag and we are going to do it in a very short period of time.

Now, second reason:

It is because I do not believe that the sponsors, not this gentleman here, but those who appeared before my Committee on Rules upstairs yesterday, I do not believe that they are going to vote for this gentleman's substitute. As a matter of fact, those who came to testify, and the gentleman was not one of them, those that came to testify said they would not vote for it even if we made it in order.

Now that brings a problem to us because it again, once again, just clouds the issue. I say to my colleagues, "If you recall last time, we passed a constitutional—or we tried to pass a constitutional amendment, but we ought to in tandem try to pass a statute, and many Members said, 'no, I'm going to vote against the constitutional amendment because we can vote for the statute, and that will take care of it,' and we failed. We failed by about 34 votes."

My colleagues, we cannot fail today. We have tried it. The courts have said nothing is going to stand short of a constitutional amendment, and what we are simply doing is putting the constitution back to where it was prior to 1989 and how it stood for 200 years.

My good friend from Texas worries about the possibility that States might permit the desecration of the flag. Now I just have to take exception to that. In 200 years of the history of this country not one State did that. I mean after all, Mr. Speaker, we are people of common sense in this country.

Mr. Speaker, those are the reasons we need to defeat this alternative that is being offered and pass the constitutional amendment overwhelmingly supported by the American people.

Again, Mr. Speaker, I have the highest regard for the gentleman. There is not one Member of this House, whether liberal or conservative, that I dislike, or question, or impugn their integrity. They are all ladies and gentlemen that are highly respected in the eyes of this gentleman anyway.

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

Mr. SOLOMON. I yield to the gentleman from North Carolina.

Mr. HEFNER. I just want to ask a question.

I plan to vote for the amendment, but there is something that has been bothering me. I realize that the States will set whatever the penalty is, but just say that someone is here on the Capitol Grounds in the District, here on the Capitol Grounds, and they burn a flag. Now what would be the penalty?

Mr. SOLOMON. There would not be any penalty unless this Congress——

Mr. HEFNER. Say it passes, it is ratified. What would be the penalty? What would be the Federal penalty if it happened in front of the Capitol?

Mr. SOLOMON. There would be no penalty unless the Congress takes action. The District of Columbia is not a State. This Congress must pass a statute, which we will do, the gentleman and I will do it together, and we will define the U.S. Flag Code, and what constitutes a flag, and what is a criminal offense; we will do that once this amendment has been ratified.

Mr. HEFNER. If the gentleman would continue to yield, because I read here the Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States, and we cannot very well prohibit it, but what I am trying to get at is are we going to pass a statute here or are we going to have a law that it is a Federal crime, a Federal crime, to desecrate the flag and what penalty would it carry if someone desecrated the flag on the steps of the Capitol? What penalty would he have to pay? We have to have something.

Mr. SOLOMON. That is going to be up for debate on this floor. I hope the gentleman is back here next year if this is ratified as quickly as I think it will be. We ought to take this up on the floor and establish what constitutes an illegal activity as far as the flag is concerned and what criminal penalty goes with it. That is up for this Congress to do, but do it by statute. All this amendment does is speak to the principle and allow, as the gentleman repeated, the States and/or the Congress to enact a statute which would provide for a legal penalty for physically desecrating the flag.

Mr. HEFNER. Would the gentleman continue to yield?

Mr. SOLOMON. I am running out of my time over here.

Mr. HEFNER. But the gentleman would anticipate that once this is passed by all the States, and I am assuming that it would happen fairly quickly, that they would set their penalties, and we would set one penalty, it would be a Federal offense if it took place here in the front of the Capitol, and there would be some penalty for desecration of the flag. If not, it is pretty meaningless to have it.

Mr. SOLOMON. Well, yes, sir, and I would hope that this Congress would do it before any of the States do it so that we could give them a sample to go back to what we believe it should be. They would not have to follow it because in some States, like in your State of North Carolina, they may want a very, very stiff penalty. In my State of New York, sometimes they are a little questionable with their enforcement of the laws; right, Mr. ACKERMAN? And so it might be a lesser penalty; I don't know. But again that is up to the States.

Mr. HEFNER. I thank the gentleman.

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

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to ask the gentleman from New York [Mr. SOLOMON] if he would respond to me; he was good enough to yield me his time a moment ago. I ask Mr. SOLOMON from New York if I could have his attention for a question.

Mr. SOLOMON. Excuse me. I was distracted over here by one of our Texas colleagues.

Mr. BRYANT of Texas. I understand.

Mr. SOLOMON. They are everywhere you turn.

Mr. BRYANT of Texas. That is as it should be.

Mr. SOLOMON. Almost as bad as Californians.

Mr. BRYANT of Texas. Mr. SOLOMON, I am sure—I appreciate the gentleman's statement of his belief and sincerity of all parties in this debate, and I certainly say to the gentleman that those are my feelings in return. In the substitute which I have offered in the form of a motion to recommit we have provided that the Congress and the States shall have the power to prohibit the burning, trampling, soiling, or rending of the flag of the United States. What else do you want to prohibit other than those four things?

Mr. SOLOMON. Mr. BRYANT, I do not know what the interpretation of rending of the flag might be.

Mr. BRYANT of Texas. Tearing.

Mr. SOLOMON. There are a lot of other things. Is punching a hole in the flag? I do not know.

□ 1415

What I am saying is that we want it to be a statement of principle, and then let this Congress make that decision, or let your State of Texas make that decision as to what the physical desecration of that flag would be.

Mr. BRYANT of Texas. Do you think my State should be able, for example, to prohibit someone from wearing the flag on the back of their jacket if they are a Member of an Olympic team? Should the State be allowed to prohibit that?

Mr. SOLOMON. No; and I do not think that they will.

Mr. BRYANT of Texas. Do you think the States should be allowed to prohibit the Olympic team from wearing a flag on the back of their athletic jacket?

Mr. SOLOMON. No; and I do not think they will.

Mr. BRYANT of Texas. Under the terms of your language, that could be defined as physical desecration. That is the whole point of my substitute.

Mr. SOLOMON. Let me tell the gentleman something: I have the greatest respect for your State legislature in Texas.

Mr. BRYANT of Texas. How about the one in New York?

Mr. SOLOMON. They are going to define a flag according to the U.S. flag code. Some articles of clothing are not a flag, and neither is a picture of it on a T-shirt. I have no concerns about that.

Mr. BRYANT of Texas. If I might ask the gentleman another question, do you not think it just logical that the flag of the United States would be defined by the Congress of the United States, not by the New York Legislature, or the Texas Legislature, or California or Massachusetts? One definition of what the flag is? Doesn't that just stand to reason that would make more sense?

Mr. SOLOMON. Yes; and we have a flag now; I think it needs refining and defining. I intend to work with that gentleman and to try to do that.

Mr. BRYANT of Texas. But your proposal allows 50 States to define the flag any way they want to. You brought it out here so quickly, you overlooked that. That is the point.

Mr. SOLOMON. I would say to the gentleman from Texas [Mr. BRYANT] that I am 64 years old, and I have looked at all of these statutes. I have not found one State that abused it, not one, in 200 years of this country's history.

Mr. BRYANT of Texas. I doubt if you looked at all of them. None of the rest of us have either. But for you to state a State can never abuse it. A State, as I said under your definition, could permit the desecration of the flag, whereas we are saying it is going to be a Federal statute.

Mr. SOLOMON. Does the gentleman think his State of Texas is going to abuse it?

Mr. BRYANT of Texas. No; but I am not so sure about the gentleman's State of New York.

Mr. SOLOMON. I do not think my State of New York would do it.

Mr. BRYANT of Texas. I hope the gentleman is right.

Mr. SOLOMON. I do not think any State would do it, not even Vermont, which happens to be the only State that actually passed a resolution saying they did not want this amendment.

Mr. BRYANT of Texas. I hope the gentleman is right. But the reason we write constitutional amendments is because of the assumption that somewhere down the line, somebody is going to get off tract, and abuse what we put into the Constitution, unless we write it carefully. This proposal to this motion to recommit is a careful writing of something which you all hustled out here in a big hurry, because you wanted to get out of here ahead of the July 4 recess.

Vote for something reasonable. You are going to have what you want. You will be able to prohibit the desecration of the flag. But we are not going to threaten the American people with accidental prosecution.

Mr. Speaker, I yield 9 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I am a bit old-fashioned. I love our country. I love our Constitution. I even love a parade. I love our flag. I am an Eagle Scout who still gets a tingle down my spine when Old Glory goes by. I do not understand and I disapprove of those misguided people who would desecrate that in which we all believe.

The question is, how should we as American patriots respond? Do we, like Voltaire, disagree with what they say, but loving freedom so much defend their right to do so? Or do we do like a despot, who, when offended, seeks to put an end to the activities of those who offend them?

Why should we as Americans act? Is the threat so great? Is our society grinding to a halt? Are our constituents jumping out from behind parked cars, waiving flags, and burning them at us so we cannot get to work? Is there a left-leaning radical court giving solace to our enemies? Or is it a blue, white, and red herring to use our beloved national symbol as a partisan pawn by petty politicians for their personal partisan purposes?

And what is the flag, and why do I love it? The flag is not our way of life. The flag is a symbol. It is a symbol of our country, of our value system, a symbol of the things in which we believe. And high among those beliefs is the right to disagree and the right to protest, the same right currently in each and every one of our 50 States.

Let me correct a misconception. Nobody died for the flag. They died for what it stands for. No American mother gave up her son for a piece of cloth. The sacrifice was made for our way of life. It did not cost us a sea of blood and thousands of lives for a flag that costs each of us $7.97 a copy in the office supply store downstairs. Americans did not sacrifice and bleed and die for a piece of cloth, but rather for what it symbolizes.

And what does it symbolize? It symbolizes the greatest experiment in democracy and individual rights in the history of this planet. It symbolizes a country that is different, because people, indispensable and disagreeable people, have a right to protest, to protest to Congress, to protest against Congress, to protest against you and me, to protest against their Government, their President, their Constitution, and, yes, even against their flag.

This proposed amendment says that 50 States can pass 50 different flag desecration amendments. The motion to recommit corrects that. Imagine 50 different definitions of desecration. Is it a tearing in Montana? It will be. Will it be burning in Mississippi? How about soiling in New Jersey, or cursing at the flag in Utah?

Imagine 50 different State definitions of the flag itself. Is it cloth? How about a paper flag? Could it be unconstitutional to burn a tablecloth that looks like a flag? How about ripping up a photograph of a flag, destroying a symbol of a symbol? Take away that right, and you have diminished us all.

Is a flag anything with stars and stripes? If it has 70 stars and 12 stripes, have you burned a U.S. flag, or can you get off the hook? It will be different in each of 50 States. How about if it is orange, white, and blue? We can have people making them for the purpose of burning. If that is the case, do you beat the rap?

The Constitution is supposed to protect your rights, not your sensitivities. Take away that right, and you are changing what the flag symbolizes, for the first time in American history, reducing constitutional rights. Pass the amendment as it is without the motion to recommit, and what will it mean? The answer will be different in 50 different States. Let us take a look at what it might mean.

America's First Ladies, most of them, all truly patriots, have worn American flag kerchiefs. Are they desecrators? A patriotic gesture, you say? How about an ugly Democrat wearing a flag hat in some State that does not like the idea? Or an uglier flag hat, or an uglier flag hat?

How about a bathing suit made out of the Stars and Stripes, is that desecration? Maybe in one State it is, and another State it will not be.

It goes further. Where does it offend you? How about pantyhose made out of the flag? Stars down one side, stripes down the other leg.

I will spare you the things that personally offend me. How about children who desecrate? Wearing silly flag ears? Or flag pinwheels? Or filling the flag up with hot air? Can you try these children as if they were adult desecrators?

How about American flag napkins? If you blow your nose in one, have you broken the law? Violating the Constitution is nothing to sneeze at. And how about American flag plates? If you put your spaghetti in it, do you go to the can? How about a flag bag? Have you violated the Constitution if you fill it with garbage and then throw it out? Each State could have a different answer.

Do we raid factories that make things such as George and Barbara slippers out of flags? Do we just arrest the people who make them or the people who put their feet in them? Do you throw them all in jail?

How about flag socks? There are ugly ones, and there are cute ones. Do you violate the flag when you make them, when you buy them, when you wear them? Does it matter if your feet are clean or dirty? And what happens if different States make different statutes? Do you have to check your socks at the border? And what happens to you if you burn your socks?

Disposable flashlights. Can you dispose of them or do you have to give them a decent burial when the battery dies? Suspenders. Does that get you a suspended sentence in one State and live sentence in another? And your mother's admonition to wear clean underwear will have new meaning when it comes from your lawyer.

I do not mean to trivialize the flag, Mr. Speaker. Americans love and respect our flag. But we do not want to worship it. It is not a religious relic that once destroyed exists no more. It is not the physical embodiment of our value system that once gone can no longer be. It is only a copy. The fabric of our beliefs are woven into our society and guaranteed by our Constitution, and that which is a symbol of our beliefs is not so fragile as to be endangered by matches or desecrators or even trivializers.

Desecrators cannot destroy the flag, Mr. Speaker. They have tried. They have burnt it, they have soiled it, they have torn it, but they have not destroyed it.

Turn around, Mr. Speaker. There it is, right in back of you. You cannot destroy a symbol, unless you destroy that which it represents. I urge our colleagues, Mr. Speaker, do not destroy what our flag represents. Do not destroy what our flag represents. Please, do not destroy that which our flag represents.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. OXLEY). Visitors in the gallery are admonished not to demonstrate approval or disapproval of the proceedings.

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

Mr. Speaker, I have a little trouble composing myself here, but let me just point out, I did not see an American flag in any of that crap on that desk there. To me that is crap.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, who is so highly respected in this body. I once recommended him to Ronald Reagan as a U.S. Supreme Court Justice, and would he not have made a great one?

Mr. HYDE. Mr. Speaker, my good friend from New York that preceded me was quite amusing, and he reminded me when he said the flag cost $7.59, or whatever, of the old saying about a person. They say he knows the cost of everything and the value of nothing.

What is at work here is something larger than the flag itself; it is a protest against the vulgarization, the trashing of our society. This amendment asserts that our flag is not just a piece of cloth, but, like a family picture on your desk, it represents certain unifying ideals most Americans hold sacred, ideals that are wonderfully expressed in the Declaration of Independence.

It represents the "unum" in the "e pluribus unum" of our country, and as tombstones are not for toppling, as churches and synagogues and places of worship are not for vandalizing, flags are not for burning.

Some of our critics have accused us of trivializing the Constitution. With great respect, I believe it is they who trivialize democracy itself, by reducing it to a matter of process, a matter of procedure, rather than substance. Their democracy is one-dimensional, consisting only of free speech as they define it. They elevate a method of communication or process over the substance of democracy, equal protection, due process, and the majestic values so timelessly expressed in our Declaration of Independence, our country's birth certificate: Life, liberty, and the pursuit of happiness.

Free speech is protected by this amendment. It is not harmed or diminished. This amendment takes free speech a dimension forward and it validates the duties and the responsibilities that are part and parcel of every right that exists. A right does not exist without a correlative duty.

□ 1430

We have a duty to respect your rights, and you have a duty to respect our rights. Those responsibilities and duties are the essential underpinnings of the ordered liberty that is the soul of America.

There are well-defined limits to freedom of speech: obscenity laws, perjury, slander, libel, copyright laws, classified information, agreements in restraint of trade and the old yelling fire where there is no fire in a crowded theater.

The question is, is that list commodious enough to include flag desecration? Somebody tell me why it is a Federal crime to burn a $20 bill but it is okay to burn a flag. Walk down Independence Avenue without your clothes on, and you will find very quickly the limits on freedom of expression.

I consider the flagpole that holds that flag high to represent Jefferson's famous tree and liberty which is nourished, as he said, with the blood of martyrs. Think of the words of our national anthem: "and the rocket's red glare, the bombs bursting in air, gave proof through the night that our flag was still there." That expresses something sublime, something profound, something extraordinary in history.

Too many men have marched behind the flag. Too many have returned in a wooden box with the flag as their own blanket. Too many parents and kids and wives have clutched to their grieving bosom a folded triangle of the American flag as the last remembrance of their loved one not to honor and revere that flag.

Stand among the crosses in the cemetery at Arlington or go to Normandy and read the names on the crosses and the Stars of David, and you will come across some that say: Here lies in honored glory a comrade in arms known but to God; and ask yourself, what honored glory? Here is a young man, thousands of miles away from home in the ground who died defending freedom. How do you honor, how do you glorify that?

I will tell you how. You honor Old Glory on behalf of that hero. From Valley Forge to Iwo Jima to Anzio, that flag is symbolized, and we live by symbols. Justice Felix Frankfurter in 1940 said we live by symbols. So honor Old Glory, and that is how you honor that comrade-in-arms known but to God.

The flag is falling. Catch the falling flag and hold it high. There may not be any rocket's red glare, any bombs bursting in air, but anyone with eyes to see will see that our flag is still there.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would hope to be able to interpret the comments of the gentleman from Illinois [Mr. HYDE] that we just heard as a ringing endorsement of the motion to recommit, for it is the motion to recommit that will permit this Congress

to pass legislation prohibiting the desecration of the flag. And it is the pending proposal brought to the floor by the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. CANADY] which would allow a State, if it chose to do so, to permit the desecration of the flag.

It is that same proposal which would allow 50 different States 50 different definitions of the flag. And if the gentleman from New York [Mr. SOLOMON] is so offended by the presentation of the gentleman from New York [Mr. ACKERMAN] pointing out all of the different things that could or could not be defined as a flag by any given State, surely he would be offended by the very idea that 50 different States ought to be able to designate for themselves what is to be the symbol of this country that was the last blanket that draped the coffins of those that went abroad and fought for the freedom of this country.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Houston, TX [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me comment to the gentleman that chairs the Committee on Rules and as well the very honorable gentleman that chairs the Committee on the Judiciary. Let me acknowledge that I was not before the Committee on Rules and certainly I am one that plans to vote for the motion to recommit, which states the sentiment of the American people.

I take this discussion extremely seriously. I do so as I hold the Constitution of the United States in my hand that incorporates as well the Declaration of Independence; the Declaration being the promise, the Constitution being the document that implements the promise.

When I hear the comments of those who would honor the flag, let me join in, for I can honestly say that I have never in my life's history desecrated, burned or trampled or done anything to disrespect this flag. However, I have watched those who have felt passionately that they wanted to express their first amendment rights. And yet having relatives who served in World War II and other wars of this Nation for our people, but realizing that those in my family did not come to this Nation free citizens, I still say very proudly the Pledge of Allegiance to the flag of the United States of America. And I do emphasize the word Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all. And I say that proudly every single day.

This is not a war between the States or a war between those who would be in support of our Constitution, the Declaration and, yes, our flag. But it is, if you will, a debate on values and morals and what we truly believe in and what we want our children to believe in.

I want them to know that in their heart they can express dissent, and they can respect the flag. It is not like me to want to, if you will, look to amending the Constitution on a regular basis. But in this instance, I am concerned, and the reason I support the motion to recommit is that we do not have a clear understanding of what we are doing.

We have a particular constitutional amendment now proposed that uses the word desecration, a word that in fact is not clear and, therefore, may do more injury to the honor of this great flag and the understanding of it and the respect for it.

In fact, as we talk about desecrate, it is a word of sacredness. In fact it means consecrate to God or having to do with religion, not destroying a flag. Therefore the amendment is unclear.

This is a time that we should come together as a nation. What I would simply say is that the motion to recommit, the one I will vote for, talks about prohibiting the burning, the trampling, the soiling or rendering of the flag of the United States of America. It is clear.

Amending the Constitution is a very, very serious act. I would simply say to my colleagues, I have been offended and hurt over the years when a cross has been burned. In fact, as recently as this year, unfortunately citizens in Texas saw fit to burn a cross to express opposition against an African-American who was running for mayor of one of our cities in the State. Tears came to my eyes. Should we not amend the Constitution on the burning of a cross, another very honored emblem in this Nation?

If we are to do anything like that, if we are to seriously respect all citizens, then should we not be clear on what we are doing? Should we not have the opportunity to have a full understanding of the impact of what we are doing. What behavior are we preventing—wearing a flag tie? I hope not.

When I talk to those in the American Legion, they are talking about burning and trampling and soiling or rendering of a flag.

The motion to recommit is a fair motion. But more importantly, let me say something directly to those of my good friends who are veterans and those who are also Legionnaires, for whom I have great respect. I say to them that we are in this fight together. If we came together, and this point of view was discussed and we all reaffirmed our pledge to honor the flag. Our Nation would not be divided and I believe there would be broad support for this view point. In fact when we amend the Constitution, it should be joined with the understanding that it is to express freedom, not to deny freedom.

Do you know what? That representative of the American Legion's organization understood that when we spoke. How many of us have taken the time to explain what we truly believe in. There was no castigation and no accusation.

I think we are going the wrong way. I think the motion to recommit is one that brings us all together. For those of us who hold the document of implementation—the Constitution—near and dear like we hold the document of promise, the Declaration of Independence, we do know that this is the way to go, for we are being divisive when we go in the direction of this amendment.

So I support the motion to recommit. I, for one, will be voting for it. Mr. Speaker, let is not divide this body. Let us be supportive and support an amendment that the American people can understand and that gives honor to the American flag.

Mr. SOLOMON. Mr. Speaker, the speech we have just heard is the kind of speech we should always hear on the floor. It came from the gentlewoman's heart. I respect her opinion, even though I respectfully disagree with it. But that is the kind of speech that we need. We need to really debate this issue. I want the gentlewoman to know I have the greatest respect for her because of that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I stand to support the American Flag Protection Act. Let us protect our flag. It means too much to us.

Mr. Speaker, I rise today in strong support of House Joint Resolution 79, the American Flag Protection Act. In less than a week Americans all around this Nation will be celebrating Independence Day, the Fourth of July. There will be countless tributes, fireworks displays, and picnics, all to commemorate our country's Independence. It is also a time to reflect on the great history of the United States of America and many courageous men and women that built this great Nation.

Mr. Speaker, it is only fitting that in this time of patriotic revelry and remembrance, Congress has the opportunity to pay tribute to every man and woman that ever fought for America, and the freedom that she represents. We will not be voting to build a new memorial. We will not be voting to build a new museum. My colleagues, when we vote yes on the American Flag Protection Act, we are giving a simple thank you to every veteran that fought and many times died, in every corner of the globe to defend this flag, and the country it stands for.

As many Americans know, the Supreme Court overturned legislation Congress adopted in 1989 which was designed to protect our flag as our Nation's greatest symbol of freedom, a symbol that thousands of brave Americans gave their lives to defend.

Mr. Speaker, some may argue that desecration of the Stars and Stripes should be allowed as an exercise of free speech. I am not a legal scholar. I simply say, if the Supreme court holds that our Constitution permits flag burning, it is time to change our Constitution.

I believe in free speech. But I also believe that the flag embodies ideals that Americans have sacrificed their lives to protect for more than 200 years.

Neither I, nor any of my colleagues in the House of Representatives would want to stifle anyone's right to freely speak their mind. A constitutional amendment would not restrict anyone from saying anything they want about any issue. I just believe that the ideas flag burners want to communicate can be expressed without burning our beautiful flag.

Let me say to my friends, that country music songwriter Lee Greenwood sings, "I'm proud to be an American, where at least I know I'm free," I deeply share his sentiments. As do the many veterans and other patriotic citizens in my district who have sent hundreds of letters of support demanding this small token of gratitude for what they and their forefathers have fought for. Please honor these brave men and women. Vote "yes" on House Joint Resolution 79.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Del Mar, CA [Mr. CUNNINGHAM]. He is an outstanding Member of this body. He is a veteran of the Armed Forces of the United States of America. He has risked his life for this country and that flag.

Mr. CUNNINGHAM. Mr. Speaker, not process but substance. Let me put a face on substance.

I have a close friend that was in Vietnam. He was a POW for nearly 6 years. It took him nearly 5 years to gather bits of thread to knit an American flag on the inside of his shirt. When they would have a meeting, he would hang that shirt above his comrades. That was fine until the guards broke in and they ripped the shirt and they dragged the POW out. And they beat him for 6 hours. They brought him back unconscious and broken bodied.

When they tried to comfort him and put him on a bale of straw, they did not think he was going to survive. They heard a stirring and that broken-bodied POW had dragged himself to the center of the floor and started knitting another American flag.

What kind of message do we send to our children when an Olympic athlete carries the American flag or what kind of message do we send to our children when we allow someone to burn it? We talk about value systems in this country and erosion of them. All we are trying to do is protect those value systems.

Some of those said that they support the Declaration of Independence and the Constitution, but I would ask them to look at the same values when it comes to the second amendment rights and under the Constitution on the different things that we spend on. But to us, this amendment is not political. I would say, as Mr. SOLOMON has and the last speaker, that we understand that on both sides. But it is very, very important.

Mr. BRYANT of Texas. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 15 minutes remaining, and the gentleman from Texas [Mr. BRYANT] has 7½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, CA [Mr. HUNTER]. As I said before, we are surrounded with Texans and Californians. He is another Californian, also a great American, a veteran of the Armed Forces of this country.

□ 1445

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

Mr. Speaker, let me say to my colleagues on both sides of this debate, we can protect the flag and protect free speech. In fact, for 100 years or so before this case, Texas versus Johnson, in 1989 which struck down flag amendments around the country, I would answer my friend, the gentleman from Texas [Mr. BRYANT] he had a number of State legislatures that in fact passed flag protection amendments. They worked well.

I might add, Mr. Speaker, for those who say this somehow constricts free speech, if we look back at the Vietnam days and the Vietnam war days and all the protests and we ask ourselves the question "Was there the adequate expression of free speech? I would say yes, in all of the marches and screaming and shouting and the sound boxes and the cursing and all of the things that were done to oppose the war. Those were all done at a time when we had flag protection amendments. Therefore, this does not hurt free speech. In fact, Mr. Speaker, I think Justice Rehnquist was exactly right when he said that "burning the American flag is not a statement, it is an inarticulate grunt."

To answer my friends who say this is just a piece of cloth, it is a unique piece of cloth. We have made it so. It is the only symbol that we ask American soldiers and sailors to follow, sometimes to their death. When somebody does die in battle, that folded flag that covered their coffin is given to the widow or to the mother, so we have elevated this flag to a position that is a unique, unifying symbol in this country. It is only appropriate to protect it, and we will only be doing, with this constitutional amendment, what the country has been doing for the last several hundred years, before 1989.

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

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

Mr. BRYANT of Texas. Mr. Speaker, I would just ask, why in the world the gentleman would want 50 different States to be able to define the flag.

Mr. HUNTER. If the gentleman will let me answer, Mr. Speaker, I think it is absolutely appropriate for the State legislators to participate in protecting the flag.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. HUNTER. My answer to the gentleman, Mr. Speaker, is I think this is an effort, this idea of protecting the flag, and patriotism and desire to protect the flag is not limited to this body. I think it is absolutely appropriate for the State legislature in Texas, for example, to participate in protecting the flag. There is nothing wrong with that.

Mr. BRYANT of Texas. Reclaiming my time, Mr. Speaker, it is important to stay on point. The gentleman has made many good points with regard to patriotism, the sacredness of the flag, and all of which I agree with.

The point I have made bringing this motion to recommit is in the haste to get this to the floor, they have allowed 50 different States to decide what the flag is and 50 different States to define desecration. That is a dangerous thing to do. We ought to define what the flag is and we ought to define desecration. The motion to recommit would do that.

Mr. HUNTER. If the gentleman will yield to let me answer his question, Mr. Speaker, my answer to the gentleman is I think it is a healthy exercise for the States to participate in protecting the flag. I think they did a great job of it prior to 1989, when Texas versus Johnson struck down a Texas statute. I have a lot of faith in the legislature in Texas. I think they can do the same thing again.

Mr. BRYANT of Texas. If we have ultimate faith in them, then we do not need a Constitution at all. This says, "The Congress and the States shall have the power to prohibit the burning, trampling, soiling, or rending of the flag of the United States." There is nothing else. That is all Members would want to prohibit.

Let us write one that is like the rest of the Constitution. It is clear what it means, it is narrowly defined, and the definition of the flag would be within the province of the Congress.

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

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York, Mr. BEN GILMAN, a colleague of mine from the State of New York, chairman of the Committee on International Relations, who does a great job for this Congress.

Mr. GILMAN. Mr. Speaker, I am proud to rise in strong support of this resolution prohibiting the physical desecration of the flag of the United States. I commend the gentleman from New York [Mr. SOLOMON], the original sponsor of this legislation, for his dedicated work and determination on this important issue.

As Americans across the country prepare to celebrate our Nation's independence, it is befitting that the House of Representatives is considering this important legislation.

For hundreds of years, courageous men and women have fought for the ideals and beliefs that our great Nation represents. To the many dedicated men and women who have sacrificed for our Nation, our flag is not just a piece of cloth, it is not just the symbol of our Nation, it represents our inherent belief in our freedoms and our ideals.

Based upon these strong beliefs of proud Americans across the country, 49 State legislatures have passed resolutions asking Congress to approve an amendment to the Constitution protecting our flag; 48 States have enacted flag-desecration laws. The American people support such an amendment to the Constitution.

This is not any new issue, yet today, it is more important than ever. Accordingly, I urge my colleagues to join in strong support of this legislation.

Let us properly protect our flag and all of the ideals that it represents.

Let us vote against this motion to recommit.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Appleton, WI, Mr. TOBY ROTH, a great American who came here with me 17 years ago.

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

Mr. Speaker, every morning before we start business we stand here, one of us stands here in the well of the House, and we put our hands over our hearts and say we pledge allegiance to the flag. Now there are some people who would say let that flag, let it burn, let it be desecrated. Nothing is sacred in America anymore.

There are still some things sacred in America. One is the flag. Today we take sides. Put me down with Barbara Fritchie. When the Confederate Army marched through over here in Maryland, marched up to Antietam for the battle, and this 95-year-old woman went to the top floor of her House, opened the window, put the flag out, and as they were marching by she said, as John Greenleaf Whittier, the poet said, "Shoot this old gray head, if you must, but spare your country's flag." Put me down with her.

Put me down with John Bradley from Appleton WI, who, when they asked for volunteers to put up the flag at Mount Suribachi, he said, "I will volunteer." He was one of five. Put me down with him.

There are still some things sacred in America today, and one is our flag. Members do not have to march into battle, they do not have to put a knapsack and rifle over their shoulders. All they have to have is the courage to vote for our flag today. Barbara Fritchie would have given her life, and John Bradley and others did. Members do not have to give their lives today, they just have to give their vote for the flag.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], another great American who is noted for a different constitutional amendment called the balanced budget amendment.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding time to me.

Mr. Speaker, the United States of America has many symbols, but the paramount symbol is the flag of the United States. Because of that, it is worthy of special respect; because of that, it is worthy of special protection; that is why we are here today.

Until 1989, there were numerous States that had flag statutes that protected the burning of the flag, the desecration of the flag. As has been pointed out, the statute in my State of Texas was overturned by the Supreme Court. The amendment before us today specifically gives the Congress and the States the right to pass other statutes so they can protect the American flag. It is important that we allow this amendment to be passed.

The distinguished gentleman from New York [Mr. ACKERMAN], who earlier stood on the floor and pulled out of his surface bag of tricks various paraphernalia, said, "Is this the flag? Is this the flag?" There were no flags that he pulled out of his bag.

That is the flag of the United States of America. That is the flag of the United States of America. The flag that is flying over our Capitol today at half mast, because of the death of former Chief Justice Warren Burger, that is the flag of the United States of America.

The flag that Patton's divisions took into Europe to liberate the death camps at the end of World War II, that is the flag that we want to protect. The flag that was flying over the air base when then Captain, now Congressman, SAM JOHNSON came back from captivity in the Vietnam war, that is the flag that we want to protect. The flag that General Schwarzkopf sent into Kuwait to liberate Kuwait, that is the flag that we want to protect.

What act is so despicable that the only way we can exercise freedom of speech is this country is by burning the American flag or desecrating it? I can think of no act that is that despicable. That is why we need to pass this amendment, give our States and our Congress the right to protect the paramount symbol of the United States of America, the American flag.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just observe that when my friend, the gentleman from Texas [Mr. BARTON] turned and pointed to the flag, addressed the Speaker and said, "That is the flag," Mr. Speaker, that may be the flag today, but if the gentleman's version of this amendment passes, we could have 50 different versions of the flag. I have repeatedly raised this issue and they have repeatedly failed to answer it, because there is really no answer.

The fact of the matter is that today the definition of the flag in the Federal statutes that exist designates a 48-star flag. The 49th and 50th stars were added by executive order. The gentleman's amendment would allow every State to define a flag as it chose and to define desecration as it chose.

Why not take the motion to recommit, which says that this Congress defines the flag, and this Congress is going to be able to prohibit the burning, the trampling, the soiling, or the rending of the flag of the United States?

Is that not what the gentleman wanted? Did the gentleman want more than that? If he wanted more than that, he should tell us what more he wanted. There really is not any more than that. Certainly it would be the height of patriotism, and perhaps it would be unpatriotic not to admit that in the rush of getting this bill to the floor before the July 4 recess, some mistakes were made, some things were not thought of, and a proposal was brought out here that is overly broad and unworkable. The motion to recommit is workable, is not overly broad, and does exactly what the gentleman says he wants to do.

For that reason, I urge Members to vote for the motion to recommit.

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

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Meridian, MS [Mr. MONTGOMERY], a Democrat, a cosponsor of this constitutional amendment and a great American. He has stood up for this country so many times.

Mr. MONTGOMERY. Mr. Speaker, I was in opposition to the recommital motion, and will sponsor and vote for our flag amendment.

However, I have been here all day, just like the gentleman has, I would say to the chairman, the gentleman from New York [Mr. SOLOMON], when you destroy the flag you are really destroying the symbol of this country. This is a real flag. Our veterans marched off to fight for this flag. This is going too far. It is beyond common sense, when you burn the flag. Therefore, we should support the constitutional amendment.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ocala, FL [Mr. STEARNS], a very distinguished Member from an all-American city, the one just named.

Mr. STEARNS. Mr. Speaker, at 10 o'clock this morning on the floor of

this House I had the distinct privilege to lead this body in reciting the pledge of allegiance. If I may, I would like to recite just the opening line again for the benefit of any of my colleagues who weren't here at that time. It states, quite simply: "I pledge allegiance to the flag of the United States of America."

Allegiance, my colleagues. Allegiance to the flag. Now, some of my colleagues here today may think you can burn the flag, spit on the flag, or otherwise desecrate the flag all while still professing allegiance to it. I disagree. Desecrating the flag is the antithesis of allegiance. It is instead the height of contempt—contempt not only for our sacred symbol, but contempt for the nation it proudly represents.

Let us be clear on what this debate is about today. This is certainly a debate about the first amendment. For 213 years of our Nation's history, from the founding until just 6 short years ago, the highest court of the land found nothing wrong with laws that protect the flag from desecration. But in 1989 five Supreme Court justices decided to overturn all legal precedent and declare flag-burning a constitutionally protected form of speech. I have no problem standing up here today and saying emphatically that those five justices were wrong. The Texas versus Johnson decision was yet another case of judicial overreaching by activist judges not content to interpret the law, but feeling the need to re-write it as well.

The other thing this debate is about today is the ability of the majority of the American people to determine the laws under which they will live. The fact is, up to 80 percent of Americans are firmly on record supporting a constitutional amendment that protects the American flag from desecration. Who are we, the members of the people's House, to deny the people what they have asked for? How can we have credibility with the American people if we claim to love and honor the flag, as so many of my colleagues have done here today, yet refuse to take the simple step necessary to protect from desecration?

Do my colleagues need more evidence that passing this amendment expresses the will of the American people? Fully 48 States—48 States—already have anti-flag-desecration laws on the books that would be protected by this amendment. My colleagues, if Congress passes this amendment, we will all be amazed at the speed with which virtually every State votes to ratify it.

Why is that we allow a law on the books that makes it a Federal crime to burn a dollar bill, but recoil from a law protecting the flag? Is the dollar bill a greater symbol of freedom than the American flag? Why do we outlaw vandalism against the mailbox sitting out here on the corner, yet permit acts of unspeakable violence against the banner under which so many of our sons have died for freedom?

Mr. Speaker, the flag of the United States is more than the sum of it parts. It is more than a bolt of cloth arranged into a pattern of stripes and stars, it is the very symbol of liberty itself. From Valley Forge to Vietnam, on every battlefield where American values have been attacked and American lives sacrificed, the flag of the United States has been the shining, indomitable, eternal spirit of American liberty. As Justice Felix Frankfurter has said, "We live by symbols." Symbols may be abstract, but for the patriotic men and women across this land they are certainly more real that contorted arguments of those refuse to give the flag the protection it deserves.

Burning the flag offends me, it offends the vast majority of the American people, and it offends the memory of those who gave their lives to uphold the values the flag represents. I urge all my colleagues to lend their strong support to this amendment today.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply make an observation that with regard to the reference of the gentleman from Florida [Mr. STEARNS] a moment ago to what the public wants, I think, perhaps he and others should take more care with regard to saying that. I do not believe the public wants 50 different legislatures defining the flag or 50 different legislatures defining desecration. What they want is a definition of the flag and a definition of desecration that is prohibited.

Unfortunately, his side did not get it out here today because they were in such a hurry to get it out here before the July 4 recess. They have one out here that is overly broad and will not work. The motion of recommit will work. Let us go along, and do the right thing today.

□ 1500

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

Mr. BRYANT of Texas. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, would the gentleman admit, though, that if we went out to the American public and asked them would they like to protect the flag and would they expect the States to ratify this, the majority of Americans would say yes? In fact, the polls show that 80 percent of the Americans agree.

Mr. BRYANT of Texas. Taking my time back, again you are begging the question. The point is simply this. You say they want to prohibit desecration, sure. They want the Congress to define the flag and the Congress to define desecration and be done with it.

What you have got is a deal where 50 States do it, 50 States define the flag, 50 States define desecration. It is unworkable and unreasonable. It leads to all types of potential problems. Why do it that way? The answer, because you got in a big hurry, you wanted to be able to take this home for the Fourth of July and say you got something out here, but it will not work.

Mr. STEARNS. Will the gentleman allow me one sentence?

Mr. BRYANT of Texas. One sentence.

Mr. STEARNS. Mr. Speaker, we can split hairs and we can talk about this, but we have a unique opportunity to pass this amendment and thereby give the people what they want. Let's see if it will work out.

Mr. BRYANT of Texas. Your sentence is not responsive to my concern. We prohibit here the burning, trampling, soiling and rending of the flag of the United States. That is really all there is. What you have got here will not work, simply put.

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

Mr. SOLOMON. Mr. Speaker, I would like to get into this right now but I will do it when I close.

Mr. Speaker, I yield 1½ minutes to the gentleman from Union City, NJ [Mr. MENENDEZ], another great Member of this body, a Democrat, too, on the other side of the aisle who stood up against Castro and Cuba. I thank the gentleman for his amendment that will be on the floor shortly.

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

Mr. Speaker, I rise in strong support of the proposed constitutional amendment banning the desecration of the flag. The flag of the United States is unique among all the symbols of the unity and freedom of our country, and it is for that reason that I so strongly support its protection.

No other symbol of our Nation is so universally recognized. No other symbol of our Nation is so beloved by its people. No other symbol of our Nation could so thoroughly unite the world's most diverse population.

Our flag's unique status as a symbol of our Nation has long been recognized by the American people, and by this Congress. Many of us have voted in the past to single our flag out for protection because of this uniqueness.

I strongly supported previous efforts to afford such protection by statute precisely because I believed in the flag's uniqueness. The Supreme Court, however, has made it clear that a constitutional amendment, and only a constitutional amendment, can give the flag protection by law. If a constitutional amendment is what it takes, then so be it.

My parents came to this country from Cuba to secure a future of freedom for themselves and for their children. To them, and to me, the flag serves as a tangible reminder of the freedom they lost in their homeland and found in America.

The symbolism goes beyond patriotism—it is a physical symbolism. The American flag, like the country itself, is composed of different colors and material, coming together to make a

whole. The colors clash, but are firmly held together. They are held together for a higher purpose. To tear them apart is to reject the sacrifices of millions of Americans who gave their lives to keep the colors together as one.

My commitment to our flag is a reflection of my country's commitment to its people. Those who stand in support of the protection of our flag must stand for the freedom and equality of all, just as surely as our flag stands as a beacon to which all freedom-loving people of the world are drawn. I urge you to join us.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON], a very distinguished Member of this body.

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

"Shoot, if you must, this old gray head, but touch not your country's flag," she said. That was Barbara Fritchie, as Stonewall Jackson was marching through Frederick on the way to the Battle of Antietam.

What do you think Stonewall Jackson said? He replied, "He who touches yonder flag dies like a dog," he said. And they marched and they marched all day long through Frederick town but no one touched their country's flag.

This resolution enables Congress and the States to enact flag protection without fear of such a law being ruled unconstitutional. It is going to convey the protection that the flag enjoyed for 200 years and which must be restored.

While I believe strongly in the first amendment and its protections, I also believe that there are recognized exceptions to the first amendment. Not every act of expressive conduct is protected. Flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. We will see to it through this amendment that it is not tolerated.

I strongly urge my colleagues to join me in passing this important amendment to our constitution which would give the States and the Federal Government the authority to prohibit desecration of the flag of the United States of America.

Mr. BRYANT of Texas. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Mr. SOLOMON. Mr. Speaker, a number of years ago we had a Republican who ran against Ronald Reagan for President. He is a great American. I did not support him. I supported my other friend, Ronald Reagan.

Mr. Speaker, I yield 30 seconds to him, the gentleman from Wauconda, IL [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I strongly support this amendment. But whether one supports it or does not support it, I think it is important for you to recognize that all this vote is about is giving the people a chance to be heard. A vote against this is a denial to hear the expressed will of the people. Amendments require 75 percent ratification support amongst all the States. Forty-nine of the States endorse the concept.

All you are asked to do on this vote is give the people a chance to be heard. You are not changing the Constitution. You are giving the people a chance to change it if they choose.

Mr. SOLOMON. Mr. Speaker, I intend to close for this side and would ask the gentleman to proceed.

PARLIAMENTARY INQUIRY

Mr. BRYANT of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. OXLEY). The gentleman will state it.

Mr. BRYANT of Texas. Mr. Speaker, my understanding is that the right to close would be mine, unless the bill is being managed on the other side by a member of the Committee on the Judiciary, which it is not. Inasmuch as it is not, I believe that I would have the right to close. I would appreciate clarification.

The SPEAKER pro tempore. Under the rules, since the gentleman from New York [Mr. SOLOMON] is not a member of the Committee on the Judiciary, the gentleman from Texas does have the right to close.

With that, the Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thought a member of the Committee on Rules was ex officio on all committees. I will proceed at any rate.

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

Mr. Speaker, this has been a very, very good debate. For the most part we have stuck to the subject and for the most part I think everyone understands what we are doing here.

I am a little concerned with the arguments of my good friend, the gentleman from Texas [Mr. BRYANT], because he goes against the entire federalist system. He worries about what the States will do. I do not. I believe that this Constitution gave certain powers to the Federal Government but it retained most of the powers to the States. That is the way it should be. I have faith in those States, all 50 of those States.

I believe that once we pass this constitutional amendment, we give it to the States, I think they will ratify it within 2 years and it will become a part of our Constitution. When that happens, I would ask the gentleman to join me and the gentleman from Mississippi [Mr. MONTGOMERY]. We have already agreed to work with the Committee on the Judiciary, with the gentleman from Illinois [Mr. HYDE], with the gentleman from Florida [Mr. CANADY], both of whom have done outstanding work here, in developing and redefining the U.S. flag code, and passing a statute on a Federal level that will serve as the example for the other 50 States. We have to have confidence in our States. That is what built this country.

Having said that, Mr. Speaker, I would hope that we would defeat this motion to recommit. If we do that, we will simply leave the amendment as it is, which says the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States of America. That is what the people here today want. That is what 80 percent of the American people want. Let's let them decide. If we vote "no" on the motion to recommit and "yes" on the amendment, that is what will happen.

The SPEAKER pro tempore. For the purpose of closing debate, the gentleman from Texas [Mr. BRYANT] is recognized for whatever time he has remaining.

Mr. BRYANT of Texas. Mr. Speaker, I have said already that I dearly wish that I could be free from the restraints of conscience today so that I might come up here and give a great patriotic speech, which I am able to give, I think, just as enthusiastically and as sincerely as anyone else has. Everyone who has given one believes what they have said. I have no doubt about that whatsoever.

But I have the duty, and so do you, to write law for this country that is going to last and stand the test of time, and is not going to get people in trouble accidentally. For better or for worse, in what I assume you hoped would be a fine hour for you, you have brought a proposal to the floor that portends serious problems for us, when you could have easily taken a little more time to write one that is simple and works.

We have done one in this motion to recommit, which says you can't burn the flag, trample it, rend it or soil it, and Congress decides what the flag is. What more could you possibly want than that?

You express great confidence in the States. I did not hear that confidence expressed when we were talking about product liability here just 6 or 8 weeks ago. In fact, your confidence in the States is based upon the fact that every State has its own culture and its own ideas. That is right. What if all 50 States write a different law with regard to desecration and all 50 States write a different law with regard to what the flag is?

Are you serving the people that watch this debate or the people back home that do not know about it or the people that have answered these polls saying they want to protect the flag, when you do that? Of course you have not. If you are going to wrap yourself in the flag, then, by golly, take the responsibility that goes along with wrapping yourself in the flag. Pass a provision that works.

This Congress ought to decide what the flag is, not every State legislature. Desecration ought to be burning, soiling, rending, or trampling. What else could it be?

Instead, you have come out here with one that does not work because you were in such a hurry to get it out here before the Fourth of July recess so you could all go home and say, "Look what I did, and look what those other bad guys wouldn't go along with and do also." That is what is at stake here.

This motion to recommit is the right thing to do if you believe in a constitutional amendment. For goodness sakes, do not soil this day in which you have come forward to try to do something very patriotic, by doing something that is going to lead to problems, hurt people and get people in trouble accidentally, and in effect is in my view a dereliction of our duty in this House to legislate for the ages. Vote for the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the joint resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 63, nays 369, not voting 2, as follows:

[Roll No. 430]

YEAS—63

Abercrombie
Ackerman
Bentsen
Bonior
Borski
Brown (CA)
Bryant (TX)
Clay
Coleman
Collins (MI)
Coyne
Doggett
Edwards
Engel
Fields (LA)
Frank (MA)
Frost
Gephardt
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Jackson-Lee
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kildee
LaFalce
Leach
Levin
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McKinney
Meehan
Meek
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Peterson (FL)
Reed
Richardson
Rush
Schroeder
Schumer
Scott
Skaggs
Thornton
Torricelli
Tucker
Vento
Visclosky
Waters
Williams

NAYS—369

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

NOT VOTING—2

Moakley
Reynolds

□ 1532

Messrs. McDERMOTT, FLAKE, ROSE, HOYER, and DELLUMS, Mrs. COLLINS of Illinois, and Messrs. MFUME, FOGLIETTA, and FAZIO of California changed their vote "yea" to "nay."

Messrs. SKAGGS, THORNTON, RICHARDSON, and NEAL of Massachusetts changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OXLEY). The question is on the passage of the joint resolution.

The question was taken.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 120, not voting 3, as follows:

[Roll No. 431]

AYES—312

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner

Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—120

Abercrombie
Ackerman
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Borski
Boucher
Brown (CA)
Bryant (TX)
Cardin
Clay
Clinger
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Gilchrest
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hinchey
Hoekstra
Hoyer
Jackson-Lee
Johnston
Kaptur
Kennedy (RI)
Kleczka
Klink
Kolbe
LaFalce
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Matsui
McDermott
McHale
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Nadler
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Petri
Porter
Poshard
Rangel
Reed
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Tanner
Torres
Torricelli
Velázquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Woolsey
Wyden
Yates

NOT VOTING—3

Horn
Moakley
Reynolds

□ 1540

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before announcing the vote, the Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, unfortunately I missed the last rollcall on the constitutional amendment since I was circulating a letter to the President on behalf of the base closure situation in California.

If present, Mr. Speaker, I would have voted for the Solomon resolution concerning the authority given to pass legislation to deal with the flag and desecration.

PERSONAL EXPLANATION

Mr. MOAKLEY. Mr. Speaker, had I been present, I would have voted in favor of House Joint Resolution 79, the flag amendment.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 79, the constitutional amendment that just passed the House.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 896

Mr. YATES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 896.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289

Mr. CLAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1289.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 170 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1868.

□ 1543

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 27, 1995, amendment No. 17, offered by the gentleman from Texas [Mr. DELAY] had been disposed of, and title V was open for amendment at any point.

Are there amendments to title V?

AMENDMENT OFFERED BY MR. PORTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTER: Page 78, after line 6, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 564. Not more than $21,000,000 of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

□ 1545

PARLIAMENTARY INQUIRIES

Mr. CALLAHAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. CALLAHAN. Has the bill been called up, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. CALLAHAN. The amendment of the gentleman from Illinois [Mr. PORTER] has been read?

The CHAIRMAN. The gentleman's amendment has been designated.

Mr. CALLAHAN. Then, Mr. Chairman, I reserve a point of order at this point.

The CHAIRMAN. Does the gentleman want to proceed with his point of order at this point?

Mr. CALLAHAN. I will just reserve the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama [Mr. CALLAHAN] reserves his point of order, and the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. PORTER. Mr. Chairman, I would like to know the gentleman's point of order. If he has one, what point of order is he making?

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, the amendment adds a limitation to a general appropriation bill. Under the revised clause 2, rule XXI, such amendments are not in order during the reading of a general appropriation bill.

Mr. Chairman, the revised rule states in part:

Except as provided in paragraph (D), no amendment shall be in order during consideration of a general appropriation bill proposing a limitation not specifically contained or authorized in existing law for the period of the limitation.

The gentleman's amendment adds limitation and is not specifically contained or authorized in existing law, and, therefore, is in violation of clause 2(c) of rule XXI, and I will ask for a ruling of the Chair.

The CHAIRMAN (Mr. HANSEN). The Chair rules that the amendment does contain a limitation and, therefore, would have to wait until the end of the bill to be offered.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. VOLKMER. I ask, Would the amendment not be in order if the motion to rise at the end of the bill after all amendments are completed is defeated?

The CHAIRMAN. The Chair is not making that ruling at this particular time.

Mr. VOLKMER. Well, I mean at that time an amendment with a limitation is in order only after the motion to rise is defeated; is that correct?

The CHAIRMAN. That would be correct, except if the motion to rise and report is not offered.

Mr. PORTER. Mr. Chairman, the amendment merely changes the level of funding in the bill by making a cut of $25 million. It has no limitation that I am aware of if we are talking about amendment No. 34.

The CHAIRMAN. The Chair will tell the gentleman from Illinois that it does limit funds in the bill, and the Chair has ruled on the form of the amendment. It would have to wait until the end of the bill.

Mr. CALLAHAN. Mr. Chairman, I might inform the gentleman that it is certainly not our intention to deny him the ability to introduce his amendment or the opportunity to debate it to its fullest extent. It is just being introduced at the wrong time because the rule puts in point of order three amendments prior to his, so we do intend to afford the gentleman from Illinois [Mr. PORTER] every opportunity that he needs to present his amendment, and there will be no indication, coming from me at least, there is no indication that I will deny him the——

Mr. PORTER. If the gentleman would yield, then why not take it up right now?

Mr. CALLAHAN. Because the rule says we are going to take up the three bills that the Committee on Rules approved——

The CHAIRMAN. Are there further amendments to title 5?

Mr. DEUTSCH. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DEUTSCH. Would it be our understanding that this amendment coming into order, that we would have to defeat the motion to rise?

The CHAIRMAN. Unless the motion to rise and report is not made, the gentleman is correct.

Mr. DEUTSCH. So the fact is the Porter amendment would not automatically be made in order at the end of this bill.

The CHAIRMAN. The gentleman is correct.

Mr. CALLAHAN. Except, Mr. Chairman, if I might be recognized, I would just like to inform the gentleman from Illinois [Mr. PORTER] that under no circumstances is this committee going to rise and vote on final passage of this bill until such time as he has had the opportunity to fully debate his amendment regarding Turkey, so it is not our intention to——

Mr. DEUTSCH. Mr. Chairman, if the gentleman would yield, could we make a unanimous-consent request that that would be done at this time? As I understand, the gentleman from Alabama [Mr. CALLAHAN] would be willing to do that, but it would not prevent any other Member to make that motion.

The CHAIRMAN. Has the gentleman made a unanimous-consent request?

Mr. DEUTSCH. Well, I would not if the gentleman would just make clear that we would have the opportunity to debate the amendment.

The CHAIRMAN. The gentleman has the opportunity to make his unanimous-consent request.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that we take up the Porter-Wolf-Smith amendment immediately following the three amendments that the rule makes in order.

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

Mr. CALLAHAN. Mr. Chairman, I reluctantly object. I have given the gentleman my word. I have told him we are going to give him full opportunity for as much time as he likes to debate his amendment. We are not going to do anything to preclude him this opportunity. We are going to do it as the rule permits, and that is the three amendments that were allowed under the rule, we are going to debate them this afternoon, and then immediately following the gentleman from Illinois [Mr. PORTER] can offer his amendment.

The CHAIRMAN. Objection is heard from the gentleman from Alabama [Mr. CALLAHAN].

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.,

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 78, after line 6, insert the following new section:

PROHIBITION OF FUNDING FOR ABORTION

SEC. 564. (a) IN GENERAL.—

(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not and will not during the period for which the funds are made available, directly or through a subcontractor or sub-grantee, perform abortions in any foreign country, except where the life or the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—

(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not and will not during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physician duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, the amendment I am offering today is both pro-life and anticoercion. It is essentially identical to the one that the House adopted to the American Overseas Interests Act, H.R. 1561, last month. The amendment would do nothing more and nothing less than reinstate the "wall of separation" between family planning and abortion, and particularly coercive abortion, which was torn down 2 years ago by the Clinton administration.

The prochild, provoluntarism policy that my amendment would reinstate was the law of the land for a decade. It was repeatedly upheld by the Federal courts against a wide range of both statutory and constitutional challenges brought by the abortion industry. Recent experience suggests that this policy is needed now, more than ever before.

Mr. Chairman, the government of the People's Republic of China, as I think more and more Members are realizing, routinely compels women to abort their, quote, unauthorized children. The usual method is intense persuasion, using all of the economic, social, and psychological tools a totalitarian state has at its disposal. When these methods fail, the women are taken physically to abortion mills, often in handcuffs, and coerced to have abortions. Sometimes this happens very late in the pregnancy: the baby's skull is crushed with forceps, or lethal chemical shots are administered into the soft part of the skull.

Mr. Chairman, forced abortion was properly construed to be a crime against humanity at the Nuremberg war crime tribunals, and again it is being used pervasively throughout the People's Republic of China. Population control organizations, with the United Nations Population Fund at the helm, are promoting population control in China and have had a hand-in-glove relationship with the hardliners in the People's Republic of China.

As a matter of fact, I would remind Members that during the Reagan and Bush years we did not provide funding to those organizations because of that kind of complicity in these heinous crimes against women. It is not just that the child is being killed. It is also that the woman is being exploited in this very cruel manner.

I would ask all of my colleagues to take a look at the report by Amnesty International, released just yesterday. It is under the heading "Human Rights Violations Resulting from Enforced Birth Control." They point out that birth control has been compulsory in China since 1979. Women must have official permission to bear children.

Mr. Chairman, the report in its entirety is as follows:

WOMEN IN CHINA—A PRELIMINARY REPORT FROM AMNESTY INTERNATIONAL, JUNE 1995

HUMAN RIGHTS VIOLATIONS RESULTING FROM ENFORCED BIRTH CONTROL

Birth control has been compulsory in China since 1979. . . . Government demographers set a target for the stabilization of the population by the year 2000. The target currently stands at 1.3 billion, which they claim can only be achieved through "strict measures".

The policy involves the strict control of the age of marriage and the timing and number of children for each couple. Women must have official permission to bear children. Birth control is enforced through quotas allocated to each work or social unit (such as school, factory or village). The quotas fix the number of children that may be born annually in each unit. Local party officials (cadres) have always monitored the system, but since 1991 they have been held directly responsible for its implementation through "target management responsibility contracts". A cadre's performance is now evaluated not just on the region's economic performance but also on its implementation of the birth control policy. Cadres may lose bonuses or face penalties if they fail to keep within quotas.

The policy has become known as the "one-child" policy. In fact, it is more complex than that and is applied differently in various areas. While the authorities issue ideological directives, targets and guidelines, at present the detailed regulations, sanctions and incentives are left almost entirely to the county level administration, who determine them "according to the local situation". In most regions, urban couples may have only one child unless their child is disabled, while rural couples may have a second if the first is a girl. A third child is "prohibited" in most available regulations. Regulations covering migrant women indicate that abortion is mandatory if the woman does not return to her home region. Abortion is also mandated for unmarried women.

The authorities in Beijing initially insisted that ethnic groups with populations of less than 10 million were exempt from the one child policy or even from family planning entirely. It is clear, however, that controls have been applied to these groups for many years, including more stringent sanctions for urban residents and "prohibitions" on a third child. There have also been reports since 1988 of controls extending to enforcement of one-child families, in particular for state employees. Currently, as with the rest of the population, specific regulations and their implementation are decided by "Autonomous Regions and Provinces where the minorities reside".

Couples who have a child "above the quota" are subject to sanctions, including heavy fines. In rural areas, there have been reports of the demolition of the houses of people who failed to pay fines. Peer pressure is also used as work units may be denied bonuses if the child quota is exceeded. State employees may be dismissed or demoted. Psychological intimidation and harassment is also commonly used to "persuade" pregnant woman to have an abortion. Groups of family planning officials may visit them in the middle of the night to this end. In the face of such pressure, women facing unwanted abortions or sterilization are likely to feel they have no option but to comply.

AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International takes no position on the official birth control policy in China, but it is concerned about the human rights violations which result from it, many of which affect women in particular. It is concerned at reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity, such as family planning officials, against women who are detained, restricted or forcibly taken from their homes to have the operation. Amnesty International considers that in these circumstances such actions amount to cruel, inhuman and degrading treatment of detainees or restricted persons by government officials.

The use of forcible measures is indicated in official family planning reports and regulations, and in Chinese press coverage. Amnesty International also has testimony from former family planning officials as well as individuals who were themselves subjected to such cruel, inhuman and degrading treatment.

Details of county level regulations are difficult to obtain. Most available documents are ambiguous and full of euphemisms such as the "combined method" (abortion and sterilization) or "remedial measures" (abortion). Despite this, some insight can be gained into the use of coercion from provincial, as well as county reports. For example, in 1993 family planning officials in Jiangxi Province stated: "Women who should be subjected to contraception and sterilization measures will have to comply". Regulations published in January 1991 for Gonghe county in Qinghai (which has a substantial Tibetan population) state "the birth prevention operation will be carried out before the end of 1991 or in any case within the year 1992 and no excuses or pretexts will be entertained".

In a 1993 interview with Amnesty International, a former family planning official described the threat of violence used to implement the policy:

"Several times I have witnessed how women who were five to seven months pregnant were protected by their neighbors and relatives, some of whom used tools against us. Mostly the police only had to show their weapons to scare them off. Sometimes they had to shoot in the air. In only one case did I see them shoot at hands and feet. Sometimes we had to use handcuffs."

Several family planning officials who worked in Liaoning and Fujian Provinces from the mid-1980's to the mid-1990's are now in exile and have given testimony. They say they detained women who were pregnant

with "out of plan children" in storerooms or offices for as long as they resisted being "persuaded" to have an abortion. This could last several days. One official reported being able to transfer such women to the local detention centre for up to two months if they remained intransigent. Once a woman relented, the official would escort her to the local hospital and wait until the doctor performing the abortion had signed a statement that the abortion had been carried out. Unless the woman was considered too weak, it was normal for her to be sterilized straight after the abortion.

A refugee from Guangdong Province described how he and his wife had suffered under the birth-control policy. The couple had their first child in 1982 and were subsequently denied permission to have another. In 1987 the authorities discovered that his wife was pregnant and forced her to have an abortion. In 1991 she became pregnant again and to conceal it, the couple moved to live with relatives in another village. In September that year local militia and family planning officials from the city of Foshan surrounded the village in the middle of the night and searched all the Houses. They forced all the pregnant women into trucks and drove them to hospital. The refugee's wife gave birth on the journey and a doctor at the hospital reportedly killed the baby with an injection. The other women had forced abortions.

The implementation of the birth-control policy has also resulted in the detention and ill-treatment of relatives of those attempting to avoid abortion or sterilization. Significantly, the Supreme People's Court felt the need to specifically outlaw the taking of hostages by government officials in a directive in 1990. However, the practice continues, as shown by a series of reports since late 1992 from Hebei Province.

Journalists from Hong Kong visited Zhao county, Hebei province, in November 1992 while a birth-control campaign was in progress. They saw villagers detained outside the county government offices in freezing temperatures who were under arrest for nonpayment of fines for illegal birth. Villagers reported that those who could not pay the heavy annual fine had their property confiscated or that their relatives were held hostage until the money was paid.

In January 1994 an official Chinese newspaper published a letter from Xiping county, Hebei Province, complaining that the reputation of the People's Emergency Militia (minbing ying ji fendui) was being ruined because cadres were misusing them to enforce unpopular family planning policies.

In April 1994 the annual review of family planning work in Hebei Province mentioned the use of "law enforcement contingents" and admitted that some cadres believed that any method was acceptable in pursuit of the family planning policy. Such cadres had "resorted to oversimplified and rigid measures and even violated laws . . . thus affecting the party-populace and cadre-populace relations". It is not clear what, if any, action was taken against these abuses, and violations have persisted in the province since then.

For example, villagers in Fengjiazhuang and Longtiangou in Lingzhou country, Hebei Province, alleged they were targeted in a birth-control campaign initiated in early 1994 under the slogan "better to have more graves than more than one child". Ninety per cent of residents in the villages are Catholic and many have been fined in the past for having more children than permitted because they reject on religious grounds abortion and sterilization.

An unmarried woman was one of those targeted. One of her brothers had fled the village with his wife fearing sterilization as they had four children. The sister had adopted one of their children and was detained several times, including once in early November 1994 when she was held for seven days in an attempt to force her brother and his wife to return and pay more fines. She was taken to the county government office and locked in a basement room with 12 to 13 other women and men. She was blindfolded, stripped naked, with her hands tied behind her back, and beaten with an electric baton. Several of those detained with her were suspended and beaten, and some were detained for several weeks.

A report by the Union of Catholic Asian News stated that other villages had been targeted in a similar way. Despite complaints to the county and provincial government and to the people's procurator, the family planning teams ignored the procurator's order to stop their actions, blaming the Catholics for "causing problems".

The taking and ill-treating of hostages by family planning officials was also reported in Fujian Province, in 1994. An elderly woman who lived near Quanzhou city was detained for three months when her daughter-in-law fled from family planning officials; they had found out she was pregnant with her second child one year earlier than local regulations on both spacing allowed. The elderly woman was reportedly kept in a cell with little ventilation or light, with 70 other people, and was only released when she became ill.

Despite assurances from the State Family Planning Commission that "coercion is not permitted", Amnesty International has been unable to find any instance of sanctions taken against officials who perpetrated such violations. This is in stark contrast to the treatment of those who assist women to circumvent the policies, or who shelter women from the threat of forced abortion and sterilization.

In December 1993 a district court in Guangzhou reportedly sentenced a man to 10 years' imprisonment and three years' deprivation of political rights for his part in a "save the babies and save the women group", which had assisted 20 women to give birth in excess of the plan. The court reportedly claimed that by his actions he had entered into rivalry with the party and state, and had therefore committed counter-revolutionary crimes as well as jeopardizing social order.

The same month Yu Jian'an, the deputy director of the No. 2 People's Hospital in Anyanbg, Henan Province, was sentenced to death for collecting bribes of 190,000 yuan for issuing bogus sterilization papers. The hospital affairs director, Sun Chansheng, was sentenced to death with a two-year reprieve, and four others were given sentences of five years' to life imprisonment in connection with the offense.

In the light of the information available about serious human rights violations resulting from the enforcement of the birth control policy and the lack of explicit and unequivocal prohibition in published regulations of coercive methods which result in such violations, Amnesty International calls on the Chinese Government to include such provisions in relevant regulations. It also calls on the authorities to take effective measures to ensure that officials who perpetrate, encourage or condone such human rights violations during birth control enforcement are brought to justice.

Let me just remind Members we are talking about a country where children are declared illegal simply because they do not fit into a certain quota that has been articulated and promulgated by the government. Couples who have a child above the quota are subject to sanctions, Amnesty International writes, including heavy fines. They talk about psychological and physical pressure. They talk about degrading treatment, the use of handcuffs, detentions. They also get into the fact that not only are they just focusing on the women and their husbands, they also go after other relatives who try to shield and protect some kind of safe haven for their sisters or daughters who are the object of a forced abortion, and throw them into jail as well.

This report from Amnesty International, which takes no position on the right-to-life issue, the defense of the unborn, is another nail in the coffin of the PRC's heinous practice of forced abortion and forced sterilization.

As my colleagues know, they also point out there is a movement under way in some of the provinces where they say—and this is a slogan used by the government—"Better to have more graves than one more child." Children are treated very cruelly in China, not by their parents, but by the government, and they are the subject of forced abortion.

Let me also remind Members, too, there is a growing disproportionate number of baby boys vis-a-vis baby girls and young people because of this. When you've only allowed one child, what happens is that many of the families, when they are told that they can only have one, have a sonogram. If a baby girl is detected, that baby girl is killed, and now there are tens of millions of missing girls in the People's Republic of China.

Where are the feminists on this? Why are they not speaking out against this cruel practice of targeting baby girls for extinction in the People's Republic of China? They have been abysmally silent in this regard.

Let me also point out, there were some people that were recently, as the Amnesty report points out, thrown into prison for, quote, initiating a save-the-babies and save-the-women's group. The man got 10 years in prison because he tried to defend some of the women in China against this terrible practice. Please read this.

The United Nations Population Fund meanwhile applauds the Chinese programs against all of this evidence, and let me remind Members that it is indeed overwhelming evidence.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 3 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, just let me remind Members that Dr. Sadik and UNFPA has spent over $150 million. They have people and personnel on the ground. As part of this terrible program they have said, and I quote, "China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth over the past 10 years. Now the country could offer its experiences and special experts to help other countries."

Just what we need, a world of one child per couple where forced abortion and forced sterilization is the rule rather than the exception.

Mr. Chairman, let me also point out that the amendment contains a provision that would essentially reinstate what was known as the Mexico City policy, and that, too, was rescinded by President Clinton in 1993. This policy, and the amendment, would prevent foreign aid from going to nongovernmental organizations unless the organizations certify that it does not and will not during the term for which funds are made available perform abortions as a method of family planning or undermine the laws of other countries with respect to abortion. It clarifies that this does not apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to governments. Moreover, the amendment contains a limited exception for attempting to establish universally recognized standards such as opposing forced abortion.

Mr. Chairman, this policy worked for almost a decade, it worked well for the American taxpayer, for unborn children, and for responsible family planning organizations. Most recipients of U.S. aid during the two previous administrations accepted the policy and said, "We will, indeed drive that wall between abortion and family planning and just do family planning and not take the lives of innocent, unborn children by way of abortion."

□ 1600

Mr. Chairman, I hope Members will accept this amendment. They did so just about a month ago. I hope when Mrs. MEYERS offers the amendment on behalf of the abortion rights people, that that will be defeated by this body. I suspect we will get to that momentarily.

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

Mr. Chairman, I rise in support of the Smith amendment. Recently, a woman in my district called my office to let me know that her 12-year-old daughter was in her room crying. My young constituent was upset because she had recently learned about 13 Chinese women being held in Bakersfield, CA, who had fled the brutal birth quota system imposed by the totalitarian government in the People's Republic of China. My young constituent was shocked to learn that these women were in danger of being sent back to China by the Clinton administration where they would face possible arrest and forced sterilization.

This is a very distressing situation and it is even more distressing when we take into account that our tax dollars are being used by the United Nations Population Fund for so-called family planning activities in China.

The Smith amendment will ensure that none of the moneys will be available to the United Nations Population Fund unless the President certifies that the UNPF has terminated all activities in China or, during the 12 months preceding, there have been no abortions as the result of coercion by government agencies.

The Smith amendment would also ensure that none of the moneys sent to the UNPF may be used to fund any private, nongovernmental, or multilateral organization that directly or through a subcontractor performs abortions in any foreign country, except to save the life of the mother or in cases of rape and incest.

Now some may claim that this is a gag rule on family planning assistance. However, this is not the case, abortion is not considered a family planning method and should not be promoted as one, especially by the United States. Recently, the State Department decided that the promotion of abortion should be a priority in advancing U.S. population-control efforts. This is unacceptable to the millions of Americans who do not view abortion as a legitimate method of family planning and do not support Federal funding of abortion except to save the life of the mother or in cases of rape and incest.

We also need to reinstate what was known as the Mexico City policy which prohibits funds to organizations unless they certify that they do not perform abortions in any foreign country except in the cases cited above. Most recipients of U.S. population assistance readily agreed to these terms from 1984 to 1993 and we are not reducing the funding level for real international population assistance.

In a time when 69 percent of the American public opposes Federal funding for abortion we desperately need to clarify congressional intent so that it cannot be disregarded by those who seek to fund abortion on demand throughout the world. I urge my colleagues to support the Smith amendment as written. Vote "no" on the Meyers amendment, which will strike two of the three subsections of the Smith amendment.

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

Mr. Chairman, I rise in strong opposition to the Smith amendment and in support of the Meyers amendment. Mr. SMITH's amendment is an extreme piece of legislation that aims to end family planning aid overseas.

Mr. SMITH claims that his amendment simply cuts abortion funding. What Mr. SMITH has not told you is that abortion funding overseas has been prohibited since 1973. His amendment would cut abortion funding from its current level of zero to zero.

Therefore, Mr. SMITH's amendment must be after something more. That something is family planning.

One of the most important forms of aid that we provide to other countries is family planning assistance. No one can deny that the needs for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile.

The world's population is growing at an unprecedented rate. In 40 years our planet's population will more than double. As a responsible world leader, the United States must do more to deter the environmental, political, and health consequences of this explosive growth.

And let us not forget what family planning assistance means to women around the world. Complications of pregnancy, childbirth, and unsafe abortion are the leading killers of women of reproductive age throughout the Third World. One million women die each year as a result of reproductive health problems.

Each year, 250,000 women die from unsafe abortions.

Only 20 to 35 percent of women in Africa and Asia receive prenatal care.

Five hundred million married women want contraceptives but cannot obtain them.

Most of these disabilities and deaths could be prevented.

The Smith amendment is extreme in that it would defund family planning organizations that perform legal abortions—even if the abortion services are funded with non-U.S. money.

It would also impose a gag rule on U.S. based organizations and indigenous nongovernmental organizations that provide U.S. family planning aid overseas. The gag rule is written so broadly that it would prohibit the publishing even of factual information about maternal morbidity and mortality related to unsafe abortion.

Finally, the Smith amendment cuts funds to the UNFPA, an organization that provides family planning and population assistance in over 140 countries. The pretext for the Smith amendment is that the UNFPA operates in China, and therefore the funding must be cut. However, the law currently states that no United States funds can be used in UNFPA's China program. Mr. SMITH is clearly using the deplorable situation in China as an excuse to eliminate funding for this highly successful and important family

planning organization. The UNFPA is in no way linked to reported family planning abuses in China, and should not be held hostage to Mr. SMITH's anti-abortion rhetoric.

I urge my colleagues to oppose the Smith amendment. It is an extreme piece of legislation that, no matter how Mr. SMITH tries to disguise it, is ultimately intended to end U.S. family planning assistance overseas. A vote for the Smith amendment is a vote against sensible, cost-effective family planning programs.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The Clerk read as follows:

Amendment offered by Mrs. MEYERS of Kansas to the amendment offered by Mr. SMITH of New Jersey: In the new section proposed to be inserted in the bill by the amendment—

(1) strike subsection (a) and (b); and

(2) in subsection (c), strike the subsection designation and caption.

Mrs. MEYERS of Kansas. Mr. Chairman, there are three parts to the amendment of the gentleman from New Jersey [Mr. SMITH]. My amendment would not change the gentleman's provision about UNFPA in China. So if you do not want to give family planning money to China, you can safely vote for my amendment. Neither Mr. SMITH nor I would give money to UNFPA unless they totally cease activities in China.

However, the remaining two parts to Mr. SMITH's amendment are terrible in their impact on the poorest of the poor women of the world. The Smith amendment says that no matter how sick or malnourished these women are, no matter that they are carrying a seriously malformed fetus, they cannot have a health service in their poor women's clinic that others could have if they could afford to pay their doctor.

It is not as if these women have any place else to go. In many cases, they could not afford to go to a hospital or another doctor, and in many cases, there is no hospital and there is no other doctor. The door the gentleman from New Jersey [Mr. SMITH] would slam shut in the face of poor, sick women is the only door there is.

There are NGO's and there are health care professionals that will work under these circumstances. But think how hard it is for these health care professionals when they must sentence a woman to life-long health problems, or force a woman to carry a child for months that they know would probably live only a few hours. And they have to do this in order to receive American support.

But those NGO's that are most efficient and that are located in most countries simply cannot and do not operate this way. And that is why the Smith amendment is not an anti-abortion amendment, but an anti-family planning amendment.

I would ask my colleagues to focus on the fact that not one cent of American foreign aid money has been used to pay for an abortion since 1973. Not one cent of foreign aid money has been used to pay for an abortion. But the Smith amendment is not satisfied with that, and the gentleman's amendment says you cannot provide an abortion for the sickest woman, even if it is paid for with private money.

It is a harsh amendment, denying health services and limiting family planning services to those who need our help the most, those in Bangladesh and Cameroon, where the average number of children for a woman of child bearing age is five, five children; in Malawi, where the average number of children for a woman of child bearing age is seven; in Rwanda, where the average number of children is eight. This is a cruel and a harsh amendment.

The other portion of the Smith amendment is a gag rule, and it would go far beyond what any supporter of free speech and the Democratic process could support. It would prohibit a group of Filipino women in the Philippines who suggest to their senator that abortion should be allowed in cases of rape or incest from helping us provide family planning. We could not give them money.

It could prohibit a group of Indian women who urge the Indian Health Ministry to make legal abortions safer by requiring that they be done in licensed clinics or hospitals. They could not receive American family planning assistance. It could prohibit a Kenyan organization that tries to promote family planning by pointing out the risk of unsafe abortions from getting any family planning assistance from America on the grounds that opposing unsafe abortion could be construed as advocating change in Government policies.

Mr. Chairman, I am leaving out the portion regarding China, because I know many Members feel divided on this issue. But the other two portions of this amendment are so onerous that I beg my colleagues to support my amendment to change the Smith amendment.

I also must comment, Mr. Chairman, that if my amendment does not pass, I am going to be forced to oppose this bill. I do not want to. I have supported foreign aid every single time since I have been here, but I cannot do it in the face of these two terrible affronts to the women of the world.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number or words.

Mr. Chairman, before I do so and speak as to the amendments, this is an issue that we have just previously discussed when we had the authorization bill. We have discussed it in this Congress many times. I do not believe that it would be fair to the House if we took an elongated time to rehash what has already been said many times.

Therefore, I am going to ask unanimous consent that all debate on this amendment, the Smith amendment and the Meyers amendment to the Smith amendment, end in 1 hour.

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

Mr. WILSON. Mr. Chairman, I reluctantly object.

The CHAIRMAN. Objection is heard.

Mr. VOLKMER. Mr. Chairman, I would like to inquire of the gentleman from Texas [Mr. WILSON], is there a reason why he wants to prolong the debate?

Mr. WILSON. Mr. Chairman, there are many Members on our side that want to speak. I would advise the gentleman also that the ranking member of the full committee is at the White House at a meeting, and he has specifically requested that we provide time for him to speak.

□ 1615

Mr. VOLKMER. Mr. Chairman, I will just briefly say that if you are in favor of supporting abortions in foreign lands, basically with taxpayer money, then you should vote for the Meyers amendment. I am not. I am going to vote against the Meyers amendment.

If you are not in favor of using taxpayers' money in foreign lands for abortions, then support the Smith amendment, which I plan to do. I am not going to take a lot of time of the House. I think I have previously done that as to my position and why. But I would say that I feel very strongly on the issue. I do believe that the House, I hope, will vote in favor of life and not abortion.

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

Mr. Chairman, I rise in strong support of the Smith amendment. My friend from New Jersey is offering essentially the same amendment which was adopted in this House on May 24, during consideration of the American Overseas Interests Act. It is a much-needed amendment. I hope this House will continue to support it.

As my colleagues know, the music had barely stopped playing at the inaugural ball when President Clinton kicked off his international abortion campaign. Literally hours after assuming office, the new President sought to overturn long-standing pro-life policies espoused by both the Reagan and the Bush administrations. The Smith amendment seeks to bring that 2½-year campaign to a halt.

It makes it less likely that United States tax dollars will pay for coerced abortions in China and in other countries. Voluntary abortion is bad enough, but forcing a woman to have an abortion is an absolute crime

against humanity. It is an abomination.

Mr. Chairman, the Smith amendment will restore some of the well-reasoned pro-life policies that the U.S. Government insisted on before President Clinton was sworn into office. I urge my colleagues to resoundingly support the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I would just like to bring to the attention of the Members that one of the provisions that my good friend from Kansas strikes reads as follows: Funds would not be provided to any private, nongovernmental, multilateral organization until that organization certifies that it does not and will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited.

I am astounded that my good friend would offer an amendment that tries to protect U.S. taxpayers from providing funds to an organization that would willfully and knowingly violate laws in a sovereign nation vis-a-vis its abortion policy.

There was a working group, a report on the working group that was put out by the IPPF federation, based in London, that had language that went like this in one of their recommendations: Family planning associations and other nongovernmental organizations should not use the absence of law or the existence of an unfavorable law as an excuse for inaction. Action outside of the law, and even in violation of the law, is part of that, is the process for stimulating change.

In other words, IPPF has admonished its affiliates to break the law. The Smith language that would be gutted by the gentlewoman from Kansas [Mrs. MEYERS] said that if we give money to those organizations that violate the sovereign laws of nations, let me also remind Members, 95 to 100 countries around the world, including the overwhelming majority in our hemisphere, protect the lives of their unborn children from the violence of abortion. All of Central America, virtually, South America have laws or constitutional amendments on the books that protect their unborn children.

IPPF says violate those laws. It is right here in black and white as a recommendation from the IPPF based out of London. Mrs. MEYERS would cut that.

I would like to ask the distinguished gentlewoman, why does she want to cut language that says, let us not violate the law of other nations?

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, as I said, no abortions have been performed with American money since 1973, and NGO's follow the laws of the country that they are in. We have not had problems with people breaking laws of the country that they are in. If the country allows abortions, NGO's, some of them will, in order to get American money, will not provide abortions. Some simply cannot operate that way. So they cannot receive our money so they cannot do as effective a job with family planning, which certainly leads to more abortions.

Mr. CHABOT. Mr. Chairman, reclaiming my time, I yield to the gentleman from New Jersey, [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, that was not an answer. IPPF has said to its own affiliates, action outside of the law and even in violation is part of the process of stimulating change. They are telling their people to violate the law. Again, my amendment simply says, we do not want to contribute to an organization that gets involved in that kind of law breaking.

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

Mr. Chairman, I rise in opposition to the Smith amendment and in support of the Meyers amendment. I think that it is very important on all issues that we debate in this House that we have some truth in advertising. This issue that the gentleman from New Jersey [Mr. SMITH] has raised zeros and zero. Since 1973, the taxpayers of this Nation have not funded abortions overseas. Let me repeat that. Since 1973, the U.S. taxpayer has not funded abortions overseas. We are not going to start doing that now.

What Mr. SMITH is proposing is to go after family planning. Any thinking person in this country and around the world recognizes that one of the great environmental issues that faces not only this Nation but around the globe is the issue of overpopulation. If, in fact, if, in fact, we want abortions reduced, then we should recognize that around the world, especially the greatest and the most powerful nation on the face of this earth should give leadership on the issue of family planning.

When family planning takes place, then that begins to resolve so many of the problems that we extend our hand in aid for.

So every Member of this House, regardless of where they are on the issue of abortion or choice, should understand that it is not a debate about public dollars going to fund abortions overseas. That is not what this issue is about.

Mr. SMITH seeks to knock out family planning. And people in this country overwhelmingly understand and appreciate what the issue of family planning can bring about.

So I rise in support of the Meyers amendment. I think it is important. I think that it is straightforward. I think it speaks to the direction that we need to move. I applaud the leadership that she had given on it. I think that every Member of the House should again understand that Mr. SMITH is not going after stopping any U.S. tax dollar for abortions. For my entire 5 minutes I should have repeated one sentence and one sentence only. He is going after family planning. No tax dollar was used since 1973 for abortions overseas.

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

Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I do not know how the gentleman from New Jersey [Mr. SMITH] can make it any clearer. These are not difficult ideas. Abortion is not a proper part of family planning. Family planning has to do with getting pregnant or not getting pregnant. But once you are pregnant, it is a different situation. Then if you want to move into abortion, you are killing a life once it has begun.

Now, the gentleman from New Jersey [Mr. SMITH], nor myself, nor Members speaking on this side of the issue, are not against family planning. We are against dollars going to organizations that promote abortion, that counsel abortion, but we are the biggest supplier of family planning around the globe. We have been, and we still will be. But we want to help organizations that do not counsel nor perform abortions, whether it is with the money we give directly or whether it is with fungible funds.

We are for family planning, properly understood, which does not include killing an unborn child once it has begun. That ought not to be too complicated. I congratulate the gentleman from New Jersey [Mr. SMITH]. I hope his amendment prevails, and I thank the gentleman for yielding to me.

Mr. MANZULLO. Mr. Chairman, the bill provides $25 million to the UNFPA, but we should not send one penny to an organization that not only condones, but praises China's brutal family planning program. In 1991, the executive director of the UNFPA, Dr. Nafis Sadik, referring to China's population control policies, said that she "was deeply impressed by (China's) efficiency." She wanted to, and I quote, "employ some of these (Chinese) experts to work in other countries and popularize China's experiences in population growth control and family planning."

With that attitude, I do not think the United States should provide any aid to the UNFPA until it quits China policy. The American people do not want to subsidize an organization which not only collaborates with forced abortions and sterilizations, but heartily condones such policies.

Nor do the American people want their tax dollars spent in support of organizations that perform abortions in other countries or engage in activities to alter existing laws on abortion in these countries.

I commend the language adopted in the recently passed authorization bill that restores the restrictions on abortion funding. Now, I urge the support of my colleagues for the Smith amendment to restore consistency between what we say and what we do. The Smith amendment will send a clear message to the UNFPA and other organizations: The United States will not condone coercive family planning policies. This is not an issue of pro-life or pro-choice—it's an issue of whether American taxpayer dollars should be used for forced abortions. I urge my colleagues to vote for the Smith amendment and against the Myers amendment.

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

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

Mr. WILSON. Mr. Chairman, it is my understanding, and I would like to ask the gentleman if it is his understanding, and also the gentleman might want to ask the gentlewoman from Kansas [Mrs. MEYERS]. It is my understanding that the Meyers amendment to the Smith amendment is identical in its language as far as China is concerned, that in regard to China there is no issue. The gentleman addressed the China issue, but we are talking about the Meyers amendment, which, as I understand it, is identical to the Smith amendment as far as China is concerned.

Mr. MANZULLO. Mr. Chairman, it goes to the overall funding of the UNFPA.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, we are actually debating the underlying amendment and the Meyers amendment. The gentlewoman from Kansas [Mrs. MEYERS] would cut two-thirds of the amendment out of the underlying amendment.

Mr. WILSON. Mr. Chairman, if the gentleman will continue to yield, as far as China is concerned, it is the same.

Mr. SMITH of New Jersey. It leaves that alone, but it goes after the Mexico City policy and the lobbying policy.

Mr. WILSON. But China is not an issue.

Mr. SMITH of New Jersey. For some Members there will be no time after the vote on the Meyers amendment where my underlying amendment will be debated. So all the debate has to be now, while both amendments are pending.

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. The reason that I did not address UNFPA and China is because I recognized that a number of Members are truly divided on that issue and so I left the Smith provision just as it is. If they vote for my amendment, the Smith provision will remain.

□ 1630

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

Mr. Chairman, I rise in strong opposition to the Smith amendment to H.R. 1868 and to support the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS] to the amendment offered by the gentleman from New Jersey.

Mr. Chairman, I believe it is important that my colleagues truly understand that the goal of the Smith amendment is not to prohibit U.S. funds from being spent on abortion activities. Current law already prohibits U.S. funds from being spent on abortion activities, and this has been the case for over 20 years. The true aim, Mr. Chairman, of the Smith amendment is to totally eliminate family planning aid overseas.

Mr. Chairman, this is an extreme amendment. It is extreme because it would take U.S. funds away from organizations that perform legal abortions or participate in any other abortion-related activities, using their own funds, not using Federal funds, using their own funds.

The implication of this staggering U.S. aid amendments, Mr. Chairman, would be doing away with U.S. aid to organizations for pre- and postnatal care, as well as for programs to reduce unwanted pregnancy, combat childhood diseases, prevent the spread of HIV and AIDS. All of this would be cut off completely if the organizations provide legal abortion-related services, paid for with their own funds, not paid for with Federal funds.

How can proponents of this amendment claim that they are interested in the welfare of children and women when this amendment will harm critical programs that prevent unwanted pregnancy and improve the health of needy children around the world? If anything, this amendment will result in more unwanted pregnancies and sick children, not less.

Mr. Chairman, the American people do not want the U.S. Congress to support extreme amendments which endanger the health of the world's children increase unwanted pregnancies, and force women to resort to unsafe abortions. Therefore, Mr. Chairman, I urge my colleagues to vote against this extreme and dangerous amendment, an amendment that would eliminate family planning aid overseas, and vote in support of the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

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

Mr. Chairman, I rise in strong support of the Meyers amendment and against the Smith amendment. Discussion has occurred a little earlier about the fact that this bill would not ban the UNFPA money, and as has been explained and I will reiterate, it does retain the ban on the UNFPA, so it is unlike the defense authorization that has been stated earlier.

The amendment that is offered by the gentlewoman from Kansas [Mrs. MEYERS] does not affect the restrictions the gentlewoman from New Jersey has proposed for the U.N. population fund. I also want my colleagues to be aware that these amendments have nothing to do with abortion funding.

Under the Helms amendment, U.S. law already forbids the use of U.S. funds to perform abortions or to lobby on abortion policy. This has been mentioned earlier. It does need to be reiterated, so we understand what we are discussing and voting on today. The effect of the amendment is to gut U.S. family planning programs. The result will be more abortions, not fewer.

The Smith amendment would deny funds to women's health groups which use their own funds to perform abortions or lobby their governments on abortion policy, but the effect would be to kill family planning programs. As a matter of fact, none of those groups violate the laws of the foreign countries. That has been authenticated. For example, in terms of the effect of killing family planning programs, a university providing contraceptive training to hospitals in the former Soviet Union to counter the high rate of abortion would be ineligible for funding because the hospital provides legal abortions funded from other sources. An Indian women's health clinic lobbying that nation's health ministry with its own funds to provide safer conditions for legal abortion would be funded.

A recent Los Angeles Times article demonstrated how family planning clinics in the Ukraine reduced the number of abortions, reduced the number of abortions. Ukrainian women average two abortions for every live birth. The average woman will have four of five abortions during her lifetime. Some will have as many as 10 or more. By making available safe and reliable family planning information and contraceptives, a Kiev clinic reports that only 25 of pregnant women coming to the clinic had abortions, a high number, of course, but the average for the rest of the country was 60 percent. Sixty percent. This is but one example.

However, there are a number of similar clinics around the world which we

are helping to fund, and by giving women the opportunity to regulate their own fertility, we have reduced the number of abortions, while empowering women to manage and space their pregnancies as best suits their needs and the needs of their families. It helps them also to educate their family.

The gentleman from New Jersey [Mr. SMITH] will say that family planning money will still be available, and that is true, but the effect of his amendment will be that the money will be channeled through foreign government health ministries, with all of the problems of corruption, mismanagement, and bureaucracy which they entail. This approach would also run counter to the philosophy of this Congress, which has been seeking to reduce the intrusion of government into people's lives and families' lives.

The Smith amendment, an international gag rule indeed, endangers women's health and will deny women and couples access to family planning information, and will increase, not decrease, abortions. Mr. Chairman, I urge Members to join me in support of the Meyers amendment and against the Smith amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this entire discussion of the Meyers amendment is a good one in that it explains to the Congress what family planning is all about. The Meyers amendment I strongly support. I strongly oppose the Smith amendment. Let me tell the Members why, Mr. Chairman.

The Meyers amendment ends U.S. funding for the U.N. Family Planning Agency unless it ends its activities in China or the President certifies there have been no coerced abortions in China in the preceding 12 months. The amendment language on the UNFPA in China is identical to the language in the Smith amendment.

The Congress should be aware of the fact that U.S. law for over 20 years has prohibited U.S. funding for abortions overseas. The Meyers amendment would in no way affect this ironclad policy.

The Smith amendment goes beyond current law and imposes restrictions on this kind of organization, on the kind of organization that can receive U.S. funds for family planning. What that essentially says, Mr. Chairman, is that the gentleman from New Jersey [Mr. SMITH] my dear colleague, he went to Washington and now he wants to go out of the country with the imposition of this rule.

It says that the United States cannot provide any money to any organization that performs legal abortions, even if the organization does not use U.S. funds. The Meyers amendment strikes these restrictions, which go beyond current law.

Let us look at the practical effect of the Smith amendment. The reality is that a lack of adequate access to family planning tragically often leads to abortion. I came up through a day where women went into back rooms and into corners and into alleys and performed illegal abortions. It was a travesty on the health of these women. The Smith amendment would cut off some of the most effective family planning organizations, because they provide legal abortions with their own funds. It would cut off clinics and hospitals that provide family planning if they also provide safe and legal abortions.

Mr. Chairman, this whole approach is shortsighted and counterproductive, particularly in Third World countries and in the poor areas of the world, with only limited medical services of any kind. The law of unintended consequences is alive and well in the Smith amendment. It is unintended, Mr. Chairman, but yet it is there. Therefore, I strongly support the Meyers amendment, and I strongly oppose the Smith amendment, and I am asking of the Congress to please vote against the Smith amendment and for the Meyers amendment.

Mrs. SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in strong support of the Smith amendment and against the Meyers amendment. I think that one important thing to look at is that this bill does not cut international family planning, this amendment, by one red cent. I merely goes back to the 1980's, when we had the Mexico City policy. Under that policy, and I want to take a look, because we hear all family planning is going to go away, and I am a strong advocate for family planning. We hear it will all go away.

However, during the 1980's, every budget cycle under the Mexico City plan, every year family planning went up, every year under the Mexico City plan. That did not gut it, and all the gentleman from New Jersey [Mr. SMITH] is saying is let us go back to the Mexico City plan.

I listened, and Members would think that both sides of the aisle, all the people speaking, agree that abortion should not be performed with Federal American folks' money in other countries. however, we support family planning. The Mexico City policy, for Members that maybe do not remember, went into effect in 1984 under a plan of action which was adopted by the International Conference on Population that was held in Mexico City. They basically said that in no case should abortion be promoted as a method of family planning. All this does is say that again.

President Clinton took those words out, and made our dollars available for abortion funding. We hear about radical discussions and things being radical and gutting. Let us come back to what is really happening. The American people, and I will tell the Members, in the early 1970's, I supported abortion. I supported Roe versus Wade, because I believed abortion should be rare, and in the case of the mother's life, should be allowed. I was promised it would never be, never be for family planning, never be for convenience, and never replace personal responsibility.

Today, Mr. Chairman, it is now family planning. If Members agree with me that it should not be, no matter where Members are on abortion, should not be family planning, then vote for the amendment offered by the gentleman from New Jersey [Mr. SMITH]. The amendment just says we all agree in different places on the abortion issue and disagree in other places, but we do not want our money especially sent to foreign countries to pay for abortion.

Let us return to the Mexico City policy, reject, reject the Meyers amendment from a very nice lady who I just do not agree with, and support the final amendment, the amendment offered by the gentleman from New Jersey [Mr. SMITH].

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

Mr. Chairman, let me begin by saying how much I admire the integrity and advocacy that the gentleman from New Jersey [Mr. SMITH] brings to all issues, and particularly to matters of human rights. My disagreement with him on his amendment in this case is simply as a matter of policy. I admire him greatly for his strength of character and conviction in matters that he feels very deeply about.

However, Mr. Chairman, this is an appropriations bill. It is designed to determine funding levels for the upcoming fiscal year for various programs authorized elsewhere by the Committee on International Relations, the Committee on Banking and Financial Services, and others. It is not an authorizing bill, and authorizing language should not be part of it.

Mr. Chairman, unfortunately while the Committee on Rules produced an open rule for this bill, it also specifically carved out protection for this amendment, which is clearly out of order without this extraordinary protection. Everyone in this Chamber has an interest in preserving the integrity of the system, and for procedural reasons, we should oppose the Smith amendment.

Moreover, I oppose the Smith amendment on policy grounds. The United States is presently the largest international family planning donor, providing more than $600 million last year alone. U.S. voluntary family planning funds are being used to provide millions of couples access to safe, effective contraceptive services worldwide.

The U.S. programs have worked. In Kenya, where the United States has had a very large program, there was a 20-percent reduction in family size in just 4 years. In Bangladesh, the contraceptive prevalence rate went from 5 percent in 1975 to 40 percent in 1993, and there was a decline in fertility from 6.7 births per woman to 4.9 during that time. In Egypt, the average number of children per family has declined from 5.8 to 3.9 between 1960 and 1994.

These family planning services also help decrease the demand for abortion all across the globe and help couples time and space pregnancies to enhance the chance of their baby's survival. And in allowing women to control their bodies, these programs save the lives of many women. Approximately 200,000 women die each year from unsafe abortions. Increased access to information and contraception is the only proven way to decrease unwanted pregnancies and give women control over their own lives and destinies.

For example, in Ukraine, where a small Planned Parenthood clinic is providing scarce contraceptive education and services, there is evidence that the incidence of abortion is decreasing.

The Smith amendment does nothing to help prevent abortion. When the same Mexico City policy was in effect between 1985 and 1993, there was no decrease in the number of abortions worldwide. Instead, more women resorted to unsafe abortions and hundreds of thousands a year died. The Smith amendment simply interferes with the delivery of effective family planning programs whose purpose is to reduce the incidence of unwanted pregnancy and the need for abortion.

The fact is that none of the funds in this bill may be used for abortion now. With the Smith amendment, none of these funds may be used for abortion, but the Smith amendment goes further. It aims to kill family planning overseas by gutting U.S. participation in multilateral and bilateral population programs.

I urge Members to support the second degree amendment offered by Representative MEYERS. The Meyers amendment strikes the section of the Smith amendment that prohibits NGO's from using their own funds to attempt to influence official policies in other countries or to provide legal, safe abortions in countries where they are legal. It is the equivalent of telling U.S. defense contractors that they may not use their own funds to lobby Congress if they receive any Federal defense contracts.

I oppose the use of U.S. funds to perform abortions and I am a strong and consistent supporter of the Hyde amendment. I would not vote for a bill that allowed the use of any U.S. funding for selective abortions. I support the Meyers amendment because it retains tough safeguards but ensures that essential family planning programs are funded.

I also oppose the Smith amendment whether the Meyers amendment prevails or not. The Smith amendment places restrictions so tough on the UNFPA that U.S. funds will almost certainly not go to it. UNFPA fills in the holes where AID does not work and even in nations like China, plays a constructive role. UNFPA is a multilateral organization. It does not have the discretion to simply pull out of China at will.

The Smith amendment, I believe, is a thinly veiled attempt to stop the United States from working with other developed nations to provide voluntary family services to couples in developing nations because if we do not fund UNFPA, our funds do not go to 140 other nations beyond China that do not have forced abortions.

Mr. Chairman, I would urge the Members to support the Meyers amendment and oppose the Smith amendment.

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

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey [Mr. SMITH] and in support of the amendment of the gentlewoman from Kansas [Mrs. MEYERS].

Mr. Chairman, contrary to what proponents of this amendment argue, this is not about curbing abortion. It is about denying millions of women access to family planning services, the very services that help avert abortion. It is about cutting population funding in real terms to its lowest level in 25 years. It is about reinstating a policy that has proven to increase the incidence of abortion.

The fact remains that without this amendment, U.S. funds do not pay for abortions. That has been said a number of times today, but it bears repetition. For over 20 years, Federal law has prohibited any U.S. funds from being used for abortions, or to promote abortion. H.R. 1868 retains that prohibition.

The only real impact of the Smith amendment would be the disruption of the delivery of effective family planning programs that prevent unwanted pregnancies. These are programs which help reduce the incidence of abortion.

The effect of the amendment will be to deny millions of women access to family planning and along with that access to prenatal care, safe delivery services, maternal and infant health programs, treatments for infertility, and STD prevention services.

And it will result in hundreds of thousand of abortions that would have been averted if these women had had access to the basic health services the Smith amendment would deny them.

According to USAID, the funding reductions for population programs in this bill, together with this amendment, will likely result in an estimated 1.6 million unwanted pregnancies per year, resulting in 1.2 million unwanted births, 8,000 maternal deaths, and more than 350,000 abortion per year.

All of us would like to reduce the incidence of abortion as well as the staggering number of maternal deaths due to unsafe abortions. The Smith amendment would do the opposite. During the years the so-called Mexico City policy was in effect, which from 1985 to 1993 prohibited funding to organizations that perform abortions with private funds, there was an increase in the number of abortions worldwide because in the absence of access to family planning services, more women resorted to abortion and in the absence of information about safe abortion, more women resorted to unsafe abortions which cause more maternal deaths.

Proponents of this amendment assert that the only organizations that will be affected by this policy will be the International Planned Parenthood Federation [IPPF] and the Planned Parenthood Federation of America [PPF], two of the most effective and well-respected worldwide providers of family planning and reproductive health services. While both will survive the loss of U.S. funds, the real impact of this amendment will be felt by small local organizations in developing countries that rely on U.S. funds or on private funds from U.S. contributors who are forced to abide by this policy.

When the Mexico City policy was in effect, over 50 grant-receiving affiliates of International Planned Parenthood Federation lost their USAID funding. In many cases, these family planning associations were the most uniquely important sources of services and information for their countries. For example, in India, which will soon be the most populous country in the world, family planning assistance was significantly curtailed because the most respected and effective Indian family planning organization was unable to comply with that policy.

The Smith amendment would have the same disastrous effect. USAID would be unable to fund the best providers of services in many countries. Under the amendment, any hospital or clinic in the developing world that provides abortions, if they are legal in that country, such as Kenyatta National Hospital in Nairobi, Kenya would be prohibited from receiving United States assistance.

United States assistance would also be denied to organizations that are involved in providing much needed contraceptive training to hospitals in the former Soviet Union in order to decrease the high abortion rate, because these hospitals also provide abortions with non-United States funds.

And local health care providers who urge their governments to assure safer conditions for legal abortions would be denied funds under this amendment.

Finally, the gentleman from New Jersey [Mr. SMITH] misstates the role in the involvement of the UNFPA in China. Nobody disagrees that the coercive Chinese population program is abhorrent, and that UNFPA categorically condemns the use of coercion in any form or manner in any population program, including China.

Mr. SMITH has said the UNFPA cannot say enough good things about the Chinese program, and that China could not ask for a better front than the UNFPA. But Mr. SMITH relies on a 1989 quote from UNFPA executive director, Dr. Nafis Sadik, that was taken out of context, at a time when the Chinese seemed to be making progress toward improving the program. No evidence has ever been presented of complicity by international agencies, including the UNFPA, in Chinese human rights abuses and, as confirmed by USAID during the Reagan administration, UNFPA does not fund abortions or support coercive practices in any country, including China.

Mr. SMITH's amendment ignores the benefits of the UNFPA's presence in China and over 140 other countries. One of the reasons the international community knows about the horrors of the Chinese program is because of the presence in China of international organizations such as the UNFPA. Moreover, many countries believe that by providing assistance to China, UNFPA is in a unique position to influence positively China's population policies and to promote human rights. UNFPA is in constant dialog with Chinese officials at every level on matters pertaining to human rights, and exposes Chinese officials to international standards through international training in foreign institutions.

Most importantly, denying funds to the UNFPA would have a drastic effect on the UNFPA's programs in the rest of the world. Out of its annual budget of $275 million, only $4 to $5 million goes to China. Why deny United States funding to UNFPA to be used in 100 other countries around the world where hundreds of millions of couples want to limit the number of children they have just because we abhor Chinese coercive practices?

Mr. Chairman, family planning prevents abortions. As I stated earlier, the effect of the drastic funding reductions for family planning programs in this bill, together with the Smith amendment, will be an estimated 1.6 million unwanted pregnancies per year, resulting in 1.2 million unwanted births, more than 350,000 abortions, and 8,000 maternal deaths.

Mr. Chairman, this is no time to cripple the ability of the United States to provide help to family planning services around the world. Global population is now nearly 5.7 billion people. It is growing by 100 million a year, by 260,000 every 24 hours. Future prospects are even more staggering. If effective action is not taken in the next few years, the earth's population will double by the year 2040 and could quadruple to 20 billion people by the end of the next century.

In much of the developing world, high birth rates, caused largely by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development, leading to political instability and negating other U.S. development efforts.

For almost 30 years, population assistance has been a central component of U.S. development assistance.

While much more remains to be done, population assistance has had a significant positive impact on the health of women and their children and on society as a whole in most countries. In many parts of Asia, Latin America, and Africa, fertility rates have decreased, often dramatically. Couples are succeeding in having the smaller families they want because of the greater availability of contraceptives that our assistance has made possible.

Today, approximately 55 percent of couples worldwide use modern methods of contraception, compared with 10 percent in the 1960's. Despite this impressive increase in contraceptive use, the demand for family planning services is growing, in large measure because populations are growing. Indeed, over the next 20 years, the number of women and men who wish to use contraception will almost double.

Similarly, population assistance has contributed to the significant progress that has been made in reducing infant- and child-mortality rates. Child survival is integrity linked to women's reproductive health, and specifically to a mother's timing, spacing, and number of births. Despite substantial progress, a large proportion of children in the developing world—particularly in sub-Saharan Africa and some Asian countries—still die in infancy.

And, while many countries in the developing world have succeeded in reducing maternal mortality rates, the incidence of maternal death and disability remains unacceptably high, constituting a serious public health problem facing most developing countries. According to the World Health Organization, an estimated 500,000 women die every year as a result of pregnancy and childbirth.

U.S. population assistance is preventive medicine on an international scale. Congress has long recognized this to be the case and over the years has reaffirmed the importance of population assistance in securing U.S. interests abroad. By addressing the basic health and educational needs of women and their families, population assistance provides building blocks for strong democratic government and sets the stage for economic growth. Furthermore, it helps prevent social and political crises, thereby averting the need for costly relief efforts.

At the International Conference on Population and Development [ICPD], held in Cairo last year, the United States was instrumental in building a broad consensus behind a comprehensive program of action, which was signed by almost all of the 180 countries that participated in the conference, and which will help guide the population and development programs of the United Nations and national governments into the next century. Central to this plan is the recognition that with adequate funding this decade for family planning and reproductive health services, as well as educational, economic, and social opportunities necessary to enhance the status of women, we can stabilize world population in the first half of the next century.

Mr. Chairman, under this bill, H.R. 1868, unfortunately funding for our efforts to stabilize global population growth is cut by almost 50 percent.

This amendment would be additionally destructive of our national interest in continuing to play a central and leading role in addressing the most fundamental challenge facing this and future generations, the soaring rate of human population growth which underlies virtually every environmental, developmental, and national security problem facing the world today.

I urge Members to vote against the Smith amendment and for the Meyers amendment.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Smith amendment.

Mr. Chairman, I rise today to give my strong support to the Smith amendment to the bill which prohibits funding Mexico City policy and prohibits funding to the U.N. fund for population activities unless that organization discontinues all activities in China.

During the 1970's and early 1980's, foreign nongovernment organizations were the major source of funding for a number of groups which promoted abortion and the legalization of abortion in developing countries. Adopted in 1984, the Mexico City policy substantially changed the United States' position on funding such organizations by stipulating that the Agency for International Development will not fund any private organization which participates in performing or promoting abortion as a method of family planning.

A year later, in 1985, the House approved the Kemp-Kasten amendment which denies funds to organizations that support coercive population programs. Funding is denied the UNFPA due to its active participation in China's population control program—its one-child-per-family program.

Today, the Clinton administration is conducting an ideological crusade to expand access to abortion throughout the developing world. The Clinton administration's policy was announced by Under Secretary Tim Wirth in a speech to a U.N. population meeting in 1993. Mr. Wirth stated that the Clinton administration's position was to, "support reproductive choice," including abortion access and to make such "reproductive choice" available to every woman by the year 2000.

During House consideration of the American Overseas Interest Act—a bill which attempts to support basic human rights across the globe—the House adopted the Smith amendment

which reaffirmed the most basic human right, Life.

Mr. SMITH's amendment today will prohibit funding for the Mexico City policy and ensure that United States tax dollars do not support China's coercive population control policies. The Smith amendment will simply ensure that the United States will not pay for abortions or impose a pro-abortion doctrine in foreign countries.

I urge my colleagues to support the Smith amendment. The right to life is the most fundamental human right—both here and abroad.

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

Mr. Chairman, it is with the highest regard for the maker of this amendment, the gentleman from New Jersey [Mr. SMITH] and with the greatest respect for the role that he plays in this Congress and in this country for promoting human rights throughout the world that I reluctantly rise in opposition to his amendment and in support of the Meyers amendment. We all certainly share the goal of the gentleman from New Jersey [Mr. SMITH] of decreasing the number of abortions performed in this country and throughout the world. The fact is that the Meyers amendment would keep the current prohibition on U.S. funding for abortions. It would allow the United States to continue to fund organizations that effectively reduce the number of abortions by providing access for family planning. It would cut off U.S. funding for the UNFPA unless they pull out of China or China stops coercive abortions.

I think that the gentlewoman from Kansas [Mrs. MEYERS] has captured some of the concerns of this body and indeed of the gentleman from New Jersey [Mr. SMITH] in her amendment.

I would like to say, though, Mr. Chairman, that existing law already prevents the use of U.S. funds for abortion activities abroad and has done so under the Foreign Assistance Act since 1973. This amendment, the Smith amendment, would restrict effective women's health and family planning organizations and interfere with efforts to provide safe and legal reproductive health care for women in developing countries. That is why I do not support the Smith amendment and prefer the Meyers amendment.

I understand that a great deal of concern in this debate has centered on China's coercive policies and that that is a reason why many people would support the Smith amendment. Let me say that all that I have heard the gentleman from New Jersey [Mr. SMITH] say about coercive abortions and coercive family planning procedures in China is absolutely well-documented. We stipulate to that, that the family planning practices there are repulsive to us and we do not want to be a partner to them, and indeed we are not and will not under the Meyers amendment.

Mr. Chairman, the amendment is unnecessary in that respect, because no United States funds can be used in the U.N. population fund's China program. Current appropriation law already denies foreign aid funding to any organization or program that supports or participates in the management of a program of coerced abortion or involuntary sterilization in any country under the so-called Kemp-Kasten amendment.

Further, current appropriation law also ensures that none of the United States contribution to UNFPA may be used in its China program. No U.S. funds may be commingled with any other UNFPA funds and numerous penalties exist in law for any violation of this requirement.

UNFPA is in no way linked to reported family planning abuses in China. Anyway, I have not seen any evidence presented of complicity by international agencies, including UNFPA, in China's human rights abuses, and I do follow that issue quite closely.

□ 1700

UNFPA does not condone or cover up coercion in China. At the International Conference on Population and Development last year, the world community strongly condemned the use of coercion in national population programs. UNFPA's current 5-year program in China is ending this year.

In light of the solid, international consensus that has developed in opposition to the use of any form of coercion, the governing council will review any future country program proposed for UNFPA assistance, including any involvement in China, for compliance with the principles adopted at the ICPD.

I think, Mr. Chairman, it would be the cruelest act of all of the Chinese Government, in addition to depriving their own people of access to appropriate family planning information, if they were able by their coercive practices to influence decisions that we make here about family planning support throughout the developing world.

According to the World Health Organization, 500,000 women die each year of pregnancy-related causes; 99 percent of them in the developing world. Up to one-third of these deaths can be attributed to septic or incomplete abortion.

Restrictions on family planning organizations proposed in this amendment represent a threat to the health and safety of the women's world. I would think if my colleagues hate and abhor abortion, as I do, they would love family planning. And that is what the Meyers amendment presents.

I would like to also add that Mr. SMITH, the maker of this amendment, is not only a champion for human rights, not only an important and internationally recognized advocate to stop the coercive kinds of programs that exist in China. The gentleman is a man who follows up on his commitment.

He is also a champion for child survival funding and programs throughout the world. I want to make that point of my regard for the gentleman in opposing his amendment and urging my colleagues to support the Meyers amendment.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate is about more than just family planning in China or other countries. This debate is about the United States of America and a consistent policy that has been established from the beginning of this country and has been held forth until now.

But through a weakening of the commitment and the resolve to never, never allow for public funding for abortions, especially overseas, just through the rhetoric, and through a potential treaty, that consistent policy could be seriously, seriously diminished.

Even as late as 1994, the General Conference on Population and Development held in Cairo reiterated that in no case should abortion be promoted as a method of family planning.

Mr. Chairman, we take great pride in the fact we have established a new vision for America and we have begun to establish a new trust for this Congress by laying out promises that were made; promises that were kept. And I think in all cases we ought to be able to say to the American people, "This is a promise that we have made and we will make it into the future; that there shall not be this kind of foreign policy that shall be initiated."

Mr. Chairman, all kinds of fears are being raised in the debate. For instance, the gag rule has been brought up. Well, the prohibition on lobbying activities contained in the Smith amendment, like the virtually identical provision the House passed as an amendment to the authorization bill, is another application of the wall of separation principle between abortion and the U.S. tax dollars.

Specifically, it makes clear that U.S. funds should not subsidize nongovernmental organizations which violate other country's laws on abortion or which actively work to undermine the laws of a foreign country with respect to abortion.

Mr. Chairman, the pro-abortion forces have once again carted out the tired old slogan that any restriction on U.S. tax dollars for lobbyists is a gag rule. But there is no gag rule. This amendment does not affect counseling. It does not affect medical advice. It merely applies the wall of separation principle to abortion lobbyists.

It says to organizations on both sides of the abortion question that they have choices to make about what businesses they are going to be in, but if they want to provide family planning services, they can receive family planning money, and that happens to the tune of about $585 million last year.

But if they want to be a foreign lobbyist, they must get funding from somebody other than the U.S. taxpayers. The Smith amendment, which I strongly support, recognizes that money is fungible and that U.S. taxpayers do not want their money going to organizations actively engaged in nothing less than cultural imperialism for their own profit.

Mr. Chairman, I hope that my colleagues will agree with me that subverting the laws of another country concerning the legality or illegality of abortion is not one of the United States' foreign policy objectives.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words. I will not take the whole 5 minutes. It is getting late and I know the hour has gone on.

Mr. Chairman, I rise in very strong support of the Smith amendment. The gentleman from New Jersey [Mr. SMITH] and I had the opportunity to visit China together and the stories that we were told with regard to coercive abortion were unbelievable.

I would also urge Members, I have a film that I watched in my office yesterday. I have a copy in my office whereby in China they are getting young girl babies and putting them in what they call the dying rooms. They put them in these rooms and they just allow them to stay there for days, upon days, upon days.

The film ends with a young child called Mei Ming, which means "No Name," and she is left in the room for about 10 days and they go in and they open up the blanket and she dies.

Mr. Chairman, we know what they are doing. We have had women tell us of tracking down to require abortions. UNFPA money does go to China. For that one purpose alone the Smith amendment is the right thing to do.

So, I strongly urge the defeat of the Meyers amendment and strong support of the Smith amendment.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, as a matter of principle, when I disagree with a colleague I make it a point not to always talk about what great affection I have for them and all of that. In this case I do want to make an exception to my rule and say that I respect the gentleman from Virginia [Mr. WOLF] very much. The gentleman has never, ever, in the times we have served together, ever misled me in any way.

But this is an important point. The gentleman is talking about China. Is the gentleman opposing the Meyers amendment?

Mr. WOLF. Yes, I am opposing the Meyers amendment.

Mr. WILSON. Does the gentleman understand that the Meyers amendment is not any different than the Smith amendment on China?

Mr. WOLF. I do. I am very, very strong pro-life. And also let me say that I strongly support family planning. I strongly support birth control. But I supported the Mexico policy and I think with regard to China it would be absolutely wrong, any time we would have an opportunity to shut down giving any aid to them in any way, it would be the appropriate thing.

Mr. WILSON. But the gentleman would agree that China is not an issue here?

Mr. WOLF. China is an issue. It is a major issue. They are tied together. There will be the vote on the Meyers amendment and then the vote on the Smith amendment.

Mr. WILSON. Either way, China is not in the picture.

Mr. WOLF. But Mexico City policy is. And I will bring the film around to the gentleman's office today

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, the Meyers amendment is about promoting abortion. It is not about family planning. Members have said over and over again on the other side, and I do not know how they can say this with a straight face, that we want to kill family planning with this amendment.

That same argument was made in the mid-1980's, and during the 1980's and into the 1990's population control funding doubled. Just look at the numbers that are provided by AID. I will make them a part of the record. It doubled under the Mexico City policy.

As a matter of fact, in 1980, for example, over 350 family planning organizations signed the Mexico City clauses, including 57 international Planned Parenthood Federation affiliates.

The problem that this gentleman has, and that I think the American people have, is that groups like IPPF based in London have in their vision statements—even though most of the countries in the world protect their unborn children—they have as their objectives 1, 2, and 4, to increase the right of access to abortion, and to remove barriers, political, legal, and administrative.

So, Mr. Chairman, the point is by providing money to these organizations, we are effectively empowering this lobby organization with U.S. funds to go out there and bring down these very important protective statutes that provide basic protections for unborn children.

Mr. Chairman, let me also ask the gentlewoman from Kansas [Mrs. MEYERS], my good friend, if she might respond to this. That working paper that I talked about earlier by IPPF has this point: The right of everyone to have full access to fertility regulation services applies equally to young people, including those in the adolescent group, age 10 to 19.

As we all know, the World Health Organization defines fertility regulation in four ways, one of which includes abortion. This was a big issue in Cairo. When people realized that is what it meant, they wanted that word taken out. But here we have, under the rubric of the rights of young people, IPPF promoting abortion on demand as a matter of birth control for 10-year-olds. How would the gentlewoman from Kansas [Mrs. MEYERS] respond to that in terms of IPPF?

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, I have no idea what the gentleman from New Jersey [Mr. SMITH] is reading from.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. WOLF] has expired.

(On request of Mr. SMITH of New Jersey, and by unanimous consent, Mr. WOLF was allowed to proceed for 1 additional minute.)

Mr. WOLF. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, I do know that the other working paper that the gentleman from New Jersey [Mr. SMITH] was reading from was something that was drafted 15 years ago, was considered and specifically rejected by the Planned Parenthood board. I don't know what the gentleman is reading from now; if it is the same kind of thing.

Mr. Chairman, I must mention also that money for family planning decreased during the Mexico City policy; reference 1986 through 1992, and I would just mention several people have said that it doubled and it went up. It went down.

Mr. SMITH of New Jersey. These are AID's own figures. In 1984, $264 million; in 1986, it was $295 million; by 1992, it had jumped to $325; by 1993, it was up to $447 million. On a graph this would show a steady growth. And, again, this was under the Mexico City policy.

So again it is a red herring that my good friends are floating here today that we want to kill family planning. We want to separate abortion from family planning.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Meyers amendment. With

all this gray hair, I am probably one of the few people who attended the Mexico City conference in this body. I was there when the Mexico City policy was adopted and I am listening to this debate wondering what in the world is going on.

It is a little ironic. Let me just remind people of what really happened. First of all, one of the strongest international supporters of family planning was Richard Nixon. You know, if Richard Nixon could come back here today, he would be considered, I guess, way to the left on that side of the aisle. It is positively amazing.

Richard Nixon understood how critical family planning was internationally, because no one can be an environmentalist if we are going to keep doubling the world population every 20 years. At some point the world collapses.

So having international family planning was very critical. Therefore, it was indeed a great shock to many of us when the Reagan administration, at the U.N. family planning meeting in Mexico City, rolled back the Nixon doctrine and put in the Mexico City doctrine.

Mr. Chairman, here we are going to say to the most vulnerable women in the world, the women in Bangladesh and other such places, we are shutting off access to real family planning. When we listen to all these words, there are a lot of words flying around here. But what I consider family planning and what most reasonably prudent people consider family planning, some people call abortifacient.

I consider the pill family planning. I consider IUD's family planning. I consider all sorts of other such things that are out there in the mainstream and the mainstream considers family planning."

But what really happened is in Mexico City, people said we will just do natural family planning, which is really the rhythm system. And in my State in Colorado, we call people who use that "parents."

□ 1715

And that is not really family planning, and what we had was a period of time when we were spending taxpayer money on something that was called family planning, but when you go around and find out what it really was, taxpayers got really mad, and they just said, "Don't spend money on that stuff, or spend it on the real stuff. If you are going to do family planning, do real family planning."

Because we had an awful lot of people around the world very angry that they could not get access to the real information, and as one of the senior women on this floor, I must tell you that I meet all sorts of visiting delegations from parliamentarians from Third World countries, and woman after woman in those things would come to me and say, "American women have let us down by not standing firmly for our right to the same kind of family information, family planning information you get."

So the gentlewoman from Kansas is trying very hard to basically reinstate the Nixon doctrine. That is really all this is about.

The gentlewoman from Kansas is trying to go back to what the Nixon doctrine was. I never thought I would be standing on the floor and saying let us go back to the Nixon doctrine; that would be a breath of fresh air. That is basically what I am saying. We ought to support her amendment because it is a sane amendment, an amendment that all of us sharing this globe together realize how important it is and let us be very clear about the words being thrown around here.

If you go to a family planning clinic funded with U.S. dollars or funded by international agency dollars, you assume you are going to get real information, the same information people get at those clinics in western developed countries, and to remove that and to go back to where we were after Mexico City would be a great embarrassment.

I must tell you, even when I was in Mexico City, the Ambassador who was there at the time was so embarrassed by what our country did, as were many other people, so I think it is time we closed that chapter and that we stay with the Nixon policy and that we realize that all the dreams we have for this next century are not going to work, and that we allow women internationally, and we will be doing this if we pass the gentlewoman's amendment, to choose. They get to choose between whether they get to be productive and reproductive rather than have it be mandated that they only get to be reproductive over and over and over and over again, that that is our real only other role for them, and that is where it goes.

But we phony it up under the name of family planning. Natural family planning and the rhythm system is not family planning.

Vote for the gentlewoman from Kansas. She is telling it like it is.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

As one of the junior fathers on the floor of the House right now, I am still trying to recover from the gentlewoman from Colorado wrapping herself with Richard Nixon. I was not quite prepared for that in the debate here.

We cannot lose track that the fact is that this is an amendment by the gentleman from New Jersey [Mr. SMITH] and an amendment to modify his amendment that really relates to the abortion issue. It has been confused as we have gone through this. The principle is the same.

Very few people, whether pro-life or pro-choice, want their tax dollars to be used to fund a procedure that is so objectionable and controversial.

If anything, the American public has even less tolerance for U.S. taxpayer-funded abortions carried out in other countries. After all, Americans, particularly those in Indiana, do not care much for foreign aid spending, to begin with. When this foreign aid is used to pay for abortion, support falls through the floor.

A commonsense position of not paying for abortions overseas was official U.S. policy throughout most of the last decade and a half, but it came to a screeching halt the third day of the Clinton presidency when he nullified the Mexico City policy with a stroke of pen.

There has been debate on the floor whether or not, in fact, we do abortions. Listen to some folks we heard earlier, Tim Wirth, Undersecretary for Global Affairs, May 11, 1993, said, "Our position is to support reproductive choice, including access to safe abortion." On March 16, 1994, the State Department action cable was sent to overseas diplomatic and consular posts. It called for "senior-level diplomatic interventions," in support of U.S. population control priorities. "The priority issues for the U.S. include assuring access to safe abortions. The United States believes access to safe, legal and voluntary abortion is a fundamental right of all women."

Since rescinding the Mexico City policy, the Clinton administration has committed $75 million to International Planned Parenthood Federation [IPPF], which performs and actively promotes abortion as a method of family planning around the world.

During the time the Mexico City policy was in effect, International Planned Parenthood Federation was one of only two organizations that refused to sign an agreement stating they would not perform or actively support abortion as a method of family planning. The other organization was Planned Parenthood Federation of America, by far the largest abortion provider in the United States. Of course, there is the U.N. Population Fund, which, as a matter of course, supports and collaborates with countries that use abortions as birth control.

Opponents of the Smith amendment would have you think the Mexico City policy hurts family planning efforts worldwide. This is not true. In 1990, over 350 foreign family planning organizations signed the agreement, unlike Planned Parenthood. So what we are talking about here is whether or not to fund three organizations that countenance abortions, out of the hundreds of others that carry out successful planning, family planning, without supporting abortion.

Now, there is a question whether Planned Parenthood directly uses their funds for abortion. For those of you who do not understand basic accounting and the ability to move money around, all you need to do is look at the U.S. Government. For those who think one division of Planned Parenthood cannot fund abortion and another division can fund abortion, I want to show you the Social Security trust fund. We do that all the time here in Congress where we claim it is set aside and is not. Money that goes to a company merely can be shifted between divisions. It is a cost accounting question.

I believe it is somewhat a little bit of a sleight of hand to claim Planned Parenthood does not fund abortions in those countries, because they are merely playing games with their funds.

Now, as to the China question, I want to point out that the amendment offered by my friend from Kansas only addresses UNFPA funds, not the International Planned Parenthood funds which are addressed in the first and third clauses. While the first and third clauses alone in the Smith amendment would not solely address the China policy, for example, it would require ceasing abortion funding in all countries, not just China, it nevertheless guarantees that the money will not go to China, whereas the International Planned Parenthood funding for China is not affected by the Meyers amendment.

At best, the Meyers amendment, substitute, assumes a very rosy scenario. International Planned Parenthood would not fund the reprehensible policies in China or China will change their policies. In other words, it is not inappropriate for us to raise the China policy, because it does matter, because the Meyers amendment, while it takes clause 2 from the Smith amendment, it does not cover International Planned Parenthood in clauses 1 and 3.

I would like to make a point or two on China even though that is not the primary reason I oppose the Meyers amendment and support the Smith amendment, and what I would like to make sure gets in the record is not only have we heard about the forced abortions and a lot of what traditionally we conservatives have criticized about China, but the new development of what has concerned us, the unborn babies that are being sold for human consumption. According to United Press International, a Hong Kong magazine, and this is quoting UPI, recently revealed the latest health fad in the southern boom town of Shenzhen to be the consumption of human fetuses, which are believed to improve complexions and general health. Unlike the serving of endangered reptiles, a human embryo as food trade is not illegal or underground in China.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think there is anything that can be said that has not already been said, but I will say one more time that we are not talking about China.

I rise in support of the Meyers amendment. We are not talking about China. It is simply not an issue.

The Smith amendment, without the Meyers amendment, would freeze in place a situation in developing countries where somewhere in the range of 100,000 to 200,000 women die due to abortions performed under unsafe conditions. We all know, the Smith amendment strikes at the very heart of international family planning programs.

It is far worse than previous or existing policies. It is an intrusion on the free speech and legal action of organizations, both those in the United States and those operating within the laws and policies of their own countries.

Implementation of the amendment would actually, in many cases, be an impediment to the prevention of abortion. Apart from its efforts to preclude funding for a number of affected providers of family planning services, the amendment would make it impossible to assist or work with organizations providing or improving contraceptive service for women who have had abortions in order to prevent future or repeat abortions.

I would voice strong support for the Meyers amendment and opposition to the Smith amendment.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my whole 5 minutes. I just want to come down to the well to support the Smith amendment and oppose the Meyers amendment.

As I watched this debate, I saw that there is a lot of misinformation about this amendment. Let us not be deceived.

The Smith language does nothing to reduce U.S. funding of international family planning programs. It merely prevents taxpayer money from going to fund promotion or funding of abortion, a principle that the majority of the American people support. The American people have risen time and time again against Federal funding for abortion.

Let us not be deceived about what this amendment does.

Now, I heard earlier said on this floor that we have too many people in this world. How elitist can you be to make a statement like that?

We have too many people in this world? Ladies and gentlemen of the House, if you took every person in the world, you could put them in the State of Connecticut, and they would still have 5 square feet to stand on. It is not that we have too many people in this world. It is that we have governments that oppress people and destroy the free market system, that does not allow the system to feed the people. That is what is the problem in the world, not that we have too many people.

If you all remember the book "The Population Bomb," by Paul Erlich, that has been disputed, ridiculed and thrown out years ago. Yet some people, as I saw today, still quote from that ridiculous book. "the Population Bomb." This is not the problem.

As the gentleman from Indiana has said, what the fight is here is to allow Planned Parenthood to use these funds to perform abortions, whether they are through fungible funds or not. We know what the Planned Parenthood is and what it is all about. They do it here in the United States as well as overseas. That is what this is all about.

I just ask that you vote "no" on the Meyers amendment and keep the Government and the American taxpayer out of the business of abortion and restore the Reagan-Bush policy.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I just want to remind Members, too, the International Planned Parenthood Federation out of London, not only supports abortion globally, but considers it their goal to lobby to bring down pro-life statutes throughout the world.

But this is from the Chinese news agency:

> Dr. Halfdan Mahler, a top official of the International Planned Parenthood Federation, today praised China as a model for all countries, particularly developing countries in family planning. "China has set a good example for developing countries to follow in controlling the population growth," he said.

The date of that quote is August 27, 1994.

These are the kind of organizations that, if they decide to put up that wall of separation, yes, we will provide money to them, as we have in the past. Again, that money has gone up during the Reagan-Bush years under the Mexico City policy.

But that kind of statement about the Chinese policy is contemptible, where women are being exploited, where forced abortion is the rule, not the exception, and where now we see such egregious practices as infanticide, where children are killed right at birth, primarily because they are girls, and where just recently, as Members know, a nationwide policy went into effect that is absolutely reminiscent of the Nazis: a eugenics policy where if even the one child is found to be defective in some way, that woman is forcibly aborted because they want to have a master race. That is absolutely sick.

I ask for a "no" vote on the Meyers amendment and a "yes" vote on the underlying Smith amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. I would just like to make it clear that no American funds are provided for abortion. What my amendment says is that NGOs who see very sick women or women who have serious problems of some sort with the fetus would be able to provide abortions with private money; no American money is provided for abortions.

Mr. DELAY. Reclaiming my time, I understand the distinguished chairman of the Committee on Small Business and her approach, and I am sure she is sincere in it. We all know how these organizations shift funds around.

We feel very strongly that they are taking our taxpayers' money, or they are either taking it or they could very well take taxpayers' money, and put it in one account while they are using their private funds to perform abortions.

I do not want my taxpayer money, and most Americans understand, to be used in any way.

Mr. TORKILDSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Meyers amendment and in strong support of our country's commitment to give men and women the option of family planning as well as the right to free speech.

□ 1730

I think this issue clearly has no place in this debate. Right now the law of the land is that Federal taxpayer dollars cannot be used for abortion. I support that. I voted for the Hyde amendment in the last Congress. But this issue goes far beyond this. This would tell organizations around the world that, if a woman comes to them seeking an abortion, and if that woman seeks to pay for it with her own money, or if a private entity seeks to pay for it, the United States will not allow any funding of that organization to go on.

Mr. Chairman, for me this is a very cynical and mean-spirited attempt to undermine family planning around the world. Without the United States' assistance——

Mr. SMITH of New Jersey. Will the gentleman yield?

Mr. TORKILDSEN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. It is absolutely not mean-spirited in its attempt. This is to build that wall between abortion and family planning because I happen to believe, and I believe the majority of Americans believe, that the killing of an unborn child is a very, very serious act. We do not want to provide money to those groups that do it.

Mr. TORKILDSEN. Reclaiming my time, there is a separation now for U.S. funds which cannot be used for abortion either here at home or abroad. I think everyone has to agree to that.

Now some people may say organizations will use money for family planning and for educational purposes. That is the way the law is now. I think that is the way the law should be in the future. Without the United States assistance, many of these facilities could not exist, and I think that underscores perhaps what is an unspoken attempt by some supporters of this amendment.

I think women deserve the right to make the choice about their own personal bodies. It should not be left up to the taxpayers. I would hope the U.S. Government could get out of this very personal decision. I would hope that all Members would vote for the Meyers amendment.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New Jersey [Mr. SMITH] and in opposition to the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS]. I will not take my full 5 minutes, but I simply want to state three reasons why I am supporting the Smith amendment and why I am opposing the amendment.

I think what the gentleman from New Jersey [Mr. SMITH] has done makes eminent sense. It restores a policy that worked, the Mexico City policy. That is all it is doing. It is going back to a policy from 1984 to 1993 that worked. We saw family planning funds increase during that time. It was a policy that was very much mainstream. Hundreds of organizations signed onto that. The 150 family planning organizations signed the Mexico City clauses, and so it is quite mainstream, it is quite common sense, to return to that policy.

It was on June 22 in 1993 that President Clinton gave the green light to renewed funding for international organizations that perform and promote abortions. It is time that we return to that policy in the 1980's/early 1990's that was so successful.

The second reason I am supporting the Smith amendment and opposing the Meyers amendment is that I believe what the gentleman from New Jersey [Mr. SMITH] is attempting to do in this legislation, and this attempt is supported by the American people. While the American people are strongly, and very forcefully and emotionally divided on the abortion issue, they are overwhelmingly opposed to public financing, and what we have, and we have tried to kind of smoke the issue, cloud the issue; it is simply a matter of shifting funding, and so to talk about private funds being used and no taxpayers dollars being used is really quite disingenuous, I think. If I take taxpayer dollars with my left hand, and I perform abortions with my right hand, it does not really fool anybody. It is a shell game being played by these organizations, and the American people do not want their taxpayer dollars being used to promote, and to perform and to support abortion policies around the world.

I think finally I would just say that it defends, it defunds, only the most radical pro-abortion organizations. Under the Mexico City policy, 350 family planning organizations signed it while only the most radical, pro-abortion organizations refused to sign that policy.

It makes eminent good sense for us to return to a policy that worked. Therefore, I urge my colleagues to support the Smith amendment and oppose the Meyers amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Just in the interest of accuracy, Mr. Chairman, I would like to say that the Mexico City policy was in 1984 and in 1985, the amount of money was $290 million. It dropped immediately to $239, to $234, to $197, to $197, and then went back up to $216, but still not up to——

Mr. HUTCHINSON. Reclaiming my time, I do not know where the gentlewoman is getting these figures. I heard the gentleman from New Jersey [Mr. SMITH] just a moment ago cite very exact figures on where that funding has increased during those years in which the Mexico City policy——

Mrs. MEYERS of Kansas. These are the population line items from our appropriations bills.

Mr. HUTCHINSON. Once again I would say that the gentleman from New Jersey [Mr. SMITH] just a few moments ago cited specific funds on how those funds increased under the Mexico City policy and that in fact there was not any decrease in family planning programs.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. To get an accurate picture of how population funds are used one has to know they come from a variety of spigots, including the African fund, including some ESF funds, including the actual population account, and only a reading which says, "You're looking at all these accounts, what is the aggregate" can tell you whether or not that funding is going up or down. Since 1984 that figure has gone up dramatically, and I cite those figures for the record. They were produced by the Agency for International Development.

Mr. HUTCHINSON. So, in the interests, Mr. SMITH, of accuracy, funding for family planning actually increased during the——

Mr. SMITH of New Jersey. The United States remained. like it or not, during the 1980's and into the 1990's, the No. 1 provider internationally for population assistance, and I remember so well in 1984, if the gentleman would continue yielding, when Members stood up on the floor and said that there is no way that any family planning organization would accept the Mexico City clauses. How wrong they were. One after another said they wanted to do family planning, and they got out of the abortion business, and that wall of separation was intact. That is what this is all about.

Mr. HUTCHINSON. Reclaiming my time, I think everybody is ready to vote, and I just wanted to thank the gentleman from New Jersey [Mr. SMITH] as many on both sides have expressed their admiration for him. I want to express my appreciation for his leadership on this issue, and I think we are going to take a very good step in the passage of the Smith amendment today in defunding these organizations that are doing so much wrong in the promotion of abortion policies around the world.

I urge support for the Smith amendment.

Mr. BACHUS. Mr. Chairman, I strongly support the Smith amendment to prohibit use of taxpayer dollars to promote abortion overseas. While not reducing any U.S. funding of legitimate family planning programs, this amendment simply redirects those American dollars to organizations which, like most Americans, believe our tax dollars should never be used to promote abortion as if it were an acceptable method of family planning.

It is not.

We should provide funding only to organizations whose goals are consistent with those of the United States. If they want our money, they should be required to play by our rules.

Since 1993, the Clinton administration has taken every opportunity to promote the proabortion platform at home and around the world. Most Alabamians resent their tax dollars being used, by anyone, to promote abortion on demand. Their hard earned money should not be squandered to provide what is seen by some as an easy way out of an inconvenient pregnancy.

Mr. Chairman, the United States should be a role model for the world—especially when it comes to issues of morality, honest values, and concerns.

This amendment is our opportunity to do just that and to take a small step to stop the insanity of abortion on demand or whim. Support the Smith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS] to the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WILSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Smith amendment. This is a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 229, not voting 4, as follows:

[Roll No 432]

AYES—201

Abercrombie	Frost	Morella
Ackerman	Furse	Nadler
Andrews	Gejdenson	Neal
Baesler	Gephardt	Obey
Baldacci	Gibbons	Olver
Barrett (WI)	Gilchrest	Owens
Bass	Gilman	Pallone
Becerra	Gonzalez	Pastor
Beilenson	Gordon	Payne (NJ)
Bentsen	Green	Payne (VA)
Berman	Greenwood	Pelosi
Bilbray	Gutierrez	Peterson (FL)
Bishop	Hamilton	Pickett
Boehlert	Harman	Pomeroy
Bono	Hastings (FL)	Porter
Boucher	Hefner	Pryce
Brown (CA)	Hilliard	Ramstad
Brown (FL)	Hinchey	Rangel
Brown (OH)	Hobson	Reed
Bryant (TX)	Horn	Richardson
Cardin	Houghton	Rivers
Castle	Hoyer	Rose
Chapman	Jackson-Lee	Roukema
Clay	Jacobs	Roybal-Allard
Clayton	Jefferson	Rush
Clement	Johnson (CT)	Sabo
Clyburn	Johnson (SD)	Sanders
Coleman	Johnson, E. B.	Sawyer
Collins (IL)	Johnston	Schiff
Collins (MI)	Kaptur	Schroeder
Condit	Kelly	Schumer
Conyers	Kennedy (MA)	Scott
Coyne	Kennedy (RI)	Serrano
Cramer	Kennelly	Shays
Danner	Kleczka	Sisisky
Davis	Klug	Skaggs
DeFazio	Kolbe	Slaughter
DeLauro	Lantos	Spratt
Dellums	Lazio	Stark
Deutsch	Leach	Studds
Dicks	Levin	Tanner
Dingell	Lewis (GA)	Thomas
Dixon	Lincoln	Thompson
Doggett	Lofgren	Thornton
Dooley	Longley	Thurman
Dunn	Lowey	Torkildsen
Durbin	Luther	Torres
Edwards	Maloney	Torricelli
Ehrlich	Markey	Towns
Engel	Martinez	Traficant
Eshoo	Martini	Upton
Evans	Matsui	Velazquez
Farr	McCarthy	Vento
Fattah	McDermott	Visclosky
Fawell	McHale	Ward
Fazio	McKinney	Waters
Fields (LA)	Meehan	Watt (NC)
Filner	Meek	Waxman
Flake	Menendez	White
Foglietta	Meyers	Williams
Foley	Mfume	Wilson
Ford	Miller (CA)	Wise
Fowler	Mineta	Woolsey
Frank (MA)	Minge	Wyden
Franks (CT)	Mink	Wynn
Franks (NJ)	Molinari	Yates
Frelinghuysen	Moran	Zimmer

NOES—229

Allard	Ballenger	Bateman
Archer	Barcia	Bereuter
Armey	Barr	Bevill
Bachus	Barrett (NE)	Bilirakis
Baker (CA)	Bartlett	Bliley
Baker (LA)	Barton	Blute
Boehner	Hansen	Packard
Bonilla	Hastert	Parker
Bonior	Hastings (WA)	Paxon
Borski	Hayes	Peterson (MN)
Brewster	Hayworth	Petri
Browder	Hefley	Pombo
Brownback	Heineman	Portman
Bryant (TN)	Herger	Poshard
Bunn	Hilleary	Quillen
Bunning	Hoekstra	Quinn
Burr	Hoke	Radanovich
Burton	Holden	Rahall
Buyer	Hostettler	Regula
Callahan	Hunter	Riggs
Calvert	Hutchinson	Roberts
Camp	Hyde	Roemer
Canady	Inglis	Rogers
Chabot	Istook	Rohrabacher
Chambliss	Johnson, Sam	Ros-Lehtinen
Chenoweth	Jones	Roth
Christensen	Kanjorski	Royce
Chrysler	Kasich	Salmon
Clinger	Kildee	Sanford
Coble	Kim	Saxton
Coburn	King	Scarborough
Collins (GA)	Kingston	Schaefer
Combest	Klink	Seastrand
Cooley	Knollenberg	Sensenbrenner
Costello	LaFalce	Shadegg
Cox	LaHood	Shaw
Crane	Largent	Shuster
Crapo	Latham	Skeen
Cremeans	LaTourette	Skelton
Cubin	Laughlin	Smith (MI)
Cunningham	Lewis (CA)	Smith (NJ)
de la Garza	Lewis (KY)	Smith (TX)
Deal	Lightfoot	Smith (WA)
DeLay	Linder	Solomon
Diaz-Balart	Lipinski	Souder
Dickey	Livingston	Spence
Doolittle	LoBiondo	Stearns
Dornan	Lucas	Stenholm
Doyle	Manton	Stockman
Dreier	Manzullo	Stump
Duncan	Mascara	Stupak
Ehlers	McCollum	Talent
Emerson	McCrery	Tate
English	McDade	Taylor (MS)
Ensign	McHugh	Taylor (NC)
Everett	McInnis	Tejeda
Ewing	McIntosh	Thornberry
Fields (TX)	McKeon	Tiahrt
Flanagan	McNulty	Tucker
Forbes	Metcalf	Volkmer
Fox	Mica	Vucanovich
Frisa	Miller (FL)	Waldholtz
Funderburk	Mollohan	Walker
Gallegly	Montgomery	Walsh
Ganske	Moorhead	Wamp
Gekas	Murtha	Watts (OK)
Geren	Myers	Weldon (FL)
Gillmor	Myrick	Weldon (PA)
Goodlatte	Nethercutt	Weller
Goodling	Neumann	Whitfield
Goss	Ney	Wicker
Graham	Norwood	Wolf
Gunderson	Nussle	Young (AK)
Gutknecht	Oberstar	Young (FL)
Hall (OH)	Ortiz	Zeliff
Hall (TX)	Orton	
Hancock	Oxley	

NOT VOTING—4

Moakley	Stokes
Reynolds	Tauzin

□ 1800

Mr. ZELIFF changed his vote for "aye" to "no."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 187, not voting 4, as follows:

[Roll No. 433]

AYES—243

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Markey
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Studds
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—4

Moakley
Reynolds
Stokes
Tauzin

□ 1808

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Stokes against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ: Page 78, after line 6, add the following:

WITHHOLDING OF ASSISTANCE TO COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA

SEC. 564. The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided on or after the date of the enactment of this Act by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have another 50 pending amendments. At the rate we are going, we will finish this bill about August 25, unless we do something about curtailing the debate. We do not want to deny anybody the opportunity to speak on any of the issues that are so important to them, but we are going to have to start putting some time limit on some of these amendments or else we will never get through with this bill.

I would like to know if the gentleman would agree to a time limitation, a reasonable time limitation on this amendment with the gentleman controlling his side of the argument.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, I appreciate the gentleman's predicament. However, this is an issue that I and others have been working on for 2½ years. To be very honest with you, I do not want to curtail anybody's ability to speak. I cannot gauge that. I do not anticipate that it will be as long as some of the other debates that we have had, but I do believe that it will take a decent hour or so. But I do not want to limit it to that.

Mr. Chairman, there is a certain urgency to this amendment. Russia and Cuba have announced a joint stock company to finish construction of a dangerous nuclear plant located in the southern coast of Cuba. I am offering this amendment with several of my colleagues, the gentlewoman from Florida [Mr. ROS-LEHTINEN], the gentleman from Florida [Mr. DIAZ-BALART], the gentleman from Florida [Mr. DEUTSCH], and others, to reduce dollar for dollar U.S. aid to any country which financially helps the Castro dictatorship prospectively build a nuclear plant.

The Castro dictatorship has decided that a dangerous and mothballed Soviet-era nuclear plant in Juragua near Cienfuegos, Cuba should be completed and operated. We believe that it should not. Let me explain why not in some detail.

In a letter to me, dated April 12, 1993, President Clinton stated:

> The United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the nuclear nonproliferation treaty or ratify the treaty of Guadalupe.

In fact, Cuba has yet to ratify either treaty, the letter of which establishes Latin America and the Caribbean as a nuclear weapons free zone. The State Department, the Nuclear Regulatory Commission, the Department of Energy have also expressed concerns about the construction and operation of Cuba's proposed nuclear reactors.

Recently, Dr. Edward Purvis, who headed the Department of Energy's investigation about Cuba's reactor stated, "an accident in this reactor is probable. It is just a question of when. I do not know if they are the most dangerous reactors in the world, but they are the most dangerous reactors anywhere close to the United States."

In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the Cienfuegos nuclear plant. They included lack in Cuba both of a nuclear regulatory scheme and inadequate infrastructure to ensure the plant's safe operation and maintenance.

□ 1815

Reports by a former technician from Cuba, who by examining with x rays weld sites believed to be part of the auxiliary plumbing system for the plant, which is what would have operated to stop Chernobyl from where it was going, found that 10 to 15 percent of those were defective, and this technician was quoted as saying "The operation of this reactor will be criminal." The construction was being performed in a completely negligent manner.

Since September 5, 1992 the construction was halted. There has been prolonged exposure to the elements of the primary reactor components, including corrosive salt water vapor. The possible inadequacy of the upper portion of the reactor's dome retention capability, the one that is supposed to withstand, in case of a nuclear accident, to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch, and that the United States reactors that we are designing accommodate 50 pounds per square inch, 50 pounds versus 7 pounds per square inch, and according to the U.S. Geological Survey, the Caribbean plate, a geological formation near the south coast of Cuba, poses seismic risks to Cuba and the reactor site, and may produce large to moderate earthquakes. In fact, on May 25, 1992 the Caribbean plate produced an earthquake measuring 7 on the Richter scale.

Mr. Chairman, I want Members who may be listening in their offices to listen carefully. It is a result of this map by the National Oceanic and Atmospheric Administration, and if Members are from Texas, Louisiana, Arkansas, Mississippi, Alabama, Florida, Georgia, Tennessee, South Carolina, North Carolina, Maryland, Virginia, and the Nation's capital, please be warned, we are talking about 80 million Americans here, Mr. Chairman, almost 1 in 3 Americans who, according to a study by the National Oceanic and Atmospheric Administration, said that summer winds could carry radioactive pollutants from a nuclear accident at the powerplant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, DC, and more States would be affected in time.

Mr. Chairman, finally, Fidel Castro has over the years issued threats against the U.S. Government. In 1962 he advocated the Soviets' launching of nuclear missiles to the United States, and brought the world to the brink of a nuclear conflict. We are talking about perhaps the most anti-American dictator in the world. Can we trust him with nuclear power? Can we trust him with an unsafe nuclear plant? Do we need another Chernobyl type incident 90 miles away from the United States?

I strongly suggest that we do not, as do 130 of our colleagues on both sides of the aisle, who signed the letter to the President saying "Do everything possible to stop the nuclear plant that is being proposed in Cuba." We should not permit any dollars to be used directly or indirectly to help those who would put our country at risk and our fellow citizens at risk at the same time.

Mr. Chairman, I urge the Members, in the interests of the national security of the United States, and on behalf of those 80 million people in those States that I have suggested, that this amendment needs to be passed and it needs to be passed now.

Mr. CALLAHAN. Mr. Chairman, I rise reluctantly to oppose the gentleman's amendment, but certainly not his intent. I our conference on our side of the aisle this morning, and on this floor this entire week, all we have been hearing is that the Committee on Appropriations is violating the House procedures because we are authorizing in an appropriation bill. We have strived long and hard not to violate that rule.

Now the gentleman from New Jersey [Mr. MENENDEZ] has an amendment that is an authorization within an appropriation bill. All these people that have been coming to the floor, like the two gentlemen from Indiana, who have raised so much ruckus over the fact that we are violating some of the procedures, will come here and recognize that what we are doing in opposition to this bill is in no way against the mission that the gentleman from New Jersey wants to carry out.

Mr. Chairman, I live in one of those States, in the beautiful and great State of Alabama, on the beautiful Gulf of Mexico, as a matter of fact, so I am pretty close to Cuba. I am not going to do anything or permit anything that would injure our environment or the environment of Florida or any other place in the world.

I am just saying that the gentleman's message is good, his intent is good. I think he ought to rush over to the Senate, where the authorization bill is, he ought to tell the Members of the Senate how crucial this is, he ought to insist that the Members of the Senate put this in the authorization bill. It does not belong in this bill.

Mr. Chairman, I would hope the gentleman would accept a perfecting amendment, which I understand is going to be offered by the gentleman from Texas [Mr. WILSON]. If indeed the gentleman does, then we can support it. Mr. Chairman, we should send the message we want to send.

I am not one for giving Russia money anyway, much less giving them money that might ultimately be channeled to Cuba, or even if they are not channeling that money, if they are going to help Cuba, we ought to cut off all aid to Russia, the gentleman is absolutely right. He is just on the wrong bus. He ought to get on the bus that is going down that road to stop Russia from doing this, and to deny the administration the authority to permit Russia to do that. I would support that with the gentleman 100 percent.

However, I cannot support it and go back tomorrow and listen to all of these people on the authorizing committee saying "You violated the committee once again. You violated the rules of the House. You are having authorizing language in an appropriation bill." So we support what the gentleman is trying to do. I commend the gentleman. I share his concerns. However, he is in the wrong bill at the wrong time.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding to me.

In anticipation of this, having heard these objections made during the rules debate, I asked the IRS to look at the whole question of what the gentleman suggests is happening in this bill. In fact, they have shown me that for over a long period of time, and I have a whole host of citations, including changes in the application of existing law in this bill that we are considering right now, where there are approximately between 30 and 70 different changes in existing law that would be considered the same exact effect as what I am proposing.

Therefore, that is why I think the Committee on Rules, seeing that in fact there are so many changes in the application of existing law that would be considered legislating in an appropriation bill instead of in an authorizing bill, that in fact they saw it in their wisdom to permit the amendment to go forth, to make it in order, to waive points of order against it, as well as understanding the urgency of the timing.

Mr. Chairman, I think that when we see so many other things being considered in the bill, and the other amendments for which we just voted on that

equally have the same impact, I would hope that the application would be made across the board. I do not believe necessarily that it is being made across the board.

Mr. CALLAHAN. Mr. Chairman, I would say that I support 100 percent the gentleman's mission; we just feel this is not quite the right vehicle in which to carry forth the gentleman's mission.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to say how, as a member of the committee, I appreciate the gentleman's concern with the process of legislating in an appropriation bill. It is indeed a long-standing problem and a regular complaint of those of us on the committee. It is, of course, the world's most violated rule. Nevertheless, Mr. Chairman, it does not mean it should always happen.

Mr. Chairman, I want to assure the chairman that both the gentleman from New Jersey [Mr. MENENDEZ] and the gentlewoman from Florida [Ms. ROS-LEHTINEN], as members of the committee, are for this amendment, in spite of that fact, and our appreciation for your concern about jurisdiction.

We do so in part, as the gentleman from New Jersey suggested, because there is a problem of timing. The Cuban and Russian Governments have announced this construction only 2 weeks ago. We would like the administration to act before construction actually begins and the Russians become committed.

Mr. Chairman, it is our feeling that this vote on this day can send that message. Therefore, I think it may be a worthwhile exception to what is a good rule and the gentleman's own commitment to uphold it.

AMENDMENT OFFERED BY MR. WILSON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MENENDEZ

Mr. WILSON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WILSON as a substitute for the amendment offered by Mr. MENENDEZ: In lieu of the matter proposed to be inserted, insert:

SEC. 564. The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided to the government of a country under this Act that, on or after the date of enactment of this Act, is used by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

POINT OF ORDER

Mr. MENENDEZ. I reserve the right of a point of order, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, reserving the right of a point of order, I would ask the parliamentarian if the substitute as proposed is within the purview permissible to be applied within the purview of the rules by the Committee on Rules.

The CHAIRMAN. Is the gentleman making the point of order?

Mr. MENENDEZ. That is the point of order that I am making, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Texas, Mr. WILSON, wish to be heard on the point of order?

Mr. WILSON. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Chairman, the amendment narrows, it does not expand, the pending amendment. It requires the funds withheld relate only to U.S. assistance. The amendment, therefore, is within the House rules.

Mr. MENENDEZ. Continuing on my point of order, Mr. Chairman, my point of order to the parliamentarian is that the amendment as is proposed and promulgated by the Committee on Rules, Mr. Chairman, is to say that any monies used by a country in investing in the nuclear power plan in Cuba would trigger a reaction of a reduction dollar for dollar of U.S. funds to that country.

My point of order is, is this within the ambit of the rule. Is it permissible under the rule?

Mr. DIAZ-BALART. Mr. Chairman, I would like to be heard on the point of order, if I may.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, the substitute amendment varies substantially and significantly the amendment that was ruled in order by the Committee on Rules.

The Committee on Rules made in order the amendment offered by the gentleman from New Jersey, Mr. MENDENDEZ, which, as he has stated, calls for a dollar for dollar reduction in aid if Russia gives credits or assistance for the completion of a power plant.

What the substitute says is totally different. It says that the actual dollar, the actual dollar that we give to Russia, this dollar, if we give it to Russia, Mr. Chairman, we have to trace it and find that it goes to Cuba in order for us to ask for it to bet back to us. That is a totally different amendment, Mr. Chairman. This is not the amendment that was made in order by the Committee on Rules, and I would submit to the Chair that it would violate the rules.

They did not go to the Committee on Rules with this amendment. It is a totally different amendment. The one we made in order in the Committee on Rules is the Menendez amendment, which is totally different. This one is out of order, therefore.

The CHAIRMAN (Mr. HANSEN). The Chair is prepared to rule.

Under the precedents, legislation permitted to remain by a waiver of points of order may be perfected by an amendment which does not add further legislation. This amendment is a narrowing of the amendment offered by the gentleman from New Jersey [Mr. MENENDEZ], to restructure the prohibition of funding only to assistance provided to the government of a country which uses that assistance to support the Cuban facility, rather than use any sum to assist Cuba, and is merely perfecting the Menendez amendment, and it does not add additional legislation to that permitted to remain. The Chair overrules the point of order.

The gentleman from Texas [Mr. WILSON] still has time remaining.

Mr. WILSON. Mr. Chairman, it is very difficult for me to be in opposition to the four most active proponents of this amendment, because I have been on their side in these matters ever since all of them got here. I take a back seat to nobody in my opposition to Castro, in my opposition to everything that he has done since he has been in power.

However, Mr. Chairman, if we do not adopt the substitute, and the amendment passes as presented, and it becomes part of the final bill. Members have to think these things through a little bit. What we are really doing if we tell Russia that we are going to withhold our foreign assistance to them, which we grant to them because we think it is in our own interest, we are forcing them to go forward with this reactor. It is just forcing them to do it. It is forcing them to do it, because of their dignity and their self-respect.

Nobody in this Chamber, nobody that I know of in the United States, wants a nuclear reactor built in Cuba. We have to think about the best way we can stop it. And we certainly have to consider that we do not want to do anything that will cause it to go forward.

□ 1830

The action that we can take that would be most likely to cause this to go forward is the passage of this amendment, that my good friend from New Jersey has introduced.

The political situation in Russia is very fragile. It is very difficult. The Democrats are not in an extremely strong position. For the United States to try to dictate to Russia this sort of policy is not the way to accomplish the policy. The way to accomplish the policy is through diplomacy and through persuasion.

I submit to the House that my substitute should be adopted. I submit that it is the most likely way to stop

the construction of a nuclear reactor that nobody wants to see built. I do not want to push the Government of Russia against the wall, or take away their dignity and make them think they have to do this. This amendment would only encourage the nationalistic trends in Russia and would not add to East-West stability.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the Wilson amendment and in strong support of the Menendez amendment.

The Menendez amendment would cut aid to Russia by the same amount of money that it provides to the Castro regime for the construction and operation of the unsafe and dangerous Juragua nuclear plant in Cienfuegos, Cuba. This amendment is an important step to serve notice to Russia that the United States Congress will not tolerate its helping the tyrannical Castro regime introduce a national security threat of this magnitude just a few hundred miles from our shores.

Mr. Chairman, on May 4 of this year, Russia and the tyrannical Castro regime announced that they were in the process of forming a multinational consortium that would finance the estimated $800 million needed to complete the Juragua plant. The completion of this plant would constitute the introduction of a grave threat to the national security of our United States.

A 1992 GAO report detailed the numerous faults in the infrastructure and the serious equipment problems which former plant technicians and experts state that the plant suffers from. Among the most glaring deficiencies are the statements by former technician Vladimir Cervera, who states that up to 15 percent of the pipe welding in the Juragua plant's cooling system is deficient. Furthermore, the small resistance capability of the nuclear plant's containment dome can only resist pressure of up to 7 pounds per square inch, while U.S. reactors must sustain pressure of up to 50 pounds per square inch.

These and other technicians as well as experts have denounced the lack of appropriate training of those Cubans who will monitor the plant, and the serious lack of infrastructure inside the island to operate the Juragua plant.

Mr. Chairman, this type of VVER plant has already been banned in countries like Germany, where four similar plants were shut down after reunification and which environmental groups have called to be closed. When asked about the plant, Dr. Edward Purvis of the Department of Energy states,

> An accident in the reactor is probable. it's just a question of when . . . I don't know if they are the most dangerous reactors in the world, but they are the most dangerous reactors anywhere close to the United States.

Although the technology is different from the infamous Chernobyl plant, the Cuban nuclear plant poses similar dangerous and indeed horrific risks and grave consequences. Do we want a Chernobyl in our backyard, subsidized with U.S. taxpayer dollars? I think not.

Mr. Chairman, the Clinton administration has remained quiet and indeed deadly silent about the Juragua nuclear plant because it presents a roadblock on their path of normalization of relations with Castro. It is inconceivable that the administration has remained dangerously silent while this national security threat is constructed just 180 miles from our shores, a threat that would affect a large part of the United States with radiation if an accident or a provoked accident would take place.

Indeed, studies by NOAA concluded that depending on the direction of the wind, radiation from the plant could affect Central America, the Caribbean, the United States, as far as Washington, DC, and Virginia, and, of course, Cuba itself.

The threat of the Juragua plant is indeed further increased when we consider that it would be at the hands of a tyrant who has no respect for human life and who has not hesitated in the past to destroy human life to achieve his evil purposes. Already Castro has entered into an agreement with another pariah and terrorist state, Iran, to exchange information about these reactors.

Yet, while the Clinton administration denounces Russia for transferring nuclear technology to that Middle Eastern country, it has not raised a finger to help stop construction of Juragua. The inaction of the administration raises the ante on us in Congress to take action and warn Russia that we will not stand idly by while Moscow helps Castro and his Communist thugs introduce a new threat to our hemisphere.

Passage of this Menendez amendment will signal Moscow that American taxpayers will not be suckered into having their hard-earned money help in the completion of this national security threat.

Castro once called the Juragua project Cuba's greatest accomplishment of this century. However, this plant could also become Castro's greatest security threat to our hemisphere unless we in the Congress take action to stop Russia from aiding and abetting the Cuban tyrant. I urge my colleagues to defeat the Wilson substitute and adopt the Menendez amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Menendez amendment and rise in opposition to the Wilson substitute.

Mr. Chairman, I support foreign aid to Russia. I think foreign aid to Russia is very important. I think that the relationship between the United States and Russia is a very, very important relationship.

But, Mr. Chairman, one cannot turn a blind eye to the conduct of Russia. One cannot turn a blind eye to what we have seen come out of Russia during the past several months. One cannot turn a blind eye to Chechnya, one cannot turn a blind eye to the selling of nuclear reactors or nuclear technology to Iran, and one cannot turn a blind eye to Russian help in terms of Cuba completing this nuclear powerplant.

Mr. Chairman, the issue here is not merely the Cuban dictatorship, although it has been a brutal dictatorship and has been a dictatorship that I have never supported, and certainly I think that the Cuban people would be much better off with democracy and political pluralism and look forward to the day when Cuba does have democracy. The issue here is also about the safety of American citizens.

I have in front of me the GAO report, the U.S. General Accounting Office report to the chairman, Subcommittee on Nuclear Regulation, Committee on Environmental and Public Works of the U.S. Senate. They express tremendous reservations about this nuclear powerplant. There are subdivisions, I would like to read some of them:

Safety concerns raised by former Cuban nuclear power officials; allegations of problems and defects in construction; allegations of inadequate simulator training; assertions of adherence to safety rules; United States prefers that reactors not be completed; United States policy and concerns of United States officials about the safe construction and operation of Cuba's nuclear reactors; NRC officials concerned about allegations of safety deficiencies; Department of Energy official concern about quality of reactor's construction and components; assessment of risks from earthquakes and radioactive pollutants.

It goes on and on and on. The gentleman from New Jersey [Mr. MENENDEZ] mentioned all the States, one-third of the American population, that could be put in jeopardy for this.

I think it is very, very important that we support the gentleman from New Jersey [Mr. MENENDEZ]. My worry about my good friend from Texas, his substitute, is what this would simply allow is, it would allow Russia to take our money, manipulate the funds through the back door, continue to build the powerplant and continue to have our money. I do not think that is what we want.

We talk about the dignity and self-respect of Russia, and I am sensitive to that. What about our own dignity and self-respect, that we could have a calamity 90 miles from our shore and it could be built with the help of American money? That is adding insult to injury.

I support the gentleman from New Jersey [Mr. MENENDEZ]. I think this is something we ought to put into this

bill. We ought to stand up and take notice.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. WILSON. I appreciate the gentleman yielding. Everything the gentleman says about the undesirability of the Cuban nuclear powerplant is true, but I believe that the gentleman mentioned the two nuclear powerplants that Russia has contracted to build for Iran. Is that right? Did you mention that?

Mr. ENGEL. I mentioned Russia helping Iran in building nuclear technology and I know that our administration, our Government has made a plea with them not to continue. I know that they have said that they would look at it again, but they have not unequivocally stated that they will not help Iran in attaining nuclear power.

Mr. WILSON. Assuming that an announcement was made that Russian was going to assist Iran in building two powerplants, would the gentleman then want to cut off funds as a result of that?

Mr. ENGEL. Well, I think that would be a step in the right direction, but I would like them to couple that with an announcement that they will not help Cuba build this nuclear powerplant. If they did that, then I would certainly be opposed to cutting off funds.

Mr. WILSON. Is the gentleman basically saying that if Russia builds a nuclear powerplant for anybody, then we ought to reduce the amount of aid to them?

Mr. ENGEL. No, I think that when Russia is active in helping countries that are our adversaries, like Iran and like Cuba, increase their nuclear technology, I think it is very appropriate that we in turn pull out dollar-for-dollar that they are putting into building those powerplants.

Mr. WILSON. So the gentleman would favor reducing assistance to Russia by the amount of funding they spend on the Iranian plants?

Mr. ENGEL. That is not the amendment that is being done here. If I could just say, I pointed out Iran as showing that this is a behavioral pattern on the part of Russia with Iran and with Cuba.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the substitute amendment offered by the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Texas [Mr. WILSON].

Mr. Chairman, I want to preface my remarks by saying that I respect extraordinarily the patriotism of the gentleman from Texas [Mr. WILSON] and the gentleman from Alabama [Mr. CALLAHAN], who has also expressed here his support of this substitute, but I think that they are extremely incorrect by supporting this substitute.

Let's be clear with regard to what we are talking about. The Menendez amendment, Mr. Chairman, simply states that there will be a deduction, a dollar-for-dollar deduction of our aid to Russia if Russia—if and when, if and when, it conditions that—if and when Russia gives aid for the completion of this powerplant that, as the gentleman from New Jersey [Mr. MENENDEZ] has pointed out, is extraordinarily dangerous; as the gentlewoman from Florida [Ms. ROS-LEHTINEN] pointed out, the same kind of powerplant, that same model, it was called VVER, they were the export powerplants that the Soviets used to build throughout Eastern Europe, those same model powerplants were closed in Germany immediately after reunification because of their inherent danger.

Now, last month Castro and the Russians announced that they have come up with a formula to get the money to complete the first of those two plants, that same model that was closed down in Germany because there was an explosion of protest by the environmental movement in Europe and they closed down those plants. By the way, the remaining plants in Eastern Europe, the environmental movement in Europe has mobilized to close them down because they are ticking time bombs for explosions, for accidents, those plants. Castro announces, as I say, Mr. Chairman, that he has found the formula with the Russians to complete the first of these plants.

The Menendez amendment says if they do that, if they provide assistance, we will then deduct dollar-for-dollar our assistance, our taxpayer money, for the completion of that powerplant which is a risk, as the gentleman from New Jersey [Mr. MENENDEZ] pointed out, to half of the United States, just about. If you look at the map, you see that just about all the southern States, all the way, and especially up the eastern coast, all the way to the Nation's capital are directly threatened if there is an accident or an incident at the nuclear powerplant.

Then my dear friend, the gentleman from Texas [Mr. WILSON], gets up and he says his amendment is so as to not insult the dignity of the Russian democrats. Wait a minute. How do we get the message across to the Russians? Do we vote for the amendment that says we do not want the plant built with our money? Or do we vote for the amendment that says we do not want to insult the sensitivities of the Russian democrats?

The gentleman from Texas [Mr. WILSON], my good friend, great American patriot, I know he is a ranking member. The gentleman from Alabama [Mr. CALLAHAN] is the chairman of the subcommittee, and they have to fulfill a roll. I understand that. I respect that.

But their amendment, the Russian democrats' sensitivity amendment, is not the way to convey the message that we cannot be more concerned about the completion of this power plant than we are. The Menendez amendment, the reason we have to defeat the substitute and vote for the Menendez amendment is because this is not an issue of Russian sensitivity.

This is an issue, the Clinton administration has got to understand, it has got to be at the top of our agenda in our dealings with Russia and we have got to tell them they cannot build the plants that were closed down in Germany, that we are closing down, that are being closed throughout eastern Europe and yet Castro wants to complete them in Cuba.

□ 1845

That is not acceptable to the national security of the United States of America.

So, let us keep in mind what the Wilson-Obey substitute is, the Russian sensitivity amendment. That is what it is, the Russian sensitivity amendment. That we do not want to disturb their sensitivity on balance the Democrats versus the whatever.

Mr. Chairman, the bottom line is if we vote in favor of the sensitivity amendment, what we are saying is that we are not concerned about that powerplant; that we will deal with it, like the gentleman from Texas [Mr. WILSON] said, diplomatically.

Mr. Chairman, we have heard enough of diplomatically. Let Warren Christopher convince, with sensitivity, the Russians that we are concerned about this plant, even if we vote against the Menendez amendment. Let us see if that makes sense. If we vote for the substitute, the sensitivity substitute, then we are putting our faith in Mr. Warren Christopher that he will say: The Congress did not support the amendment to cut, dollar for dollar, Russian aid if you go ahead and build. They were more concerned about sensitivity. That is why they sent me here, to sensitively tell you Russians that even though the Congress did not support the Menendez amendment, we are, I think, concerned about the plant. I guess that is what the sensitivity amendment means.

What the Menendez amendment is, and we have to vote down the Wilson-Obey sensitivity amendment, is very clear. It is on the highest priority for our national security. That plant cannot threaten the people of the United States, Mr. Chairman.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think I have heard any more demagoguery on this floor today than I have in most days, but let me try to set the facts straight. I think the worst thing that a politician can do in public life is to try to mislead the voting public about serious issues. And so what I would like to try

to do is to separate fact from fiction. Russian aid for this plant began in 1983 when Russia was still a Communist country. It stopped in 1992, when the Russians demanded hard currency payment from Cuba. The only subsidy from Russia since that time was a $30 million credit to mothball the plant that so many Members suggest that they want to see mothballed and stopped.

The only thing the Russians have done recently is to spend their own money to put this plant in mothballs, not to run it. Now, the Cuban Government says they want to conduct a feasibility study. Nothing is feasible under Castro. Nothing rational will happen under Castro. So I think we have had a lot of rhetoric about a plant that nobody wants to see built.

What Mr. WILSON was trying to say is that the best way to see to it that Russia does not reverse its position and to begin funding this plant once again is to see to it that we do not damage reformers in the Soviet Union who are trying to keep the old horses at bay. What Mr. WILSON is trying to say is that Russian society is rampant with paranoia; not the only place I have seen paranoia recently, I would say. But they are certainly rampant with paranoia. That has been the history of Russia.

And rejectionist and reactionary forces routinely in that country use innocent actions of the West in order to feed the paranoia in that society in order to do in Russia what Hitler did when he came to power in Germany, which is to feed on fears and feed on resentment against outsiders, against being dictated from the outside in order to build your own political power. Again, not the only politicians have I seen do that recently, but they do it very well.

And so what the gentleman from Texas [Mr. WILSON] is trying to say is that if you want to be most effective in preventing Russia from taking a course that we do not want them to take, then do not take an action which through inadvertence would weaken the hand of the reformers in Russia.

That is what the gentleman from Texas [Mr. WILSON] is trying to say. Mr. Chairman, I am going to suggest something to my colleague, Mr. WILSON. I am going to suggest that because this amendment is chasing a ghost, I would suggest that the gentleman withdraw his amendment and that the committee accept the amendment being offered by the gentleman from New Jersey [Mr. MENENDEZ] because it is stopping something that is not happening.

Mr. Chairman, if we make more of it than it is, what will happen today is we will feed that very paranoia in Russia which we do not want to feed. So what I would suggest is that the gentleman from Texas [Mr. WILSON] withdraw his amendment to the amendment, and we accept this amendment, which is justifiably aimed at something that we do not want to occur, but which I think has generated a debate which will leave the American people thinking that black is white and vice versa.

The facts remain that the only thing that has been happening so far is that the Cubans want to do a feasibility study. No money has been provided. The Russians have indicated no intention of providing any. And I want to make quite clear that if the day ever comes when the Russians would provide it, I would be the first one in this well offering an amendment to eliminate the same amount of funds.

However, Mr. Chairman, I do not think that this debate has really added an awful lot to the public's understanding of this issue. It has, in fact, wound up condemning Russia because they provided $30 million to mothball a plant we want mothballed. But I know how politics works and how often issues get misconstrued. And, so, I think to do the least damage possible, that what we ought to do is to withdraw the Wilson amendment.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the Wilson substitute and in support of the Menendez amendment. My aim is to send a strong signal that completion of the nuclear reactor in Cuba, just 180 miles from Key West, is not acceptable to the American people.

There is no doubt that the United States has a strong interest in promoting positive relations with Russia. We should continue to support that forward momentum.

However, as a Representative from Florida I am particularly concerned about plans to proceed with the Cienfuegos plant. Aside from my objections to providing support to the repressive Castro regime, I am deeply worried about safety issues that could impact the people of Florida, as well as the citizens of Cuba and the rest of the Caribbean. The safety standards established for the plant are simply insufficient. According to one Cuban engineer who worked on the plant, fully 15 percent of the pipes he inspected were flawed.

This project could not proceed without Russian technical assistance, training, and capital. Accordingly, we must send the strongest possible message. I urge my colleagues to support the Menendez amendment.

Mr. STEARNS. Mr. Chairman, I rise in strong support of the Menendez amendment. The President has not acted and time is short.

Let me be brief: The last thing we need is a Chernobyl in the Caribbean. Cuba is a mere stone's throw from the shores of my home State of Florida. If, God forbid, the inconceivable happens, it is certain Americans would suffer the devastating effects of nuclear exposure. We do not want this on our conscience.

It is amazing that even as the news reports show that Russia's Chernobyl plant is now leaking deadly radiation, that same substandard Russian technology is being used to build a nuclear plant in our backyard.

Completion of this plant would constitute a real and permanent threat to the health and safety of our country. The Menendez amendment needs to be passed. It is imperative that we take the proper steps to ensure that this type of security and safety threat is not brought to fruition.

Mr. Chairman, it is wrong that we give any money to Russia. It is horrendous that we should even consider giving money to Russia for the purpose of building of a nuclear power plant in Cuba. Simply put, Mr. Chairman, we cannot let this happen.

We cannot let this happen. I urge my colleagues to vote for the Menendez amendment and to oppose any weakening amendments.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I ask unanimous consent to withdraw my amendment offered as a substitute for the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, with the withdrawal of the substitute, and with the importance that we know the Florida delegation and others sense with respect to this, we will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MENENDEZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR HAITI

SEC. 564. None of the funds appropriated in this Act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held pursuant to the requirements of the 1987 Constitution of Haiti.

MODIFICATION TO AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I ask unanimous consent that the amendment be modified in the new form at the desk.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Florida [Mr. GOSS].

The Clerk read as follows:

Amendment, as modified, offered by Mr. GOSS: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR HAITI

SEC. 564. Effective March 1, 1996, none of the funds appropriated in this Act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the

democratic elections scheduled for calendar year 1995 and held in substantial compliance with the requirements of the 1987 Constitution of Haiti.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Florida [Mr. GOSS]?

There was no objection.

Mr. GOSS. Mr. Chairman, this is a very simple amendment. It is about Haiti and it says, "No democracy, no taxpayer money."

The intent is to encourage both the Clinton administration and the Haitians in Haiti to ensure that this year's parliamentary and Presidential elections are as free, open, and democratic as possible.

Simply put, the Goss amendment says that in the event of a new regime assuming power in this fiscal year in Haiti through means other than an election in substantial compliance with the Haitian Constitution of 1987, the United States would halt aid to Haiti.

I believe this amendment is of significant value, if not necessary, because I believe the American people would draw the line at funding a regime in Haiti that gained power through a nondemocratic or an antidemocratic process.

We saw some serious problems with the electoral process in this past weekend's parliamentary elections. Today, we have new reports of trouble, including the assassination of a mayoral candidate in the coastal town of Anse d'Hainault.

Others have noted that the electoral council we have there is provisional, not permanent as required by the Constitution. The international community has looked at that and the international community and Haiti have accepted that as a necessary compromise for this past weekend's election. It was necessary to do it that way because we had to have the elections and I think that makes sense.

The natural follow-on question is whether or not building a more permanent electoral administrative mechanism will be a priority once the new Parliament is in place. There are, arguably, more important Haitian issues than the electoral council.

The Haitian Constitution also prohibits President Aristide from running again and prohibits the new Parliament from changing the laws to allow him to do so. Whether or not that standard holds should be of particular interest to this House, to the Clinton administration, and to the Haitian people themselves.

Ultimately, this amendment is, in part, about adding incentives to keep the evolution of democracy in Haiti on track by holding elections in a manner as consistent with the Haitian Constitution as possible, despite the realities of holding elections from scratch in what is a poverty-stricken, infrastructure-challenged Third World country.

The larger issue for us is deciding what our job as Members of Congress is all about. Members of Congress are the keepers of a trust for the American taxpayers. We are responsible for knowing whether our tax dollars are used for priority spending and whether there is value in return.

Let us be clear about this. No one knows exactly how much the Clinton administration has spent on operations in Haiti. What we do know is that before American soldiers leave, the cost of this effort is projected to be well over the $2 billion mark. That is a tremendous amount of money.

Why have we committed this level of resource of Haiti? Because the White House has placed a priority of building democracy there. And this is an admirable goal I think all of us support in principle.

But if at end of the election cycle this year we find that the process has drifted or been jolted far from democratic standards, then we should stop pouring money into that small Caribbean nation. When I say pouring money, it is about $300 per capita, which is about $50 per capita per year more than the average income.

This amendment says "No" to United States assistance for any new regime in Haiti that comes to power via an antidemocratic process. If building democracy is not about that kind of commitment, then what is it about? This amendment is good for a democratic Haiti; it is good for the American taxpayers.

Also I would like to point out that we have checked it out with the Committee on International Relations and we have made it in modified form today, after checking with the Department of State, to try and relieve some problems they were concerned about.

I have added the words "substantial compliance" with regard to observing the Haitian Constitution, because obviously they are not going to be able to cross every T or dot every I.

We have also tried to make this effective as of March 1996, well into the fiscal year, to allow plenty of opportunity for adjustment in case there are technical glitches with the election process.

We have tried to accommodate in every way possible the concerns of the administration. I think we have done that. I think we have a very clear, simple amendment that says as long as Haiti stays on the track, they are eligible for foreign assistance. If they get off that track, then we better take another look.

AMENDMENT OFFERED BY MRS. MEEK OF FLORIDA TO THE AMENDMENT, AS MODIFIED, OFFERED BY MR. GOSS

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mrs. MEEK of Florida to the amendment offered by Mr. GOSS, as modified: In the matter proposed to be inserted by the amendment, strike "when it is made known" and all that follows and insert the following: "except when it is made known to the President that such government is making continued progress in implementing democratic elections."

Mrs. MEEK of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

□ 1900

Mrs. MEEK of Florida. Mr. Chairman, I join with my colleagues Mr. OWENS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, and Mr. ALCEE HASTINGS of Florida in offering this amendment to the amendment offered by my friend, Mr. GOSS.

Our amendment is simple and concise. For Haiti to continue to get U.S. aid, the President has to be sure that Haiti is making progress in implementing democratic elections.

The United States has fostered and nurtured democracy in Russia and in Central America and in Eastern Europe. We should do no less for Haiti.

Our amendment provides a strong, clear incentive to the leaders of Haiti to continue on the path to democracy.

Mr. GOSS says that he wants to hold Haitians to the standards they set for themselves in the 1987 Constitution. So do we.

But we must also recognize that Haiti has had very little experience in governing itself. Let us move them in the right direction. Let us encourage them in the right direction, but let us not threaten them with disaster if they cannot immediately meet the lofty standards they have set for themselves. Mr. Chairman, in the world of international diplomacy, words are extremely important. Our amendment encourages democracy in Haiti without presupposing its failure.

Every person in this body today has a strong—and, I hope, unshakable—commitment to democracy as a form of government. Democracy is a truly great form of government, but it is also one of the most, if not the most, difficult forms of government on the face of the Earth.

There is a line in the new movie, "Apollo 13," when Tom Hanks says, "There's nothing routine about going to the Moon." Well, there's nothing routine about making democracy work, either.

Here in the United States, we have had over 200 years of experience with it. We have well-established democratic traditions. We probably make democracy work as well as anybody in the world.

And yet, democracy works imperfectly in our own country. If you want proof, just look at the contested Maryland Governor's election. Or the contested California senatorial election. Just look at how many elections have been challenged right here in our own House of Representatives.

This should be a vote to ensure that our tax dollars help support democracy, and that is why I ask for your support for our amendment.

Our amendment makes further funding for Haiti contingent on the progress of democracy in Haiti.

Mr. Chairman, this is not a vote on whether or not last weekend's election in Haiti was without problems.

The fact is that the vote on Sunday in Haiti was far from perfect. There were organizational problems and confusion. Polls opened late, or not at all. There were untrained poll workers, and lapses in voter secrecy.

Was the baby's first step shaky? Absolutely.

But as yesterday's Miami Herald reports, quote:

> Although the election was organizationally flawed, there was little indication of an effort to tilt the vote. And it was certainly the most peaceful of any since the Feb. 7, 1986, fall of the Duvalier family dictatorship.

The Canadian election specialist in charge of the 300 observers from the Organization of American States said, quote: "The overall picture was much more positive than reflected by some." He also noted that, as the day wore on, "the conduct of the voting process significantly improved."

Keep in mind that this election was in Haiti, the very poorest nation in the entire Western Hemisphere, a nation that until last fall was under the control of a military dictator. In fact, for most of its existence, Haiti has struggled under the rule of dictators.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, democracy, like everything else in life, takes practice. And this election in Haiti was a very clear and positive step in the right direction—toward democracy.

Would America's allies in the Revolutionary War have forced the Goss amendment upon the struggling little United States? Did our allies, in the difficult days after our liberation from our own colonial masters, make their assistance contingent on our implementing the Articles of Confederation? Of course not.

Why, then, should we so burden Haiti, which is struggling mightily to meet the high standards of self-government that we have set for the world?

Mr. Chairman, I urge the adoption of our amendment to the Goss amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say that we do have occasionally here in the United States voting irregularities, but they are not really widespread.

I was one of the monitors sent by President Bush to monitor the elections in Namibia, and that was a very, very big election on independence and freedom and democracy over there, and there was a lot of opportunity for vote fraud, but very, very little of it occurred in Nambia.

In South Africa, likewise, there were some irregularities, but it was very minimal. I think in many, many of the developing countries, there have been some minor voting irregularities.

But the problem we saw in Haiti last week was there were widespread voter irregularities. Ballots were lost. People could not vote. Polls were closed. And as a result, the entire election was tainted.

For that reason, I rise in support of the Goss amendment and in opposition to the gentlewoman's substitute.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Indiana for yielding to me.

The problem with the amendment offered by my colleague from Florida is that it simply bases the question of how we judge democracy on some unknown. There is no particular standard for it. It is sort of in the eye of the beholder.

We are very particular about how we do that in our amendment, by design. We measure democracy by the Haitian Constitution. That is the way we measure democracy in this country, and we believe specific reference to the Haitian Constitution is also extremely critical because that is the path they have announced they are taking and that is the path that the dollars of our tax support are committed to pursuing, in helping them pursue.

If we get that off that path and create some new direction, we open the door for a lot of mischief, and I am sad to say that there was some mischief in Haiti this past weekend, and I am sorry that my colleague from Florida has felt it necessary to shoot the messenger for reporting that.

But in the words of the mayor of Port-au-Prince, who called the election, and incidentally the mayor of Port-au-Prince is a member of the former coalition of elected President Aristide, called the election a massive fraud. The minister of culture said he was ashamed. Quoting from the New York Times on this, he said, "As a member of the Government, I am not proud of this at all." These are serious challenges.

The political parties are calling for a re-vote. They are calling for re-elections.

This is not PORTER GOSS saying this, this is PORTER GOSS bringing the message. I am sorry, it is the Haitians who have said this, who participated in this. It is not PORTER GOSS who has created this.

The fact that we have brought it to your attention may be distressing, but it is important that when we represent, first and foremost, the United States taxpayers, we have a higher obligation to make sure their money is properly and wisely spent than any other obligation in a foreign country. I think that is an extremely important point.

I would say that one of the problems I have with the Meek amendment is that it clearly weakens accountability to the American taxpayers.

I think that not specifying that we stick to the Constitution in Haiti is a serious flaw in the Meek amendment, and I am afraid that leaving it up to somebody, presumably the spokespersons for the liberal left, as who have been speaking widely on this, to define what democracy is and how well it is doing in Haiti is a dangerous mistake and would not pass muster with the United States taxpayers.

Having said all of this, I urge definitely a "no" vote on the Meek amendment, and I urge support for the Goss amendment.

Mr. BURTON of Indiana. I say to the gentleman from Florida, to restate what he said, his amendment is consistent with the Constitution of Haiti and leaves no room for doubt, and for that reason I think we should support his amendment and vote down the substitute.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

I have read the amendment offered by the gentleman from Florida, and I really do not understand what his objective is here except to try to embarrass President Aristide and especially the people of Haiti.

I rise in strong opposition to this amendment. I do so because it represents a slap in the face to the millions of people who voted in Haiti on Sunday.

I have investigated; I have gotten reports from people who were there. The reports that I have received were that there was practically no violence; there was practically no intimidation, no fraud. These things were practically nonexistent.

Yes; there were lost ballots. It was the first election allowed in that country in many, many years. There were some irregularities, but there are irregularities in almost every free election.

What really we should have to look to find out is what was really Haiti's Government before our forces returned democracy to Haiti? It was a gang of

military thugs and criminals who controlled that nation. They took control, and President Aristide, who was elected by almost 70 percent of the people of that nation, was forced to leave his office and his country under threat of death.

Politically motivated violence and murder reigned. Two elections were rigged by the gang in power, Cedras, Biambe, Francois. Do you want them back in power? Terror was the form of government in Haiti.

But that changed when President Aristide returned last October. Democracy has replaced terror. Democracy has replaced terror in Haiti, and that was demonstrated on Sunday.

My colleagues on the other side of the aisle have harped on the logistical difficulties surrounding Sunday's election in Haiti. There was not an extraordinary multitude of problems or widespread disturbances. There were problems, admittedly. President Aristide has publicly acknowledged that there were problems.

In the United States elections, which is the bedrock of a 200-year-old system, there are problems. Coming from the city of Philadelphia, I can assure you that we still have elections in this Nation tainted with controversy, irregularities, and problems. But this was only Haiti's second free election ever.

Furthermore, most of the 3.5 million Haitians who were registered to vote in Sunday's election are illiterate and require special attention.

Despite these difficulties, people were able to participate in a free and fair election. According to the report issued by the election observers with the Organization of American States, problems related to the election were attributed to Haitian inexperience, not widespread fraud, not abuse or not violence.

The seed of democracy has been planted in Haiti. While it will take time and hard work for democracy to establish firm roots, we witnessed positive, tangible progress toward this goal on Sunday.

Can the people on the other side not accept success? We have created a democracy in Haiti. Now is not the time to send this negative message. Now is not the time to hold critical development funds which could further guarantee the success of Haitian democracy.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Michigan.

Mr. CONYERS. I would want to comment particularly with the gentleman's reference to Philadelphia elections because in Detroit we lost a city clerk as a result of problems, and we have been holding pretty good elections the whole time.

May I just say that I agree with you. The Meek amendment to Goss is absolutely essential, and I am hoping that our Republican friends will understand what we are trying to do is give Haiti a chance. Let us not put them under an increasing burden. Their difficulties are much, much graver than some people think, and I want to give them a chance.

Mr. Chairman, I rise in enthusiastic support of the amendment by the gentlelady from Florida. It is a much needed modification to the amendment by the gentleman from Florida. That amendment is deeply flawed in content and intent. Despite its seemingly harmless wording, it will curtail democracy in Haiti, where peaceful governance can ill afford such a setback.

The gentlelady's amendment offers some simple but critical changes. Her amendment in its entirety reads:

> None of the funds appropriated in this Act may be made available to the Government of Haiti except when it is made known to the President that such Government is making continued progress in implementing democratic elections.

Rather than tearing the carpet out from under Haiti's painful steps toward democracy, this amendment allows aid to that country as long as it is continuing those steps toward democracy. I have traveled to Haiti several times, and have witnessed myself the pain that this country had to bear in anticipation of peaceful enfranchisement and they are closer now than ever before.

The absence of systemic fraud and organized violence in Haiti's elections this week showed that this nation is working diligently for democracy, even without an adequate transportation network to get people to the polls and extremely limited resources. Nevertheless, those who disagree with the results in favor of the ruling party such as the International Republican Institute have sought to impose the same standards on this infant democracy as they would in the United States.

The truth of the matter about IRI is that it received nearly half a million United States taxpayer dollars to observe the elections in Haiti this spring. Have no illusions about IRI so-called nonpartisanship. One IRI document for the electoral study states: "IRI will conduct local leadership training exclusively for non-Lavalas centrist political party representatives from all 83 electoral districts." Lavalas is the opposition party. That's not observing democracy; that's interfering with it. IRI is supporting political parties they happen to agree with. This organization also apparently has a crystal ball that allowed them to state in a fancy report the day before the elections that the elections were unfair. We should give democracy in Haiti a chance and not be in such a hurry to pass judgment, but instead continue to encourage this young democracy's growth.

For the first time this week, voters could let their political voice be heard out of freedom and not out of fear. Democracy is a process and not a standing status. We have to maintain our commitment to Haiti at the early stages of its process now that it is on course.

America's commitment to Haiti is an integral part of America's pledge to democracy and peace worldwide. Other nations of the world, who are still struggling under the bloody boot of oppression, have to see that peace and freedom can and must coexist. Without the gentlelady's modifications, the amendment is a vote of no confidence to this blossoming democracy and an endorsement of the IRI's delusions.

I urge my colleagues on both sides of the aisle to vote for the amendment by the gentlelady from Florida in the name of a stable democracy and a real democracy.

Mr. FOGLIETTA. I thank the gentleman.

I just want to say there are 6 million people in Haiti. They have suffered tremendously over the years by dictatorial government. They have suffered from people who have indiscriminately killed, maimed, and injured people to keep control of that nation.

They are finally achieving democracy. They are finally achieving freedom. Give them a chance. Do not hamstring them. Do not threaten to take the funds back.

I urge my colleagues to understand the problems of the people of Haiti. They want democracy. Let us help them achieve that goal.

I urge my colleagues to vote for the Meek amendment and against the Goss amendment.

□ 1915

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Meek amendment. I think the amendment that Meek seeks to amend, Mr. GOSS, places the process of Haitian democratization under a vague and mischievous standard. The question is how do we define a democratically constituted government, how do we define a democratic election process? The Meek amendment makes it pretty clear that the responsibility would be fixed upon the President. It must be made known to the President. Otherwise the President will certify whether the democratic process took place and whether the regime in power is a result of a democratic process.

Yes, I agree with the gentleman from Florida [Mr. GOSS]. We should say no. We should not support any regime that is in power as a result of a process that is not democratic. But what is the definition of the process, what is the definition of staying on track? As the gentleman from Florida [Mr. GOSS] said, they must stay on track. I agree they must stay on track toward democracy and maintain the democracy. Let the President determine what staying on track means. The President, the executive branch, is in charge of foreign policy. Let us make it clear the Meek amendment makes it clear that they will determine that. Instead we have in the Goss amendment a rather vague situation where it is not clear who will determine whether or not they are on course.

We should bear in mind that the liberation of Haiti marks a high point in

United States foreign policy. The liberation of Haiti sends a message to all of the nations in the Caribbean area and this hemisphere, all throughout the world, that we stand well on the side of democracy, and when it is clear that a democratic government has been deposed, we will have the strength and the resources of the American Government on the side of the democratic government. We have, step by step, supported a process which the Haitian people themselves began in 1987.

Let us understand the context in which the presidential election has just taken place. First of all, the election was an election which involved 11,000 candidates running for everything from village council up to the national legislature. That is very difficult for anybody to run. They have no machines, no election machines. They do not have boards of elections that have existed for decades. Their constitution only came into existence less than 10 years ago. So they are carrying out a process under the worst of circumstances in an economy that does not even have the infrastructure to support electricity on a 24-hour basis. All of this is taking place within less than 10 years in the Haitian society.

They said they can never write a constitution, but they wrote a constitution. They went out and voted for that constitution. They said they can never have free elections, and it looked for a while as if they can never have free elections because people were gunned down at the polls in the first two elections.

Finally, Mr. Chairman, they had an election where they elected Jean-Bertrand Aristide as President. After the election was certified as being a fair and free election, he was deposed by the army, and that situation lasted for over 3 years. Now some of the people who supported the criminals who deposed the democratically-elected President are trying to set a very high standard that they were never concerned about while Haiti was under the domination of criminal dictators.

We have broken through; we have liberated Haiti. The process is moving in a very swift way.

Mr. Chairman, they have had an election less than a year after the president was returned. The president who is there now has agreed to step down. He has made no claim to the fact that he was out of office for 3 years and, therefore, he ought to be continued. Some other people are making that claim, but Jean-Bertrand Aristide will step down. Jean-Bertrand Aristide will play the role of George Washington and see to it that there is an orderly, peaceful transition of government.

All of these things are moving on track, and they are moving in ways that most cynics said they can never move. Why do we want to introduce a vague standard here? Why do we want to place Haiti under scrutiny, which will not help the situation at all? Why not let the process go forward and let the State Department and the President, the executive branch of government, determine whether or not they are meeting the requirements of a movement toward democratization that is acceptable for the United States to continue to support?

I hope that the gentleman will accept the amendment to his amendment because the difference is not so great. We only clarify and pinpoint the responsibility for defining what democratization is in Haiti.

I urge that we support, all people to support, the Meek amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by our colleague, the gentleman from Florida [Mr. GOSS], and in opposition to the amendment offered by the gentlewoman from Florida [Mrs. MEEK].

Mr. Chairman, the gentleman's first-hand account of what transpired in the Haitian elections on Sunday offers compelling evidence that, despite our extraordinary investment and best intentions, much remains to be done to strengthen the democratic institutions there.

Laboring in extreme heat, without food, water, or pay, Haitians made their best effort to cast and count ballots—in some cases by candlelight into the next day. However, Haiti's Provisional Electoral Council fell down on the job, failing to provide logistical support, training, and funds.

Frankly, there is much ground to be covered if the Presidential elections in December are to be judged as free and fair. Also, the statement yesterday by a key Haitian politician that President Aristide should stay in power after his constitutional term expires on February 7, 1996, casts further doubt on the democratic transition.

President Clinton defended his extraordinary investment in Haiti as a move to restore constitutional order. It would be profoundly difficult to make the case to the American people and Congress that our assistance should continue to flow to an unconstitutional government in Haiti. That is the basis of the Goss amendment, which I hope my colleagues will support.

Mr. RANGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Florida [Mr. GOSS] who authored this original amendment had indicated that support for the Government of Haiti seemed to be coming from liberals or something that would denote that there was a different type of thinking with liberals, and conservatives, and people of different backgrounds, as related to a poor country that has really suffered tremendously over the last decades.

It seems to me that the amendment is a political statement:

I did not like Aristide when he first was elected. I did not like Aristide when he came to the United States. I did not like Aristide when we went in to restore the government, and, notwithstanding the fact that he has done each and every thing that everyone expected him to do, they could not find one thing to say except, "Something must be wrong. I don't know what it is, but, if anyone finds out what it is, then we cut off aid."

As my colleagues know, I am more concerned about the politics of when it is made known to the President of the United States than anything in this statement because, as the gentleman from Florida [Mr. GOSS] knows better than most Members of this body, everything that was made known to the Presidents of the United States was made known by the Central Intelligence Agency, and it really surprises me, with the type of information that was gathered out of the sewers of the intelligence community, that was made and proven to be false to misguide the President of the United States, that we would have this vague type of language as to the President would cut off any assistance to the Government of Haiti when it is made known to the President.

I really would not want to start laughing here by asking the distinguished gentleman from Florida just who would he think, or what agency would it be, that would be mandated to make information known to the President of the United States as would be in Haiti sometime. If we take a look at the history of the CIA in condemning our country, in condemning a man, and continuously condemning someone that has been elected by the people, we will run down the line and say the man was psychotic based on what? Information collected. The man was addicted to drugs. The man was responsible for murder. There is no support for the man on the island of Haiti. It is the army, it is institutions, it is the people that were paid, the people that were on the payroll. Everyone that opposed the man when he was in this country was paid for by the CIA and other people that just could not tolerate the idea that they did not have a puppet controlled by the United States of America.

And so I know, I know, that certain people are just born in this world that is going to have to carry a heavy burden, and I do not mind carrying it at all. I think it was our distinguished Speaker who said, "You just got to worker harder." So that goes for the gentleman that comes to become president of Haiti. But the question has to remain how much does a country have to suffer, how much does a man have to

do, in order to get certain people off of his back?

Now, until there is reason to believe that something was wrong, that the election was fraudulent, do my colleagues not think this body and the President has the power to move forward? The reason I support the Meek amendment is because it is done the way the United States of America should do business, and that is we are going to assume that things are done legally, we are going to assume that the Congress and the people have good intent, and if anyone, anyone, misuses that, then this Congress would respond.

Well, what the gentleman is saying and what the gentlewoman from Florida [Mrs. MEEK] is not saying is that we make it a negative thinking that it is going to happen, and she is the American that has hope that, when our troops went over there, got rid of the tyrants, got rid of the CIA people that were on the payroll, that was actually stopping the United States ship from coming into it when they were chased out of the country because of the spirit of fine young American boys, we are going to send a message to them, "Yes, you did a good job, but wait until you see what happens because we got an amendment that will take it all back."

This is not the U.S. Congress that I am proud to be a Member of. This is not the United States of America. We should laud our esteem for doing what the international community asked him to do, and I, for one, was proud that I supported him before, and I do now.

Mr. GOSS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Florida [Mrs. MEEK].

Mr. Chairman, I was prepared to let this go unanswered, but it has gotten a little out of control here in the rhetoric. The gentleman from New York [Mr. RANGEL] has just said when it is made known. He objects to that language, and that is the language in Mrs. MEEK's amendment as well, so I guess he is opposed to Mrs. MEEK's amendment as well.

The question was raised by the gentleman: Who will make it known? Any number of people will make it known to the President. As I recall, the last person who made it known to the President that there was a problem in Haiti was the gentleman named Randall Robinson. Randall Robinson actually made it known by a protest in front of the White House, a starvation diet type of thing, a publicity stunt as it were. Well, I would suggest a very great way the president will know.

Mrs. Robinson now works for the government of Haiti, as I understand is on the payroll of the Government of Haiti. Presumably she will tell Randall Robinson and Randall Robinson will tell the president again. So I am not concerned that we are not going to get the word to the President that the folks who are taking the Rangel position want to know. It is going to happen; there is no question there.

I am a little bit offended by the statement that I did not support President Aristide. I was in Haiti for the election in 1990; I was in Haiti for the election in 1995, as an observer. As an observer in 1990 I came back and signed on and said President Aristide is a duly popular, enthusiastically elected President of the country of Haiti, and I have stuck to that position the whole way through. When former President Carter, and General Powell and Senator NUNN negotiated the settlement that avoided the armed hostile conflict of war between the U.S. Armed Forces, and the Haitian army, and people, and the innocent bystanders that would have been hurt, I was the first Member in the well the next day to congratulate President Clinton for a negotiated settlement.

□ 1930

I think he was fortunate to get it at the last minute. He had good people working for him and made that come out. I met with President Aristide this Monday. We had a very nice discussion after this election. We agreed there are some very hopeful signs that we need to focus on. It was a courteous call, a pleasant call, there was no disagreement.

There is no question that we have a challenge ahead. President Aristide said so and has been saying so publicly, frankly, in the past 2 days. I do not think we have any disagreement about that. This is not about the election last weekend. Sure, there were tremendous logistical difficulties. Everybody knows that. Sure, there were some disturbances. Some were severe, some were not. In some areas there were no disturbances at all. I think everybody who was there understands that. Nobody would mischaracterize that.

My problem is, what is going to be the standard? The gentleman from New York [Mr. OWENS] said what is the standard. He said a vague and mischievous standard was my game. It is not. I am saying the standard of measuring democracy in Haiti is the Haitian Constitution. Is there anybody who would deny that that is about a bad idea? That is what we are measuring democracy by in Haiti, is their democratic Constitution. Can we get real here? What is wrong with that?

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from New York.

Mr. RANGEL. I would like to withdraw some harsh statements I made about the gentleman, because I am reminded by your statement that unlike so many others that are positioned in that side of the aisle, that you constantly have talked about the restoration of democracy in Haiti, even to the point that you had a place where you thought the new government should be.

But I guess my point to you, sir, is that why would this little island government need your direction with its constitution as to when our great Nation cuts assistance?

Mr. GOSS. Reclaiming my time, the answer is very simple: Because I am first and foremost accountable to the American taxpayers for the wise use of their tax dollars, and I do not stand still for the proposition that we are going to put any money in any country, no matter what, unless they are proceeding in a properly democratic way.

Mr. RANGEL. Is the gentleman saying he would hope that his amendment would apply to any country that is not abiding by the constitutional principles that is in their Constitution, and that this little island country was not singled out for this kind of treatment?

Mr. GOSS. I have picked Haiti for two reasons: The substantial compliance question I think accommodates most of your concern. But the other reason is because we have $2 billion, B, billion, invested in Haiti in this 2-year frame, probably going to be more before we are through, and that is my foremost responsibility to the United States of America as a Representative here, is to make sure in the House of revenue, the people's House, we use dollars wisely.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me address my colleague most immediately with reference to the fact that we have $2 billion invested in Haiti, and put the question rhetorically: How much of that was used in the structuring of an election that would satisfy the so-called requirements of the Haitian Constitution?

Mr. GOSS. Mr. Chairman, if the gentleman will yield, I do not know. I certainly hope we are all going to have that answer.

Mr. HASTINGS of Florida. Let me suggest it was minuscule by comparison. I am fond of quoting my mother, and I choose at this time to do so. My mom says "Give the prize to the one who tries," and she says that often. Haiti has tried over and over again to satisfy every single requirement that our government has put forward to require them to go forward in a meaningful manner. There has been but a year in the process of restoration of democracy, and I am fascinated by the little amount of resources that were devoted toward trying to help an 80 percent illiterate country to understand the basic dynamics of voting. The 1,000-plus candidates that were on the ballot alone required an immense amount of resources in order for the various persons to be widely known. We spend in

some of our districts $1 million, and that is about how much money we spent during that period of time in trying to assist in the election.

Do you know what I am going to ask the gentleman from Florida [Mr. GOSS] is what is the real agenda here? I mean, the election was just held Sunday and Monday, and I hear my chairman of the Committee on International Relations saying that some of the votes were counted by candlelight. Absolutely, Mr. GILMAN, THEY WERE COUNTED BY CANDLELIGHT, FOR THE REASON THAT THE PEOPLE DO NOT HAVE ELECTRICITY.

Give me a break. They do not have computers. They do not have the knowledge that we have with reference to how to conduct an election. And many of us sat on the sidelines and waited until Sunday to go down there and find out precisely what was going on before we would say anything.

What has the international community done with reference to the donors that said they were going to come forward and help this country? The money has been slow in coming. There is no infrastructure. People stood in long lines waiting to have an opportunity to vote. They voted probably as good as we do in this country, in many of our areas, rich and poor. Therefore, it is unwise of us to thrust on them at this time such a nebulous, vague, and uncertain mandate from this country as to how it is to conduct itself as a national government.

Let me make it very clear: You do not have any more concern than anybody else. The so-called liberal left you said, PORTER. That is the language he used, CHARLIE, liberal left. Then I am a proud member of that liberal left, and I gather then that you must be something other than liberal left.

You do not have any more reason to support the taxpayers of this country than do I. You cannot wrap yourself around a flag or hide under the rug of the CIA and expect that from somewhere on earth is going to come this rumination that is going to give you greater say about something that every Member of the liberal left struggled for these people to have, the opportunity to have a democratic election.

Every Member of the liberal left stood by them and said, "We do not want you dying out in the ocean." Every Member of the liberal left said that it was wrong to hold them in Guantanamo. Every Member of the liberal left said that we had dual America standards, and everybody on earth knows that we had dual standards.

Who, other than a handful of you, have complained about this election? Were there problems? Yes. And there were problems in Fort Lauderdale, and there were problems in Immokalee in your district. So do not commence to tell me that problems now are going to be reported arbitrarily by somebody unknown to the President of the United States, and that is going to be pursuant to the Constitution of 1987.

Who, other than you, have complained? Did Brian Atwood complain? I did not hear him say that the election was a fraud, and it is his agency that was involved. Did the military complain? Six thousand of our troops are still there, and they shepherded as best they could an election of a fledgling country.

I am tired of standing in this well and in this body and hearing people refer to the people of the liberal left. One day I will come forward and tell you all the things that the liberal left has done. My concern is what the conservative right has done to us all.

Mr. HOKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. HOKE. Mr. Chairman, I would like to yield to the distinguished gentleman from Immokalee, the distinguished gentleman from Sanibel [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank my colleague from Ohio for yielding.

Mr. Chairman, I would say to my colleague and friend from Florida, who has spoken with great passion and articulation on an issue that we all care very much about, I have been involved with Haitian affairs for 30 years now, from many perspectives, all aimed toward building democracy and a better quality of life for Haiti, which is demonstrably the poorest, most impoverished, most backward part of the western hemisphere, a tragedy in history of many ways, of 200 years as the second oldest sovereign republic, free sovereign republic, in this hemisphere. They just have not been able to get it together down there. I think we all as good neighbors in this hemisphere want to do our best for them.

I suspect that my colleague from Florida's impassioned speech was in part from the sense of frustration and disappointment that he feels and that I feel, that we all feel, that things are not going better more quickly. I suspect a little bit perhaps of his feeling comes from the same feeling that I have as an American, a little bit of the shame I feel that some of the poverty in Haiti today is a direct result of the embargo that we have advocated against, this economic embargo that has simply made Haiti, I hate to say this, but it is close, a place where there is too much garbage with too many pigs in the city streets going around. It is very hard to think that this is a civilized capital city of a great sovereign nation. Things have gotten so bad economically down there for anybody to come in and see. It is pathetic, and I feel badly about it.

But that was our embargo, and as an American I feel very badly. That was unwise policy by President Clinton and his advisers, and I stood on this floor and many times said that. So that does not mean I am not sympathetic to Haiti. It means I am very sympathetic to the people of Haiti and to the country of Haiti. I do not think starving Haitians into democracy is a very smart way to go, and I have said so repeatedly.

Now, apparently my colleague from Florida has some type of obsession with the CIA. I do not know what it is about, but, just to make the record clear, I will say I would presume that all of the President's horses and all of the President's men are the people and ways that he is going to get the message about what is going on in Haiti. That is how our government works, and how it should be.

The final point I would like to make is that the question of constitutionality that I have raised, using the Haitian Constitution as the measure by which we judge, is not a new subject. It is, in fact, the way the OAS judges its own member states, and has been since June of 1991 per resolution 1080 of Santiago. The test is a sudden or irregular interruption of democracy creates a abrogation. And where was that ever tested? The first place, Haiti. It served Haiti already, and it can serve Haiti again. That is the standard I am asking us to adopt.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last week when I heard about the Goss amendment I went to him to discuss with him that amendment and to try and determine what he was trying to do. I am surprised today when I hear the gentleman, because my discussion with him last week, well, he sounded a lot different.

The gentleman said to me, "Let me assure you, I do not want to do anything to harm Haiti. I would like to encourage them. I am with you all the way." He said, "I was there, and I think they did a pretty good job." He said, "I think there were a few problems."

So, having had that conversation with him one-on-one, I am surprised when I hear him on the floor today, because he sounds like a different person. He even said to me, "I want to amend my amendment to put in substantial compliance, because I in no way believe that we should hold them to the strict standard of the 1987 Constitution." Because, he implied, "I know what had to be done for the election. With Aristide only returning in October, to say that they had to put everything in place to comply with the Constitution was literally impossible, and we wanted these elections to be held. And yes, Ms. WATERS, I agree, that ever since everybody, but everybody, signed off on the way that they should proceed. And recognizing that everything

demanded by the Constitution could not be put in place, I think it has worked out well."

Well, you know, maybe I need to ask the gentleman from Florida [Mr. GOSS] to revisit this conversation, because when he gets on the floor today, then he starts to go back and say some things that really do surprise me.

Let me just say, this amendment should not be about refighting and getting involved in a struggle where there were some who did not believe we had any place in Haiti, that did not want us to assist Haiti, who made statements that pained us all, "We are not going to and we do not wish to lose one good American soldier on their soil." We do not want to go back to talk about that.

□ 1945

Let us put that behind us. Let us at least conclude, as reasonable people can do, that we have helped Haiti, and they are grateful. Do they say to us over and over again how grateful they are? We must have had 200 CODELs to Haiti. Everybody has been to Haiti. Everybody from both sides of the aisle that has wanted to go. Those who did not want to go have been to Haiti. They have been received with warmth. They have been embraced. The president has thanked us profusely, and we know that they are grateful for what we have done.

Having done all of that, the President has said over and over again, What else do you want me to do? How else can I make you believe that all that I want for my beloved country is freedom and democracy for its people? Everything that we have asked him to do he has done.

I am pleased and proud, as I look at what took place with these elections. Now, if you recall what happened in South Africa, people stood in lines for hours. If you will recall, it took them a long time to count the ballots. If you will recall, there were some skirmishes. It will happen.

Let us not talk about what happens in America but certainly in a third world country, where they do not have the computerization, they do not have the electricity and other things, certainly you expect there are going to be some problems. But why are you putting on them the kind of restrictions to box them in to say that if you do not comply with the 1987 Constitution for the 1995 elections coming up and somebody, God knows who, tells the president that they have not done it, then we are to withhold money. I do not think you mean that.

Mr. GOSS, I say to you now, I think that you are the man that I talked to last Thursday. I really do not think whatever has influenced you today is the real you. I want you to do what you told me you wanted to do. I want you to join with me in helping Haiti.

Let me tell you how you can do it. We do not mind working with you to structure something that would encourage them, but, Mr. GOSS, you need to pull this amendment back from the floor. You should not disrespect your colleagues from Florida. You work pretty well with them from time to time. CARRIE MEEK is here. She is pained by what you are doing. Mr. HASTINGS is also.

The CHAIRMAN. The time of the gentlewoman from California [Ms. WATERS] has expired.

(On request of Mr. GOSS, and by unanimous consent, Ms. WATERS was allowed to proceed for 1 additional minute.)

Ms. WATERS. I would like to ask the gentleman from Florida [Mr. GOSS] to pull this back from the floor. Walk over here with your colleagues and friends from Florida, get together an amendment that will encourage Haiti that we can agree on and let us move forward as friends on this one because we are winning all the way.

Would you please do that, Mr. GOSS?

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I first of all want to say that I filed this amendment way at the beginning of last week, way before the elections. It actually had very little to do with the elections. Second thing, I did confer with you, as you point out. Third, I want to assure you, it is the real me. I am definitely here. I am standing here and it is me.

The third thing I want to say is this is not about the elections. The fourth thing I want to say is I have not made any allegations or charges that we should stop aid because it was not a democratic election. That would be a very foolish thing to do, I do not think you or anybody else over there would say right now that we have supported a nondemocratic election because they did not have their electoral council in place. I, at your request and others' requests, put in the words "substantial compliance" so we would know we are not talking about trickery or anything like that. I do not expect all the T's to be crossed or the I's to be dotted. I expect substantial compliance. I have said publicly, these elections are OK, on to the next ones.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank you for this opportunity to say a few words. Let me say that I stand in strong support of the Meek amendment. I had the opportunity to travel to Haiti this time, about the seventh time in the last few years, to be a member of the interorganizational observer mission. We went there to try to get an opportunity to see what was going on.

The first thing that was very surprising to me though was the day before we arrived on Saturday that a report had been concluded already by the IRI, the International Republican Institute, very colorfully done, very well done, very thorough. And a press conference was held the day before we got there, two days before the election, which already said, for all intents and purposes, that this is flawed, that this was going to be an election that did not work, that this is something—this was a press conference given two days before the election was even held.

So, therefore, people going into the election were suspect because of an American organization. And it is the first time I have ever seen an American organization in a foreign country give a press conference of something that is not very easily made. This is a pretty fancy-looking agenda item here, to say for all intents and purposes it is a failure. To me, it makes me suspicious.

Let us talk about the election very briefly. They said there was confusion. Let me tell you something. I would be the first to admit that there was some confusion. But let us take a look at the ballot.

There were eight months since President Aristide had been back. What was on the ballot? You had their Senators, 177 running on a ballot with pictures, with symbols, with names. There were deputies, 859 Senate Congress types running on another ballot. You had 855 mayors running; not only themselves but on each mayor's slate there is a deputy mayor and a third assistance mayor on the same ballot.

What else did you have? You had 2,688 council people who had three people on the site. There were close to 5,000 candidates. There were over 25 political parties. There were over 10,000 polling places. There were people who had to walk from 3 in the morning to 6 in the morning when the polls opened to get to the polling place.

Ninety-two percent of the people were registered. And guess what? The representative giving the report for the International Republican Institute said that 92 percent registration was a step in the right direction; 92 percent of the people in this country registered. Sure there were flaws. There were flaws because when I went back with President Aristide on October 30, 1994, when we went to the presidential palace, the water was not running, the electricity was not running. They did paint the house the day before so it could look presentable.

When I went down to Haiti on my other trips and met with those murderous General Cedras and Biamby and Francois Michel, you saw people running and hiding. People were hiding in the bush. I went there six different times.

When I went there this time, I could walk the streets. There was no—I went to Cap Haitien, supposed to be the area that flew a one-engine plane all the

way over the mountains to see what was happening over there. People were in line. They were waiting patiently. People were discussing the elections.

This was one of the greatest democratic exercises that I have ever seen. I cannot believe that people of good will could go down, and we would look at the same thing and that these people would come back with a report saying that a polling place or so opened late.

There were some people who seemed to be confused because of the fact that on every ballot you had about 30 or 40 or 50 different candidates. They looked at a glass being half empty. That glass was not only half full, it was bubbling over, because people were peaceful.

The new police were up there in Cap Haitien, not the Army that used to control that country with 7,000 men with a gun, pointing the barrel down at people. These were policemen who were applauded by the people in Haiti. When they dispersed, the police group in Cap Haitien, they had a party. There was a celebration. People brought flowers and plants to the police.

This is something that is unbelievable. I urge the support of the Meek amendment.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from New Jersey, I want to ask the gentleman a question. I want to ask a question about the group that was down there, because I received today a call from Bishop Cousin who is the presiding bishop of the African Methodist Church in the State of Florida and the Bahamas. He indicated that he was intimidated by some group, the International Republican Institute. In fact, he indicated to them that he did not work for the Government and he would not be intimidated.

Mr. PAYNE of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from New Jersey.

Mr. PAYNE of New Jersey. I did meet the bishop and did have an opportunity to see him before I went up to Cap Haitien but did not see him after my return.

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I had the good fortune and pleasure of meeting the bishop while we were there. We had a very pleasant conversation. If somebody who was one of my observers on the IRI team intimidated him, I would certainly like to know that person's name and know the circumstances. I have had no such report.

Ms. BROWN of Florida. I will provide that for the gentleman.

I am looking at the Washington Post story, and they indicated that this particular group was a very partisan group.

I just want to close by saying this: I support my colleagues from Florida and other Members today that have spoken for the Haitian people. I, from Florida, have lived through what has gone on in Haiti for a number of years, the double standards. I support what President Clinton has done, what President Aristide has done, working with the Haitian people.

Yes, Haiti is not what we want. I have been over there several times. But I am a part of what we can do to make that country work and work for the people. They are very grateful for everything that we have done; but they, as I told you earlier, are not a colony of the United States of America. They appreciate everything that we have done for them, but they need to govern themselves.

Mr. GOSS. Mr Chairman, if the gentlewoman will continue to yield, that in fact was what I said in my remarks to the press on Monday morning.

What paper said this was a partisan group?

Ms. BROWN of Florida. The Washington Post.

Mr. GOSS. The Washington Post reported that the IRI was partisan?

Ms. WATERS. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from California.

Ms. WATERS. Mr. GOSS, you have specifically identified in your amendment that there would be substantial compliance with the 1987 Constitution for the 1995 elections. What does that mean? As you know, there was an agreement for this election, to oversee and operate this election. Everything was not in place. So they had to put the electoral council in place, not as the Constitution identified.

Would you agree that that agreement is sufficient?

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, the answer to the question is, by substantial compliance, I certainly think that if we have said that this election this weekend involves substantial compliance, that that gives us a pretty good idea of how far away we can get from the specific words and technical requirements because we were quite far away from them. And I do not believe anybody is—certainly I am not—saying that this last election was not in substantial compliance.

Ms. WATERS. Mr. Chairman, if the gentlewoman will continue to yield, so you believe that this election was in substantial compliance?

Mr. GOSS. Mr. Chairman, yes.

Ms. WATERS. That the agreement that operated and oversaw this election was fine?

Mr. GOSS. Mr. Chairman, I will not say it was fine. I will say it was substantial compliance for the purposes of this amendment.

Ms. WATERS. And you are not asking for a higher standard than that?

Mr. GOSS. I am not asking for a higher standard.

Ms. WATERS. If they reach it, that is fine?

Mr. GOSS. I am not asking for a higher standard than substantial compliance.

Ms. WATERS. Let the record reflect, if I may, that this amendment is not asking for a higher standard than that standard which oversaw this election in Haiti, that the gentleman is not asking that they are in some absolute or letter perfect compliance with the 1987 Constitution, but, rather, what just took place is all right. That is what the gentleman just said.

□ 2000

Mr. GOSS. Mr. Chairman, I hope we are going to do better.

Ms. BROWN of Florida. Reclaiming my time, Mr. Chairman, I rise today in support of the Meek amendment. The Meek language is a tremendous improvement over the badly crafted Goss language. The parliamentary elections that just took place in Haiti are a real accomplishment for the people of Haiti as they build a stable democracy. The Washington Post said that Haiti's elections, "by any reasonable standard, were a success." The Washington Post acknowledges that Representative GOSS observed the elections not as an impartial observer, but as a partisan participant of the Republican Party's International Republican Institute. This group's criticism of the elections, according to the Washington Post, was not constructive and was misinformed. I, personally, was informed by Bishop Cummings who is bishop for Florida and the Bahamas for the African-Methodist Episcopal Church, that the Republican Party's International Republican Institute participants were rude and threatening to him as he tried to explain that he was an impartial observer and not from the Federal Government. Bishop Cummings was outraged by the comments made about him, but refused to be intimidated.

This should be one of America's proudest moments—our country did the right thing, we did not shirk our responsibilities to strengthen democracy as some would have had us do. We should be proud that we reached out to our close neighbor in their time of need to help them fulfill the promise of democracy and hope.

I congratulate President Clinton and the brave young men and women of our armed services who have worked hard to create the safe and secure environment necessary for real democracy to take root in Haiti so that these elections could take place.

I congratulate President Aristide for having the wisdom to lead his people into this era of healing, hope and redevelopment. He put together a government of inclusion and continues to reach out to other groups including the business sector and the political opposition—including giving air time to opposition candidates.

These elections faced challenges, especially many logistical challenges, but they occurred

without bloodshed. Improvements will be made, especially in the area of civil justice and stronger democratic institutions. The international community must honor its commitments and ensure that donor nations' assistance reinforces Haitian electoral institutions in a nonpartisan manner. The elections this past weekend were a testament to the Haitian people's strong desire for a new beginning in Haiti. They were a testament of the international community's commitment, and Americans, especially those of us in Florida who are so close to Haiti, to support democracy for our neighbors.

Mrs. MEEK of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, there are a lot of things that have been said today, but there are still a lot of questions existing. No. 1, there is no one in this Congress, all 435 of them, that know doodley-squat about the Haitian Constitution. They know absolutely nothing about it.

The CHAIRMAN. The time of the gentlewoman from Florida [Ms. BROWN] has expired.

(On request of Mr. BONIOR and by unanimous consent, Ms. BROWN of Florida was allowed to proceed for 2 additional minutes.)

Mrs. MEEK of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Florida.

PARLIAMENTARY INQUIRY

Mrs. MEEK of Florida. Mr. Chairman I would like to ask a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. MEEK of Florida. I have a Parliamentary inquiry, Mr. Chairman, Mr. Chairman, I am trying to get recognized so I can move to strike the last work on the underlying amendment.

The CHAIRMAN. The gentlewoman from Florida [Ms. BROWN] requested 2 additional minutes. The time is hers now. That was granted without objection. She has now yielded to the gentlewoman from Florida [Mrs. MEEK] in the well, so the chair would say to the gentlewoman from Florida [Mrs. MEEK] the time is hers as long as the gentlewoman yields to her.

Mrs. MEEK of Florida. I have a further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her inquiry.

Mrs. MEEK of Florida. Mr. Chairman, after I have expended the 2 minutes that she gives me, may I request 5 minutes.

The CHAIRMAN. The gentlewoman may, under that circumstance.

Mrs. MEEK of Florida. With unanimous consent, I can?

The CHAIRMAN. The Chair will tell the gentlewoman, after the 2 minutes, yes.

Mrs. MEEK of Florida. Mr. Chairman, first of all, no one here knows doodley-squat about the Haitian Constitution. I have it in my hand. None of the Members know what it says. However, Members are in here doing a lot of rhetorical meandering around, saying that they know this and they know the other. My good friend, the gentleman from Florida [Mr. GOSS] if he has his way. Aristide would be on some far distant island from where he is now, trying to govern Haiti.

Mr. Chairman, I want to know, what does substantial compliance mean? If there is a hurricane on election day in Haiti, what do you do? Does that fit the standard of substantial compliance?

Who decides what it means? It is my brother, the gentleman from Florida [Mr. GOSS] who decides what it means?

These are rhetorical questions.

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I will not yield Mr. Chairman, because I am asking the gentleman rhetorical questions. I do not expect an answer.

All of this is a disincentive for a democracy, a budding democracy. All day long all of you have been wrapping yourselves in the flag, and I am beginning to think you do not know doodley-squat about democracy. Democracy means that you want to see other countries see the American dream and realize what it means to have fair and free elections. I want to appeal, like my sister MAXINE did, to the gentleman.

The CHAIRMAN. The time of the gentlewoman from Florida [Ms. BROWN] has again expired.

PARLIAMENTARY INQUIRY

Mr. FOGLIETTA. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania will state the parliamentary inquiry.

Mr. FOGLIETTA. I believe I heard the gentlewoman from Florida [Mrs. MEEK] say that she moved to strike the requisite number of words on the underlying amendment. She has spoken on her own amendment. Now she has asked for 5 minutes on the underlying amendment. I think she is entitled to that 5 minutes.

The CHAIRMAN. That is correct, and the chair would recognize the gentlewoman for 5 minutes to strike the last word on the Goss amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want my colleague, the gentleman from Florida [Mr. GOSS], to realize that we all live on a peninsula called Florida. We are all being impacted by all the things the gentleman has said. I take umbrage to the fact that the gentleman has singled out Haiti and used a standard just for Haiti.

I have never heard on the floor that any funds were limited because of an election in any country since I have been here. I want to hear more of that from those of the Members who are not flaming liberals. I want to hear them speak out for democracy. I want to hear them say that a small country like Haiti, regardless of what happens during the election, as long as it is free, and as long as it is fair, and that they do not have people poking guns in their ribs, that that is the time for a free election.

When the Goss amendment says "None of the funds appropriated in this act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with requirements of the Constitution," I repeat again to the gentleman, what does the gentleman mean by "substantial," rhetorical statement, "compliance?" What does the gentleman mean by saying that the people in Haiti are not ready? That is the inference the gentleman is making, that they are not ready for a free election.

I say to the gentleman that they are. They fought for their freedom years ago, before any of us got free, before any of us came over here on the slave ships, they fought for freedom. What the gentleman is saying about Haiti upsets me. The gentleman is wrong.

Mr. GOSS. Mr. Chairman, I would ask the gentlewoman, is that a rhetorical question?

Mrs. MEEK of Florida. Mr. Chairman, I am asking the gentleman only rhetorical questions, and I am trying to keep my intellectual composure as I speak to the gentleman. It is very difficult, because I have seen the gentleman go on a path since we got here of intimidation of this small republic. I have seen it.

I ask the gentleman, forget about any kind of predisposing conditions he may have that causes him to want to attack this small nation. I speak to the Congress, not to the gentleman, but to the entire Congress. I do not believe you have one, you do not have one majority in this Congress who would want any small nation to have democracy threatened by saying to them we are going to hold back your funds if you do not do this election the way we want you to do it. You cannot do it.

Mr. VOLKMER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I think the gentlewoman may be alluding to some things. As I reminisce over the last year or so, when we have had legislation pertaining to Haiti, I remember other amendments that the

gentleman from Florida [Mr. GOSS] had offered at previous times that appeared to me that he did not want democracy in Haiti; that when the junta was in control in Haiti, that there was language introduced by the gentleman from Florida that would have required that no U.S. troops ever go to Haiti, and we would still have the junta in Haiti, and there would be no democracy in Haiti; that the one amendment even said that the people who were fleeing Haiti to get away from the killers, the murderers that were there, that they should not come to the United States, they should not go to Guantanamo, they should not go on board ships, they should go to a little island off in the Caribbean, away from Haiti. That is where we should take them.

These are amendments that the gentleman from Florida [Mr. GOSS] has introduced previously. I also understand from the gentleman's own statements during this debate, Mr. Chairman, that the gentleman has been active to some extent in Haiti endeavors for the last 20, 30 years. That means that the gentleman was present and knew something about Haiti back when we had the juntas, back when we had the killers, so, Mr. Chairman, that makes me suspicious of what is being offered here today, because we do have a fledgling democracy.

Mr. Chairman, I would like to close by saying one thing. I was one of those who did say, and many of us did, and I think a majority of this House did, before the troops, before the agreement was reached with President Carter, before the troops went to Haiti, we all said no, we should do something.

Mrs. MEEK of Florida. Reclaiming my time, Mr. Chairman, before it expires, I would like to ask this House to vote for democracy, vote for justice. Do not worry about what party the gentleman from Florida, PORTER GOSS, is in, vote for democracy and vote for freedom.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman for yielding to me.

It seems a lot of folks from Florida are interested in this, Mr. Chairman, and indeed, we are. We represent Haitians who are Haitian Americans. We represent Americans who are not Haitian Americans.

I thank the gentleman for yielding, because there are a couple of points I feel I have to add to here, some things made that are getting a little bit on the edge of being ad hominem attacks.

I am truly sorry for the distress of my colleague and friend, the gentlewoman from south Florida. We share the same goals. It is just a question that we are not sure we do. We do share the same goals. Mr. Chairman, in previous resolutions and pieces of business before this floor, I have taken a very, very strong position about not wanting to send our armed troops to make war on Haiti. I consider it a friendly neighboring country, and have said that almost every time I have referred to it. I do not believe in making war on friendly neighbors.

As I have said before, I applauded very loudly, I applauded President Clinton for the negotiated settlement after President Carter, former President Carter, General Powell, went down there.

Mr. Chairman, with regard to the embargo, I opposed the embargo because I felt it would bring suffering to the people of Haiti, innocent victims. It did. It did. There is no question about it. This tiny island in some far remote part of the Caribbean that the distinguished gentleman referred to, I do not remember who made the statement, apparently has not got much of an understanding of where Haiti is or what it looks like.

This tiny island is a rather large island. It is in the central mass of sovereign Haiti, it is Haitian soil, it is bigger, bigger than Manhattan, and it has thousands of Haitian citizens living on it, and they voted on Sunday.

To say that we were trying to create a problem in some tiny remote non-Haitian territory, I have only said the way to solve the problem in Haiti is by Haitians on Haitian soil with U.S. aid, appropriately expended and properly justified. That is what this is about.

Mr. Chairman, this is the foreign appropriations bill we are talking about. We are talking about are we using American taxpayers dollars wisely. I think we are. We are trying to do the right thing. I am asking that we always keep asking ourselves that question, because Haiti has had a difficult history, as we all know.

It is not more than that. It is not complicated. There is nothing sinister, there is nothing Machiavellian, there are no tricks. We have had this out in the open in this wonderful democracy. I do not know what more I could say.

I think perhaps more is being read into this amendment than is there.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Mr. Chairman, the gentleman said two or three times that America did not want to make war on Haiti. I want him to know that the American people did a rescue. They saved the Haitian people. We are very grateful, the people in Florida.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, I do not think the Goss amendment is needed. I do not think the Meek amendment to the amendment is needed. I spoke to my colleague, and I asked him, I said to him, we do not need either one of these amendments. I do not need to tell the Members what his answer was to me, because it is not relevant to what we are talking about here.

However, I am willing, given the permission of the gentleman from Florida [Mr. GOSS], if he withdraws his amendment, I will be more than happy to withdraw my objection to his amendment, my amendment to the amendment, because neither one of them does anything.

Mr. GOSS. Mr. Chairman, if the gentleman will continue to yield, I will answer that very briefly. As I said before, the reason to this amendment is on my responsibility, our first responsibility on the foreign aid bill to provide proper oversight that the funds are spent in the proper priority areas with the proper governance and oversight and accountability back to the American taxpayers.

Haiti we have put an awful lot of money in, pretty near $2 billion. It has come in different places and forms. That is a ton of money. I think we owe an accountability to the American people, and a statement to them that we are checking. I will not withdraw my amendment, but there is nothing more sinister to my amendment than what I have said.

PREFERENTIAL MOTION OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman will state his motion.

Mr. BONIOR. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. BONIOR moves that the Committee do now rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BONIOR. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum. Does the gentleman from Michigan withdraw his point of order?

Mr. BONIOR. No, Mr. Chairman.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic

device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following members responded to their names:

[Roll No. 434]

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

□ 2032

The CHAIRMAN. Four hundred thirteen Members have answered to their names, a quorum is present and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Michigan [Mr. BONIOR] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 231, not voting 15, as follows:

[Roll No. 435]

AYES—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo

Longley	Portman	Souder
Lucas	Pryce	Spence
Manzullo	Quillen	Stearns
Martini	Quinn	Stockman
McCollum	Radanovich	Stump
McCrery	Ramstad	Talent
McDade	Regula	Tanner
McHugh	Riggs	Tate
McInnis	Roberts	Tauzin
McIntosh	Rogers	Taylor (MS)
McKeon	Rohrabacher	Taylor (NC)
Metcalf	Ros-Lehtinen	Thomas
Meyers	Roth	Thornberry
Mica	Roukema	Tiahrt
Miller (FL)	Royce	Torkildsen
Molinari	Sanford	Upton
Moorhead	Saxton	Vucanovich
Morella	Scarborough	Waldholtz
Myers	Schaefer	Walker
Myrick	Schiff	Walsh
Nethercutt	Seastrand	Wamp
Neumann	Sensenbrenner	Watts (OK)
Ney	Shadegg	Weldon (FL)
Norwood	Shaw	Weldon (PA)
Nussle	Shays	Weller
Oxley	Shuster	White
Packard	Skeen	Whitfield
Parker	Smith (MI)	Wicker
Paxon	Smith (NJ)	Wolf
Petri	Smith (TX)	Young (FL)
Pombo	Smith (WA)	Zeliff
Porter	Solomon	Zimmer

NOT VOTING—15

Clyburn	Harman	Salmon
Cremeans	Largent	Stark
Durbin	McNulty	Stokes
Goodling	Moakley	Yates
Gunderson	Reynolds	Young (AK)

□ 2041

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to my colleague, the distinguished majority leader, Mr. ARMEY.

Mr. ARMEY. Mr. Chairman, we have very carefully worked out a work schedule for this week; work that we believe is important to the people of this country.

We knew when we planned the week that we had ample opportunity to complete that work, including finishing this bill between 10 o'clock and 11 o'clock this evening, assuming everything would go within the context of normal legislative process.

Mr. Chairman, let me begin by making the point, in order to maintain the work schedule we have for this week, we will not adjourn this evening until we complete this bill.

□ 2045

Mr. Chairman, I will encourage the floor managers of this bill to use whatever options are available to them within the context of a unanimous-consent request in conjunction with that cooperative effort between themselves and those offering amendments to expedite every amendment under consideration during the remainder of this time under consideration.

Following the completion of this bill, Mr. Chairman, we will complete a budget conference report, a rescission and supplemental assistance report, a Medicare select conference report, and an additional appropriations bill, the energy and water appropriations bill.

It is my intention, Mr. Chairman, for us to complete this work, and it is perfectly within the realm of reasonable work hours for us to complete this work, and to be out of here and on our planes home by 3 o'clock on Friday.

I am so committed to our making our 3 o'clock departure on Friday that I am prepared to remain here all through tonight, all through tomorrow, all through tomorrow night, until 3 o'clock on Friday, and should we not have completed the work that I have enumerated at 3 o'clock on Friday, I am prepared for us to remain in session until that is done.

Mr. Chairman, in the interests of moving this along, I yield back the balance of my time.

Mr. CALLAHAN. Reclaiming the balance of my time, Mr. Chairman, I just want to address the House seriously just for 1 minute.

As my colleagues know, I think that this foreign operations bill is something that we in a bipartisan manner are working toward in conjunction with and in cooperation with the administration. I think that President Clinton and Secretary Christopher are going to need some foreign operation moneys next year, and I recognize that the leaderships may have some differences of opinion about some other activities that do not relate to this bill in any way. But I would like very much for the leadership on this side to continue to dispute some things with the leadership on our side, but to let us continue to address this bill in a respectable manner tonight. Let us receive, in an open rule, which all of my colleagues wanted, let us receive these amendments, debate them tonight in a responsible, limited time, and get on with this bill tonight. Tomorrow we can go back to all the shenanigans. We can have all of the motions to rise, we can have all of the motions to adjourn, but let us get this out of the way for the sake of the leadership of this administration so they can have a foreign operations bill next year.

Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say to my distinguished friend from Texas, the majority leader, that we are prepared to make the coffee and provide the No-Doz tablets for him this evening, and tomorrow evening, and the evening after that, and let us be clear that it is not this side of the aisle that is delaying the proceedings with respect to this bill.

I say to my colleagues, If you would have done your bill correctly in committee, we wouldn't have 90 percent of the amendments being offered on the floor to this bill being Republican amendments.

But let me further clarify for my friends on the other side of the aisle what the issue is here. The issue is that we want, will demand, our fair representations on the committees that govern this institution.

Now, if the majority thinks that they are going to get away with putting an extra member on the Committee on Ways and Means, and skewing the ratios even further, and denying us our ability to fight for senior citizens against these Medicare cuts, they are wrong.

This issue is about our ability to speak on that committee, defend seniors, and fight these egregious tax cuts for the wealthiest people in our society, make no mistake about it, and we will stay here until we get justice, and fair representations and ratios in that committee.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, members of the committee, we have before us a substitute amendment offered by the gentlewoman from Florida [Mrs. MEEK] that will not harm the democracy movement in Haiti. We also have the underlying amendment of the gentleman from Florida [Mr. GOSS] that would probably undermine that movement of democracy in Haiti.

Now I was one of those like the majority that was here back a year ago when we said, no, we should not send troops into Haiti.

We should not be doing that. But the American public did not support it, and our President went ahead and did it anyway, and guess what, my colleague? HAROLD VOLKMER, the gentleman from Florida, and others who were in opposition to that, we are wrong. The President so far has been right, and I say, "so far."

And what I see happening in this small area in the Caribbean is a movement of democracy that is taking place. I am willing to admit I was wrong. I am willing to say, "Let's help it now that it is ongoing," but I am afraid that the amendment of the gentleman from Florida [Mr. GOSS] could possibly put a stranglehold on that democracy movement in that small Caribbean nation, that very poor Caribbean nation.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, it appears to me when there is a certain interim here some of my colleagues go out and get a little drink of water, and they do not make any sense when they come back. I say to my colleagues, Now you're back in this House now. You have got to recognize that this is a syndrome that goes on in some of these bodies. You go out and get a little drink of water, and then you come back in here and—and all of that. Well, there is no time for that.

Mr. Chairman, this is a very serious matter. I am asking my colleagues to please vote for the Meek amendment.

Mr. Chairman, all I ask this House to do is forget about party, forget about any affiliation, but think about the fact that the Meek amendment softens a Goss amendment, what the Goss amendment did. It had an inference in it that the elections in Haiti were not fairly conducted, so he put an amendment together which said that there will be a limitation on the funds if the elections were not held and were not in substantial compliance, whatever that means.

Now I have had some, some experience, with the nomenclature, but that is a part of the nomenclature no one understands. I do not know whether the Member understands it himself, substantial compliance with the Haiti constitution.

I am asking my colleagues, When you vote tonight, vote for the Meek amendment because the Goss amendment isn't needed. Neither is the Meek amendment. The reason why I have to amend his, it was so wrong morally that I had to do something to soften it because the Goss amendment inferred that because the elections were a little bit—has a few problems, we should put some limitations.

Mr. Chairman, we should not put limitations on any other country. We have not put any limitations on funds of any other country because of the elections.

Mr. Chairman, will the gentleman from Missouri [Mr. VOLKMER] yield to the gentleman from Florida [Mr. HASTINGS]?

Mr. VOLKMER. If I have any time remaining.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Missouri has 1 minute remaining.

Mr. VOLKMER. Mr. Chairman, I yield the 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Missouri for yielding this time to me.

We have a notorious tendency of not wanting to listen to certain people. I demand that the House be made in order, Mr. Chairman.

Mr. Chairman, 9 years ago outside Lake Worth, FL, I walked over the bodies of Haitians who had washed up on the shore. One of them was a pregnant, nude woman, and that has stayed with me all of my life.

All this little nation is asking of us is a little opportunity to restore democracy. That is all they are asking, and here we come with a superimposed notion, dictating our form of democracy within the framework of a year. It is absurd that we find ourselves in this position where democracy has to be according to our dictates in order for us to do business with even the most feeble of us.

Mr. Chairman, we have had a habit in this body of addressing on the domestic front the most vulnerable among us, and now we move to the international front and continue that pattern. I say to my colleagues, "Shame on you."

Mr. GEJDENSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as my colleagues know, it is astounding to watch us trying to micromanage, a word I heard from my Republican colleagues for years, a policy that has been successful beyond anybody's imagination. When the President of the United States singlehandedly decided to bring down the generals because there was not a lot of support on our side of the aisle or the Republican side of the aisle, Democrats and Republicans were fearful of American casualties, as rightly we were.

I think the President understood with his national responsibility that both for the United States, and particularly the State of Florida—that was dealing with refugees and crises on a regular basis on their social service network, the kind of scenes that my colleague from Florida just referenced in watching what had happened on that small island time and time again where the hope of the people of Haiti was dashed—that he understood how important it was for our hemisphere, for the United States, and for Haiti.

The President's policy not only succeeded; it succeeded more than any of us dared dream. As that policy succeeded to remove the generals, to restore the rightfully elected president, the naysayers immediately began that there would be no election in Haiti. The president, freely elected, did not believe in democratic institutions.

□ 2100

It was reminiscent of the charges against Nelson Mandela as he brought South Africa to democracy. There was no tradition of democracy. This individual was not a perfect personification of democratic policies and institutions. They will never have another election.

Well, what just happened? The country took a step it had virtually never taken before, having free and open elections. And, yes, like every election process, and I can speak for that, having gone through a close one myself, there are always some issues that you can review. But there is no question that Haiti had what it never had before.

And I would ask my friend from Florida [Mr. GOSS] to accept this amendment. This amendment does no harm to what he seeks to do here today. I think the gentleman is honest in his desire to see Haiti move forward in democracy. I think his motives are pure, and I believe in a motion of good faith. I would ask the gentleman from Florida [Mr. GOSS] to stand and accept the gentlewoman's amendment, because together we can help this Nation have what it never had before. It can have a democratic government. Let us give it a chance. Let us not try to shackle the President. Let us not try to hobble this government. Let us continue to encourage its moving forward.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Florida.

Mr. GOSS. I will not withdraw my amendment because we can get all of that and one additional factor which is very important, and that is accountability to the American taxpayers on how these funds are being used.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, this is astounding debate. We spent tens of millions of dollars on services for Haitians that overloaded the services that are available to Florida. We spend tens of millions of dollars, of Coast Guard dollars, sweeping the Caribbean trying to find Haitians fleeing tyranny in sailboats, in bath tubs, in wooden tubs that they created. And now, suddenly, we think Price Waterhouse will make this democracy flourish.

We are making every effort with the administration to make sure the taxpayer dollars are accounted for. But let us understand what this is all about. This is a nation taking its first steps for democracy. If you pull that rug out now, do not come back to this Congress asking for more dollars to set up blockades for Haitians and their children as they risk their lives to flee the next tyrants.

Let us give this democracy a chance. Let us support the Meek amendment and defeat the Goss amendment. This is the right direction. That is the wrong direction.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to try to defuse this situation and simply suggest that I do not think the Meek amendment is needed, and I do not think the Goss amendment is needed. But neither do I believe any of them do any harm.

The problem with this entire debate so far is that I think it is rooted in, to be kind, a very warped sense of expectation about the present government in Haiti. I must confess I am somewhat amused by political factions in this country who somehow seem to have found a newly discovered concern about democracy and human rights in Haiti, after this government for about 50 years was complicit in the governing of Haiti by one of the most reprehensible regimes in the history of this hemisphere, the Duvalier government.

I think Americans need to learn that other people who have never experienced democracy also need to learn how to experience that form of government. We have seen on that island a series of lurches as the people of that country have tried to reach a different kind of reality in their own society, after 50 years of being absolutely crunched and destroyed by the cynics who ran that island.

When Mr. Carter and General Powell went to Haiti, there was a lot of snipping. But they produced results, and the administration has been able to follow through on those results and produce a situation in Haiti which is far better than virtually anyone on this floor predicted, either supporters or opponents of the President's action in sending the military to Haiti.

It seems to me what we ought to do is to recognize success when we see it. This is one occasion on which American policy has succeeded, through a combination of wisdom and luck, which is what it always takes to succeed. So I am, frankly, mystified, after this Congress for years acquiesced in a vicious, vicious regime in that country, because they happen to support some of the elite business interests in our own country, that all of a sudden we are expecting that the Clinton administration and the Aristide regime and the elections in Haiti should be held to a far higher standard than any party has ever been held on that island before.

So it seems to me if we want to deal substantively and rationally and fairly with this issue, that we will do one of two things: We would either reject both amendments and leave the language as is in the bill, or else we would, in the spirit of comity, accept both amendments, indicating on both sides of the aisle that we are trying to find our way toward some unity on some issue in this place in the midst of all of the turmoil which is going on around us.

So I would again urge the gentleman from Florida to accept the Meek amendment, because it does no harm; and, if that happens, I would urge the acceptance of the Goss amendment, because neither one of them together does any harm. They indicate the Congress' preference for continued progress in democratization, but they do so in a realistic way, which is not conveying either mean-spiritedness or a total lack of unreality on the part of the Congress.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I got a notice today, as I think probably everyone did, that at 4 o'clock there would be a briefing on the election in Haiti, and unfortunately, some people did not come. In fact, only four Members made it. But I would like to give an accounting of the briefing. The people there who gave the briefing had been to Haiti to be observers at the election. They were also, many of them, the same people who went to South Africa to be official observers at the election.

Yes, they said, there were some polls that opened late, because it is a very poor country and there really was not the infrastructure there. Some did open late, but they opened.

Yes, some of the polling places did not have enough ballots, because it is a poor country. They did not have the infrastructure. But they got the ballots there.

I do not remember, but I was not in this House, I do not remember when we said we would never give money to Haiti when there were no elections in Haiti. No, they did not bother to have elections in Haiti, because they had a dictator.

There was an election in Haiti, there were some polls that were late. And, as someone who lived many years ago in South Africa, I remember, as my colleague does, that we said, many people said, oh, the South Africans, they will not be able to run a good election.

Well, the same people who went and observed the election in South Africa observed the election in Haiti, and they said that it was done as fairly as possible. And one thing that I would remind my colleagues, an historic thing happened in Haiti in this election: There was virtually no violence. No violence, Mr. Chairman. People fought to vote in Haiti.

Who are we to say that a poor country cannot run an election, that poor people cannot reach for democracy? Who are we to say? We must vote for the Meek amendment. We must stand by the people of Haiti as they reach for democracy, as we reach for democracy.

Mr. TORRICELLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are many characteristics of this institution and of our country that I admire, and one is our great pride in ourselves. Sometimes we forget, we are not the only people in the only country that have dignity and a sense of pride. Only a year ago, this Chamber was deeply divided, and, like the gentleman from Missouri, I argued strenuously for the United States not to involve itself in the affairs of Haiti. I did not believe that a peaceful election was possible. I was not sure that American forces could accomplish their mission, and I was wrong.

Our forces performed brilliantly, but that was not the only success. As we reached out to the people of Haiti, they reached too. We offered security and our forces. And in spite of all the doubts and all the things that this Member and other Members said, the people of Haiti kept a peaceful regime, within the law, and participated in elections.

There is not a great difference in substance between the language of the gentleman from Florida [Mr. GOSS], and the gentlewoman from Florida [Mrs. MEEK]. But there is a great difference in the respect for what the Haitian people have done, their nation, their pride, and their dignity.

The American people made a deal with the people of Haiti. They kept it. There is another quality I admire about our people; we do not break deals. They kept their part, they held an election, they have kept the peace. Now let us see the mission through that our military forces began, and that the Haitian people have been true to.

I, too, like the gentleman from Connecticut [Mr. GEJDENSEN], that for all the foreign policy divisions, since this is only about tone, that the gentleman from Florida will accept the amendment of the gentlewoman from Florida [Mrs. MEEK] and tonight the people of Haiti will understand, and all of our military forces who risked their lives will understand, that tonight, for all the divisions of the past, we are united and proud of what has happened in Haiti.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I want to commend the gentleman for his statement, and simply want to observe one thing: For those who are concerned about the fact that this debate on this issue has taken so long, I would simply like to point out that the Meek amendment would not even be here had the Committee on Rules not made in order an amendment which was not in order under the ordinary rules of the House. The Committee on Rules made in order not a limitation, but an amendment which was legislation on the appropriations bill.

□ 2115

We would not even have had this extended debate on this subject tonight if the Committee on Rules had not gone out of the normal order to make this amendment in order. I think under those circumstances it is perfectly understandable why the gentlewoman from Florida would want to attach a modifying amendment to an amendment which was not normally in order under the normal course of events.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take up all of my time. I simply, in listening to the debate, wanted to understand the debate. I heard something just a few minutes ago that gave me pause for concern. It seems that several of our Members have offered a compromise of withdrawing both amendments or supporting both amendments. Then I heard the gentleman from Florida offer an explanation, if you will, of his amendment that dealt with taxpayers' dollars.

I thought we were talking about a question of human rights. That is what I hear in the comments of the gentlewoman from Florida [Mrs. MEEK] that Haiti is making the steps that need to be made to emphasize life but also to emphasize a better life, that a good life in Haiti, is also a respect for human rights.

I do understand the concern with taxpayer dollars and accountability, but I think when America stood alongside of Haiti, they stood alongside of Haiti to give them the bridge and the support to be able to embrace a better life for their nation. And for Haiti to be able to say, we are proud to stand up for human rights. We are proud to go against tyranny, to go against murder, pillaging, poverty. We want to have fair elections to make a better quality of life for Haitians.

So in listening to the debate, albeit there is certainly maybe some positive points that the gentleman from Florida [Mr. GOSS] wants to offer, but when it comes down to the question of human rights versus the issue of mere accountability, I want to bolster Haiti's right for elections but also to applaud what occurred, and that is a transition of power through elections that occurred safely and without massive loss of life.

I think that is the real vote for human rights. I think the Meek amendment is a vote for human rights. So in my understanding of it, I hope my colleagues will join me in supporting the Meek amendment which is really a vote for human rights and a vote for Haiti and a vote for the future of their nation and to say to them, thank you, you kept your promise. And America is going to keep its promise.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would hope that we would reject the Goss amendment for many of the same reasons that my colleagues have already taken the well to speak about. Clearly, the path to democracy in Haiti has not been a smooth one. It has been a tragic one. We have all seen, and our constituents have all seen and witnessed in their living rooms and on TV for all too long the murders, the retributions, the denial of human rights, actions by the government, against the government, by the Ton-Tons Macoutes, for and against and by the private police against the citizens.

We have watched when people have tried to exercise free speech, whether it was in the churches or in the town square. They were gunned down in front of others, and others felt frozen to do anything about it because they were afraid that they or their families would be killed.

We watched this as it went on and on and on. We watched as Aristide, President Artistide rose as a Catholic priest who had the ear of the people and won a popular election. That upset a lot of people for a whole host of reasons, very little of which had to do with Haiti, other than the Haitians inside that wanted back that power, did not want to let that transition take place and finally was driven from the country by violence as governmental officials and others were killed openly. Religious leaders were killed openly.

Finally, after a great debate in this country, a great debate in the United Nations, a long and protracted debate around the world, and a debate in this Congress where people were not clear, they were not sure about the use of force, somehow, somehow it happened. Once the troops arrived, nobody was sure whether they had left or not. We had to invoke former President, Members of Senate, Joint Chiefs of Staff to pave the way. But it did happen. And beyond all of our expectations, Aristide has been returned to the country, and his promise was held, and an election was held.

Now we threaten to undermine that election, and to those people who have sacrificed so much, the Haitians, to try to get the flower of democracy to bloom, we start the process of undermining it, questioning it, second guessing it. Let me tell you, this Chamber, this Government, and the people who raised questions about this election have accepted far less from the Government of Mexico year after year after year. They have accepted far less from the Government of Honduras year after year after year. They have accepted far less from the Government of El Salvador, the Government of Columbia, year after year after year; all in the name that those were open and free elections, and we know very well they never were.

And yes, we finally have accepted an election in El Salvador that in fact turned out to be open and free. A huge amount of irregularities. Aristide visited the poll sites. Many of our colleagues were with us as we traveled in areas. But El Salvador is not California. It is not Nebraska. It does not have a history of elections. People do not have transportation. People cannot read.

But do you know what they did do? They stood in line, under threats of violence, in hot sun for hours and hours and hours for the right to do this. And people did the same thing in Haiti, under the threats of violence, their own lives in peril. What did they do? When the polling place was not open, they stayed and they waited and they waited.

Last night we saw views of women who walked 6 and 7 miles to deliver the ballots, to make sure that their little village and their polling place was going to be counted in the name of democracy. And now the U.S. Congress rises up and undermines that? Without any showing of that irregularity? No, that is not what we should be about.

We recognize it was not perfect. But we also recognize it is the best they have yet had in Haiti, and that is all we ever asked in El Salvador, and that is all we ever asked in a lot of other countries: that progress continue to be made and that open and free continue to become the watchwords and that transparencies is now we will measure it so that we will know that the fraud is not there. But it is progress, just as we demand of our larger neighbor to the south, of Mexico. Nobody believed that the PRI won the election two elections ago except the PRI.

Well, but the point is this: that we have set down the marker, and we have demanded this progress. And Haiti has met the mark. We should reject this amendment for that reason because it is most important. If we believe that we are going to go and ask people to risk their lives, to face down the violence, to try and participate in democracy and then we say, unless it is perfect, we are going to take it away from you and do it again, we will be doing what the general could not do. We will be doing what the thugs could not do, and we should not do it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida [Mrs. MEEK] to the amendment, as modified, offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to rule XXIII, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Goss amendment, if there is no intervening business. This will be a 17-minute vote. The Chair intends to hold it to 17 minutes.

The vote was taken by electronic device, and there were—ayes 189, noes 231, not voting 14, as follows:

[Roll No. 436]

AYES—189

Abercrombie	Danner	Gordon
Ackerman	de la Garza	Green
Andrews	DeFazio	Gutierrez
Baldacci	DeLauro	Hall (OH)
Barcia	Dellums	Hamilton
Barrett (WI)	Deutsch	Hastings (FL)
Becerra	Dicks	Hefner
Beilenson	Dingell	Hilliard
Bentsen	Dixon	Hinchey
Bevill	Doggett	Holden
Bishop	Dooley	Houghton
Bonior	Doyle	Hoyer
Borski	Durbin	Jackson-Lee
Boucher	Edwards	Jacobs
Browder	Engel	Jefferson
Brown (CA)	Eshoo	Johnson (SD)
Brown (FL)	Evans	Johnson, E. B.
Brown (OH)	Farr	Johnston
Bryant (TX)	Fattah	Kanjorski
Cardin	Fazio	Kaptur
Chapman	Fields (LA)	Kennedy (MA)
Clay	Filner	Kennedy (RI)
Clayton	Flake	Kennelly
Clement	Foglietta	Kildee
Coleman	Ford	Kleczka
Collins (IL)	Frank (MA)	Klink
Collins (MI)	Frost	LaFalce
Condit	Furse	Lantos
Conyers	Gejdenson	Levin
Costello	Gephardt	Lewis (GA)
Coyne	Gibbons	Lincoln
Cramer	Gonzalez	Lipinski

Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—231

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bateman
Berman
Chenoweth
Clyburn
Coburn
Gunderson
Harman
Largent
McNulty
Moakley
Reynolds
Rush
Stokes
Yates

□ 2141

Mr. EWING changed his vote from "aye" to "no."

So the amendment to the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, first it is my understanding that we have pending the Goss amendment.

The CHAIRMAN. The gentleman is correct.

Mr. VOLKMER. That is subject to debate under the 5-minute rule.

The CHAIRMAN. That is correct.

MOTION TO RISE OFFERED BY MR. VOLKMER

Mr. VOLKMER. Before moving to strike the last word, which I will do at a later time, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Mr. LINDER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. There is a vote in progress. Twenty-five Members stood, a recorded vote was ordered, and the vote is now in progress.

The vote was taken by electronic device, and there were—ayes 185, noes 236, not voting 13, as follows:

[Roll No. 437]

AYES—185

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—236

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio

Leach	Paxon	Solomon
Lewis (CA)	Petri	Souder
Lewis (KY)	Pombo	Spence
Lightfoot	Porter	Stearns
Linder	Portman	Stockman
Livingston	Pryce	Stump
LoBiondo	Quillen	Talent
Longley	Quinn	Tanner
Lucas	Radanovich	Tate
Manzullo	Ramstad	Tauzin
Martini	Regula	Taylor (MS)
McCollum	Riggs	Taylor (NC)
McCrery	Roberts	Thomas
McDade	Rogers	Thornberry
McHugh	Rohrabacher	Tiahrt
McInnis	Ros-Lehtinen	Torkildsen
McIntosh	Roth	Traficant
McKeon	Roukema	Upton
Menendez	Royce	Vucanovich
Metcalf	Salmon	Waldholtz
Meyers	Sanford	Walker
Mica	Saxton	Walsh
Miller (FL)	Scarborough	Wamp
Molinari	Schaefer	Watts (OK)
Moorhead	Schiff	Weldon (FL)
Morella	Seastrand	Weldon (PA)
Myers	Sensenbrenner	Weller
Myrick	Shadegg	White
Nethercutt	Shaw	Whitfield
Neumann	Shays	Wicker
Ney	Shuster	Wolf
Norwood	Skeen	Young (AK)
Nussle	Smith (MI)	Young (FL)
Oxley	Smith (NJ)	Zeliff
Packard	Smith (TX)	Zimmer
Parker	Smith (WA)	

NOT VOTING—13

Bateman	Harman	Reynolds
Berman	Largent	Stokes
Coburn	Markey	Yates
Fawell	McNulty	
Gunderson	Moakley	

□ 2200

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we continue with this debate on this amendment that has been offered by the gentleman from Florida [Mr. GOSS], and many have raised the question: Why this amendment? What is he trying to do? The amendment certainly is unnecessary.

The gentleman from Florida [Mr. GOSS] perhaps knows better than anyone else all that we have been through as we have assisted Haiti in its move toward democracy. Even Mr. GOSS agrees that Haiti has done well. Certainly there were some problems in the election.

Mr. Chairman, as we continue, we know that the gentleman from Florida [Mr. GOSS] knows that those elections that were just held in Haiti are somewhat of a miracle. This country that has been in such turmoil, this country that for years has been under a dictatorship, finally had an election, an election that we assisted them with.

Mr. Chairman, the gentleman from Florida [Mr. GOSS] perhaps knows better than most that this miracle that just occurred in Haiti is something that we should celebrate. We should embrace the fact that a very poor people struggling, many of them without food, many of them without shelter, participated in this election. They stood in long lines, and, yes, someone said earlier they counted votes by candlelight.

But instead of celebrating the success of the election, we wonder why the gentleman from Florida [Mr. GOSS] would insist on bringing an amendment to this floor that basically may tie the hands of Haiti as they move toward the next election.

Mr. Chairman, what the gentleman from Florida [Mr. GOSS] is basically saying in this amendment is that he does not trust all of the work that has been done, he does not trust the representations of the President there.

I said to Mr. GOSS that President Aristide had said to me that he thought Mr. GOSS was a fine man, and Mr. GOSS said to me that he thought President Aristide was a fine man, and he said to me that President Aristide has made a commitment to him that he would not run again, that he would not interfere in the elections, and according to the constitution he cannot run again, and he said that he made a commitment that he would do everything that he could to ensure that there would be fair and free elections.

Given all of that, he comes with this amendment, and this amendment basically says he does not trust any of that. This amendment basically says, if somebody, God knows who, tells the President of the United States that the elections were not in substantial compliance with the 1987 constitution, then we should cease to give any financial assistance to Haiti.

Well, I reiterate, this is quite unnecessary, and it has gotten us into this big debate this evening. The gentlewoman from Florida [Mrs. MEEK] had to come with an amendment in order to try and modify what was being done. She had to do that because she knew that whether he was serious about this or not or whether he was just being mischievous that they could cause some problems in Haiti.

I tried to get him to explain, what does he mean by substantial compliance. I asked him if, in fact, he thought the recent elections were in substantial compliance, and he said yes, and I said, "Are you asking for a higher standard? Do you know the work that went into getting an agreement from everybody that they would move in the direction that they did to oversee and conduct these elections?" And he said yes. So, he does not know why he is doing this.

This does not encourage, this discourages, the people of Haiti. They know that, given everything that they have done, everything that they have agreed to, when we continue to have these kinds of motions on the floor of Congress, something is wrong.

The CHAIRMAN. The time of the gentlewoman from California [Ms. WATERS] has expired.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent the gentlewoman from California be given 2 additional minutes.

The Chairman. Is there objection to the request of the gentlewoman from Colorado?

Mr. LINDER. Reserving the right to object, Mr. Chairman, I would like to question the gentlewoman as to how much longer she thinks this debate is going to go on. There has been about 2 hours' debate on both the underlying amendment and the Meek amendment which failed. I would like to ask the gentlewoman how much longer this might go on.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentlewoman from California.

Ms. WATERS. It was my preference that we not have this debate. As a matter of fact, given my negotiations with the gentleman from Florida [Mr. GOSS], I asked him if he would withdraw his amendment. Someone else asked if they would simply agree to the Meek amendment.

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CALLAHAN. Mr. Chairman, we have been on this amendment for 6 hours and 55 minutes, and I think I have been extremely fair to everybody in this House on both sides of the aisle by making absolutely certain that all of my colleagues have the opportunity to speak. The gentlewoman from California had been recognized for 5 minutes——

Mr. FRANK of Massachusetts. Regular order, Mr. Chairman.

Mr. Chairman, this is not a point of order. The gentleman from Alabama [Mr. CALLAHAN] is not stating a point of order.

The CHAIRMAN. Would the gentleman state his point of order?

Mr. CRANE. Object.

The CHAIRMAN. Objection heard.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto end with 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. OBEY. Reserving the right to object, Mr. Chairman, could I under my reservation suggest to the Chair, to the subcommittee chairman, that, as we know, there are a pair of discussions going on between out two leadership, and I think, if we are going to get through this night in a civilized way, that we ought to recognize the fact that those discussions are probably going to determine what happens in this debate tonight. I do not especially like that any more than——

Mr. LINDER. Mr. Chairman, will the gentleman yield under his reservation?

Mr. OBEY. I will be happy to after I complete the sentence, but I really do believe that we can keep the emotional

pressure at a lower level if we allow people to continue to make their points for a few minutes to see what is happening in the other room.

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Would the gentleman agree that the discussions between the respective leaders has less to do with the Goss amendment than it has to do with the Committee on Ways and Means, and that we can still conduct the business of this amendment and get it out of the way while they are discussing the question as to what has been interrupting the House for the last 6 hours?

Mr. OBEY. I would simply observe that that is one part of, or that is partially true, but I think it is also true that this debate would not be taking place at all had the committee on which the gentleman serves not approved an amendment which would not be in order under the regular rules of the House.

Mr. LINDER. Mr. Chairman, would the gentleman further yield on that?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Would the gentleman also agree that several other amendments were made in order with waivers in the same vein?

Mr. OBEY. Yes, I would, and I objected to all of them at the time, and I think we would have been better off if none of them had been made in order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. FRANK of Massachusetts. Mr. Chairman, I object.

The CHAIRMAN. Objection has been heard.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word

Mr. Chairman and colleagues. As some of my colleagues in the Chamber know, I lived in and worked in Haiti for 3½ years. I speak the language, the official language and the everyday language of the people, both French and Creole, and Haiti for me has been a passion of over 35 years.

Mr. Chairman, I have followed with great excitement what has happened in the last 5 years: that a real election has taken place, an honest election, the results of which were disrupted by the army, and then, through diplomacy and forceful action, the rightful President was restored.

Mr. Chairman, just this past weekend we witnessed another election in Haiti that was about as fair and as free as any election in the history of the country ever has been with the possible exception of the election of President Aristide.

I was on the presidential observer team with our colleague from Florida. We observed election precincts in the mountains above Petionville, in the waysides, in the center city, in Cité Soleil, in Marché Salomon. The gentleman was with me when a similar occurrence in 1990 happened as happened over this past weekend. People waited in line for 7 hours to vote but could not vote because there were no ballot boxes, and the gentleman helped me make ballot boxes out of cartons.

Mr. Chairman, mistakes were made in that election, mistakes, but not actions of ill will; and mistakes were made in this past weekend's election, but not purposefully, not actions of ill will.

I think the gentleman's amendment is well intentioned. I think he wants to see a good result come out of the December election or whenever it occurs in accordance with the constitution.

□ 2215

But I suggest to you that this is the wrong time and the wrong place for this amendment. We have in the past used forcing mechanisms against violent regimes, against regimes that were oppressive and dictatorial and would not hold elections, to force elections to happen.

In this case we have a government that wants elections, a President who is committed not to succeeding himself, who said that the second election is the one that counts in this country, the second election is the one that determines whether we will have a democracy. He wants an election to happen.

It is the other side that does not want an election to happen. It is the remnants of the Ton-Tons Macoutes, the remnants of the Force de FRAPH. It is the remnants of Duvalierism who do not want elections to happen in Haiti. They would rather disrupt. And this language now, at this time, 6 months or more before an election even happens, feeds the forces of retreat and repression and regression.

It will give them all the encouragement in the world to disrupt elections, to cause evil things to happen, if today we are imposing conditions on this country.

You know, it is a modern miracle that Haiti even wrote a Constitution, wrote an election law. This is a country whose law school was closed for 30 years, whose university was closed for 30 years; where people left the country, the best and brightest minds left the country to go elsewhere to work, for the United Nations, in Africa, elsewhere around the world. And yet when Baby Doc was ousted from Haiti, there were people of good will and of bright minds who could write a Constitution, a model Constitution, and write an election law, and supervise elections and have a real election happen.

My fear is that if this amendment is adopted, the Haitian proverb will come true, "We washed our hands and dried them off in the dirt." The end will be the reversal of the beginning.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(On request of Mr. VOLKMER, and by unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would just like to point out to the House that the gentleman has had experiences in Haiti, and this is the only time that the gentleman has spoken on the floor on this amendment, is that correct?

Mr. OBERSTAR. I thank the gentleman. Yes.

Mr. Chairman, to simply conclude, the Haitians say it so well in their own words. "Behind the mountains are more mountains." Today I say, behind the problems of Haiti are more problems. We are trying, I think well, to deal with the problems of Haiti. But the gentleman's amendment will feed into the hands of the forces of repression. And to simply restate that very simple but eloquent Haitian proverb, it is washing your hands and drying them off in the dirt. That is the effect of the amendment. It will be to undo the good that we intend and the good that we have accomplished.

Please, do not adopt this amendment. If elections go badly, we can always come afterward and cut off aid. But we do not impose on any country in the world, any industrialized country, any third world country, any developing country, preconditions, preconditions to democracy. Do not do it now, not for struggling Haiti. Please, defeat the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are confronted with an odd principle here, which is that a nation which has been deprived of democracy for many, many years, will be worse off for trying to become democratic than if they just are content to remain repressive.

The Haitians are trying in extraordinarily difficult circumstances. They are doing far better than anyone had predicted. But they are being held to a standard that is much too high.

Had they not tried at all, it is clear that for many in this body that would not be a problem. We have given aid and continue to give aid to countries which are not even trying to be democratic.

I think the Middle East peace process is one of the most important things going on in the world right now, so I am for foreign assistance for, among other places, Egypt. I do not think anyone would look at the electoral process of Egypt and award it any

prizes. I think we have in Haiti today more democracy in fact than we have in Egypt.

We continue, as I understand it, to provide some forms of assistance to Indonesia. As I understand it, the only elections they have in Indonesia are when the family of the President gets together and votes on who gets what, and they may do that by majority rule.

Indonesia is right now in the process of oppressing East Timor. By what logic and moral principle do the people of Haiti get punished, as they would under this amendment, for trying to be democratic, when you do not get punished for succeeding in being repressive?

If you were going to make a list of recipients of American foreign assistance on a scale of the will to have democracy, Haiti would come very high. I have to say I think part of the problem here is not just the Haitian's fault. They are guilty of having benefited from President Clinton's foreign policy. I know when the President makes a mistake, as he does sometimes, because all Presidents do, people on the other side are unhappy. But when he succeeds, they are furious.

The problem here is not President Aristide, it is President Clinton. He presumed not to listen to this body. I was in the minority, and this time I was glad I was. The President went ahead under his constitutional authority and moved in the right direction in Haiti. People warned of disaster.

There is nothing more frustrating than to be walking around with a sign that says the world is going to end Friday, and all of a sudden it is Monday morning and the sun is shining.

Now, the sun is not shining yet in Haiti, but it is coming out, the clouds are receding. And what we have in Haiti is a successful presidential foreign policy that has gone further towards restoring democracy to one of the most oppressed and maligned places in the world.

If you had a measurement of progress, Haiti would be at the very top. What we are in danger of doing is punishing people for trying something difficult and not succeeding fully.

If the standards of this amendment governed Olympic judging, all the diving events would be head first straight into the pool, and all the gymnasts would just jump up and back and up and back, because you do not take into account degree of difficulty. In the real world, when you are judging people, the degree of difficulty that they have volunteered to undertake has to count for something.

Aristide and Clinton and, even more, the brave common citizens of Haiti are guilty of having shown some people to be excessively pessimistic. The Haitian people are proving more interested in democracy. We have some people who tended to argue that the desire to be democratic was kind of an European instinct, not shared by others. The people of Haiti have disproved that as eloquently as anyone in history, because against the greatest of odds, at the peril of people's lives, they have insisted on their right to govern themselves and they have come a very long way toward that goal. And they are to be rewarded by an amendment that says because you did not have a very, very good election, we are going to throw this one away.

Now, I have to say, perhaps we should have been warned about that by the standards people on the other side use, because I have to admit they are not entirely inconsistent. If you look at their views regarding the election in North Carolina and California, they are being consistent, but they are wrong on all counts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am trying to understand exactly what the motivation of the gentleman from Florida [Mr. GOSS] is and what the attitude of our country is towards the poor Haitian people. The United States is the richest and most powerful democracy in the world. Yet we put on the floor of this House an amendment designed to once again create a paternalistic attitude by the United States towards a poor, vulnerable, black, democratically elected regime.

We say to this poor nation, where people have stood in line for hours and hours, where people have been killed and gunned down on the street to fight a military junta led by General Cedras, where time and time again families have been disrupted and torn apart, individuals absolutely pulled out of churches and gunned down, and we have the right to say to these people that somehow their struggle for democracy is not up to our standards? Our standards, where only 25 percent of the American people currently participate in the electoral process, and a party comes in here thinking they have got some mandate from the American people?

The fact of the matter is that if the people of this country ever participated in an election the way the Haitian people did this last weekend, we would have a very different government here in the United States of America. What we need in this country is a little sensitivity towards a struggling democracy, and a sensitivity that suggests that an individual in this Congress who offered an amendment just a few months ago to send the Aristide government to an island off of Haiti in exile rather than have the guts that President Clinton did to put President Aristide back into power.

President Aristide, a quiet, stately human being, who has committed himself and his country toward the path of democracy, who opened up free and fair elections, with 11,000 people running for office over a weekend. Yes, there were problems. But as I have heard many people say to me today, not as many problems as we sometimes have in Boston, not as many problems as MAJOR OWENS has in New York, not as many problems as some of the major cities here in the United States in terms of getting polls.

I was reading about some of the problems the Republicans were having, some of the problems Democrats are having in getting votes in this country today. But all of a sudden, if there is a problem in a poor black country in the Caribbean, we are going to condemn them. We are going to put an amendment out on the House floor that says if they do not shape up, we are going to ship them out.

Well, maybe it is time that we look in the mirror of our democracy and ask ourselves the same questions we are asking the Haitian people, and challenge ourselves to reach the same standards that we asked the Haitian people to meet. And maybe if we met those standards, we would have the right to ask people throughout the world to reach those same standards.

You look at the level of democracy and participation in so many other countries throughout the world, Third World nations, that struggle each and every day, that have individuals and corporations and so many special interests, that have the capability of going in and struggling and stifling off any hope of individuals rising to their full potential, not because of their brain power, not because of their desire for democracy, but simply because they are stifled by the systems that are in place.

Haiti, more than any other nation, has struggled against that system for 200 years. Finally, after 200 years, after millions of dollars of American taxpayers' money has gone to stifle democracy in Haiti and so many other countries throughout Latin America, they finally have a democratically elected regime, and we sit here in the Congress of the United States and basically tell them that they are not good enough.

Well, Mr. Chairman, it is time for us to stand up for Haitian democracy, be proud of President Aristide, be proud of the democracy that President Clinton has allowed to take place in the Third World, in Haiti, and stand up and be counted the way the American people did when George Washington led our revolution.

□ 2230

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that I had the privilege to travel to Haiti, as I indicated before, and was certified by

their election board to be a person that could observe these elections. I was a member of the Interorganizational Observers Mission Group. It was made up of people who were scholars and educators, lawyers. And we visited many of the election sites. I flew up to Cap Haitien, and we went to the area that was supposed to be the most in distress. There were 10,000 polling places, 10 million election pieces had to be printed. There were 177 Senates running, 859 deputies, 885 mayors with 3 names with each mayor because they have several persons in, so you can multiply that by 3 and you get close to 2,500.

You had 2,688 counselors and in those you had also 3 persons, so you are talking about 7,500, over 11,000 persons being elected.

In that country, 3.5 million people were registered, 92 percent of the persons registered to vote, and a member of the International Republican Institute said, "Well, that sounds fairly good."

In the election people voted from all parts of that country. We had turnouts that were outstanding throughout the country. We had numbers of people, close to 50 percent in some areas. We had election returns of up to 40 percent in some of the other suburbs. We had the fact that many of the people there, 30 to 40 percent in Port-au-Prince, 60 to 65 percent in the rural suburbs of Port-au-Prince, 35 percent in the north, 50 percent in the northeast, 30 to 40 percent in the south. In our last election in this country, only 39 percent of the registered persons voted. In our country, only about 75 percent of the people in this country, eligible to register, are registered.

During the 1987 election, 100 people were killed leading up to election day in Haiti. In 1987, 34 people were killed on election day alone. This time there were none killed. There was a shooting of someone in the arm, and no one knows whether that was about an election on whether it was some longstanding problem.

I say that this election was fair and free. I say that the people who voted voted their conscience. Yes, there were some problems, but the thing that was interesting was that all parties complained about the fact that they did not feel the election was as good as they wanted it to be. I commend President Aristide for the criticism that he took from his own Lavalas Party so that he created a new party, a new party with a new symbol, a symbol of people sitting around a table, four people, where they are at the table negotiating for peace. And his right wing radical persons from his party disagreed with him. They said, Let us get revenge; let us not have reconciliation. He said, There is reconciliation and not revenge. And so they split off from him because he was not going after revenge.

This was a very outstanding election. We talked to people after the election. They stood in line peacefully waiting hours and hours, polls opened at 6:00 in the morning. People had to walk for hours and hours to get there to open them up. Yes, a few got there a little bit late, but I have seen polls open late all over the country, in my own State of New Jersey, where you do not have to walk far to get to a polling place.

So I think it is totally unfair. If we want to see people once again leaving a place because people like a Cedras or a Michel Francois or a Biamby will come back into power as they did before, using the gun barrel. They have a police department. For the first time Aristide wanted to do away totally with their military, with their army and wants a police department like they have in other countries.

Why do you not give the man credit? I know the CIA was upset when they miscalculated the fact that Aristide was going to win the election, because the CIA told everyone it was going to be a guy named Bazin who they said had it in the bag, they were totally wrong. They have been trying to clean their act up ever since they miscalculated that election in 1990. With the hundreds of millions of dollars they had there to monitor the election, they blew it.

AMENDMENT OFFERED BY MS. PELOSI TO THE AMENDMENT, AS MODIFIED, OFFERED BY MR. GOSS

Ms. PELOSI. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Ms. PELOSI to the amendment, as modified, offered by Mr. GOSS: In the matter proposed to be inserted by the amendment, strike "when it is made known" and all that follows and insert the following: "except when it is made known to the President that the democratic process is being strengthened in Haiti."

Mr. LINDER. Mr. Chairman, will the gentlewoman yield for a unanimous-consent request?

Ms. PELOSI. I do not yield to the gentleman from Georgia for that purpose.

Mr. Chairman, I frankly do not believe that we need any amendments to the foreign operations bill in relationship to Haiti. I do not think we should condition our assistance to Haiti, but I do understand the concern expressed by my colleague, the gentleman from Florida [Mr. GOSS]. In the spirit of that understanding, I am suggesting that perhaps an appropriate amendment to his amendment would be as the Clerk reported, except when it is made known to the President that the democratic process is being strengthened in Haiti. That is as opposed to the gentleman's amendment which just addresses the elections.

There is more to a democracy than elections, Mr. Chairman. Many times, people in this body, indeed in our country, have looked away from countries once they have had a democratic election and said: Okay, they have had a democratic election, now we can move on before those countries have even had a chance to develop democratic institutions, develop systems of independent judiciary, a court system, which is fundamental to a democracy.

So I think that instead of just using the elections as a guide, we should determine a standard that is realistic and that strengthens democracy in Haiti.

When I was listening to the debate, it was interesting to me to hear about this conditionality which, as I said, if I had my druthers, I do not think we need any conditionality for our aid. But in the spirit of compromise, I was thinking that we do not even condition aid to countries that do not even have elections, much less elections that do not meet our complete standards.

But I was recalling a speech that was very familiar to every American, particularly to Americans of a generation of many of us who serve in this Congress, indeed, inspired many of us to a life of public service. That was President Kennedy's acceptance speech.

Everybody, whoever follows government and politics, can quote the President's very famous: And so, my fellow Americans, ask not what your country can do for you but what you can do for your country. But what I want to address is the sentence that comes next in that speech. The sentence that comes next, Mr. Chairman, is, the President went on to say: My fellow citizens of the world, ask not what America will do for you but what together we can do for the freedom of man.

I think that the issue that is before this body this evening is about what we can all do working together for the freedom of man.

The gentleman from Florida [Mr. GOSS] says in his amendment that we spend so much money and we have limited resources right now; and, indeed, I know that. Our chairman, the gentleman from Alabama [Mr. CALLAHAN] worked very hard to craft a bipartisan agreement in our foreign operations bill. Every time I have risen to address an amendment on this floor, our colleague, in a Dear Colleague letter to us, Mr. GOSS says that recognizes the budgetary, the tight budgetary times, and indeed they are. As I was saying, every time I have risen to speak on this bill, I have commented on the excellent job that our chairman, the gentleman from Alabama [Mr. CALLAHAN] has done to make the most of the resources that were available to him and to comment on also the hard work of the gentleman from Louisiana [Mr. LIVINGSTON] in trying to get us the best allocation he could. But the tight budgetary times did not give us enough money to go around.

I think that for the money that we have and the investment that we have

in Haiti, we want to protect that investment, not only by sending money but by sending our respect for the people of Haiti. We are not going to say to them: We do not think you can do this, so right from the outset we are going to put a condition on your receiving the funds or the continuation of your receiving the funds.

The people of Haiti went to the polls this weekend to vote. Let us give them our vote of confidence by saying we believe that they can become a more democratic country. They have been through a very tough time.

In closing, Mr. Chairman, I also want to quote from President Kennedy's speech because I think it is appropriate to the debate this evening. In addition to asking the citizens of the world what together we can do for the freedom of man, he talked about a clarion call to bear the burden of a long twilight struggle, year in and year out, rejoicing in hope, a patient in tribulation, a struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

Surely, Haiti, a small neighbor of ours, has suffered to through all of those afflictions. Let us help them become a strong democracy. Let us please, I urge my colleagues to support my amendment to the Goss amendment.

PREFERENTIAL MOTION OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. WISE moves that the Committee do now rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from West Virginia [Mr. WISE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WISE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 236, not voting 19, as follows:

[Roll No. 438]

AYES—179

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—236

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Berman
Chapman
Coleman
Dicks
Forbes
Gunderson
Harman
Herger
Hilliard
Largent
Martinez
McNulty
Moakley
Rangel
Reynolds
Rose
Stokes
Waxman
Yates

□ 2259

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

□ 2300

PARLIAMENTARY INQUIRY

Mr GOSS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlemen will state his parliamentary inquiry.

Mr. GOSS. Mr. Chairman, our records show that debate started at 6.55, more than 4 hours ago. Do the Chair's records comply with that?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

MOTION OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I move that all debate on the Goss amendment and all amendments thereto close immediately.

PREFERENTIAL MOTION OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I have a preferential motion at the desk

The CHAIRMAN. The Clerk will report the preferential motion.

Mr. VOLKMER moves that the Committee do now rise and report the bill back to the House with recommendation that the enacting clause be stricken.

Mr. VOLKMER. Mr. Chairman, the attempt by the gentleman from Florida [Mr. GOSS] to limit debate on this very important amendment of the gentlewoman from California [Ms. PELOSI] to the gentleman's amendment I do not think is appropriate at this time.

We have yet to start real debate on the amendment of the gentlewoman from California, and I think it is inappropriate at this time, very inappropriate at this time, to move or to even request a limitation on time on this amendment.

This amendment, most of the Members I am sure do not even know what the consequences are. I think it is appropriate that we permit unlimited debate on these amendments so that they can be thoroughly discussed and then at the appropriate time we will vote on those amendments.

Mr. Chairman, I believe that the appropriate thing to do under the circumstances is to proceed and, therefore, for the committee to rise and to report the bill back and that the enacting clause be stricken, so that the committee can then start all over with this piece of legislation.

Ms. FURSE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, I think that perhaps there is a misunderstanding here. I think perhaps that the people in this room do not know how long it takes to get a democracy. Maybe it takes more than a few minutes. Perhaps it takes a little longer.

It has taken the people of Haiti a long time. I am going to ask the people in this room just to imagine what it might be like to all your life long for a vote, to vote in an election in your country. I am going to ask you to imagine what it is like when finally you get to vote and you find that that great democracy, the United States of America, does not think that your vote is really worthy.

That the United States of America, to which you have looked to as a great democracy, as a model for that vote you are going to make, they say, Well, we do not know if that vote is right. We do not know what it is like to be a democracy.

Mr. Chairman, I am going to ask my colleagues to imagine what it must be like tonight in Haiti, having finally voted in a free election, to hear that the country that they looked toward does not think that this is worth a few more hours of debate, a few more days of debate.

This country took a long while to become a democracy. Let us respect the people of Haiti. Let us give them the time to talk about democracy and their vote.

Mr. VOLKMER. Mr. Chairman, I know that there are some Members of this House who really do not want to take the time to debate the situation in Haiti and the freedom that those people now receive that they have not had for many years.

They have had now the opportunity to vote freely for one time and yet they want to now, by the amendment of the gentleman from Florida [Mr. GOSS], they, the majority, are willing to take that away from them again.

And, therefore, I really think that this House needs to spend at least another hour to 2 hours on the situation in Haiti. Mr. Chairman, I don't believe that I have attempted to interrupt any speaker during my 19 years, or 18½ years, in this House. I would hope that we have mature people as Members of Congress. And not people who act like spoiled children.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I am relatively new here as a freshman of the new Congress. There was a lot of clapping going on when the gentleman from Texas [Mr. ARMEY] spoke about working through the night. Since his speech, we have been asked to rise by your side of the aisle over three times. Are we going to work or are we going to keep having these types of tactics to rise and have Members come to the floor and vote and waste time?

Mr. GOSS. Mr. Chairman, I rise in opposition to the preferential motion. I think that what we have got here, if anybody ever wondered what a dilatory tactic was, across the country they are seeing it in evidence.

We have been more than 4 hours on this amendment. Granted, we have got better than $2 billion of American taxpayers' money riding in Haiti which does need appropriate oversight and that does justify some time. I think 4 hours is enough.

This is an appropriations bill. We are talking about appropriations. We are talking about oversight of appropriations. There has been sort of an attempt to obfuscate that by going back into a lot of other very important matters, but they are not particularly important to this bill.

The amendment that we are out there talking about, the Goss amendment, basically says, "No democracy, no money." That is a fair proposition. Most everybody understands it. We all hope for the democracy, and therefore the money will flow.

One of the speakers on the other side, one of our colleagues said they long for a vote. Well, Mr. Chairman, we long for a vote too. And I think it is about time we got down to that vote.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 255, not voting 13, as follows:

[Roll No. 439]

AYES—166

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Hamilton
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn

NOES—255

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter

Hutchinson	Miller (FL)	Shaw
Hyde	Minge	Shays
Inglis	Molinari	Shuster
Istook	Moorhead	Skaggs
Jacobs	Morella	Skeen
Johnson (CT)	Myers	Skelton
Johnson, Sam	Myrick	Smith (MI)
Jones	Nethercutt	Smith (NJ)
Kasich	Neumann	Smith (TX)
Kelly	Ney	Smith (WA)
Kim	Norwood	Solomon
King	Nussle	Souder
Kingston	Ortiz	Spence
Klug	Oxley	Stearns
Knollenberg	Packard	Stockman
Kolbe	Parker	Stump
LaHood	Paxon	Talent
Largent	Petri	Tanner
Latham	Pickett	Tate
LaTourette	Pombo	Tauzin
Laughlin	Porter	Taylor (NC)
Lazio	Portman	Thomas
Leach	Pryce	Thornberry
Lewis (CA)	Quillen	Tiahrt
Lewis (KY)	Quinn	Torkildsen
Lightfoot	Radanovich	Traficant
Linder	Ramstad	Upton
Livingston	Regula	Vucanovich
LoBiondo	Riggs	Waldholtz
Longley	Roberts	Walker
Lucas	Rogers	Walsh
Luther	Rohrabacher	Wamp
Manzullo	Ros-Lehtinen	Watts (OK)
Martini	Roth	Weldon (FL)
McCollum	Roukema	Weldon (PA)
McCrery	Royce	Weller
McDade	Salmon	White
McHugh	Sanford	Whitfield
McInnis	Saxton	Wicker
McIntosh	Scarborough	Wilson
McKeon	Schaefer	Wolf
Menendez	Schiff	Young (AK)
Metcalf	Seastrand	Young (FL)
Meyers	Sensenbrenner	Zeliff
Mica	Shadegg	Zimmer

NOT VOTING—13

Berman	Martinez	Sisisky
Coleman	McNulty	Stokes
Collins (MI)	Moakley	Yates
Gunderson	Reynolds	
Harman	Rose	

□ 2326

Mr. SKELTON changed his vote from "aye" to "no."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to explain where I think we are at this point, on this bill anyway.

As my colleagues know, we have had considerable concern about another matter before this House, and I understand that we will see that concern continue to manifest itself. But I think there is general agreement on both sides of the aisle that it would be good if we could reach agreement on this item and then move on to whatever is going to happen because we have debated it for a good long time.

So what I would like to do is just to take a brief moment or two to make certain people understand what it is we are going to vote on on the Pelosi amendment. Then I would hope after that vote, we can move right to a vote on the Goss amendment. Then I do not have any idea what is going to happen, but at least we will have moved on to something else.

□ 2330

So let me simply explain that the Pelosi amendment simply reads as follows:

In the matter proposed to be inserted in the Goss amendment, strike "when it is made known" and all that follows, and simply insert the following: Except when it is made known to the President that the democratic process is being strengthened in Haiti.

The point that the gentlewoman from California made when she offered the amendment was that we feel on this side of the aisles that there was no need for any amendment of this section, but if there is going to be one, it at least ought to reflect the fact that in evaluating whether a country really has democracy or anything close to it, that there are other factors to consider besides elections; not instead of elections, but in addition to elections. You want to know that they have an improving state of the judiciary. You want to know that the police force is not running wild. You want to know that democratic institutions are being strengthened.

So it was in the spirit of trying to get an agreement on Haiti which is, after all, one of our neighbors, and which is, after all, an island which has seen a good less than democracy for a long, long time, it was simply her effort to try to reach agreement in a very contentious evening by trying to offer language that would be a reasonable compromise.

So I would simply, in urging that we vote on this amendment, and then the Goss amendment, I would urge Members to support the Pelosi amendment. I think it is a constructive effort to continue the bipartisanship which we tried to maintain on this bill, even though we have a lot of other problems plaguing the House at this point.

Mr. Chairman, I would urge a yes vote on the Pelosi amendment.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, let me understand. The gentleman is saying we will immediately vote at the end of this conversation assuming that the gentleman from Florida [Mr. GOSS] will withdraw his motion, on the Pelosi amendment, and then immediately vote up or down on the Goss amendment?

Mr. OBEY. That would certainly be my hope.

Mr. GOSS. Mr. Chairman, with that understanding, I withdraw my motion at this time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. PELOSI] to the amendment, as modified, offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Goss amendment.

The vote was taken by electronic device, and there were—ayes 186, noes 233, answered "present" 1, not voting 14, as follows:

[Roll No. 440]

AYES—186

Abercrombie	Gejdenson	Obey
Ackerman	Gephardt	Olver
Andrews	Gibbons	Ortiz
Baesler	Gonzalez	Orton
Baldacci	Gordon	Owens
Barcia	Green	Pallone
Barrett (WI)	Gutierrez	Pastor
Barton	Hall (OH)	Payne (NJ)
Becerra	Hamilton	Payne (VA)
Beilenson	Hastings (FL)	Pelosi
Bentsen	Hefner	Peterson (FL)
Bevill	Hilliard	Peterson (MN)
Bishop	Hinchey	Pomeroy
Bonior	Holden	Poshard
Borski	Hoyer	Rahall
Boucher	Jackson-Lee	Rangel
Brewster	Jacobs	Reed
Browder	Jefferson	Richardson
Brown (CA)	Johnson (SD)	Rivers
Brown (FL)	Johnson, E. B.	Roemer
Brown (OH)	Johnston	Rose
Bryant (TX)	Kanjorski	Roybal-Allard
Cardin	Kaptur	Rush
Chapman	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sawyer
Clement	Kildee	Schroeder
Clyburn	Kleczka	Schumer
Collins (IL)	Klink	Scott
Condit	LaFalce	Serrano
Conyers	Lantos	Sisisky
Costello	Levin	Skaggs
Coyne	Lewis (GA)	Skelton
Cramer	Lincoln	Slaughter
Danner	Lipinski	Spratt
de la Garza	Lofgren	Stark
DeFazio	Lowey	Stenholm
DeLauro	Luther	Studds
Dellums	Maloney	Stupak
Deutsch	Manton	Tanner
Dicks	Markey	Tejeda
Dingell	Mascara	Thompson
Dixon	Matsui	Thornton
Doggett	McCarthy	Thurman
Dooley	McDermott	Torres
Doyle	McKinney	Torricelli
Durbin	Meehan	Traficant
Edwards	Meek	Tucker
Engel	Menendez	Velazquez
Eshoo	Meyers	Vento
Evans	Mfume	Visclosky
Farr	Miller (CA)	Volkmer
Fattah	Mineta	Ward
Fazio	Minge	Waters
Fields (LA)	Mink	Watt (NC)
Filner	Mollohan	Waxman
Flake	Montgomery	Williams
Foglietta	Moran	Wilson
Ford	Murtha	Wise
Frank (MA)	Nadler	Woolsey
Frost	Neal	Wyden
Furse	Oberstar	Wynn

NOES—233

Allard	Bereuter	Bunn
Archer	Bilbray	Bunning
Armey	Bilirakis	Burr
Bachus	Bliley	Burton
Baker (CA)	Blute	Buyer
Baker (LA)	Boehlert	Callahan
Ballenger	Boehner	Calvert
Barr	Bonilla	Camp
Barrett (NE)	Bono	Canady
Bartlett	Brownback	Castle
Bass	Bryant (TN)	Chabot

Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—14

Berman
Coleman
Collins (MI)
Gunderson
Harman
Martinez
McDade
McNulty
Moakley
Reynolds
Stokes
Towns
Yates
Young (FL)

□ 2350

So the amendment to the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WILSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 164, answered "present" 1, not voting 17, as follows:

[Roll No. 441]

AYES—252

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wyden
Young (AK)
Zeliff
Zimmer

NOES—164

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Bevill
Bilirakis
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Collins (IL)
Condit
Conyers
Costello
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Mascara
Matsui
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—17

Berman
Coleman
Collins (MI)
Gunderson
Harman
Hoyer
LaFalce
Martinez
McDade
McNulty
Moakley
Parker
Reynolds
Stokes
Towns
Yates
Young (FL)

□ 2358

Mr. LIPINSKI changed his vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title V?

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

H.R. 1868

AMENDMENT NO. 52: In Title V Section 507 strike "Provided further," and all that follows in Section 507.

□ 0000

Mr. VISCLOSKY. Mr. Chairman, I would stress at the outset on a personal note, having been present and listening to the debate of the last 5 hours, that the amendment before us is bipartisan. There will be Members on the majority side who are supportive of the amendment. There will be Members on the majority side who will be opposed to the amendment. There will be Members on the minority side who will be supportive of the amendment. There will be Members on the minority side who will oppose the amendment.

It is a bipartisan issue that I would hope can be considered by all of the Members of the House on both sides of the aisle in that vein.

Mr. Chairman, I rise today to offer an amendment to strike language in the bill lifting the current ban on direct United States assistance to the Government of Azerbaijan. This ban, Section 907 of the Freedom Support Act, was passed in the 102d Congress and signed into law by President George Bush in 1992. It was in response to Azerbaijan's decision to impose a complete blockade on all goods and services into Armenia and Nagorno-Karabakh. Section 907 is not vague.

Section 907 states:

United States assistance under this or any other act may not be provided to the government of Azerbaijan until the President determines and so reports to Congress that the government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

To date, the President has failed to report to the Congress that the blockade is being lifted.

This bill would gut that section. I want to be clear about this. Section 907 does not prohibit direct government aid. It does not deny United States humanitarian assistance to Azerbaijan as the bill language would lead one to believe. As a matter of fact, as of March 31 of this year, Azerbaijan has received $61.8 million in United States foreign aid money provided through non-governmental organizations and private volunteer organizations. The United States money went to such notable organizations working in Azerbaijan as Save the Children, the International Red Cross, UNICEF and the World Food Program. Do not give credibility to arguments that Azerbaijan does not receive United States humanitarian aid. The U.S. taxpayers have already spent over $60 million in humanitarian aid.

Let me return to the issue of the blockade. The President's own administration, instead of reporting that the blockade is being lifted, detailed through the Agency for International Development in its 1995 annual report the devastating effects caused by the Azerbaijani blockade of Armenia. The administration's report describes how Azerbaijan continues to enforce a complete railroad and fuel blockade of Armenia throughout its territory, cutting off all fuel and humanitarian supplies.

Aides described the situation in Armenia as desperate with key industries completely shut down by the blockade, public transportation crippled, and over 50 percent of the work force unemployed or underemployed.

Any attempt to remove Section 907 must be viewed as support for Azerbaijan's blockade of Armenia, as a weapon of war, and as an obstructionist position in the ongoing peace negotiations.

I am also particularly disturbed by the fact that this position is intellectually inconsistent with the entire thrust of this bill. The bill includes very clear instructions regarding the use of U.S. foreign aid. The Committee on Appropriations inserted a new provision, Section 562, the Humanitarian Aid Corridor Act, strictly prohibiting assistance, and this is in the bill, to any country whose government prohibits or restricts the transport or delivery of U.S. humanitarian aid.

Therefore, the provision of Section 907 gutting the current law regarding Azerbaijan is clearly inconsistent with another section of this bill as well as the policies of the authorization committees. Lifting the ban on U.S. assistance to the Azerbaijani government would contradict requirements outlined in the Humanitarian Aid Corridor Act which has already been overwhelmingly approved by the House Committee on International Relations as well as the Senate Foreign Relations Committee.

Mr. Chairman, if the Azerbaijani government wants to drink from the cup of United States generosity, they should wash their hands of this blockade and come to the table of conciliation in peace.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. I know the sponsor has worked long and hard to work something out that would protect aid to the refugees in Azerbaijan and the interests of Armenia. I regret that he was unable to get agreement, and I commend him for his effort.

I don't know any Member of this House who wants to deny help for women and children who have been driven from their homes by the wars that are sweeping across the old communist empire. I don't think many of us care whether these victims are Christian or Moslem, believers or atheists.

Some of the opposition to this amendment appears motivated by revenge for past wrongs against Armenia. All of us have Armenian friends who have told us of the events of 1915, but most Americans of Armenian descent look to the future, and to a time when today's Armenia can live in peace with its neighbors. This amendment could set back the day when Armenia can live in peace with its neighbors.

Mr. Chairman, while I support the gentleman's concern as do many Americans, I reluctantly oppose his amendment.

Mr. TORRES. Mr. Chairman, I rise in support of the Visclosky amendment. The provisions of the bill lifting the ban on United States aid to the government of Azerbaijan is intellectually inconsistent with other provisions included in the foreign aid appropriations bill. Specifically, section 562 of the bill, the Humanitarian Aid Corridor Act, strictly prohibits assistance to any country whose government prohibits or restricts the transport of U.S. humanitarian aid. Azerbaijan is doing just that to Armenia, restricting the transport of United States humanitarian aid to Armenia and Nagorono-Karabakh.

Current United States law prohibits direct United States government assistance to the Government of Azerbaijan until it ceases its aggression against and lifts its blockade of Armenia and Nagorono-Karabakh. In the 3 years since Congress enacted that law (section 907 of the Freedom Support Act), the blockade has driven 94 percent of Armenia's population below a poverty level of $1 a day. As many as one-third of Armenia's 3.6 million people have fled the country because the winters are unbearable.

Removing Section 907 should only happen when Azerbaijan lifts its blockade. Azerbaijan has the power to do this right now if they wanted, but the Government of Azerbaijan would rather flaunt their refusal to abide by international norms of conduct.

The Government of Azerbaijan has done absolutely nothing to lift their 5-year-long total blockade of Armenia and have blatantly disregarded the very clear conditions that Congress attached to our foreign aid.

Therefore, lifting the ban now would only encourage Azerbaijan to resist a peaceful solution to the conflict in Nagorono-Karabakh and thus keep their blockades in place.

For 5 consecutive years the Government of Azerbaijan has maintained a complete blockade of Armenia and Nagorno-Karabakh. This blockade has cut off the transport of food, fuel, medicine, and other commodities.

Mr. Chairman, I urge this committee to support the Visclosky amendment. I vote to maintain the ban on direct United States assistance to the Government of Azerbaijan until it lifts the vicious blockade of Armenia.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, however well-intentioned the amendment by the gentleman from Indiana [Mr. VISCLOSKY]

may be, the fact of the matter is, it does indeed deny innocent people humanitarian assistance and assistance for democracy-building purposes, because in effect it repeals a provision in the bill that says very simply, "Azerbaijan shall be eligible to receive funds provided under title II of this act to be used solely for humanitarian assistance and for democracy-building purposes."

The gentleman says that that provision will not apply, that his amendment will apply instead. He interprets it as not denying people humanitarian assistance. But in fact, in the conflict between Armenia and Azerbaijan, only those refugees in Azerbaijan who are totally unassisted by the Azerbaijani Government will receive assistance. All of those others will not get assistance.

Here are the facts: 10 percent of the refugees in Azerbaijan the people who really need help, the people who are starving, the people who are malnourished, 10 percent of those people are currently living in organized camps and would be eligible for the assistance alleged by the gentleman from Indiana [Mr. VISCLOSKY]. The rest are either living with host families in public buildings, government-provided shelters, hostels provided for the government, or unused railway wagons or crude earth pits, all of which are government-related facilities.

The hepatitis cases in Azerbaijan among the IDP's and refugees have increased by 144 percent since January 1993.

Water-borne diseases among children are up 18 percent.

Salmonellosis is up 70 percent in the first 8 months of 1994 compared with all of 1993.

The leading cause of infant mortality and their main reason for hospitalization in Azerbaijan is acute respiratory infections.

Drugs previously supplied by the former Soviet central system have decreased from 75 percent of the country's needs to 5 percent.

Of the total IDP/refugee population, those most in need, those who have few or no alternative sources of income are estimated to number some 430,000. The families hosting the displaced, pensioners, orphans, handicapped and disabled people bring the total vulnerable population in need of assistance to 450,000 people.

Of those, the gentleman's amendment would say all but 10 percent just have to "hit the road, Jack. Don't get any help; forget it; because you're living in public-assisted housing or you're in a railroad house or a government provided hovel or someplace like that."

Look, if the gentleman gets his way, in effect he will be repealing a provision that is very straightforward and very clear, and says we will only give funds under this act to people in Azerbaijan for the sole purposes of humanitarian assistance and democracy-building.

The point is that the United States does not have a dog in this hunt. We should be in favor of helping people in Azerbaijan who need help, as well as for helping people in Armenia who need help. We should not be injecting ourselves in their dispute. What is done is done. If these people cannot live together in peace, that is too bad. It is unfortunate. But our policy should not be one of taking sides.

We have people here that need assistance. This gentleman's amendment would deny 90 percent of them any assistance whatsoever. It is a bad amendment. I urge this body to reject it, outright and totally. Just get rid of it. Vote "no."

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly in opposition to the amendment. Let me just say at the outset, I do not agree, having read the article, who the Azerbaijani government has hired to represent them, and I want to put that on the record before I speak.

Second, I have been there, I have been to Armenia, I have been to Nagorno-Karabakh for 4 days, and we went into Baku. I felt an obligation to go.

□ 0015

I am pro-Armenian. Let the word go forth not because there are many Armenians in my district. There really are not. But I am pro-Armenian. They are the oldest Christian Nation and the ones abused by the Turks.

If you want to do something tonight, support the Porter amendment. Because it is the Turks that have the blockade, not the Azeris.

Second, I went into the refugee camps and I met with World Vision and all the different ICRC. The people in those camps, as Mr. Livingston said, they are suffering. And what this part of the world needs is reconciliation. It does not need "I am going to take yours away and you are not going to get." We ought to aid the people in the camps. They are good, decent people. They are of the Muslim faith, but they are hurting badly.

Third, the Azeris have prohibited, if you want to talk about national security, they have prohibited the Russians from entering their country. They have said no, they will not allow them in. And that is important for us.

Last, they have expelled Iran. They have expelled Iran from the oil basin, which is very, very important. So I say as an act of reconciliation to bring these parties together, I reluctantly urge my colleagues to defeat the Visclosky amendment. It is well-meaning, but it will, as the gentleman from Louisiana [Mr. LIVINGSTON] said, it will hurt a lot of people there.

If you want to do more good for the people in Nagorno-Karabakh and the people in Azerbaijan and the people in Armenia, the opportunity will come soon after this and that is to support the Porter amendment, because when we were in Nagorno-Karabakh, we saw Turkish tanks when we were in Nagorno-Karabakh. We saw weapons whereby there were American weapons given to the Turkish Government and then given to torpedo and kill innocent Armenians.

As somebody who is pro-Armenian because I agree with them, and let me tell you, millions of Armenians were slaughtered by the Turks in what was genocide and that is something that is a fact. But we do not want to hold it against the poor people in Baku that have no part about this.

In fairness and in reconciliation, a no vote on the Visclosky amendment is the right vote. And I want to go on record again, and I want the Azeri Government to know, I do not, having read that article in the Wall Street Journal the other day, I find some of the people representing the Azeri Government reprehensible, but I cannot hold that against the poor people in the camps.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that the gentleman from Virginia [Mr. WOLF] mentioned the article in the Wall Street Journal, and I would like to just spend some of my time now reading from that article. It gives some indication of what he was talking about.

This was in the Wall Street Journal, Friday, June 23, of this year. It says:

Azerbaijan Pays Lobbyists $2.5 million to Plug Its Image and Oil Potential.

And I quote,

Azerbaijan was once an obscure part of the Soviet empire. Now, to burnish its image, this potentially oil-rich nation is paying $2.5 million to a group that includes an international oil trader and several former Congressmen, one an ex-convict.

They have lavish plans to spend $700,000 to set up a Washington operation to promote "the Republic of Azarbaijan and its people in all governmental bodies in the U.S.A. and in the eyes of the American people." according to the contract signed in 1994 by Azerbaijan and Arco-Globus International, Inc.

But their first real test is at hand.

That is this vote tonight.

To push through a measure being considered by the House that would soften a 3-year-old ban on U.S. aid to Azerbaijan.

Azerbaijan's trump card is oil, possibly billions of barrels of it, that attracts U.S. oil giants. So Azerbaijan hired 2 Americans to solve its problem. One is Abe Citron, a Russian-born American citizen and self-described international oil trader; the other is John Murphy, a former Congressman from New York who was convicted in a sting operation in 1981 for accepting bribes from FBI agents disguised as wealthy Arabs. He was sentenced to 3 years in jail and fined $20,000.

According to their contract, they plan to spend up to $300,000 annually for public relations, $250,000 for rent on a Washington office, and $1.5 million on staff salaries. Citron

and Murphy each will receive salaries of $125,000.

Mr. Chairman, I would like to put all of this in the record. But I mention what this is about; I have to mention that the oil lobby is clearly behind this effort to gut section 907. The language currently in the foreign operations bill would rewrite U.S. law by weakening section 907 of the Freedom Support Act.

The bottom line is that U.S. humanitarian aid is going to Azerbaijan. More than $60 million in such assistance has been provided to meet humanitarian needs in Azerbaijan. What is going on here is that the Azeris, Azerbaijan, is blockading Armenia. They are blockading Armenia.

Here is a country that is trying to move towards a market economy and trying to trade with the United States and other countries and it is being blockaded by Azerbaijan. And we are here going to say that is okay. Even though the Azeris continue the blockade, we are going to say throw out section 907, let them receive aid, direct governmental assistance from the United States, even though they continue this blockade.

Who are we talking about? Armenian citizens are suffering directly, not only because of the blockade by Turkey, but also because of the blockade by Azerbaijan. And it simply does not make sense for us now to say that that is okay.

Until the time comes when we have certified, and the President certifies, that Azerbaijan has lifted that blockade, they have dirty hands. They cannot expect us to provide them with any kind of aid other than the humanitarian assistance they already have as long as they keep up this stranglehold blockade on Armenia.

It is not fair. I think that those who are advocating the other point of view are simply ignoring that the blockade continues to exist. Azerbaijan does not have clean hands. They are causing the suffering in Armenia. They shouldn't be rewarded the way this committee accomplishes that goal.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to put this in the right perspective. This provision of the Freedom Support Act was originally put in the language of the bill and has been carried for 3 years because Azerbaijan is preventing all aid, humanitarian and otherwise, crossing its borders to go to Armenia.

And the gentlemen who have spoken previously have talked very eloquently about the suffering going on in Azerbaijan, but the suffering going on in Armenia is just as bad or much worse. And it is the result directly of the failure of Azerbaijan to allow the passage mainly of energy supplies, but also of others, into Armenia.

Mr. Chairman, the people of Armenia last winter had 2 hours of electricity a day in a country that has a freezing cold climate. People had no heat. People had no hot water. People had no energy supplies to cook their meals. Talk about suffering going on, it is going on in the entire population of Armenia as a direct result of the blockade of Azerbaijan. Can we get aid to Azerbaijan in there? Certainly. If they lift the blockade on Armenia, they will have it tomorrow.

And what has happened in this bill is that slipped into the bill is a provision to repeal section 907 of the Freedom Support Act that is a perfectly logical policy on behalf of the United States saying: You have to lift the blockade before you get our aid.

You have in Azerbaijan a government that is not a democratically-elected government. The Azeri President is a former communist party boss and politburo member who overthrew the democratically-elected President of Azerbaijan and his police and military are responsible for ongoing widespread human rights abuses in that country. And if we do not adopt the Visclosky amendment, we will allow aid to go directly to this corrupt government. There is no guarantee whatsoever that the aid would help the poor people of Azerbaijan.

In fact, we have now today under the current law a provision where aid can go directly through private voluntary organizations. We have already sent, as the gentleman from Indiana [Mr. VISCLOSKY] said, $60 million since 1991 through that source. We should not now change the U.S. policy.

Mr. Chairman, we should insist that the Azeris lift the blockage, stop the suffering in Armenia, and then we will stop the suffering in Azerbaijan. It is in their hands that the policy lies for change. The Visclosky amendment should be supported.

Ms. ESHOO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this evening to urge Members to support amendments to the Foreign Aid Appropriations Act which will end the brutal blockade on the people of Armenia by Turkey and Azerbaijan.

I rise, of course, in strong support of the gentleman from Indiana, Mr. VISCLOSKY's, amendment and thank him for his leadership on this. I would like to also salute my colleague, the gentleman from Illinois [Mr. PORTER] for the work that he has done in particular in this amendment, which strikes the section of the bill which undermines the 1992 Freedom Support Act.

The Freedom Support Act prohibits government-to-government assistance between the United States and Azerbaijan until Azerbaijan lifts its blockade of Armenia.

As the only Member of Congress of Armenia descent, I find that the bill passed by the Appropriations Committee contains both good news and bad news for the people of Armenia.

On one hand, the committee included the Humanitarian Aid Corridor Act which bars U.S. assistance to countries that prevent the delivery of U.S. assistance to a third country. This would directly affect Turkey and encourage Turkey to lift its blockade against Armenians.

Yet the bill also changes section 907 of the 1992 Freedom Support Act by permitting government-to-government assistance to Armenia's neighbor to the east, Azerbaijan, which is currently imposing its own blockade against the people of Armenia.

Mr. Chairman, the gentleman from Illinois [Mr. PORTER] I think, speaks more eloquently to this. The United States of America cannot rejoice in the suffering of any people. And If there is an identity of suffering on the part of the Azerbaijanis, then they would lift what they are doing to the Armenian people. And I hope all of my colleagues will listen to and embrace that point.

Mr. Chairman, I know how Armenia is suffering under a two-sided blockade supported to the west by Turkey and to the east by Azerbaijan. Turkish forces during the Ottoman Empire helped write one of the darkest chapters in human history when they systematically executed a million and a half Armenians at the beginning of this century.

So. Mr. Chairman, I urge Members to remember that Armenians were persecuted throughout the Ottoman Empire because they were a vulnerable people with no nation of their own in which they could seek sanctuary, no borders behind which they could seek protection. Isolated and abandoned, they were attacked and killed.

Now that we have an independent nation, true peace in the Caucuses will only be achieved when the political and economic isolation of Armenia ceases and regional leaders recognize the inherent rights of Armenia, including its land and its history.

Mr. Chairman, now is not the time to send a signal to Turkey or Azerbaijan that their blockade of Armenia is permissible and reward their governments with our precious aid.

I urge my colleagues to support the Visclosky amendment and I thank people from both sides of the aisle in this bipartisan effort to accomplish what the amendment states.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana [Mr. VISCLOSKY]. I believe what we are trying to do here is to retain the current ban, simply the status quo. We want to maintain the current ban on direct United States assistance to the Government of Azerbaijan as

long as Azerbaijan continues to blockade Armenia.

People have talked about the geography. The geography, of course, puts Turkey and Armenia and Azerbaijan in close proximity. One look at the map would tell you that there is bound to be some problems.

H.R. 1868 includes the Humanitarian Aid Corridor Act which prohibits assistance to any country whose government prohibits or restricts the transport or delivery of U.S. humanitarian aid.

Azerbaijan is simply restricting the transport of United States humanitarian aid to Armenia. It has been talked about, it has been discussed, it has been made clear, that the United States law regarding Azerbaijan is based on section 907 of the Freedom Support Act of 1992.

Now I know we quoted that verse and scripture, but I want to do it again because I think it must be clear that we all understand exactly what 907 says. It says: "United States assistance under this or any other act may not be provided to the Government of Azerbaijan until the President determines, and so reports to Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of forces against Armenia and Nagorno Karabagh."

This amendment, unlike what I have heard tonight, does not mean we end all assistance to the people of Azerbaijan. We simply keep the current ban on getting American tax dollars to the Government of Azerbaijan. The amendment maintains the current law. It seems we do not like to maintain the status quo; that is, what we are doing, but that is in fact what we want to do and what we should do.

The United States Government has provided over $40 million to Azerbaijan, and it has been reported by the gentleman from Indiana and the gentleman from Illinois that this money does go from the United States Government to nongovernmental organizations working in Azerbaijan such as, as my colleague shave heard, Save the Children, the International Red Cross, UNICEG, and the World Food Program.

This amendment, and I think this ought to be made very clear, this amendment does not prohibit United States humanitarian aid to Azerbaijan refugees. Removing section 507 and maintaining section 907 simply maintains the ban against direct United States funding to the Government of Azerbaijan.

For that reason I believe we should support this amendment, and I urge my colleagues to vote for it.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Visclosky amendment. and I commend the gentleman from Indiana for his hard work on this issue, as well as Mr. PORTER's.

Mr. Chairman, I say to my colleagues, "If you want taxpayer money to go down a foreign rathole, send it to Azerbaijan. The committee's move to lift the ban on direct aid to Azerbaijan is in total conflict with reasonable human rights standards, and it does nothing to meet our foreign policy goals."

The Armenian people are suffering greatly at the hands of the Government of Azerbaijan. Over the past few winters, people have been left without food; heat; and shelter as a result of the armed conflict.

In 1992, Mr. Chairman, Congress acted against this aggression by restricting aid until the government makes legitimate progress toward peace in the region by lifting its blockades and shifting its focus from a military to a diplomatic solution. Almost 3-years later, Azerbaijan has done virtually nothing to change its posture. They have taken absolutely no steps to meet the conditions set forth in the Freedom Support Act.

Any attempt to lift the ban puts a barrier to real political solution. If we lift the ban, we will weaken the position of the Armenian people. In fact, we will be abandoning them.

Mr. Chairman, we are talking bout lifting sanctions on a country that has systematically violated the human rights of their neighbors, the Armenian people. There is no vital U.S. interest in doing this. It is a violation of the standards of human decency and compassion which our country's foreign aid program should represent.

I urge my colleagues to support the Visclosky amendment.

Mr. LAUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, section 907 makes a farce of a statute called the Freedom Support Act. If the Freedom Support Act was a Freedom Support Act, it would be fair to all sides. Truth of the matter is it is not. I say to my colleagues, when you talk about blockade of a country, you have it encircled, and what the proponents of the Visclosky amendment, with every good intention, are suggesting is that Azerbaijan is totally, totally encircled, and it is not. Certainly Turkey is to the south, Azerbaijan is to the east, and Georgia, a country occupied by Russian troops, just as Armenia is occupied by Russian troops, the Republic of Georgia is to the north.

Now let us talk about this war. I too, have been to Azerbaijan several times, and I have been to Yerevan, the capital of Armenia, several times. In fact, I have been in both capitals this year, and to everyone in the sound of my voice:

The conditions are deplorable in both countries, and it is a hard contest to say they worse in one country than any other, and the President of Armenia, when I met with him in his office, there is more light in the phone booths in any phone booth in this capital than there were in the President of Armenia's office, and that is deplorable. People are starving in both countries. The Armenian troops are allied with the people occupying almost 20 percent of the territory in Azerbaijan, yet not one soldier from Azerbaijan is on the soil, is on the soil of the Republic of Armenia.

Mr. Chairman, the first time I went to Azerbaijan they said, "How could freedom-loving and democracy-caring people from America take sides in this historic, long-running dispute?" And if Americans were truly fair, if Americans were fair, they would treat both sides to this dispute equally. They would allow aid to both countries, or they would deny aid to both countries.

So I urge my colleagues to take this into consideration. I have visited with people in both countries, and they are wonderful people. They want peace. They want peace in their lifetime for themselves and for their children, and we can talk about Azerbaijan being a Moslem country, but, while I was there the first time I visited, in a Jewish synagogue they were worshiping as they desired without interruption, and it is important to let the peace process work. Today for over 10 months there has not been warlike action. Let us give the people of that country, without interruption from this body, without interference of the American Congress, let us give the people of Azerbaijan and Armenia a chance to find peace for their people, and that is all we are asking for those who are trying to oppose the Visclosky amendment.

There are no Armenian immigrants in the 14th District of Texas, and there are no Azerbaijani immigrants in the 14th district of Texas. What we are trying to deal with here is to find a way for peace and to suggest that countries on the south and countries on the east can blockade a country is a misrepresentation of a military blockade, and today in Azerbaijan there are no Russian troops because the Azerbaijan government prohibited, prohibited Russian troops from being there, and that is not the case in Armenia.

The last point I want to make, Mr. Chairman:

When we talk about the Freedom Support Act and trying to help create democratic institutions across the former Soviet Union, why in the name of democracy from America do we single out one republic? One republic? There is a reason why we should lift this ban, and that is that in the fall they are trying to schedule elections, and how many republics across the former Soviet Union are trying to have parliamentary elections this year?

So, I urge my colleagues to oppose the Visclosky amendment. It is well intentioned, but let democracy work and support democracy.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many elements of this debate defy common sense and defy logic. The suggestion that these two countries, Armenia and Azerbaijan, are on equal terms and should be treated equally defies history and defies the truth.

The truth is that since 1992 our country, the United States of America, has said that the Government of Azerbaijan, not the people, the Government of Azerbaijan, will not receive governmental assistance from the United States so long as it continues its blockade of Armenia and Nagorno-Karabakh.

Let me tell my colleagues this. This blockade is for real. The suggestion by speakers here that it does not exist defies fact. The fact is that this blockade imposed by Azerbaijan has affected the entire population of Armenia. It has prevented the delivery of assistance to 300,000 Armenian refugees driven out of Azerbaijan and obstructed the rebuilding of earthquake-damaged regions of Armenia where 500,000 persons were left homeless. The impact on Armenia is well documented. Azerbaijan has continued this blockade for 5 years, cutting off the transport of food, fuel, medicine, and other commodities to Armenia.

Mr. Chairman, to suggest for a moment, that the Armenians and Azerbaijanis are in equal status here is to ignore the truth, and the truth has been obvious for a long time, at least since 1992, in our policy. So why in the early hours of the morning are we debating whether we should change this United States policy, whether we should give a new status to Azerbaijan and ignore this blockade of Armenia?

I will tell my colleagues the simple truth of the matter. It is because they have discovered something in Azerbaijan which makes them very valuable to a lot of people, and do my colleagues know what it is? It is the same thing that took us to war in the Persian Gulf. It is oil. It is the oil of Azerbaijan. It is the opportunity for profit. It is companies that are hiring lobbyists in Washington to convince us to ignore the blockade of Armenia and concentrate on the opportunity for profit. It is greed, simple greed again, and that is why the Visclosky amendment is so important.

Mr. Chairman, the Visclosky amendment reminds us again of the principles we stood for in 1992. Unless and until Azerbaijan removes its blockade of Armenia, stops the oppressive conduct toward the people of that country, we in the United States shall continue to say to Azerbaijan, "You are doing the wrong thing, you cannot be treated as a friend in the family of democratic nations."

Mr. Chairman, when I listen to this debate and hear people say these are just two countries, treat them equally, it defies logic, and the only thing that draws my colleagues into this illogical and somewhat distorted debate is the fact that Azerbaijan has some wealth, the wealth of oil, and that wealth of oil again turns the heads of too many policymakers, and it should not turn ours.

Support the Visclosky amendment. My colleagues know it is the right and principled thing to do, and it is what our country stands for.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would like to commend the gentleman for his remarks, and I think there is another lesson from the Middle East, and that is when we let a problem fester, we will pay a far greater price over the long haul than if we take a principled stand in the beginning. History owes a great debt to the Armenians, what they have gone through as a people. There has been too much silence in the world, and they have suffered already, and to let some opportunity that may be economic get in the way of justice once again with the Armenians is something that we should not allow here in this Congress.

I know the gentleman from Illinois has led fights on human rights and equity around the globe, and this is another case where the gentleman needs to be commended, as Mr. VISCLOSKY is, because this is a very clear case. The Armenians once again are being victimized, and the question for this democratic body is whether we will side for short-term oil profits which will cost us much more in the long term or stand up for what is right and stand with the Armenian people.

□ 0045

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I am at a loss to understand how standing up for human rights and at the same time repealing a provision that will feed starving Azeri children are compatible. I do not understand how one equates the two.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Mr. Chairman, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I am not opposed to helping the people of Armenia. I think that we should. But I do not understand how anybody can justify coming to the well of the House and saying we should not help starving people in Azerbaijan.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, that is exactly the argument that Saddam Hussein makes. Saddam Hussein goes into Kuwait, violates international borders in his case, tries to go to Saudi Arabia. When the entire would joins together to remove him from Kuwait and then tries to stop him from killing Kurds, he complains that the economic embargo is killing children. If the Azerbaijanis would stop the embargo, we would not need this debate here.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield further, I would point out to the gentleman that the gentleman from Texas, Mr. LAUGHLIN, was just over there, and he pointed out in the well that Armenian troops and their allies are in Azerbaijan and that there are no Azeris in Armenia.

Now, I do not know how that relates to the hypothetical that was just advanced by the gentleman from Connecticut, but the point is, the language that the gentleman from Indiana is trying to change simply says that we are trying to provide humanitarian assistance to people that really need it. Now, they happen to be Azerbaijani. I have no Azerbaijanis in my district or in Louisiana. I do not think I have many Armenians either. And I do not think the United States has any business inserting itself into a conflict between two faraway countries. We ought to be helping people in both countries who need assistance.

Mr. DURBIN. Mr. Chairman, reclaiming my time, I would ask of the sponsor of the amendment, are we precluded now from providing humanitarian aid to the Azerbaijanis?

Mr. VISCLOSKY. Mr. Chairman, if the gentleman will yield, we are not. And as of March 31, as I indicated, more than $60 million have been provided to nongovernmental organizations. If the government, the sympathetic government who is so concerned about those poor suffering individuals, wants to help them, all they have to do is to comply with the 1992 act and begin to lift the blockade. But, instead, they are more concerned about persecuting people within their own country.

I would quote from the State Department's Human Rights Practices Report of 1994. Both governmental and societal repression and discrimination against ethnic Armenians continue in Azerbaijan. The 18,000 ethnic Armenian and part-Armenians, most of them members of mixed families, continue to live

in an atmosphere of fear and uncertainty. There are credible reports of denial of medical treatment to ethnic Armenians, confiscation of their travel and resident documents, and most of those Armenians who lost jobs in previous years are still unemployed. Many are too frightened to appear in public. That is a State Department document.

If the Government of Azerbaijan wants the money of the Government of the United States, they ought to respect human rights of everyone.

Mr. DURBIN. Mr. Chairman, reclaiming my time, if we did not have the issue of an oil rich Azerbaijan, I do not believe we would be engaged in this debate. We would view Azerbaijan as an oppressor which has imposed a blockade on a helpless country. Everyone who is familiar with history knows that Azerbaijan controls 85 percent of the trade going into Armenian. They have strangled Armenia for more than 5 years with a blockade. We have taken the same principled position we did time and again during the cold war, saying we will not stand on the side of an oppressor. What has changed the debate? Simply the factor of oil. Oil in Azerbaijan, which American and international companies want to exploit.

Mr. Chairman, one person was sold out for 30 pieces of silver in our history. Let us not sell out the Armenians. In this situation, they need our strong support, I am in favor of humanitarian aid for Azerbaijan as I am for Armenia. But make it clear once and for all to the Government of Azerbaijan: As long as they strangle the economy and people of Armenia through their blockade, the United States will stand resolute and firm in the position that we will not provide any direct assistance to their government. To say anything else is to sell out the most fundamental principle which we have stood for throughout our history.

Mr. Chairman, I support the gentleman's amendment from Indiana. I urge all my colleagues, who saw this issue so clearly during the cold war, to think in terms of this new world and the new challenges, and not to be clouded in their thinking by the existence of oil in Azerbaijan.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Visclosky amendment and in support of the language in title V, section 507, which reads—and I hope Members will pay close attention to this—it is very simple language:

> Notwithstanding any other provision of law, Azerbaijan shall be eligible to receive funds provided under title II of this act, to be solely used for humanitarian assistance or for democracy building purposes.

The rationale for this language, I think, is self-evident. In today's circumstances, how can anybody vote against allowing U.S. Government aid to go to the Government of Azerbaijan for the purposes of building democracy or for humanitarian assistance? They are in dire straits in Azerbaijan.

Mr. Chairman, when I introduced the Humanitarian Aid Corridor Act in February, and successfully attached it to the foreign relations authorization bill when it was going through committee and approved by this House about a month ago, I argued that it was simply wrong for any country receiving U.S. assistance to impede the delivery of U.S. humanitarian aid to any other country. The Humanitarian Aid Corridor Act specified no countries, but it was clearly directed at Turkey, which has been blockading Armenia for over 2 years and greatly complicating the delivery of United States aid to over 300,000 refugees in that country. The case I made at the time was simple and based on a very basic principle, on the desire to help refugee.

In the same light, Mr. Chairman, I argue today that it is simply wrong to vote against direct government-to-government aid designed not to help the Azerbaijan Government, but to help the refugees in that country. A refugee is a refugee, Mr. Chairman, regardless of nationality or religion. Democracy building, including the facilitation of free and fair elections, is important to U.S. foreign policy, regardless of the nationality or religion of the country in question.

True, as the gentleman from Indiana [Mr. VISCLOSKY] said, section 907 of the 1992 Freedom Support Act, which prohibits United States Government aid to the Government of Azerbaijan, permits humanitarian aid to be given through NGOs. Over 60 million has been expended as of December 31, 1994. But the need is so much greater than that, considering that Azerbaijan has almost 1 million refugees. And according to the State Department's Office for the Coordinator of Assistance for the Newly Independent States, there are relatively few PVO's in Azerbaijan to distribute and to administer United States humanitarian aid.

Moreover, Mr. Chairman, U.S. officials tell my office that fear of violating the restrictions imposed by section 907 keeps them from addressing the dire humanitarian needs of refugees. For example, they do not send prescription drugs to Azerbaijan, because such medicine must be administered by doctors, who can hardly be found outside the framework of government-run hospitals. Consequently, our aid to Azerbaijan is not nearly as effective as it could be, and Azerbaijanis are left to feel that the United States only cares about certain refugees, but not about others.

As for democracy, Azerbaijan frankly needs all the help it can get. The country was economically and strategically pivotal, with one of the sorriest records in the USSR for coups d'etat and extraconstitutional changes of leadership. How can it possibly be against United States interests or anyone else's interests to help Azerbaijan's Government develop democratic institutions?

More specifically, after innumerable starts and stops, the parliament has set a date for new elections for November 12. These elections are a landmark and offer a great possibility and great hope.

Again, I wanted to say to my colleagues, I take a back seat to nobody in this Chamber on behalf of human rights. I serve as chairman of the Helsinki Commission and the International Operations and Human Rights Committee. I happen to believe that human rights violated anywhere against anyone must be spoken out against. But here we have refugees with this narrowly construed language in the bill, and I want to salute the gentleman from Louisiana, [Mr. LIVINGSTON] and the gentleman from Alabama [Mr. CALLAHAN] for having the wisdom to say we have got to get the help to these people. They need it. And I know it is against some of the wisdom on this floor and it is against the Armenian lobby, of which I am very often in support and they in support of me. But when somebody is suffering and we can provide tangible assistance, I would submit, respectfully, we ought to try to do it.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, the gentleman has brought a very important dimension to this debate that has not been made clear before, and that is, and would the gentleman agree with me, that Azerbaijan, even though they are a part of the former Soviet Socialist Republic, they have completely expelled the Russian army——

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

(On request of Mr. WILSON, and by unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 2 additional minutes.)

Mr. SMITH of New Jersey. I yield to the gentleman from Texas.

Mr. WILSON. And as a former Soviet country that so much of the health care delivery system and so many of the shelters and so many of the other things that we ordinarily try to provide to refugees must go through the government because the facilities are all government owned. Because of 907 it is impossible to deliver humanitarian refugee assistance under those circumstances.

Mr. SMITH of New Jersey. Mr. Chairman, reclaiming my time, I thank the gentleman for making that very, very important point. We would rather go through PVO's and nongovernmental organizations. But experience has

shown us and demonstrated in a very tangible way the intended recipients, the suffering men, women, children, the family are hurting simply because we have got to go through those other mechanisms. We do not like it, but the gentleman makes an excellent point. If we want to help suffering people, the underlying language in the bill of the gentleman from Alabama [Mr. CALLAHAN] and himself, which was spoken to by the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Virginia [Mr. WOLF] and others, is the only way to really accomplish that.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the history here is very clear. If there is a people in the world that has suffered, there are not many that have suffered more than the Armenians. When Hitler proposed his extermination of the Jews, there was some opposition in the room. He silenced his opposition by asking the question, who remembers the Armenians?

We are here today in a very simple situation, in essence. If we wanted to provide assistance elsewhere, if we wanted to find a way to help the others here, they simply need to end their blockade. The Armenians have suffered from nature and from their neighbors. Half a million people were left homeless in 1988. The blockade prevents the rebuilding of those homes and prevents assistance to some 300,000 refugees.

I go back to what I said earlier about Saddam Hussein. At every opportunity Saddam Hussein brings up the orphans of the war and their plight. The plight of the Iraqis is not the result of what the United States and other countries did. It is the result of what Saddam Hussein did.

The same is here. Azerbaijan needs only to lift the embargo to have this entire House embrace and assist its people. This is not a vengeful Congress that will complain for decades about previous actions even by this very government that exists there today. End the blockade against Armenia, and you will not find Members of this House on either side of the aisle arguing for continued resistance to support any economic needs that we can provide for Azerbaijan.

The Armenians have suffered enough in history. The request is small enough. End the blockade and you will not see a Visclosky amendment.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I want to identify myself with the remarks of the gentleman. Three years ago this Congress took an important stand, both because of an historic obligation to the Armenian people, for certainly the world owed them some recognition of their suffering, but also because of a barbaric blockade.

The situation in Azerbaijan and Armenia is not the same. Eighty-five percent of all products going to Armenia must flow through Azerbaijan. Ninety-five percent of people now of Armenia are living on under $1 a day. It is not a sustainable situation. This country is in a test of wills with Azerbaijan. We have said clearly, lift this blockade, allow the world's assistance to get to the Armenian people, or we will not be there for you.

□ 0100

Now at this late date, 3 years into this struggle, for us to lift this sanction would send a message that would be seen around the world, and certainly this blockade then would never ever be lifted.

Azerbaijan has spoken in this test of wills. They have done nothing; nothing has been lifted. I am sensitive to the comments of the distinguished chairman of the committee that certainly we do not wanted refugees to suffer. But when the Congress enacted this provision, we spoke to that need. Under section 907, refugees are exempted to ensure that as we are in a test with the Azerbaijani Government, refugees themselves do not suffer.

I ask members of the committee to stand with what has been a proud 3-year provision of American law. The obligation is not on the United States. It is on the Azerbaijani Government. Now at this late date in history, after so many years, the Armenian people fought for their own homeland; after so many years their struggles and their sufferings were ignored, not at this late date to turn our backs on them once again.

Mr. GEJDENSON. Mr. Chairman, under the agreements that were made by the international community at the end of World War II, a blockade is actually considered an act of war. In that sense, the United States would be assisting a country that is presently committing an act of war against the Armenian people.

We need to make sure that we can as a country make a clear statement here so that elsewhere in the world we will not lead to confusion. Our actions and our consistent policies in favor of peace-loving people, people who are trying to rebuild their lives after earthquake, Soviet oppression, and now a blockade, to turn that aside would be the height of irresponsibility.

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I believe that the rationale behind the policy that is on the books today is as strong as it was in 1992 when it was adopted.

I believe that those who have tried to establish an equivalence or a parity between Armenia and Azerbaijan are just mistaken. There is only one of those two nations that is imposing a blockade. There is only one of those two nations that is a victim of a blockade. And the theory behind the Freedom Support Act and the theory behind the Humanitarian Aid Corridors Act is that a country which imposes a blockade on another country should not be provided aid.

This blockade does exist. There is no disputing that. In fact, it is referred to on page 34 of the report of the Committee on Appropriations. It is referred to as causing dire effects on the Armenians. It is causing untold human suffering and damage to their economy.

It should be our business to try to lift that blockade as we have made it our business to lift any blockade that is barring humanitarian aid to another nation.

There is another aspect of this amendment that I have to bring to light, and I believe that this amendment is as important for the integrity of the legislative process and the reputation of this Congress as it is for the benefit of the people of Armenia and Nagorno Karabagh. I am referring to the millions of dollars that have been spent in lobbying efforts by the Government of Azerbaijan, spent to hire a former Member of this House, who is a convicted felon, who has served time in prison, who in turn has hired other ex-Members of this House to lobby for Azerbaijan. I believe this is an example of the revolving door at its worst. It is why we need reform in the rules that specify when our former colleagues should be allowed to lobby us.

I believe that on the merits, on the substance, we must support this amendment. I believe as a matter of retaining the integrity of our own process and our own reputation, we must approve this amendment. So I urge my colleagues to support the proposal from the gentleman from Indiana.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from New Jersey.

Mr. Chairman, I wanted to just point out, I have the utmost respect for my colleague, the gentleman from New Jersey [Mr. SMITH] and the fact is that he has been a tremendous supporter of Armenia and, of course, is the author of the Humanitarian Aid Corridor Act. But just following on what the gentleman from New Jersey [Mr. ZIMMER] said, the Humanitarian Aid Corridor Act, the way I understand it, would basically prohibit the United States from helping countries that are in affect blockading or preventing assistance from coming to other countries.

And I just wanted to ask the gentleman how that is consistent. In other words, it seems to me that the Freedom Support Act, the way it currently stands, under current law would be

very consistent with the Humanitarian Aid Corridor Act. But now if we are going to reward the Armenia Government at the same time that they are participating in an ongoing blockade of Armenia, that seems to be me to be very inconsistent with the goals of the Humanitarian Aid Corridor Act.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield of the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, the language says notwithstanding any other provision of law, so it is seeking to carve a very narrow exception. This would not be necessary if it was not for the fact that the NGO community cannot provide the kind of help, not to the government, I do not care about the government. I frankly resent some of the comments that were made earlier by speakers that somehow oil is influencing this vote. I frankly could not give a damn about that.

What I care about is the fact that a million refugees are suffering a horrible and cruel fate. We have the means, by way of the language, the true humanitarian language, it may not have the surface appeal that this particular amendment has, but this language in the underlying bill that has been put there says, we can make differentiations. We can see when somebody is actually hurting and say, that over there, the government, as much as we despise them, is the only way that we can get that aid to the people who are suffering.

So, yes, it is an exception. Again, I am the prime sponsor of the Humanitarian Aid Corridors Act. That has been introduced year in and year out, never went anywhere. I attached it to the foreign relations bill and it passed. It passed this House just a month ago. The gentleman from Illinois [Mr. PORTER] put it on this bill. It will probably pass. I do not think anyone is taking a shot at it.

If you want to help people and leave all the politics aside and the high-powered PR firms, I do not care about that. They never contacted me. In my Helsinki Commission and on our subcommittee, we looked at the suffering people. That is all I care about. A refugee is a refugee is a refugee. I think we ought to stop trying to play some partisan politics trying to appease certain groups and other groups.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ZIMMER] has expired.

(On request of Mr. PALLONE, and by unanimous consent, Mr. ZIMMER was allowed to proceed for 2 additional minutes.)

Mr. ZIMMER. I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I am not suggesting in any way that the gentleman from New Jersey is influenced by the oil lobby. I know he is very much a supporter of Armenia and is, in fact, the author of the Humanitarian Aid Assistance Act. My only concern is the fact that I believe very strongly that it is wrong, a violation of international law, the other things that were mentioned here today, for the Azerbaijan Government to continue the blockade of Armenia.

Mr. SMITH of New Jersey. Mr. Chairman, if the gentleman will continue to yield, I agree with the gentleman on that.

Mr. PALLONE. It seems to me that the only way we will get them to lift that is if we keep section 907 in place. I understand your argument with regard to humanitarian assistance, but it seems to me that if they are expecting that humanitarian assistance that the least they could do is lift the blockade which is hurting Armenia.

I think we all know that Armenia is not blockading Azerbaijan. In fact, I know the gentleman from Louisiana and from Texas previously talked about how there are no Azeri troops in Armenia. Of course, the reference there is Nagorno Karabagh. Nagorno Karabagh is an Armenian enclave in Azerbaijan.

The reason why there are Armenians there is because they have been there historically for years. They were involved in the act of self-defense to protect their own homes and their own lands. So naturally there are going to be Armenians on the soil of Azerbaijan because they have lived there for centuries, for a millennium. I think that we have to look at this fairly.

The bottom line is, one country is blockading the other, and the other is not. It seems only fair to me under those circumstances to continue with section 907.

Mr. SMITH of New Jersey. Mr. Chairman, if the gentleman will continue to yield, just let me say, in conclusion, the operative principle to me is how do we get the humanitarian aid through. Well meaning as it was, the Freedom Support Act section did not accomplish the end of bringing down that hated, and I hated it as much as you do, blockade of the aid to the Armenians by the Azerbaijanis.

Let me also say that it has been my experience, as a member of 15 years in working on this subcommittee and doing human rights work throughout the world, that dictatorships and authoritarian regimes do not care about refugees. That includes their own refugees.

I looked at the Government of Azerbaijan in this instance as a means to an end, to get the aid from our government and our people down at the White House and the State Department, who desperately want to provide real humanitarian aid, the PVO's are doing a good thing, but they cannot do it all. We have to get it to the doctors and those that could help those suffering people. It carves out an exception to the Humanitarian Aid Corridors Act. I am the author of that, and I think that is a necessary exception.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Visclosky amendment and ask that we vote to maintain the ban on direct United States assistance to the Government of Azerbaijan. We cannot lift the sactions of Azerbaijan while its vicious blockade is ongoing with reference to Armenia.

Clearly, for a substantial period of time, for 5 consecutive years, the Government of Azerbaijan has maintained a complete blockade of Armenia and Nagorno Karabagh. The blockade has cut off the transport of food, fuel, medicine and all other commodities. The blockade has driven 94 percent of Armenia's population below a poverty level of $1 a day. As many as one-third of Armenia's 3.6 million people have fled the country because the winters are unbearable and the factories stand idle.

This effort to gut the law restricting United States aid to Azerbaijan represents a retreat from the principled position strongly adopted by the Congress in 1992, that Azerbaijan must make progress toward peace by lifting its blockade and abandoning a military solution to the conflict over Nagorno Karabagh. Congress would be sending the wrong message by moving to weaken this restriction when Azerbaijan has done nothing but reject any conditions for United States aid.

A cease-fire has been in effect for over a year. But unfortunately, talks toward a settlement of the conflict have obviously not been successful. Retreating from the conditions enacted in the Freedom Support Act would seriously threaten the fragile peace that exists and reward Azerbaijan for failing to comply with United States law.

The cease-fire is in effect in part because the United States has taken a strong stand on this issue. We should not back down now.

These are very complicated times for all of us and particularly for our country. In this area of the world, we cannot find ourselves in a position now where section 907 should not be changed until Azerbaijan lifts its blockade of Armenia. Actually, that is what we should be about in this country.

Let me repeat for the Members what we did in 1992. Just so that Members who have not had the opportunity to be on the Committee on International Relations will understand, that section 907 of the Freedom Support Act adopted by Congress states that

United States assistance under this or any other act, other than assistance under title V of this act, may not be provided to the

government of Azerbaijan until the President determines and so reports to Congress that the government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive use of force against Armenia and Nagorno Karabagh.

As I indicated before, we have maintained that position now rather substantially.

□ 0115

Mr. Chairman, the blockade imposed by Azerbaijan has affected obviously the entire population of Armenia.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield for a question?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. DOGGETT. I am very impressed that at this hour, now well after 1 o'clock in the morning, that you are sufficiently committed on this issue and concerned for what is happening in Azerbaijan and Armenia that you are here speaking out on it. I think that is commendable. But, of course, there is the possibility of the deck being stacked, of there being blockades, of their being interference with the normal political process even closer to home than Nagorno-Karabakh, right here in this House, is there not?

Mr. HASTINGS of Florida. I would be terribly remiss if I did not agree with my good friend the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Florida [Mr. HASTINGS] has expired.

Mr. DOGGETT. Mr. Chairman, I ask unanimous consent that the gentleman be given 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. COX of California. Reserving the right to object, Mr. Chairman, if the purpose of the extension of time is to trivialize a very important debate over a human rights issue by dragging into this debate wholly inappropriately concerns about whether or not a Democrat who has changed to the Republican Party will be seated on Ways and Means, I would object.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. COX of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. OBEY. Mr. Chairman, I moved to strike the requisite number of words.

Mr. CHAIRMAN, I yield to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. I thank the gentleman for yielding.

Mr. Chairman, I at the very same time would wish to reply that during the course of my comments, I made absolutely no statements at all about anything having to do with any seat that was sold for anybody to be on the Committee on Ways and Means. I resent the fact that someone would suggest that. I was talking about section 907 when a question was put to me by my friend the gentleman from Texas which I tried to answer.

Section 907 prohibits government-to-government aid. It does not deny humanitarian aid to Azerbaijan. As a matter of fact, Azerbaijan had received $61.8 million in United States assistance as of March 31 through NGO's and PVO's.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. DOGGETT. Certainly the gentleman would not feel we would be trivializing our concern for human rights in Nagorno-Karabakh, in Armenia or any other part of the world if we expressed concern about rights right here on the floor of the House, would you?

Mr. HASTINGS of Florida. I would not think that that would be trivializing. We just fought the same kind of process concerning opportunities for those less fortunate than us in Haiti.

Mr. DOGGETT. In other words, if we stack the deck against the people that are concerned about cuts in Medicare or tax breaks for the rich, that would be consistent with a concern for human rights in Armenia, would it not?

Mr. HASTINGS of Florida. There are serious violations that we see every place and indeed it would be. But the fact of the matter is that we have before us the Visclosky amendment to the foreign aid appropriations measure which is of critical importance with reference to the lifting of the blockade.

We stand here all the time for human rights around the world. In this particular one, we cannot find ourselves abandoning the American position.

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

At this hour, I want to summon up some solemnity to mourn the death of a principle. A couple of hours ago, a Member of the majority offered an amendment and he said to the people of Haiti, "No democracy, no money." That strong principle apparently is going to last about 2 hours, because I do not regard Azerbaijan as a democracy. Some of us were suggesting before that the people of Haiti for a variety of reasons were being held to a standard of democratic purity that was not applicable elsewhere. I would venture to say that Haiti is making much greater strides toward democracy today than Azerbaijan. I was given by one of the gentlemen from New Jersey the quotes from the State Department human rights report about Azerbaijan in 1994, talking about while the government tolerates the existence of political parties, it has demonstrated a disregard for the right to freedom or peaceable assembly and association when it has deemed in its interest to do so.

I think it would be a grave error to cut back on this legislation, not simply to try to give aid to the brave people of Armenia, but let us not have this newly found insistence on democracy as a condition for the extension of American foreign aid die so soon.

Does the majority not want to at least spend a day as defenders of human rights? Is it like only a couple of hours? You said, "No democracy, no money." Well, if Azerbaijan is a democracy, then Haiti must be ancient Greece. The inconsistency is overwhelming. I therefore urge the passage of the amendment of the gentleman from Indiana both on its own terms and because what you gentlemen decided was sauce from the Haitian goose ought to equally apply to the Azerbaijani elephant, if we are going to talk about relative lack of democracy. The fundamental principles that you have applied are now being called into question.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Visclosky amendment. But I would want to say that I think the sufferings of the minority party on this floor whether it be Democrats in the minority or Republicans in the minority do not compare to the sufferings of the people in Armenia and Azerbaijan and that part of the world. I think it truly does trivialize what was a very fine debate about a very important matter to bring in our own petty controversies.

I want to rise in support of the Visclosky amendment. I want us to remember that Azerbaijan has systematically sought over a number of years to strangle Armenia, to freeze and starve her people. In spite of pressure from the United States and many other nations, Azerbaijan has persisted in its blockade. At any time Azerbaijan could have received assistance from our Government if it had been willing to lift the blockade that has cost so many lives and caused so much starvation and anguish in Armenia.

We know that the United States has provided over $60 million through nongovernmental organizations to meet humanitarian needs in Azerbaijan.

It is late and I am not going to belabor this subject. But this is a nation that has systematically blockaded the Armenians and does not deserve at this time the treatment that it is receiving in the bill. I urge my colleagues to support the Visclosky amendment, to stay true to the policy we adopted in 1992, now 3 years past, to try to break the roar of starvation and suffering that is going on in this part of the world and force the parties to the table to create a real peace.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Visclosky amendment. Some time ago, I had the opportunity in the dead of winter to visit Armenia. I arrived in Yerevan in the middle of the night, a cold wintry night, drove from an airport with no lights, through the streets of Yerevan, so dark that you could not see across the street from one building to the next. The next morning we got up after a bitterly cold evening in a cold hotel room, and I went out and visited an orphanage. The orphanage was so cold that the urine soaking the children's, the little babies' clothes was frozen solid.

I went to a hospital and saw senior citizens that could not leave their hospital rooms because of the bitter cold, blanket after blanket laid on top of elderly people without any heat whatsoever. A thermometer inside one of those hospital rooms showed that it was 18 degrees, 12 degrees in a room where mothers were delivering little babies.

The fact of the matter is, there is terrible suffering that has taken place in Armenia. Terrible suffering. Children without arms and legs that have been victims of this violence that this legislation if it is not passed, if we do not take up the Visclosky amendment, will continue.

This poor nation of Armenia is cut off by the Turks on the west, the Azeris on the east, the Iranians in the south, and the Georgians on the north.

The fact is that it is a very serious situation with a country that has no option, if it cannot gain humanitarian assistance, if it cannot gain the kind of trade that is necessary to be able to conduct normal economic affairs with the rest of the world. The only way that is possible is if trade with the Azeris begins to take place.

This bill would affect the Azeris in a way that would enable them to circumvent world opinion, be able to ignore the terrible plight that has taken place in Armenia in order for us to make some sort of arrangement with the Azeris which could be economically beneficial to a few people here in the United States.

The fundamental fact of the matter is that we ought to have the guts to stand up for human rights and we ought to stand up for the Armenian people that have made the United States their home, in so many cases has contributed so much to the quality of life of the American people.

In my own district in Watertown, MA, you see what the Armenian people have done, in adopting a new Nation and making this their home, and keeping the quality of life, and keeping the basic beliefs in their ethnicity alive, having parades, speaking their own language, going to their own churches and yet participating fully in the American life. That, it seems to me, is what we want to encourage in this country. We can only do that by standing up against the tyranny that we have seen in Azerbaijan, the tyranny that we have seen by the Turks in regard to their feeling toward the Armenians.

Let us stand up for human rights. Let us stand up for the Armenian people. Let us support the Visclosky amendment.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while all of you folks were in your caucus, some of us were sitting here on the floor listening to the gentleman from Florida, the gentleman from Connecticut [Mr. GEJDENSON], and the gentleman from Illinois, and I am really irritated that the gentleman from Texas would come here and demean this debate made by your own Members who are trying to make a case for the amendment from the gentleman from Indiana. You do no good for his amendment by coming here and trying to politicize what we are trying to do here.

0130

This is ridiculous for the gentleman to do what he has done. And the gentleman does no good for his friend, the gentleman from Indiana [Mr. VISCLOSKY] to do that, because a lot of the Members on his side of the aisle support this amendment.

This is an important debate and I know the gentleman wants to politicize it and I know that the distinguished minority whip wants to politicize the debate; it cannot be done on this one though. Try it on another one.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think in some respect we might have people who protest slightly too much and perhaps they are trying to politicize this important debate now, but let me speak directly to the amendment.

Mr. Chairman, I rise in support of this effort. I think it is entirely appropriate that we focus in now on what we can do to help alleviate a very tragic situation faced in Armenia. I would like to associate myself with the remarks of the gentleman from Florida, [Mr. HASTINGS,] and the gentleman from Massachusetts, [Mr. KENNEDY,] who just spoke and I would like to encourage all of my colleagues to favorably consider this amendment.

We cannot disconnect American foreign policy from American ideals. And I think that those two things are inextricably intertwined and that the blockade and the suffering that has taken place in Armenia, on top of the historical sufferings and atrocity faced by the Armenian people and the genocide that took place there, is something that deserves both the full recognition and hopefully the support of this Congress in rectifying this situation.

So I would ask for favorable consideration of this amendment. For those who want to talk about the immediate matters facing the House, there will be, believe me, an opportunity for us to continue that discussion.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Visclosky amendment and urge my colleagues to support it as well.

The senior Senator from my State, Mr. BRADLEY, has observed in the recent past that throughout this century our country has defined ourselves by what we are against. We took a somewhat belated but leading role in opposing Naziism and totalitarianism in World War II and led the world in defeating Hitler and his allies throughout the world.

In the days that followed, we took a leading role in opposing the tyranny of Soviet state socialism in its satellites and in the Soviet Union itself. Generations who have gone before us have labored and fought and sacrificed so we could win the cold war and distinguish ourselves by being against the tyranny of state socialism and communism.

The defeat of state socialism and communism has begged the question, what are we for? If the major forces that we have opposed are no longer present in the world, then what are we for?

I believe that we are for two great principles. The first is that we respect the right of every person to live to the fullest extent of their dignity as a human being and the second is that we respect the rule of law among countries. We respect processes and peace as a way of resolving disputes between countries.

Mr. Chairman, if this is what we are for, then under what pretense, under what circumstances are we removing the protective language that used to be in our law by striking that section from this bill?

Under what moral or strategic principle are we once again opening up the door for U.S. tax dollars to be spent directly or indirectly to subsidize the regime of Azerbaijan in its heartless, inhumane, cruel blockade against the people of Armenia?

Mr. Chairman, in my judgment, there is only one justification, one, for ignoring conduct which contradicts our basic principles of respect for human rights and respect for the processes of law and peace among nations. That one exception is if the strategic national interests of this country are somehow at stake and if they somehow demand us to make an exception.

Tonight we have looked at the possibility of some of those exceptions. We

said very clearly there is no exemption when it comes to Castro and Cuba, so by voice vote we accepted the Menendez amendment to cease the possibility of nuclear power plants being built with our tax money in Cuba.

We had a long debate over whether conditions should be placed on our aid to Haiti, because we want to promote the idea of human rights and the rule of law both within that country and in its relations with other countries. Mr. Chairman, there is no exception there and there is no exception here.

There is no vital strategic interest of the United States that would justify an exception to the principles of human rights and respect for international law.

There is no strategic justification for lifting the protective language that the gentleman from Indiana [Mr. VISCLOSKY] would once again promote.

Ladies and gentlemen, the world watches us and asks the question, What are we for? When the students in Tiananmen Square risked and gave their lives for the principle of liberty in their own country, they hoisted a statue of the Statue of Liberty. When Nelson Mandela rose to prominence in a free and fair election in South Africa, he cited the principles of our forefathers, those who went before us, framed our Constitution, and built our institutions. The rest of the world, Mr. Chairman, looks at us and asks, "What does America stand for?"

When we support with the hard-earned tax dollars of our constituents the tyrannical policies of Azerbaijan with respect to the Armenians, we are giving a pathetic and indefensible answer to that question. We are saying that we are for expediency over principle. We are saying that we are for blindness in favor of understanding.

Let us give a better answer to the world and restore the legal protections that existed before this bill. Let us support the Visclosky amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on both sides of the aisle, Members have risen and acknowledged that this is a very serious issue. We voted today on a flag amendment and that was important to people who voted on either side. The flag of the United States is a very special flag like none other in the world, because it stands like no other flag in the world for principles of freedom and justice and human dignity.

All of us who are privileged to serve in this House as representatives of the people of the United States of America will forever, throughout our lives, be proud that we were able to serve in this House that represents for the peoples of the world the beacon of freedom.

Mr. Chairman, few countries, when they meet in their legislature assembled, can have an impact on other parts of the world like the United States of America. That is why, my friends, I rise in support of the Visclosky amendment.

Like some others who have spoken on this floor, I have been to Yerevan. I have spoken to President Ter-Petrosyan. I have met with the people of Armenia. As the gentleman from Massachusetts [Mr. KENNEDY] intoned, and as have others in this body on both sides of the aisle, we have seen the pain.

Let us also acknowledge that the Azeri people are in pain as well. But the fact of the matter is that the pain visited upon the Armenians in many ways was a direct and proximate result of the actions of the Government of Azerbaijan.

That is why tonight, without politics, but as Americans, we ought to make once again a strong statement that America stands for the freedom, the dignity, the independence, of the Nation of Armenia; and not just Armenia, but the nations of the world.

As all of my colleagues know, I have been involved very deeply in the Helsinki process since 1985. I now have the privilege of serving with Chairman SMITH as the ranking member of the Helsinki Commission.

We ought to say once again that, yes, we understand that there are problems as I am sure the gentleman from Texas [Mr. WILSON] the ranking member has pointed out.

But this is a statement of principle. We have made it before. Let us make it again.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana, the distinguished author of this amendment, whose amendment I support.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding and I do think we are at a natural conclusion. I would begin my remarks by thanking all of my colleagues on both sides of the aisle for their attentiveness in the debate and the fact that this was a bipartisan discussion of a very important issue.

I would like to respond to a number of the points made during the last hour and a half to 2 hours of debate.

The first is the issue of those who are suffering. There is no question of everyone's agreement here that that problem ought to be solved. The simple point of the language of my amendment is to ensure that we do not pay money directly to the Government of Azerbaijan until they cease an economic and military blockade of Armenia.

They have it within their power to relieve that suffering. And when the Red Cross asked to transport relief through Armenia in January of this year to remote regions of Azerbaijan and the Armenians agreed to it, the Azerbaijanis refused that assistance.

If the government, and that is what we are talking about here, was so concerned about those individuals, they would have let that Red Cross assistance that had traveled through Armenia be used for those suffering individuals that so much concern has been expressed about.

Mr. Chairman, there has been talk about the Turkish blockade and talk about Georgia by the gentleman from Texas [Mr. LAUGHLIN]. No one in this debate has suggested that the Azerbaijanis have lifted their blockade. Three wrongs do not make a right. And in the 1930's, I think we learned that we do not pay money up front. We do not give land up front.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(On request of Mr. VISCLOSKY, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, payment in advance, whether it is dollars, whether it is assistance, whether it is land for peace or the hope of good intentions not shown over a period of years, is inverting the type of firmness that we ought to exhibit in this circumstance.

There has also been talk of the democratization of Azerbaijan. We have repeated reports again in 1994 aid report relative to the type of Government in Azerbaijan, including, and I am quoting, police and Ministry of National Security entrusted with national security, they are responsible for widespread human rights abuses.

We have had a good debate. We have good people in need. The Government of Azerbaijan should act in peace, lift the blockade, and everyone can be made whole. Short of that, having the blockade continue in existence, it should not for all practical purposes be lifted by this House. I would ask that the amendment be adopted.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Chairman SMITH of New Jersey made a point that he does not represent any oil interests and that the gentleman did not like the implication that big oil was behind all of this.

I would like to say that I represent a lot of the suburbs in Houston, which has an immense number of employees of oil companies of all sizes, and I have not been contacted by a single one of them.

□ 0145

So this issue has very little to do with oil interests in the United States.

Second, I would like to say that the gentleman from Illinois was successful in putting a humanitarian-corridor amendment into the foreign operations

bill which I think will bring great encouragement to Azerbaijan because a humanitarian corridor, according to Mr. PORTER's amendment, I believe will automatically cut off funds to Armenia.

Third, I would like to say one more time, as we have said so many times, that we cannot provide assistance to these refugees without going through the Government of Azerbaijan simply because their entire structure, as a result of all the years that they were part of the, probably involuntarily a part of the, Union of Soviet Socialist Republics, the entire structure is government-owned. I would like to remind the Members of the House that the Azerbaijanis have been the only former state of the Soviet Union that has refused to allow the presence of a Russian army on their soil. I would also like to point out that it is the only republic that I know of that has free elections scheduled for this fall. These elections will certainly be supervised internationally, which I think is extremely important.

Now we should remember over and over that there was a war over in Nagorno-Karabakh. There was a war. The Armenians essentially won the war. They now occupy 20 percent of the territory of Azerbaijan. I say to my colleagues, it is not normal when you have wars, and one country occupies 20 percent of the other country, that the country which is occupied opens its borders to the occupier; it is just not usually done. The United States is trying very hard to arbitrate that situation.

Under the current president, who was not the president at the time all this commotion started, a cease-fire has been put into effect. Not only has a cease-fire been put into effect, but the United States is trying very, very hard, trying very, very hard, to bring the parties together to end all the blockades, to keep a cease-fire and to make peace.

Finally, as Chairman SMITH said, there are a million suffering people. There are a million suffering people, many of whom are children, many of whom are Armenians in Azerbaijan, and this is the only way that we can possibly get any effective relief to all of those people.

I would also like to point out to the House that for every $8 that goes to the suffering people in Azerbaijan, $130 goes to the suffering people of Armenia. The administration very much wants a chance, to make a true peace here. It wants a chance to relieve the suffering entirely. We should allow it that chance. The only way we can allow it that chance is to defeat the amendment from the gentleman from Indiana [Mr. VISCLOSKY].

Mr. CONDIT. Mr. Chairman, I rise today in support of the Visclosky amendment.

Moving to weaken the law restricting United States aid to Azerbaijan will represent a retreat from the principled position, adopted by this body in 1992, that Azerbaijan must make progress toward peace by lifting its blockades.

The restriction of aid to the Azerbaijani Government does not prevent the delivery of United States humanitarian aid to nongovernmental organizations within Azerbaijan.

Furthermore, according to section 907 of the Freedom of Support Act passed by Congress in 1992, the President has the full authority to provide United States assistance to the Azerbaijani Government once he determines that Azerbaijan has lifted its blockades and ended its aggression against Armenia.

Thus, Mr. Chairman, any attempt to lift the ban now will only encourage Azerbaijan to resist a political solution to conflict and keep its blockades in place.

I urge my colleagues to vote in support of the Visclosky amendment.

Mr. MANTON. Mr. Chairman, I rise in strong support of the Visclosky amendment to maintain the ban on United States aid to the Azerbaijan Government.

Mr. Speaker, for the past 5 years, the Government of Azerbaijan has maintained a blockade of Armenia. This cruel and vicious act of war on Armenia has caused a tremendous humanitarian crisis in that country. The blockade has prevented the delivery of assistance to 300,000 Armenian refugees and crippled the efforts to rebuild the earthquake torn regions of Armenia. Azerbaijan is an undemocratic government that is using oppressive force to deny basic human rights and humanitarian aid to the people of Armenia.

Armenia is introducing free market reforms and is attempting to integrate its economy with the West. Yet the Azerbaijan Government is strangling these efforts.

Mr. Speaker, each year I join with the Armenian community of New York and this Nation to commemorate Armenian Martyrs Day to remember and pay tribute to the more than 1.5 million Armenians killed by the Turkish Ottoman Empire between 1915 and 1923. The Armenian people join to proclaim that never again shall the world allow such a senseless tragedy to occur.

But if we allow American dollars to flow to Azerbaijan, we are allowing the tragedy of the Armenian genocide to happen again. The suffering people of Armenia deserve our support.

I urge my colleagues to support the Visclosky amendment to maintain the ban on aid to Azerbaijan until it lifts the blockade on Armenia.

Mrs. KENNELLY. Mr. Chairman, I rise today in support of the Visclosky amendment to maintain the ban on United States foreign aid to Azerbaijan.

I am deeply concerned that lifting this ban will weaken efforts to find a political solution to the Karabagh conflict. While a ceasefire has been in place for over a year now, talks toward settlement have been stalled.

There is simply no reason to threaten a fragile peace and reward Azerbaijan for failing to comply with United States law. Instead, Congress must stand by the principles of the Freedom Support Act it adopted in 1992. We must support a peace settlement of the current conflict between Armenia and Azerbaijan, without weakening the tough stand we took 3 years ago.

I urge my colleagues to support this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. VISCLOSKY].

The amendment was agreed to.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment tonight, and the amendment has been duly filed. However, I must say that I am sorry that we have not been able to arrive at an accommodation in order that the amendment might have been considered in a meaningful way. The amendment had to do, and I just would like to explain what it was, because I think this is very important to get this on the record; the amendment would have stricken $540 million from section 585. That is moneys that were intended for the Palestinian authority.

Mr. Chairman, at a ceremony on the White House lawn in September 1993, Yasser Arafat signed an agreement and pledged to move toward peace and coexistence with Israel. He committed to the PLO to renounce terrorism, to condemn individual acts of terror, assume responsibility over all PLO elements and personnel to stop terrorism, to discipline those who engage in terrorism, to call upon the Palestinian people in the West Bank and Gaza to reject violence, to amend the sections of the PLO Covenant that call for the destruction of Israel and urge violence against Israel. Not one of these has been complied with in the 21 months since the signing on the White House lawn.

Then, last May, when PLO self-rule began in Gaza and Jericho, the PLO promised to take all measures necessary in order to prevent all acts of terrorism including acts committed by groups like Hamas and Islamic Jihad, to abstain from incitement, including hostile propaganda, and to take legal measures to prevent incitement by any groups within its jurisdiction, to adhere to internationally accepted norms and principles of human rights and to extradite suspected terrorists to Israel. These, too, have all been violated.

And, in addition, they have failed to condemn 184 terrorist attacks that took place from May 1, 1994, to May 1, 1995, which they also promised to do.

So we should not be surprised that the PLO, despite signing these accords, was, is, and in my opinion apparently plan to continue to be committed to the destruction of the State of Israel and to replace it with an Arab state.

Let me quote directly further from Yasser Arafat in a November 1994 letter to the heads of anti-Israel organizations. He said, and I quote:

> In order to obtain the goal of returning to Palestine, all of us sometimes have to grit our teeth. But it is forbidden that this harm the continued struggle against the Zionist enemy. Cooperation and understanding between the PLO and the rejectionist organizations is what will lead to the speedy retreat

of Israel from the occupied territories in the first stage, until the establishment of a Palestinian state with its capital in Jerusalem.

And, let me quote further from one of Arafat's closest advisers and the chief negotiator with Israel this past January as he was quoted in the Palestinian media,

The PLO has no intention of annulling the articles in the PLO Covenant [calling for the destruction of Israel].

Another senior PLO official this past April in a speech in Gaza said,

The PLO and the Islamist opposition complement each other . . . We regard Hamas and the Islamic Jihad as national elements . . . The main enemy, now and forever, is Israel.

If you think that these acts are bad enough to stop the flow of aid, just hold on a minute. We have just recently obtained information directly from the Palestinian Economic Council for Development and Reconstruction, known as PECDAR, supposedly an independent organization set up to distribute donor funds. We know that the deputy chairman of PECDAR has acknowledged that the PLO signed the peace agreements with Israel primarily in order to get foreign funds. He explained, "The money is the carrot for signing the peace agreement with Israel and we have signed."

We have also obtained PLO documents. These documents are requests from the Secretary of the Treasury of the PLO and the PNA to PECDAR for the transfer of funds to specific projects that are in direct violation of the peace agreements. Further, responses from PECDAR to the PLO confirm that Arafat's instructions were followed and the money were indeed transferred. These documents confirm that the PLO has diverted funds to illegally acquire land in Jerusalem, to illegally purchase apartments in Jerusalem for loyal PLO supporters, to illegally establish a Palestinian publicity center so that disinformation can be fed to the West and hence weaken Israel. Moneys were also spent in the investment of a computer company owned by the sons of the key negotiator with Israel, for programs inside Israel that would strengthen pro-PLO forces, including money to Arab members of Knesset and also for the establishment of companies under private auspices. Again. All in direct violation of the peace accords.

Congress must make difficult, sometimes unpopular, decisions in these days of budget balancing. Choices on Medicare, school lunches, law enforcement, healthcare and, yes, foreign aid.

The American people are quite rightly focused on foreign aid because so much has been wasted in the past. If we are to preserve some foreign aid, as we must for our own national interest, we must be conservative stewards of the peoples' pocketbook. If not, we may well face a day when no foreign aid, even when our own national security depends on it, is available because the American people see what happens to the bad use of foreign aid.

This foreign aid line item is the best example of bad foreign aid policy I can recall in the decade that I have served here. My amendment would have addressed this. I am sorry we were not able to get to it, but because of circumstances that seems to have been impossible.

Mr. Chairman, that is my statement. I understand that we are going to be able to fight this battle on another day. I look forward to taking part in those discussions.

PLO DOCUMENTS

Although there have been various citing of violations by the PLO and the PNA (Palestinian National Authority) of the agreements signed by Arafat, following are summations of recently-disclosed documents of specific violations. These not only demonstrate the disregard for the spirit of the agreements, but also indicate the urgent response required by the facilitator of the accords (the U.S.) at this junction.

These documents are a series of top-secret documents that are exchanges between Muhammad Nashashibi, the PLO/PNA Minister of Finances, and the leadership of the Palestinian Economic Council for Development and Reconstruction (PECDAR). PECDAR was established on November 4, 1993, as an independent body entrusted with the distribution of foreign donations for the rebuilding and improvement of the Palestinian economy free of any political considerations; Arafat and the PLO/PNA were to have no role in the administration of PECDAR. PNA can not have funds transferred from or to PECDAR. PECDAR is supposed to be supervised by the World Bank. However, in July 1994 PECDAR distributed an internal chart depicting it as being directly subordinate to the PLO/PNA. Moreover, the entire leadership of PECDAR is comprised of Arafat loyalists.

In general, all the 28 top-secret documents constitute a series of 14 pairs: Each pair is comprised of (1) a letter over the signature of Nashashibi, the PLO/PNA Minister of Finance, with instructions to transfer funds to specific individuals and projects, and (2) a response from PECDAR confirming that the instructions were followed and the monies transferred. In his letters, Nashashibi invariably stresses that his instructions are on behalf of Yassir Arafat and/or based on Arafat's decisions. All the responses from PECDAR are concluded with the request to inform Yassir Arafat that the instructions were fulfilled and implemented. (Concerning the last sentences in the PECDAR letters: In some of the letters, the phrasing in Arabic is vague—that is, it could be read as either "the" instructions/orders or "his" [Arafat's] instructions/orders. In others, including as Document 4, the sentence reads specifically to inform Arafat that "his instructions" or "his orders" were implemented.)

Following are the Documents in order of importance:

DOCUMENT 1

August, 1994. Nashashibi's instructions on behalf of Arafat to funnel $20 million to clandestine political activities inside Israel to strengthen pro-PLO forces, including Members of Knesset, and organizations as the beginning of PNA political presence among Israeli Arabs. Nashashibi writes that Arafat ordered that "PNA's activities will expand inside Israel and concentrate on the Arabs and Palestinians inside", pushing them to work toward "the establishment of the Palestinian State that includes the city of Jerusalem." Among the specific tasks of this program are financing political parties and individual politicians supporting the establishment of a Palestinian State, spread of financial support to local bodies, social organizations and charities in order to push them to political activism. Dr. Tibi is in charge and the money was deposited in his clandestine personal accounts abroad.

DOCUMENT 2

August, 1994. Nashashibi's instructions on behalf of Arafat to arrange clandestine funding to acquire land in Jerusalem. The acquisition is a part of the "consolidation of the foundations of the Palestinian States . . . while concentrating on Jerusalem in order to solidify our foot hold there and increase our activities there in an active and strong manner." The letter stresses the clandestine character of the deal "because we do not want to have this activity appear under the name of the PNA so that it would not be utilized against us for political reasons in international circles by the other side . . . particularly the American administration." Therefore, $15m were allocated for clandestine transfer to Dr. Tibi for a host of ostensibly private land acquisition and development projects in East Jerusalem.

DOCUMENT 3

August, 1994 (Following Document 2). Instructions on behalf of Arafat to arrange clandestine funding for apartments in Jerusalem to be given to loyal Arabs. Dr. Tibi is to supervise this project for which $12 million is allocated.

DOCUMENT 4

November, 1994. Nashashibi issued instructions on behalf of Arafat for clandestine funding for Raymonda Tawil, Arafat's mother-in-law, and Ibrahim Qar'in to open a Palestinian publicity center, ostensibly independent and without acknowledgment of connection with Arafat, in "Arab al-Quds [Jerusalem], the Capital of Palestine." PECDAR's response stresses that Raymonda Tawil was thanking Yassir Arafat in person for the funding.

DOCUMENTS 5, 6, 7

Discuss clandestine investment in computer companies of Ali and Mazan Sha'at, the sons of Dr. Nabil Sha'at (key negotiator with Israel). Nashashibi not only stresses that Arafat ordered the projects, but adds (in Document 5) that "We must emphasize that the brother leader Abu-'Amar [Yassir Arafat] gives special importance to this company." It is note worthy that after the Sha'at sons were provided with these funds, Dr. Nabil Sha'at was nominated by Arafat to the PECDAR board. This was done to ensure that no one individual would have a full understanding of the totality of the funds available and their actual use.

DOCUMENTS 8, 9, 10

Series of documents in which Nashashibi informs PECDAR that Arafat decided to order a close loyalist, Dr. Amin Haddad, to establish several companies, including import-export operations, under private auspices so as to maintain control over the local economy and employment in the West Bank. In its response, PECDAR confirmed that the funds were transferred to Haddad's private accounts, and (in Document 8) that they have Haddad's assurance that "this stock company belongs to the PNA and is only a trust in his hands."

DOCUMENTS 11, 12, 13

Nashashibi writes to PECDAR that in order to establish "effective control over the commercial market," that is, to control the financial market and key import-export financing, throughout the West Bank, Arafat ordered the establishment of a series of import-export companies, insurance and contracting firms to be overseen by Jamil Tarifi, an Arafat crony. These companies should also be established, and the funding for them be transferred, in a clandestine manner so as to ensure that they appear privately owned.

DOCUMENT 14

Nashashibi writes that the establishment of a chicken farm was directed by Arafat in order to divert Palestinian workers from internationally-controlled development programs. He instructs PECDAR on behalf of Arafat to clandestinely transfer $1.5 million to Ibrahim Qar'in. In its response, PECDAR confirms that the sum was transferred clandestinely from its "special accounts" to the private accounts of Ibrahim Qar'in. Nashashibi concluded his letter with the comment that Arafat gives special importance to this project because it is creating a PNA-controlled employment. The PLO repeatedly seeks to establish alternatives to the various development programs launched by the international donors in order to ensure that the PNA/PLO remains the main and choice employer.

AN UPDATE ON THE FINANCIAL CONDITION OF THE PALESTINIAN AUTHORITY ON THE EVE OF THE DONOR NATION CONFERENCE IN PARIS

The Donor Nations to the Palestinian Authority are conducting a two-day conference, beginning today, 27 April 1995. The purpose of the conference is to discuss the future of monetary assistance to the Palestinians, given the serious financial crisis currently gripping the Palestinian Authority.

On 21 March 1995 Peace Watch published a comprehensively report on the financial condition of the Palestinian Authority, and attempted to trace the causes of the crisis faced by the Palestinian Authority. The following is an update prepared on the eve of the resumption of discussion of the issue by the donor nations. This report details for the first time the demands made on Israel and the Palestinian Authority by the donor nations, as they are to be raised at the Paris conference. In addition, it includes the major highlights of the previous report and surveys the main changes that have occurred since its publication. This report is based on material collected from sources in the Palestinian Authority, Israel, and the donor nations, as well as from monitoring of World Bank publications and Palestinian newspaper accounts.

A. THE DEMANDS MADE ON ISRAEL AND THE PALESTINIAN AUTHORITY BY THE DONOR NATIONS

According to Peace Watch sources, the donor nations have complied two working documents in preparation for the Paris conference. These documents detail the demands made on Israel and the Palestinian Authority by the donor nations.

The demands on Israel are:

1. A repetition of an earlier demand made by the donor countries that Israel fulfill its commitments as expressed in the economic protocols which it signed in Paris in April last year, which later formed an integral part of the Cairo agreement between Israel and the PLO.

2. An Israeli guarantee of work for the Palestinians, even under Israeli closure of the territories.

The demands on the Palestinian Authority are:

1. An immediate wage and hiring freeze in all Palestinian Authority institutions.

2. A commitment that the construction of a port in Gaza be conducted in coordination with Israel, and not with the European nations alone.

3. A repetition of an earlier demand made by the donor nations for an improvement in the tax collection capabilities of the Palestinian Authority.

4. The preparation of a detailed report on the ways and means of raising private capital in the context of the Palestinian economy.

5. The submission of a report on plans for the development of banking in the territories.

6. The submission of a Palestinian Authority expenditure estimate for 1996.

B. HIGHLIGHTS OF THE COMPREHENSIVE PEACE WATCH REPORT

The comprehensive report issued by Peace Watch on 21 March 1995 underscored the critical financial condition of the Palestinian Authority and detailed the reasons for the crisis:

1. Most of the international monetary assistance that was promised the Palestinian Authority has not arrived, and those sums which were finally disbursed to the Palestinian Authority were used to cover operating budget deficits, and not for the purposes they were intended—namely, development projects and the establishment of infrastructure.

2. The Palestinian Authority failed to establish an orderly tax collection system which would enable it to overcome its deficit crisis and balance its budget.

3. A pipeline for the disbursement of international financial assistance which is agreed upon by all parties has not yet been established. This has negatively influenced the amount of assistance money arriving, and has indirectly harmed the Palestinian Authority's economy. The main Palestinian economic institution—PECDAR—was established in order to serve as such a pipeline, but due to structural problems in the institution and to political disagreements in the Palestinian leadership, it has not managed to fully serve in its intended capacity.

4. The donor countries, especially the US, have attempted to limit the economic freedom of action of the Palestinian Authority and its leadership, mainly by establishing subcommittees working under the Local Aid Coordination Committee—subcommittees which have taken up responsibility for the ongoing financial operations of the Palestinian Authority.

The conclusion reached by the comprehensive report was that no significant improvement in the financial condition of the Palestinian Authority is foreseeable in the near future. Without additional monetary assistance from the donor countries, the Palestinian Authority will not be capable of surviving financially for more than a handful of months.

C. THE MAIN DEVELOPMENTS SINCE THE PUBLICATION OF THE PEACE WATCH COMPREHENSIVE REPORT

It can generally be asserted that since mid March 1995 a number of changes have taken place in the financial situation of the Palestinian Authority, changes which can be divided into two types: positive and negative developments. The changes which have increased the changes that the Palestinian Authority will receive additional monetary assistance are; the finalizing of a more or less agreed upon Palestinian budget proposal, and the agreement attained between Israel and the Palestinians on the subject of the establishment of industrial parks. In contrast, the changes likely to decrease the possibility that the Palestinian Authority will receive additional monetary assistance are: the lack of agreement among the donor nations as to the proper destination of the assistance funds; internal disagreements among the Palestinian as to the destination of the assistance funds; and a growing Palestinian Authority budget deficit which shows no sign of decreasing in the near future.

The proposed budget

In April 1995 the Palestinian Authority came to an agreement with the World Bank on a proposed budget of $444 million. This was in effect a compromise between the previous proposal submitted by the Palestinians, for a $600 million budget, which was rejected by the World Bank, and a World Bank counter proposal for a $425 million budget. The $600 million figure calculated by simply summing together the proposed budget of each ministry within the Palestinian Authority, with each ministry submitting a separate proposal.

It should be noted that the $444 million budget has not yet been formally approved by the World Bank, although it is likely that approval will be granted since the figures arrived at by the Palestinians were calculated with the assistance of experts from the World Bank. The budget proposal must also be approved by the Palestinian Authority itself, and it is not unlikely that there will be reservations expressed by some of the Palestinian Authority's cabinet ministers.

The establishment of industrial parks

The managing director of the Israeli Ministry for Foreign Affairs, Uri Savir, and the Palestinian Authority Economics Minister, Abu Alaa, prepared a joint working paper—which has not yet received final approval by either party—on the subject of industrial parks. These working papers were presented at the Washington donor conference. The decision to establish eight industrial parks, with the first park slated to be located in Gaza, served in an unintended manner as a means for overcoming differences of opinion between the donor countries and disagreements between Israel and the Palestinian Authority. Israel agreed to concentrate the balance of the assistance it had promised to the Palestinians in grants provided towards the construction of the park in Gaza. The sum of money involved is a balance of $20 million out of $25 million over five years originally promised to the Palestinian Authority by Israel. The World Bank supports this initiative, and there is no known European opposition to the idea. However, Yasser Arafat's silence about the project has raised uncertainty as to his position on the subject, since he has yet to express either support or opposition.

Although the working papers have not yet been finalised, the very fact that they were jointly prepared is an achievement in itself, and if a decision is taken in favour of establishing the industrial parks it can serve as a catalyst for the increased flow of funds for development projects.

Sharpening disagreements among the donor countries

The existing disagreements among the donor nations—between the US and the World Bank on the one hand, and the EU on the other—have sharpened in the past month. The disagreements revolve around

requests made by the Palestinian Authority and around development plans. The EU of the opinion that the World Bank requirements that the Palestinian Authority run a transparent accounting system are exaggerated. It also disagrees with World Bank and US-sponsored development plans. Those plans are opposed to vast 'nationalistic projects', such as the construction of air and sea ports in Gaza, while granting priority to economic development plans which stress the needs of the Palestinian communities in the territories and not external national symbols of the Palestinian Authority.

On 4-5 April 1995, an informal meeting of the donor nations was conducted in Washington, D.C., in an effort to overcome the disagreements among them, but no success was attained towards that goal. The Europeans demanded that the 'nationalistic' development projects be funded instead of the World Bank plans. The EU announced, for the first time, that it would not disburse the funds that it had promised the Palestinians through the Holst Fund of the World Bank, but rather directly to the Palestinian Authority through the offices of either Nabil Sha'ath's Ministry of Planning or Zuhadi Nashashibi's Treasury Ministry.

The Chairman of the Palestinian Authority, Yasser Arafat, thanked the Europeans for their position in a meeting with a French economic delegation, which visited Gaza on 19 April 1995. He repeated his demands that supervision over the Palestinian Authority's budget be removed from the World Bank to UNRWA on a number of occasions, most notably in a Palestine Broadcasting Corp. radio address on 8 April 1995. In that same broadcast Arafat made light of the World Bank's conditions for transparency in Palestinian Authority accounting procedures.

Sharpening internal disagreements among the Palestinians

There were also internal disagreements over development plans among the Palestinians. The Economics, Trade, Capital and Industry Minister, Ahmed Qria, (Abu Alaa), supports the World Bank position, and the organization he heads, PECDAR, is attempting to implement his policies. Other economic ministers, especially Nabil Sha'ath, support the European position, and represent the opinion of the Chairman, Yasser Arafat. As part of the Palestinian political power struggle, Arafat appointed Nabil Sha'ath as a member of the PECDAR Board of Directors on 25 April 1995, as a counter-balance to Abu Alaa. The fact that he sent Nabil Sha'ath, who supports the European position, to the Washington talks rather than Abu Alaa, who supports the World Bank/US position, revealed his predilections and policies, and his preference for the European positions.

Peace Watch has learned that Abu Alaa will not attend the Paris conference as the PECDAR representative, and that Muhammad Shtaya, who heads the Administrative and Financial Services Department in PECDAR, will attend in his place. Abu Alaa's absence at the Paris discussions comes on the heels of his absence at the donor nation meeting held in Washington, and is another indication of the disagreements between PECDAR and the Palestinian Authority.

The Palestinian authority budget deficit and its lack of success in improving tax collection

Thus far, the Palestinian Authority's budget deficit has not decreased. This is due to its inability to collect taxes in an efficient manner, and because the bulk of the promised assistance funds have not arrived—including the sums of money committed by Israel. According to Peace Watch sources, the Palestinian Authority spends some $30 million per month, while its income from taxation comes to $6 million per month. These figures are based on the Palestinian Authority's income and expenditures balance for the months of December 1994 and January 1995, but Peace Watch has learned that there has been no improvement in tax collection since then. As a result, in March 1995 the Palestinian Authority paid the salaries of its employees from loans it took from banks operating in the territories, and there is some concern that it will be unable to repay those loans—which could harm the future functioning of those banks.

It can be ascertained from statements made by Nabil Sha'ath upon his return from the Washington talks that the Palestinian Authority operating budget deficit will come out to some $136 million in 1995, but Israeli officials told Peace Watch of a projected Palestinian Authority deficit of some $250 million, given low expectations for efficient tax collection.

Given these figures, the Palestinian Authority is clearly in grave financial condition, especially since there are no expectations that it will be able to improve its tax collection capabilities in the near future.

At the informal Washington conference held on 4-5 April 1995, the donor countries promised to meet their original promises of development funding, but only if a complete distinction can be maintained between money earmarked for development assistance and the Palestinian Authority's operating budget. The Palestinians were therefore asked to hurry up the full implementation of their tax collection system, while Israel was asked to increase its assistance to the Palestinians in tax collection, pay its commitments and reduce to a minimum its closure policies.

According to Peace Watch sources, Israel is behind in paying its debts to the Palestinian Authority. Although it is difficult to calculate exactly how far behind schedule Israel is in its debt payment to the Palestinian Authority, estimates show it to be clearly at least $10 million behind. As stated above, Israel has committed itself to providing the Palestinian Authority with $5 million per year as an outright grant, in addition to the taxes collected for the Palestinian Authority by Israel, such as income taxes taken at the source from Palestinian labourers working in Israel. Israeli officials point out that it is difficult to estimate the true scope of Israeli debt to the Palestinian Authority, given the varied forms the debt takes, the difficulties in canceling out pre-payments given to the Palestinian Authority with unpaid debts, and the fact that Palestinian Authority debts to Israel, which are mainly unpaid electricity and telephone bills, must also be taken into account.

PEACE WATCH ISSUES CRITIQUE OF THE STATE DEPARTMENT REPORT ON PLO COMPLIANCE

Peace Watch issued a critique today of the U.S. State Department's June 1, 1995 report on PLO compliance. Peace Watch views the State Department report as a significant document on compliance that is worthy of being addressed. In its critique, Peace Watch notes a number of instances where the State Department report presents information which is inaccurate or misleading and, if uncorrected, might cause errors in understanding. In addition, the critique cites a number of cases in which the State Department's methodology in assessing compliance is at variance with methods generally employed by monitoring organizations.

It should be stressed that Peace Watch's critique does not aim to give an overall assessment of the State Department report. Similarly, Peace Watch only relates the report's statements about compliance, and takes no position regarding its policy recommendations. The critique's main points are:

The State Department report claims that it is evaluating PLO and Palestinian Authority (PA) compliance with all commitments. In practice, however, it focuses on five obligations undertaken in Chairman Arafat's letters of September 9, 1993, and largely ignores other obligations in the Declaration of Principles and especially in the Gaza-Jericho accords. It also focuses on improvement in compliance, rather than on the degree to which PLO behavior currently conforms to its legal obligations.

The State Department claims to "have no information that incidents of terrorism were perpetrated or organized by PLO elements under Arafat's control during the period covered by this report," that of December 1, 1994 to May 31, 1995. If this claim is correct, the State Department must be excluding from its definition of terrorism cases in which Fatah activists attacked and injured Israelis and killed Palestinians. This definition of terrorism is not standard, and the report should have stressed why it was adopted.

The report notes with approval that the PA set a May 14th deadline for the registration or confiscation of all guns. It neglects to mention, however, that virtually no steps were taken after the deadline elapsed which included two and a half weeks during the State Department's reporting period and that senior PA figures stated they do not plan to disarm Hamas or Islamic Jihad.

The State Department lists incidents in which PA leaders claim to have preempted attacks from being launched against Israelis, along with the proviso that they could not examine all cases. The State Department should have invested more effort in checking claims. At least one of the claims was publicly shown to be false, when it turned out that 200 kilograms of "explosives" was actually pesticides.

The report notes that the PA has given Israel partial lists of the individuals serving in its police force. It does not mention, however, that the actual obligation was to allow Israel to see all names in advance and exercise veto power, nor that the names of the most potentially troublesome recruits, veteran Intifada activists from Gaza and Jericho, were not submitted to Israel at all. The report notes that Israel has submitted three formal requests to the PA for the transfer of suspected terrorists from Gaza to Israel. The report nowhere states, however, that the PA rejected one of the requests, and has so far refused to give an answer in the other two cases.

The State Department makes no mention of the 7 Palestinian Authority institutions which operated in Jerusalem during the reporting period, even though there is an explicit prohibition on their doing so, making this a significant breach of compliance.

The report notes that "Israel officials have stated that the number of police in Gaza and Jericho exceeds the numbers permitted in the Gaza/Jericho agreement," implying that this claim is not necessarily accepted by others. It neglects to point out that the mandated limit is 9,000 policemen, and that the heads of the Palestinian police and the UN coordinator in the territories are on public

record stating that the actual force has upwards of 15,000 policemen.

The report notes that the PA does not show adequate respect for human rights and the rule of law. It neglects to point out, however, that the PA held a number of trials at night, some of which lasted as little as 15 minutes. The report also ignores instances of torture during detention, and at least two cases in which Palestinian prisoners were killed in jail by their PA investigators.

PLO SELF-RULE IN GAZA AND JERICHO AFTER ONE YEAR, MAY 4, 1994–MAY 4, 1995: AN ASSESSMENT OF PLO COMPLIANCE WITH THE ISRAEL-PLO SELF-RULE ACCORDS

(By Morton A. Klein)

EXECUTIVE SUMMARY

I. The PLO's Obligations

On May 4, 1994, PLO self-rule began in the Gaza Strip and the city of Jericho. The Israel-PLO self-rule accords require the PLO to "take all measures necessary in order to prevent acts of terrorism" against Israelis; to "abstain from incitement, including hostile propaganda" against Israel; to "take legal measures to prevent such incitement by any organizations, groups or individuals within [its] jurisdiction"; to adhere to "internationally-accepted norms and principles of human rights"; and to extradite suspected terrorists to Israel.

These requirements were in addition to the PLO's obligations under the September 1993 Israel-PLO peace accords: to "renounce the use of terrorism" and condemn individual acts of terror; to "assume responsibility over all PLO elements and personnel" to stop terrorism; to "discipline" those who engage in terrorism; to "encourage and call upon the Palestinian people in the West Bank and Gaza Strip" to "reject violence and terrorism"; and to make "changes" in the PLO Covenant to eliminate the 30 (out of 33) clauses that call for Israel's destruction or urge violence against Israel.

II. The PLO's Violations During the First Year of Gaza-Jericho Self-Rule

Senators Joseph Lieberman (D-CT) and Connie Mack (R-FL), in a letter to Secretary Christopher (on Dec. 9, 1994) wrote: "So long as the PLO and Mr. Arafat are not held to the commitments they have made, there will be no peace."

Throughout the first year of PLO self-rule in Gaza and Jericho, Arafat and the PLO have consistently violated virtually every major and minor requirement of the peace accords. Arafat has:

failed to take the necessary steps to prevent terrorism and combat terrorists, such as outlawing terrorist groups, prosecuting terrorists (so far only a token handful have been prosecuted); disarming terrorists; closing down terrorist bases; and making speeches condemning the terrorist groups and individuals who perpetuate terrorism;

failed to honor Israel's requests for the extradition of terrorist suspects;

failed to "discipline" PLO members and factions that engage in terrorism;

failed to condemn the 184 terrorist attacks that have taken place between May 4, 1994-May 4, 1995 (leaving 102 dead and 308 injured) [the total from September 1993 to April 1995 is 373 attacks, leaving 176 dead and 465 injured];

failed to change the PLO Covenant;

failed to make speeches to Arab audiences, denouncing anti-Israel violence;

failed to refrain from engaging in hostile propaganda against Israel, such as Arafat's speeches calling Israel "the Zionist enemy," hailing killers of Jews "heroes" and "martyrs," and repeatedly urging a jihad (Islamic holy war) against Israel;

failed to respect human rights (by torturing prisoners, banning newspapers, and more) and failed to implement democracy in the self-rule areas;

failed to refrain from taking steps relating to the ultimate sovereignty of the territories.

III. The PLO's Misuse of International Donations

The Clinton administration pledged to send $500-million to the PLO over a five-year period. Will that money be used properly? The British government is investigating the PLO's misappropriation of a $500,000 British donation, while Norway and the United Nations are investigating the disappearance of a $100,000 Norwegian grant to the PLO. A donation of $16-million for humanitarian projects in Gaza and Jericho was diverted to PLO military and propaganda activities in Lebanon and Jordan.

IV. Suggested Options for Congressional Action on U.S. Aid to the PLO

1. The U.S. could set a date, sometime later in 1995, by which U.S. aid will be terminated if the PLO is not complying with major requirements of the accords.

2. The U.S. could withhold specific amounts of U.S. aid in response to specific major PLO violations. Partial PLO compliance would permit continued U.S. funding, at reduced levels.

3. A bipartisan Congressional committee could be established, under the Senate Foreign Relations Committee and the House International Relations Committee, to help determine if the PLO is complying with the peace accords.

The State Department's reports, which have claimed that the PLO is complying, were seriously flawed and were criticized by leading Republican and Democratic members of Congress and U.S. Jewish groups such as AIPAC, the ZOA, and others.

PLO SELF-RULE IN GAZA AND JERICHO: BACKGROUND

On May 4, 1994, the Government of Israel and the Palestine Liberation Organization began implementing PLO self-rule in the Gaza Strip and the city of Jericho (the "Gaza-Jericho First" plan). The PLO was given control over all aspects of daily life—except for matters of external security—in Gaza and Jericho.

In exchange, the PLO agreed that its governing body in Gaza and Jericho, known as the Palestinian Authority, will "take all measures necessary in order to prevent acts of terrorism" against Israel and Israelis in the territories;[1] will "abstain from incitement, including hostile propaganda" against Israel; will "take legal measures to prevent such incitement by any organizations, groups or individuals within [its] jurisdiction";[2] will adhere to "internationally-accepted norms and principles of human rights and the rule of law";[3] and will extradite suspected terrorists to Israel.[4]

These requirements were in addition to the obligations that the PLO agreed to, and is required to fulfill, according to the text and side letters comprising the September 1993 "Declaration of Principles": to "renounce the use of terrorism" and condemn individual acts of terror;[5] to "assume responsibility over all PLO elements and personnel" to stop terrorism;[6] to "discipline" those who engage in terrorism;[7] to "encourage and call upon the Palestinian people in the West Bank and Gaza Strip" to "reject violence and terrorism";[8] and to make "changes" in the PLO Covenant to eliminate the 30 (out of 33) clauses that call for Israel's destruction or urge violence against Israel.[9]

When the Gaza-Jericho self-rule plan began, Israeli officials described it as an experiment that would determine if the PLO had sincerely transformed itself from the terrorist organization that is always was. it would be a test to determine if the PLO was interested in, and capable of, governing in a civilized, peaceful and democratic manner. The plan was "reversible," Israeli Deputy Foreign Minister Yossi Beilin noted. "If there are problems on the way to implementing the agreement and if they cannot control their opposition and there is no order, we will say we can't go on . . . As in any other agreement, there is the belief that both sides will be able to implement it and can be trusted, but if there is a clear violation, it will be more than understandable that we cannot adhere to it . . . the plan is conditional on the Palestinians being able to prevent Islamic fundamentalist groups who oppose the peace talks from carrying out terrorist attacks against Israel."[10]

One year has now passed since the beginning of PLO self-rule on May 4, 1994. Has the PLO lived up to its commitments?

THE PLO'S VIOLATIONS OF ITS SPECIFIC OBLIGATIONS

I. PREVENTING TERRORISM AND COMBATTING TERRORISTS

The peace accords require the PLO to "take all measures necessary to prevent" terrorists from attacking Israel or Israelis in the territories, and "take legal measures against offenders." Has it done so?

(a) PLO's Failure To Outlaw Terrorist Groups

Prime Minister Rabin has urged Arafat to "outlaw Hamas and Islamic Jihad," just as Israel and other countries have declared specific terrorist groups illegal. If Arafat took such action, membership in Hamas and Islamic Jihad, and any activity by those groups, would be prohibited. This would give the PLO greater legal ability to arrest terrorists and shut down their facilities. It would also send a powerful message to the Palestinian Arab community about the unacceptability of anti-Israel terrorism. Yet Arafat has not outlawed them.[11]

(b) PLO's Reluctance To Prosecute Terrorists

Throughout the first year of Gaza-Jericho self-rule, the typical response of the PLO to a terrorist attack by Hamas or other groups against Israelis has been to detain some members of the group in question, and then quietly release them within days or weeks. Prime Minister Rabin has described those PLO roundups as "just public relations,"[12] Ze'ev Schiff, the respected military affairs analyst for the Israeli daily Ha'aretz, has characterized them as "fictitious arrests."[13] Between August 1994 and April 1995, there was a total of eleven such roundups, in which a total of 800 people were detained, but nearly all of them were released within a short time.[14]

According to Major-General Nasser Yussef, commander of PLO police in Gaza and Jericho, the issue is not one of ability but of desire: "The Palestinian police can stop Hamas terrorists, but have not been given the instructions to do so . . . We cannot act without the instruction of the political echelon . . . When we receive instructions, we will stop them."[15]

Prime Minister Rabin has strongly criticized the PLO's behavior: "We don't feel that the Palestinian authority takes the measures that they can take against terror,

Hamas, and the Islamic Jihad . . . The basic limitation that will decide the success of the agreement with the Palestinian (is) their readiness, not just capability, but readiness to use power against the extreme Islamic terror organizations."[16]

Foreign Minister Peres likewise remarked, in August 1994: "They [the PLO] are still not doing enough [about preventing terrorism]. The problem is terror of every kind, not just of Hamas—and that's their clear obligation. We demand a 100 percent effort, not 100 percent success."[17]

In February 1995, there were some media reports suggesting that the PLO had recently arrested several terrorists who were planning to attack Israelis. It was not clear if they were arrested because of their plans, or if they were arrested for different reasons and in the course of their interrogation disclosed their intention to attack Israelis. Commenting on these reports, a "senior Israel security official" told the Jerusalem Post: "We don't expect 100% success [by the PLO in preventing terrorism], but there should be 100% effort. Until recently, there was zero effort. Now there is 5% effort."[18] Israeli cabinet minister Shimon Shetreet questioned the significance of the reported PLO actions, saying "Here and there they happened to catch a car that had ammunition, so they stopped it. This is not preventing terror. I have not heard that they have disarmed the Islamic Jihad or the Hamas, that train themselves openly, that dance when there is a terrorist activity in our cities and that burn as a matter of daily activity the flag of Israel."[19]

In February, Arafat claimed that the PLO police had prevented six terrorist attacks against Israelis. A few weeks later, he said the number was ten. But at the news conference where he made the claim, Arafat refused to divulge any details about the alleged prevention of anti-Israel terror.[20] A spokesman for the Israeli Army intelligence division said that Israel "has no way of confirming" the PLO's claims.[21] Another Israeli official said that "There are, let's put it mildly, discrepancies between what we know and what we are told" about the PLO's supposed success in stopping terror attacks.[22] American diplomats have told the Washington Post that in addition to Arafat's refusal to provide details in public, "he had provided few in private."[23]

In one instance, the PLO police showed reporters two of the alleged captured terrorists. The two, aged 19 and 16, were described by the police as members of the Islamic Jihad organization, although spokesmen for that group denied that they were members. According to the police, the two were receiving "religious preparation on Islamic concepts of martyrdom," and therefore were presumed to be planning a terrorist attack. However, when questioned by reporters, the police conceded that the teenagers had not been found to be in possession of any weapons, and that there was no evidence that they had chosen any specific targets to attack.[24] Was this really a case of the PLO foiling a terrorist attack against Israel, or were the teenagers falsely presented as terrorists in order to deceive critics of the PLO's failure to crack down on terrorist groups . . . ?

Another of the alleged terror plots that may have been included in Arafat's estimate was the case of Majdi Abu-Hilal, who was arrested by the PLO police in early February 1995, on the grounds that he was in possession of 200 kilograms of explosive material. The police officers who interrogated Abu-Hilal soon realized that, in fact, the material in question was used for cleaning bird hatcheries and had no connection to any terrorist plans. Abu-Hilal later told the Gaza newspaper El-Watan his interrogators said they would nevertheless keep him in prison for some time longer so that the Palestinian Authority could tell "the Israelis they succeeded in capturing explosive material." Abu-Hilal quoted one of the investigating officers as saying that "we will keep you until after the Rabin-Arafat meeting at the Erez Checkpoint for propaganda purposes."[25]

During a joint press conference with U.S. Vice President Al Gore in Jericho on March 24, 1995, Arafat promised to take unspecified action against "those who are jeopardizing the peace process." Israeli officials told the Washington Post that they regarded Arafat's statement as "empty," since he "has promised a crackdown many times." The Post noted that just before Vice President Gore arrived, Arafat delivered a speech in Jericho's municipal square in which he "singled out just one Palestinian for praise: 'my beloved brother Skeikh Ahmed Yassin,' the spiritual leader of the Islamic Resistance Movement, or Hamas."[26]

After two Arab terrorist attacks in Gaza that killed eight Israelis and injured 59 on April 9, 1995, the Palestinian Authority detained a number of suspects. How many were actually seized is unclear; the San Francisco Chronicle put the number of detainees at 170; the Associated Press reported that the number was "nearly 200"; while the Los Angeles Times reported that 300 had been detained.[27] By April 14, just five days after the attacks, the arrests had ceased and by April 16, half of the detainees had been set free.[28] In any event, none of those detained in April were actual terrorists, according to the Jerusalem Post. It quoted Brigadier Samir Siksik, a spokesman for PLO police commander Nasr Youssef, as saying that there had not yet been "an order from the political level" for the "roundup of the hard-core terrorists."[29]

PLO spokesman Faisal Husseini asserted on April 14 that the PLO "will take no more moves against Islamic extremists until Israel implements in full the 1993 agreement." Husseini said if there were a crackdown on the terrorists, "people will turn against us."[30] In addition, a senior Hamas leader who openly vowed "that no one from his group would turn in his weapon" took part in an April 16 public panel discussion with one of Arafat's top aides, Nabil Sha'ath.[31]

At the same time, the Palestinian Authority claimed that it had sentenced five Palestinian Arabs to prison terms. The first of the convicts, Islamic Jihad activist Samir Ali Jedi, was prosecuted not for attacking Israelis but for mistreating six young Muslim terrorists (Jedi had buried them alive for several minutes to test their resolve).[32] Two of the five convicts were punished for taking part in the murder of an Israeli, but they were sentenced to just two years in prison each.[33] Since the alleged court proceedings were held late at night and behind closed doors, many of the details remain shrouded in secrecy.[34]

Has Arafat undertaken a serious crackdown on terrorists? The chief of Israeli Army intelligence, General Uri Saguy, said that despite the alleged sentencing, "Arafat has not yet implemented any real change in policy aimed at battling extremists."[35] Commenting on the roundups and sentencing, Prime Minister Rabin criticized Arafat "for not taking stronger steps to control terrorism."[36] Major-General Shual Mofaz, chief of the Israeli Army's Southern Command, met with Arafat while the 'crack down' was underway. Mofaz said afterwards that "it is obvious that he lacks the determination to stop Hamas and other terrorists."[37]

(c) PLO's Failure To Disarm Terrorists

Asked by an interviewer (on Radio Monte Carlo) if he was willing to "disarm opposition organizations," Arafat replied by asking "Why?" and complained that the Israeli government had not disarmed those who attended a recent rally by rightwing Jews.[38] On other occasions, Arafat has explicitly asserted that "I am not going to fight Hamas terrorists"[39] and that he "will not disarm Hamas."[40] After Arafat made a statement saying he would fight against "terrorism," but "not against Hamas," Israeli Foreign Minister Shimon Peres criticized Arafat as "smart-alecky—because it's Hamas that is setting terror in motion."[41]

According to Israeli media reports, the PLO police in Gaza have confiscated just 11 of the more than 26,000 illegal weapons that are in the hands of private citizens.[42] Arafat's senior police officials confirm that no disarming of terrorists has been ordered. Asked by the Washington Post why no such order had been issued, Major-General Nasser Yussef, police commander for the terrorists, replied, "You can check up there with the big man. We are awaiting the instructions of the political leadership."[43] Likewise, Ghazi al-Jibali, the PLO police chief for Gaza, has declared that "the police will not disarm Hamas activists."[44] Jibril Rajoub, PLO security chief for Judea-Samaria, has gone even further, asserting: "We sanctify the weapons found in the possession of the national factions which are directed against the occupation . . . If there are those who oppose the agreement with Israeli, the gates are open to them to intensify the armed struggle."[45]

(d) PLO's Statements Defending Hamas

On numerous occasions, both Arafat and his senior aides have publicly praised Hamas or its leaders. In his address upon entering Gaza for the first time, in July 1994, Arafat said, "I send a warm blessing to all the prisoners and first among them, the Sheik Ahmed Yassin [the imprisoned Hamas leader]. Indeed, I say to you, and I say to him, be sure my brother that we are with you, Ahmed Yassin, and we will not rest or be quiet until you stand with us here, here, here." In the same speech, Arafat referred to Yassins as "my brother Ahmed Yassin the warrior."[46]

Farouk Kaddoumi, the PLO's "foreign minister" has said that "Hamas attacks against Israeli soldiers are still legitimate in the West Bank . . . I'm calling on them to continue this as long as the Israelis are there."[47] Kaddoumi has also said that "Hamas are our brothers in the struggle."[48]

(e) Collaboration Between the PLO and Hamas

Israeli "security sources" told the Jerusalem Post in January 1995 that Arafat not only "refuses to crack down on Islamic terrorists" but in fact "has quietly encouraged them . . . Senior General Security Services officials, including its head, have concluded that Arafat regards Hamas and Islamic Jihad as essential for the Palestinians to achieve concessions [from Israel]."[49]

In early 1994, Muin Shreim, first counselor to PLO's Mission to the United Nations, had this to say about the PLO-Hamas relationship: "We don't disagree with [Hamas]. Our tactics vary; our schedules might vary . . . There is a local cooperation between Fatah and Hamas."[50] An investigation report by the Washington Jewish Week confirmed that the PLO "has quietly built up a working relationship with [Hamas] . . . beginning with

a little-known non-violence pact signed by both factions. This newfound close coordination between the PLO and Hamas raises the question of which group, in the end, will be co-opted."[51] Shortly thereafter, the Jerusalem Post quoted "Israeli and Arab intelligence sources" as saying that there was evidence of "increasing cooperation between Hamas and members of Arafat's Fatah organization . . ."[52]

Asked by an interviewer on Radio Monte Carlo, in February 1995, about his relationship with Hamas and the other "opposition factions," Arafat replied by urging those groups to "carry out operations from the Syria borders, or the Jordanian borders," rather than within the self-rule areas, which could result in Israeli relation against the PLO. Once again, in April, Arafat urged Hamas to refrain from launching attacks "from areas under his political control," implying that he had no objection to attacks against Israelis from areas not under his control. His approach suggested that the difference between the PLO and Hamas is tactical rather than ideological.[53]

PLO "foreign minister" Farouk Kaddoumi put it this way: "The Hamas movement is a national movement, whose methods may differ from ours, but it is still part of the national struggle. This movement is different than extremist movements, which exist today in various nations. We have ties with the Hamas. This movement can take any position, as it wishes."[54] According to Ehud Barak, the then-Chief of Staff of the Israeli Army: "The PLO and Hamas are two faces of the national movement, with very similar long-term goals in all that regards Israel."[55]

II. EXTRADITING TERRORISTS TO ISRAEL

The peace accords require the PLO to honor requests by Israel for the extradition of terrorists who have taken refuge in the Gaza and Jericho selfrule areas.

Yet the PLO has rejected Israel's request for the extradition of Arab terrorists Ragah Abu-Sitra and Amru Abu-Sitra, who murdered an Israeli. In addition, the PLO has ignored five other Israeli requests for the extradition of terrorist suspects. And it has ignored Israel's request for the extradition of 10 fugitive Arab terrorists who were included among the graduates of a recent PLO police training program in Jericho.[56]

PLO officials have given no indication that they have any intention of extraditing any terrorists who were included among the graduates of a recent PLO police training program in Jericho.[56]

PLO officials have given no indication that they have any intention of extraditing any terrorists to Israel. PLO police chief Nasser Yussef has said that his forces "will refuse to hand over to Israel alleged perpetrators of operations against the Jewish State who seek refuge in the self-rule area."[57]

III. "DISCIPLINING" TERRORISTS

The peace accords require Arafat and the PLO to "discipline" any PLO members who violate the pledge to halt terrorism. This is intended to deter terrorism both by making terrorists pay a price for their deeds and sending a message to the broader Palestinian Arab community about the unacceptability of violence.

There are a variety of punitive measures Arafat could take. For example, if individual members of Arafat's Fatah faction of the PLO commit terrorism on their own, they could be expelled from Fatah.

The PLO is an umbrella organization, to which nine factions belong, including several factions that openly reject the peace accords and continue to practice terrorism, such as the Democratic Front for the Liberation of Palestine (DFLP) and the Popular Front for the Liberation of Palestine (PFLP). Arafat could expel them from the PLO altogether.

During the first year of Gaza-Jericho (May 4, 1994–May 4, 1995), Arafat took no "disciplinary" steps against any Arab terrorists or terrorists groups in the PLO.

IV. CONDEMNING TERRORISM

The peace accords require Arafat to "renounce terrorism." Congress, in the Middle East Peace Facilitation Act of 1994, expressed its conviction that Arafat's obligation includes "condemning individual acts of terrorism and violence." President Clinton has also said that Arafat "is duty-bound at a minimum to condemn" individual acts of terrorism.[58]

During the first year of Gaza-Jericho, there were at least 184 Arab terrorist attacks (leaving 102 dead and 308 injured). (Note: These figures are part of the total of 373 attacks—including 176 murders and 465 injuries—that took place between the signing of the Israel-PLO peace accords, on September 13, 1993, and the beginning of Gaza-Jericho self-rule, on May 4, 1994.)

Of the 184 attacks, 164 of them were carried out by non-PLO groups, such as Hamas and Islamic Jihad. Twelve of the attacks (killing 12, wounding 1) were carried out by Fatah or the Fatah Hawks, which are Arafat's own wings of the PLO. Eight of the attacks were carried out by other factions of the PLO: 3 (in which 2 people were killed, and 2 wounded) by the Democratic Front for the Liberation of Palestine (DFLP) and 5 (in which 1 person was killed, and 7 wounded) by the Popular Front for the Liberation of Palestine (PFLP).

Arafat did not explicitly condemn any of these attacks, nor did he condemn the individual perpetrators. (The closest he came was when he referred to one attack as "condemnable." In addition, in response to an attack in October 1993—prior to the beginning of Gaza-Jericho self-rule, Arafat, under severe U.S. and Israeli pressure, issued a terse, three-sentence fax that was read by a spokesman, condemning a terrorist attack.[59])

On several other occasions, PLO officials claimed to Western journalists that Arafat had privately "condemned" terrorist attacks. For example, after the January 1995 massacre of 21 Israelis in Beit Lid, PLO officials quoted Arafat as having said that the attack was a criminal one that threatens the entire peace process" and "harmed the prospective release of prisoners and the transfer of authority." Arafat himself, however, declined to make any public statement of condemnation on that or other occasions. Following the April 1994 attack on a bus in Afula (in which 8 Israelis were killed and 50 injured), Arafat abruptly walked away without comment when reporters asked if he condemned the attack.[60] In the case of the August 1994 murder by Arab terrorists of two Israeli construction workers, Arafat said the killing was just "a labor dispute."[61]

The Jerusalem Post, quoting an analysis by an Israeli Army intelligence officer who monitors PLO statements, reported that in Arafat's remarks about anti-Israel terrorism, "There is no use of the word 'condemn' or 'criticize' in any of his statements . . . Arafat, in his comments in Arabic, had used the word assaf which means 'sorry,' but had refrained from using istinkar, tandid, or shajab, even to condemn the attack in general terms."[62]

V. CHANGING THE PALESTINE NATIONAL COVENANT, WHICH CALLS FOR THE DESTRUCTION OF ISRAEL

The peace accords require Arafat to "submit the [PLO Covenant] to the Palestinian National Council [PNC] for . . . the necessary changes" so that the articles of the Covenant no longer "deny Israel's right to exist" or urge violence against Israel.

The Covenant was adopted at the time of the establishment of the PLO, in 1964. (At the time, the Arabs ruled the administered territories of Judea, Samaria [the West Bank], Gaza, Sinai, Golan Heights and eastern Jerusalem.) It defines the ideology and strategy of the PLO, and, according to the PLO Constitution, is binding upon the PLO's member-organizations. It can only be changed (according to Article 33 of the Covenant) by a vote of a two-thirds majority of the total membership of the PLO National Council. (The current total membership is 480).

Articles 15, 19, 20, 22, and 23 of the Covenant directly deny Israel's right to exist, by declaring that the purpose of "the liberation of Palestine" is to attain "the elimination of Zionism in Palestine" (15) and that "the partition of Palestine in 1947 and the establishment of the State of Israel are entirely illegal, regardless of the passage of time." (19) These articles also redefine Judaism as "a religion, not an independent nationality" which is therefore unqualified for statehood. (20).

Articles 1–6, 8, 11–14, 16–18, 21, 24–26, 28 and 29 indirectly deny Israel's right to exist, by granting the Palestinian Arabs the sole legal and historical right to the Holy Land and by denying the right of any Jews to live there except those who were already residing there prior to "the beginning of the Zionist invasion," in 1917. (Thus, those Jews who arrived, or were born, in the Holy Land in 1918 or later—meaning nearly all of today's Israelis—are considered by the PLO to be illegal aliens.)

Articles 7, 9 and 10 directly call for the use of "armed struggle" (violence) against Israel.

Articles 27 and 30 indirectly call for the use of violence.

Thus, a total of 30 of the 33 articles in the Covenant either directly or indirectly deny Israel's right to exist, or directly or indirectly call for the use of violence against Israel. All of these would have to be deleted or at least substantially altered in order to conform with the terms of the Israel-PLO peace accords. (The remaining three articles would not have to be changed.)

During the first year of Gaza-Jericho, Arafat took no steps to change the PLO Covenant. In July 1994, Arafat said in Paris that he would convene the PNC "in the very near future."[63] But he has not done so. Indeed, Radio Monte Carlo reported that on August 10, 1994, Arafat sent a message to PLO delegations in Arab countries, assuring them that "I will never give my hand to the annulment of one paragraph of the Palestinian National Covenant."[64]

At a press conference with Foreign Minister Shimon Peres in Gaza on August 20, 1994, Arafat blamed Israel for his failure to change the Covenant, claiming that a session of the Palestine National Council could not be held because "many of our leaders have been prevented from arriving in Gaza or Jericho. There are still security blankets on the other side." Peres interrupted Arafat, saying "I told the chairman we shall not object to having the PNC meet in Gaza and invite all its members to come and participate in the

meeting."[65] Arafat made no further comment. Peres later expressed disappointment at Arafat's attitude: "We have an agreement with the PLO, not with Tunis, and we expect Arafat to honor what he has promised. I hope they will not once again label themselves as those who do not keep commitments."[66]

Other PLO officials have made similar statements about the Covenant. Nabi Sha'ath has said that the Covenant will not be changed prior to the holding of elections in the territories.[67] Farouk Kaddoumi has said that the Covenant will not be changed "until an Israeli withdrawal is completed from all Arab territories," until the signing of peace treaties between Israel and "all Arab partners" and until Israel recognizes the establishment of a Palestinian state.[68] According to PNC Deputy Speaker Salim Za'Noun, the PNC will not be convened to consider the issue "until all Palestinian prisoners are released."[69] Jihad Karshuli, director of the PLO's department of Education, Culture, and Science has said that the Covenant "is holy to the Palestinian people." Before it is changed, Karshuli asserted, Israel should "void the charter of the Zionist movement which calls for the establishment of greater Israel from the Euphrates to the Nile."[70] (In fact, the Zionist movement never had any such charter, nor has any Zionist faction ever advocated such a position.) On August 20, 1994, the Central Committee of Arafat's Fatah wing of the PLO declared the Covenant will not be changed before Israel recognizes the establishment of a Palestinian state with Jerusalem as its capital.[71]

IV. URGING ARABS TO REJECT TERRORISM

The peace accords require Arafat to "call upon" Palestinian Arab audiences in the territories to "reject terrorism and violence."

Israel's leaders insisted that the peace accords include a requirement that Arafat make such appeals both because they would demonstrate that Arafat has sincerely transformed himself from being a terrorist, and because they could influence the Palestinian Arab masses to change, too. Such speeches are necessary to begin to change the atmosphere and create a new moral tone among the Palestinian Arabs, and to make it crystal clear that the Palestinian Arab leadership will not tolerate this continuing and escalating violence. It would send a loud and clear message to the Arab world that terrorism is immoral and must cease.

Instead of making speeches opposing anti-Israel violence, Arafat has made many belligerent speeches inciting violence against Israel. Best-known perhaps, are his repeated calls for jihad (Islamic holy war) against Israel. Speaking to a Muslim audience in South Africa on May 10, 1994, Arafat called for a jihad against Israel.[72] On November 21, 1994, Arafat vowed to a Gaza audience that "this Palestinian people will continue, will continue their struggle and jihad . . . until a young girl from Fatah raises the flag of Palestine over the walls of Jerusalem, over the churches of Jerusalem, over the minarets of Jerusalem."[73] He told a Gaza audience on January 3, 1995 that "we have the weapon of faith, the weapon of martyrdom, the weapon of jihad."[74] Speaking by telephone to an Arab rally in Hebron on February 14, 1995, Arafat declared "Our nation is a nation of sacrifice, struggle and jihad."[75]

In a speech to an audience of young Palestinian Arab women in Gaza, in January 1995, Arafat said "We are proud of the role of Palestinian women, from Avir to Dalal." He was referring to two prominent female PLO terrorists, one who was involved in the murder of an Israeli in Ramallah, and another who took part in the Tel Aviv Highway Massacre of 1978, in which 38 Israelis were killed.[76] In another speech, he praised the killers of Jews as "heroes."[77]

Arafat has also publicly praised the violent Palestinian Arab intifada, saying that is must "continue, continue, continue."[78] He has declared (on the very day that he received his Nobel Peace Prize) that "the intifada will continue until Palestine is redeemed with blood and fire."[79] Speaking in Gaza on November 15, 1994, Arafat referred to Israel as "the Zionist enemy" and described the peace accords as the first phase in the PLO's traditional "Strategy of Phases" for destroying Israel step by step.[80] A message sent by Arafat to PLO officials in Arab countries in November 1994 likewise referred to Israel as "the Zionist enemy" and asserted that the creation of a PLO state in the territories "can continue the struggle to remove the enemy from all Palestinian lands."[81]

Senator Arlen Specter (R–PA), who is co-chair of the bipartisan Peace Accord Monitoring (PAM) Group in the U.S. Senate, has urged Arafat to "make a major public address, delivered in Arabic on radio and television, call[ing] for an end to the use of violence against Israel."[82] Arafat did not reply.

PLO officials have given a variety of explanations when questioned about Arafat's speeches. Asked why Arafat had not made speeches to Arab audiences, in Arabic, against violence, Nabil Sha'ath said it was because "he is not a very good public speaker, particularly in English." Sha'ath did not explain why Arafat has frequently made anti-Israel speeches.[83] When the PLO's director of economic affairs, Ahmed Qreia (Abu Alla) was asked about Arafat's anti-Israel speeches, he replied that Arafat "never made any such speeches."[84]

VII. ANTI-ISRAEL PROPAGANDA

The peace accords require the PLO to "abstain from incitement, including hostile propaganda" against Israel and "take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction."

In addition to Arafat's numerous hostile speeches against Israel (see section VI of this study), numerous PLO officials have engaged in anti-Israel propaganda during the first year of Gaza-Jericho self-rule. Arafat and the PLO have taken no action against any of them.

For example, in recent interviews, the PLO's Foreign Minister, Farouk Kaddoumi, has denounced "the Israeli enemy" and asserted that terrorist attacks against Israelis "are still legitimate."[85] At a meeting of United Nations groups in Geneva in December 1994, PLO representative Nabil Ramlawi compared Israeli behavior to that of "the Nazis during World War II."[86] When three heavily-armed veteran Arab terrorists, on their way to carry out an attack were killed by Israeli soldiers in April 1995, senior Arafat aide Nabil Sha'ath declared: "I express sorrow at the killing of three Palestinian martyrs."[87] On April 13, 1995, the PLO's Minister of Justice, Freih Abu Meddein, told an Arab audience in Gaza: "The greatest enemy of the Palestinian people, now and always, is the Israelis."[88]

The PLO has also published hostile propaganda against Israel. In the spring of 1995, the Ministry of Information of the PLO's Palestinian Authority issued two sharply anti-Israel booklets.

The first booklet was entitled "Jewish Immigration to Palestine and its Devastating Effects on the Peace Process." In some sections, the booklet used the term "Palestine" to refer to the administered territories; but in other sections, it referred to all of Israel as "Palestine," in effect condemning all Jewish immigration to both Israel and the territories. The booklet attempted to demonstrate a connection between Jewish immigration and what it called Israel's "atrocities," "thievery," and "confiscation of Palestinian land," which it traced to "the Zionist mentality" (pp. 3–4) and "Zionist expansionist goals" (p. 6). It accused Israel of having a secret "plan," according to which "the original inhabitants [of the territories] will be uprooted from their land and replaced by new immigrants" (pp. 6–7).[89]

The second booklet was entitled "Palestinian Refugees and the Right of Return." It rejects both the 1917 Balfour Declaration the 1947 United Nations Partition Plan, and alleges that "brutalities were perpetrated by the Jews against the Palestinians."[90]

In addition, the PLO took no action against the public staging, in Gaza, of a skit praising the kidnap-murder of Nachshon Waxman, an Isaeli soldier.[91]

VIII. HUMAN RIGHTS ABUSES

According to the peace accords, the PLO's Palestinian Authority (PA) must "adhere to internationally-accepted norms and principles of human rights and the rule of law."

During the period since the beginning of self-rule in Gaza and Jericho, the PA "has committed a number of disturbing human rights violations," including the torture and murder of prisoners and the suppression of opposition newspapers, according to a study by the organization Human Rights Watch.[92]

There have been at least two, and possibly three, cases of Palestinian Arab prisoners being beaten or tortured to death by the PLO police. Farid Jarbua, 28, of Gaza, was killed in July 1994,[93] and Salman Jalayta, 45, of Jericho, was killed in January 1995.[94] A third prisoner, Rashid Fityani, 23, of Jericho, has been missing since January 1995 and according to some media reports, was killed by his PLO interrogators.[95]

Prisoners who are suspected of having cooperated with Israel have been subjected to beatings by their PLO captors. (Prisoners affiliated with Muslim terrorist groups have only rarely complained of physical mistreatment.[96]) Tareq Abu Rajab, an official of the PLO's General Intelligence branch, has admitted that prisoners are sometimes deprived of sleep or forced to stand for periods of time.[97] In other cases, PLO interrogators beat prisoners with electric cables.[98] Many other human rights abuses by the PLO police have gone unreported because the victims are afraid to complain.[99] Asked by an interviewer if lawyers are permitted access to the Jericho prison, PLO security chief Jibril Rajoub replied: "Yes, there is a lawyer there to supervise. A lawyer from our Preventive Security."[100]

The PLO has taken other action against its Arab political opponents. Raji Sourani, a 41 year-old attorney who heads the Gaza Center for Rights and Law, was arrested by the PLO police and charged with "incitement" after he publicly expressed concern about "the militarization of Palestinian society and its institutions."[101]

There have also been reports of violent abuse of civilians by the PLO police in Jericho. An investigative report by Israel's second-largest daily newspaper, Ma'ariv, concluded that "random beatings, rapes, and torture" by the more than 1,000 PLO policemen in Jericho have "turned the lives of the city's 12,000 residents into a living hell." The article described several brutal rapes by PLO policemen that the PLO leadership has refused to investigate on the grounds that in

each case, "she consented." The Ma'ariv report also recounted the case of a Christian Arab from Bethlehem, Victor Alias, who was arrested in Jericho for publicly criticizing a PLO policeman's violent behavior. Alias was severely beaten in prison and forced by his interrogators to chant Muslim religious sayings.[102] According to the national U.S. Jewish weekly Forward, the city of Jericho has become "the world's smallest police state."[103]

The PLO has also repeatedly taken action to suppress or intimidate Arab newspapers that have deviated from the Arafat line. In July 1994, the PLO blocked distribution of the An-Nahar newspaper and the magazine Akhbar al Balad because they were, in the PLO's words, reflecting "a line that contradicts the national interests of the Palestinian people."[104] The PLO also ordered another Palestinian Arab newspaper, Al Quds, to stop using the byline of its reporter Daoud Kuttab, because he signed a petition criticizing the closure of An-Nahar.[105] Five weeks later, An-Nahar was allowed to resume publication when its editors publicly pledged their loyalty to the PLO.[106] But in November 1994, the PLO suspended distribution of An-Nahar and another newspaper, Al-Quds, for five days as punishment for having given coverage to Arafat's rivals.[107] In February 1995, the PLO banned the publication of the Gaza-based magazine Al Rafed because it disapproved of its editorial slant.[108] In March 1995, the PLO police seized shipments of another Gaza magazine, Sahil al-Filastini because it contained an article critical of PLO police officials. The magazines were released two days later, with the article removed.[109] In April 1995, PLO police raided the Gaza home of Palestinian Arab journalist Taher Shariteh (of the Reuters News Agency), whose reporting has displeased PLO officials. Not finding Shariteh at home, the PLO policemen beat his brother unconscious with their rifle butts.[110] At the same time, Shariteh's other brother, a CBS-TV cameraman, and several other Palestinian Arab journalists were detained by the PLO police for having quoted critics of the PLO leadership in their reporting. They were subjected to seven hours of interrogation, and then released with a warning "not to incite people with their reporting."[111]

Bassam Eid, a Palestinian Arab activist who works for the Israeli organization B'Tselem, has said: "The whole attitude of the Palestine National Authority is one of 'Don't interfere in the affairs of the regime.' It's like Syria or Iraq. We're still in the Arab mind-set, which has no idea of the meaning of the word democracy."[112] The situation is so desperate that Eid has "called on the international community not to give funds to the new Palestinian Authority unless it guarantees freedom of expression and practices democracy."[113]

Local human rights activists have not fared well under PLO rule. Raji Sourani, head of the Gaza Center for Human Rights and Law, was arrested by the PLO police in February 1995 when he publicly questioned Arafat's commitment to human rights. He was released, but when he again publicly criticized the PLO leadership, in March, he was fired from his job.[114] When the Gaza Center for Human Rights tried to hold a public seminar on human rights in March, Gaza police chief Ghazi Jabali announced that it could not be held because "it planned to discuss internal Palestinian affairs with foreigners."[115]

Human Rights Watch concludes: "[T]he PA has not demonstrated a commitment to installing a rule of law. It is responsible for a series of arbitrary and repressive measures while at the same time failing to make clear what laws and regulations are in effect and to show any commitment to investigating and punishing human rights violations."[116]

IX. POSTPONING SOVEREIGNTY ISSUES

The peace accords require issues concerning sovereignty over the administered territories to be postponed until the 1996 "final status" negotiations between Israel and the PLO. Yet the PLO continues to use stationery featuring a map which labels all of Israel as "Palestine."[117] The stationery is headed "State of Palestine," and Arafat refers to himself as "President of Palestine."[118] Similarly, a map distributed by PLO official Faisal Husseini shows all of Israel as "Palestine." It also characterizes the cities within Israel's pre-1967 borders, such as Tel Aviv and Haifa, as "Jewish settlements." Questioned by reporters, Husseini defended the map and said it would not be changed unless "the process moves ahead, and there is an agreement."[119]

In an attempt to stake a claim to sovereignty in parts of the territories beyond Gaza and Jericho, and in Jerusalem, the PLO has undertaken a number of official activities in those areas. The PLO's bureau of municipal affairs issues orders to the chairman of town councils throughout the territories.[120] The PLO's police force carries out a variety of operations in the territories and in Jerusalem.[121] Seven branches of the Palestinian Authority are operating in Jerusalem: its Statistics Center, Energy Center, Religious Affairs division, Office of the Mufti, Broadcasting Authority, Economic Council for Development and Reconstruction, and Orient House which as a de facto foreign ministry. In addition, a branch of the PA's Transfer Office has been established in Ramallah, and the PA's Education Office is headquartered in Bethlehem.[122] The Palestinian Authority has issued a variety of documents apparently intended to give the impression that it has the powers of a sovereign state, including passports, postage stamps, and international drivers' licenses.[123] The PA has also taken control of the twenty Muslim schools operating in eastern Jerusalem.[124]

CONCLUSION

In December 1994, the Office of the Israeli Chief Military Judge-Advocate for International Law, acting on behalf of the Israeli government, published a lengthy report detailing the PLO's consistent, numerous and flagrant violations of virtually every major and minor aspect of the Gaza-Jericho self-rule agreement. The report listed military violations, economic violations, civil violations, and foreign relations violations.

These continuing violations have led many Israelis to the conclusion that the Gaza-Jericho experiment is failing. Recent public opinion polls have shown that a majority of Israelis oppose further concessions to the PLO. A recent study by the prestigious Jaffee Center for Strategic Studies, at Tel Aviv University, found that only 36% of Israelis still support the peace process. A mid-April 1995 survey by Israel's largest daily newspaper, Yediot Ahronot, found just 30% of Israelis support continuation of the current peace process, while 69% favor suspending or stopping the process. Numerous leading Israelis from across the political spectrum have called for a suspension of the Israeli-PLO negotiations, including members of Prime Minister Rabin's own Labor Party, such as cabinet minister Binyamin Ben-Eliezer, Labor Knesset Member General Avigdor Kahalani, the outgoing Israeli Army Chief of Staff, General Ehud Barak, and President Ezer Weizmann, who has twice publicly called for a halt to the talks.[125]

The PLO's misrule in Gaza and Jericho also has serious implications from the American perspective, since the Clinton administration has lent its prestige, credibility and political support to the PLO, and has committed a substantial amount of U.S. taxpayers' money to the Gaza-Jericho experiment, pledging to send $500-million over a five-year period. Americans have good reason to be concerned about how the PLO will use the foreign donations that it receives. In 1994, Britain's Overseas Development Agency sent $5-million to pay the salaries of 9,000 PLO policemen, with specific instructions that none of the money be given to Arafat's plainclothes "preventive security forces"—yet more than $500,000 was given to those forces, prompting a British government investigation.[126] Meanwhile, Norway's attorney general and a United Nations oversight committee are investigating the disappearance of a $100,000 Norwegian, grant for a PLO agricultural project.[127] In August 1994, $16-million in international contributions that were supported to go for humanitarian projects in Gaza and Jericho was diverted to PLO military and propaganda activities in Lebanon.[128] On December 31, 1994, the PLO's Palestinian Authority took $1-million in international donations and gave it to the PLO "Martyrs Fund," in Amman.[129] Although the peace accords permit the PLO to maintain a police force of 9,000, Arafat has hired 16,000, paying them, in part, by misappropriating donations that were sent from abroad for other purposes.[130]

No wonder that, as Senator Richard Shelby (R-AL), co-chair of the Peace Accord Monitoring (PAM) Group in the U.S. Senate, recently pointed out, increasing numbers of Americans citizens look at the PLO's rule in Gaza—which has been characterized by totalitarianism, corruption, human rights abuses, terrorism and internecine violence—and "wonder why we should be pouring money into a sinkhole of deepening chaos and disorder."[131]

Meanwhile, at the request of Rep. Benjamin Gilman (R-NY), chairman of the House International Relations Committee, the General Accounting Office (GAO) is conducting an investigation to determine the extent of the PLO's financial assets.[132] A study in 1993 by Great Britain's National Criminal Intelligence Service concluded that the PLO has worldwide assets of $7-$10 billion and an annual income of $1.5-$2 billion.[133] If the GAO determines that the PLO does indeed have substantial sums of money at its disposal, American citizens will justifiably wonder—for this reason alone—why they should contribute additional hundreds of millions of dollars to Arafat.

SUGGESTED OPTIONS FOR CONGRESSIONAL ACTION ON U.S. AID TO THE PLO

1. The U.S. could set a date, sometime later in 1995, by which U.S. aid will be cut off if the PLO is still not complying with the accords.

For example, if by the specified date the PLO is not complying with major requirements of the accords, such as preventing terrorism and combatting terrorists, changing the PLO Covenant (which calls for Israel's destruction), disarming terrorists, and extraditing terrorists to Israel, U.S. aid would be terminated.

Nearly two years have passed since the Israel-PLO peace accords were signed, and a

year has passed since PLO self-rule began in Gaza and Jericho on May 4, 1994. The United States has been more than patient in waiting for Arafat and the PLO to stop violating the accords. It is time to use U.S. aid as leverage to stop the violations, which are destroying hopes for any real peace.

2. The U.S. could withhold specific amounts of U.S. aid in response to specific major PLO violations.

There could be specific deductions in U.S. aid in accordance with specific PLO violations of major aspects of the accords, such as preventing terrorism and combatting terrorists, changing the PLO Covenant, disarming terrorists, and extraditing terrorists to Israel.

Making such specific deductions is exactly what the Clinton Administration has been quietly doing with the $10-billion in loan guarantees that the U.S. approved for Israel in 1992. The State Department calculates how much Israel spends in Judea, Samaria, Gaza, Golan, and eastern Jerusalem, and then deducts that amount from the loan guarantees as punishment ($653-million was deducted in 1993–1995). If U.S. aid to Israel is significantly reduced because the Administration disapproves of a particular Israeli policy, why shouldn't the same principle apply to the PLO? If a loyal democratic ally is subjected to financial penalties, shouldn't a totalitarian organization that is responsible for numerous murders of Israelis and Americans (such as Cleo Noel, the U.S. ambassador to Sudan in 1973, and the U.S. tourist Leon Klinghoffer, aboard the *Achille Lauro* in 1990) be subjected to comparable penalties?

Withholidng specific amounts of U.S. aid from the PLO would be a practical and appropriate first step towards improving PLO compliance with the accords. Arafat and the PLO must understand that they will have to pay a price—literally—for their continued violations.

According to this proposal, partial PLO compliance would permit continued U.S. funding, at reduced levels. Only if there were no compliance with major aspects of the accords would all U.S. funding be terminated.

3. A bipartisan Congressional committee could be established, under the Senate Foreign Relations Committee and the House International Relations Committee, to help determine if the PLO is complying with the peace accords.

Until now, the State Department has had the exclusive authority to determine, for the President, whether or not the PLO is in compliance with the peace accords. Congress could take an important role in helping determine PLO compliance, by establishing a committee under the aegis of the Senate Foreign Relations Committee and the House International Affairs Committee, to periodically report on the PLO's record.

The need for such a Congressional role is illustrated by the many flaws in the State Department's first three biannual reports on PLO compliance. All three reports were strongly criticized by leading Republican and Democratic members of Congress and prominent American Jewish organizations, such as the American Israel Public Affairs Committee (AIPAC), the Zionist Organization of America (ZOA) and others.

The first State Department report was issued on January 10, 1994. Senators Joseph Lieberman (D–CT) and Connie Mack (R–FL) said that parts of the report "read most like a defense of the PLO's lapses than a constructively critical guide to better behavior . . . [it] glosses over and too easily excuses the occasions when the PLO may be unwilling or incapable of [fulfilling its commitments] . . . This report accepts the PLO's failures without comment and thereby seems to excuse them rather than establishing any benchmark by which to measure progress. This undermines the U.S. effort to improve compliance by implying that no progress is necessary"[134]

The second State Department report was issued on May 30, 1994. In a June 9 letter to Secretary of State Christopher, Senators Lieberman and Mack criticized the report for not holding the PLO to a "sufficient standard of compliance." They noted that "While suggesting that the PLO should 'do more' to condemn terrorism, the report does not clearly describe standards for adherence . . . We cannot allow Arafat to shirk responsibility for condemning and combatting terrorism by defining every terrorist incident as outside his control." Representatives Howard Berman (D–CA), Benjamin Gilman (R–NY), Eliot Engel (D–NY) and Jim Saxton (R–NJ) [the latter two are co-chairs of the Peace Accord Monitoring (PAM) Group in the House] were also critical of the State Department report. They wrote: "We should demand swift and unequivocal responses [by the PLO] to all acts of terror." They urged the State Department "to hold the PLO to a more exacting standard."[135] In a detailed analysis, the ZOA found that the State Department report "minimizes and excuses the PLO's numerous and serious violations of the agreement."[136]

The third State Department report on PLO compliance was issued on November 30, 1994. Senators Lieberman and Mack expressed their "disappointment over the State Department's report" and said they were "distressed by the report's apologetic tone." The report "continues the practice, begun in earlier reports, of moving the goalposts: PLO failures are excused and no clear standards are fixed." The State Department report, they said, "fails in its obligations to the Congress and, by too easily excusing the PLO's and Palestinian Authority's failures, will ultimately impede the successful conclusion of the peace process."[137] Senator Richard Shelby (R–AL) characterized the State Department report as "muddled at best."[138] Representative Eliot Engel (D–NY) said that the report should have been "more balanced" and "does not hold Yasir Arafat to a high enough standard . . . The difficult political circumstances faced by Yasir Arafat should not excuse his failure to follow through on his solemn agreement."[139]

AIPAC expressed its "disappointment" with the report."We are disappointed that [the PLO's] failures are generally attributed to administrative inefficiencies and difficulties facing the Palestinian Authority rather than to the deliberate policies of, and errors of judgment by, the head of the Authority, PLO Chairman Yasir Arafat. This report fails to hold Arafat to a high enough standard."[140]

Representative Benjamin Gilman (R–NY), chair of the House International Relations Committee, wrote to Secretary of State Christopher on December 30, 1994, that "none of the parties will be favorably served if we continue to ignore reality about the PLO's repeated and persistent lack of compliance with the commitments it voluntarily assumed." He added that the PLO's failure to comply with the accords was "the result of Yasser Arafat's lack of will to comply."[141]

The ZOA, in its analysis of the report, concluded that "The State Department has ignored, minimized, or whitewashed the PLO's numerous and serious violations."[142]

The current peace process is not likely to bring about peace between Israel and the Arabs unless meaningful pressure is put on Arafat and the PLO now to honor their obligations and act in a peaceful and civilized way in Gaza and Jericho. This must be done before they are given additional territory, since once they have additional territory they will have even less incentive to abide by the accords. Such action is the only way to ensure the integrity of the peace process so that it leads to real peace. As Senators Lieberman and Mack have stated (in a December 9, 1994 letter to Secretary of State Christopher), "So long as the PLO and Mr. Arafat are not held to the commitments they have made, there will be no peace."[143]

NOTES

[1] Gaza-Jericho Agreement, Article XVIII, and Annex III, section I.5.

[2] Gaza-Jericho Agreement, Article XII.

[3] Gaza-Jericho Agreement, Article XIV.

[4] Gaza-Jericho Agreement, Annex III, Section II.7.

[5] Arafat letter to Rabin, September 9, 1993; Middle East Peace Facilitation Act of 1994, Part E of Title V of Public Law 136–203, Section 583(b)5; Presidential Documents, Administration of William J. Clinton, November 12, 1993; Washington Post, September 13, 1993.

[6] Arafat letter to Rabin, September 9, 1993.

[7] Arafat letter to Rabin, September 9, 1993.

[8] Arafat letter to Holst, September 9, 1993.

[9] Arafat letter to Rabin, September 9, 1993.

[10] Wall Street Journal, September 1, 1993.

[11] Associated Press, February 15, 1995.

[12] Jerusalem Post, August 18, 1994.

[13] Ha'aretz, October 11, 1994.

[14] Jerusalem Post, April 12, 1995.

[15] Israel Radio, August 23, 1994.

[16] Jerusalem Post, September 5, 1994.

[17] Israel Radio, August 19, 1994.

[18] Jerusalem Post, February 24, 1995.

[19] Jewish Telegraphic Agency Daily News Bulletin, February 13, 1995.

[20] Jerusalem Post, February 24, 1995; Washington Post, March 11, 1995; Washington Post, March 11, 1995.

[21] Israeli Radio Channel 7 News, March 22, 1995.

[22] Washington Post, March 11, 1995.

[23] Ibid.

[24] Jerusalem Post, March 9, 1995.

[25] El-Watan (Gaza), February 28, 1995.

[26] Washington Post, March 25, 1995.

[27] San Francisco Chronicle, April 15, 1995; Associated Press, April 16, 1995; Los Angeles Times, April 13, 1995.

[28] San Francisco Chronicle, April 15, 1995; Associated Press, April 16, 1995.

[29] Jerusalem Post, April 12, 1995.

[30] Israel Radio, April 16, 1995; Jerusalem Post, April 16, 1995.

[31] New York Times, April 13, 1995.

[32] Jerusalem Post, April 11, 1995.

[33] New York Times, April 17, 1995.

[34] New York Times, April 11, 1995 & April 12, 1995.

[35] Jewish Telegraphic Agency Daily News Bulletin, April 12, 1995.

[36] Washington Post, April 17, 1995.

[37] Ma'ariv, April 14, 1995.

[38] Radio Monte Carlo, February 20, 1995.

[39] Reuters, August 18, 1994.

[40] Reuters, August 24, 1994; Reuters, September 8, 1994.

[41] Israel Radio, August 19, 1994.

[42] Ma'ariv, March 10, 1995; Ha'aretz, February 17, 1995.

[43] Washington Post, February 27, 1995.

[44] Israel Radio, August 20, 1994.

[45] Yediot Ahronot, May 27, 1994.

[46] New York Times, July 2, 1994.

[47] Los Angeles Times, July 15, 1994.

[48] FBIS, January 6, 1995.
[49] Jerusalem Post, January 26, 1995.
[50] Washington Jewish Week, February 10, 1994.
[51] Washington Jewish Week, February 10, 1994.
[52] Jerusalem Post, April 20, 1994.
[53] Radio Monte Carlo, February 20, 1995; New York Times, April 15, 1995.
[54] Sharq al-Ausat (London), February 25, 1995.
[55] Yediot Ahronot, April 27, 1994.
[56] Near East Report, September 5, 1994; Jerusalem Post, December 7, 1994.
[57] Radio Monte Carlo, May 29, 1994.
[58] Middle East Peace Facilitation Act of 1994, Part E of Title V of Public Law 136-203, Section 583(b)5; Presidential Documents, Administration of William J. Clinton, November 12, 1993; Washington Post, September 13, 1993.
[59] Foreign Broadcast Information Service (FBIS), November 15, 1993.
[60] Jerusalem Post, April 7, 1994.
[61] Jerusalem Post, August 29, 1994.
[62] Jerusalem Post, April 20, 1994.
[63] New York Times, July 8, 1994.
[64] Radio Monte Carlo, August 10, 1994.
[65] Jerusalem Post, August 21, 1994.
[66] Jewish Telegraphic Agency Daily News Bulletin, August 23, 1994.
[67] Yediot Ahronot, August 23, 1994; Ha'aretz, January 24, 1995; Jerusalem Post, January 12, 1995.
[68] Jerusalem Post, July 26, 1994; FBIS, August 22, 1994.
[69] Jerusalem Times, February 3, 1995.
[70] El-Ro'i (Jordan), March 7, 1995.
[71] Jerusalem Post, August 22, 1994.
[72] FBIS, May 17, 1994.
[73] FBIS, November 22, 1994.
[74] New York Times, January 4, 1995.
[75] Voice of Palestine Radio, February 14, 1995.
[76] PLO Television, Jerusalem, January 24, 1995.
[77] New York Times, July 2, 1994.
[78] Associated Press, January 7, 1994.
[79] Jerusalem Post, December 11, 1994.
[80] Jerusalem Post, November 18, 1994.
[81] Jerusalem Post, November 18, 1994.
[82] Specter letter to Arafat, October 29, 1994.
[83] Jerusalem Post, February 7, 1995.
[84] Qreia conversation with Morton A. Klein, Jerusalem, February 27, 1995.
[85] Los Angeles Times, July 15, 1994; FBIS October 11, 1994.
[86] Jewish Telegraphic Agency Daily News Bulletin, December 2, 1994.
[87] Jewish Telegraphic Agency Daily News Bulletin, April 18, 1995.
[88] Máariv, April 16, 1995.
[89] Palestinian National Authority-Ministry of Information-Press Office, "Jewish Immigration To Palestine And Its Devastating Effects On The Peace Process," Ramallah, February 1995.
[90] Jerusalem Post, March 1, 1995.
[91] Reuters, December 16, 1994.
[92] Human Rights Watch-Middle East, "The Gaza Strip and Jericho: Human Rights Under Palestinian Partial Self-Rule," New York: February 1995, p.14.
[93] Jerusalem Post, July 13, 1994.
[94] Jerusalem Report, February 23, 1995.
[95] Ibid.
[96] Human Rights Watch report. p.19.
[97] Ibid., p.20.
[98] Ibid., p.21.
[99] Reuters, August 4, 1994; Jerusalem Report, February 23, 1995.
[100] Jerusalem Report, February 23, 1995.
[101] San Francisco Chronicle, February 16, 1995.
[102] Máariv, March 24, 1995.
[103] Forward, March 31, 1995.
[104] New York Times, July 30, 1994.
[105] Washington Times, August 16, 1994.
[106] New York Times, September 6, 1995.
[107] New York Times, December 4, 1994.
[108] Al Akhbar [Cairo], March 1, 1995.
[109] FBIS, March 13, 1995.
[110] Associated Press, April 12, 1995.
[111] Ibid.
[112] Jerusalem Report, February 23, 1995.
[113] U.S. News and World Report, August 22, 1994.
[114] Jerusalem Post, March 23, 1995; Jerusalem Post, April 5, 1995.
[115] Jerusalem Post, March 23, 1995.
[116] Human Rights Watch report, p.14.
[117] Copy in the possession of the ZOA.
[118] Jerusalem Post, December 17, 1993; Headquarters of the Israel Chief Military Judge Advocate, "Palestinian Violations of the May 4, 1994 Cairo Agreement," Jerusalem: Dec. 13, 1994, section 30.
[119] Jerusalem Post, March 29, 1995.
[120] Headquarters of the Israel Chief Military Judge Advocate, "Palestinian Violations of the May 4, 1994 Cairo Agreement," Jerusalem: December 13, 1994, section 25.
[121] Headquarters of the Israel Chief Military Judge Advocate, "Palestinian Violations of the May 4, 1994 Cairo Agreement," Jerusalem: Dec. 13, 1994, section 25.
[122] Jerusalem Post, August 12, 1994; Jerusalem Post, March 8, 1995; Jerusalem Post, March 24, 1995; Headquarters of the Israel Chief Military Judge Advocate, "Palestinian Violations of the May 4, 1994 Cairo Agreement," Jerusalem: December 13, 1994, section 25.
[123] Headquarters of the Israel Chief Military Judge Advocate, "Palestinian Violations of the May 4, 1994 Cairo Agreement," Jerusalem: December 13, 1994, sections 34, 38, and 44.
[124] Jerusalem Post, March 24, 1995.
[125] Jerusalem Post, Jan. 23, 1995; Jerusalem Post, March 19, 1995; New York Times, April 12, 1995; Yediot Ahronot, April 14, 1995.
[126] Jerusalem Post, November 7, 1994.
[127] Jerusalem Post, November 7, 1994.
[128] Jerusalem Post, March 22, 1995.
[129] Jerusalem Post, March 22, 1995.
[130] Washington Post, February 27, 1995.
[131] Transcript of remarks by Senator Shelby, Zionist Organization of America annual dinner, New York City, December 11, 1994.
[132] Jerusalem Post, November 22, 1994.
[133] Jerusalem Post, November 22, 1994.
[134] Lieberman-Mack letter to Christopher, January 24, 1994.
[135] Near East Report, June 20, 1994.
[136] ZOA Analysis of the 2nd State Department Report, June 8, 1994.
[137] Lieberman-Mack letter to Christopher, December 9, 1994.
[138] Remarks at ZOA Dinner, Dec. 11, 1994.
[139] Press Release by Office of Congressman Eliot L. Engel, December 5, 1994.
[140] AIPAC Press Release, December 2, 1994.
[141] Gilman letter to Christopher, Dec. 30, 1994.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate very much the gentleman's deciding not to offer this amendment, but I do believe, given the comments that have been made, that a response is required because this is a significant issue, and I think that we need to talk about this issue frankly on both sides of the aisle.

I know that for a long time in many circles in this country and elsewhere that the PLO has been thought of as being a naughty word. But the fact is, and I think we all have to face this, there will be no peace process in the Middle East without the constructive participation of the PLO.

Now that organization, like many others throughout history that has been engaged in essentially revolutionary activity, has a lot of factions, and some of them are more easily controllable than others. But it seems to me that, if Mr. Rabin can deal with the PLO in the interests of the security of the state of Israel, that we ought to follow that example and be prepared to assist in their doing that.

I would point that there is an alternative to the PLO. It is called Hamas, and I do not think that that alternative is especially a good one for Israel, for us, or anybody else in the region. And there are even worse organizations in that part of the world which could pose even greater long-term threats to peace and stability in the region. I think we need to understand that at this point the PLO is one of the organizations being used, to deliver health assistance to people in that region, in the occupied territories, to deliver education, to deliver policing, imperfect though their policing is, and to assist in the development of infrastructure.

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I do not know how many of you have been in refugee camps and Palestinian camps in the Middle East. I have. They are not a pretty sight. What they are breeding in terms of resentment and hatred because of those conditions will not be very healthful for the region in the long term.

I do not know how many of you have had an opportunity to talk with Mr. Arafat. I have, on a number of occasions. It has often been a very frustrating experience. But it is a necessary component of Israel's efforts to finally defang the situation in the Middle East to the point where that region becomes safe for all parties, including Israel.

So I would suggest that while we can talk all we want, I do not think we should be deceived. We must have the active and constructive participation of the PLO if we are to have security and peace in that region. And it seems to me that given the fact of what our State Department, the Government of Israel, Mr. Rabin, who has taken himself great political risks for peace, have done, it seems to me that we can do no less. And it seems to me, therefore, that our support for that organization is part of the effort to see to it that the PLO is constructively rather than destructively engaged in the region.

So I appreciate very much that the gentleman has withdrawn the amendment, because it would not have helped a very delicate situation.

Mr. BRYANT of Texas. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Chairman, if this is to be revisited later, and I certainly welcome his comments, would it not be appropriate in the course of revisiting it, by this committee or any other, for us to consider both sides of the difficulty of bringing peace to the Middle East, one portion of which is the continued news we read in the newspapers about the Government of Israel sanctioning the taking of lands from Arabs who have lived on these lands for hundreds of years? You know, we have had a little history on this issue in the past. I had an amendment a few years ago to deal with what the Likud government was doing.

The current government is much, much better. There are many things about its activities in this regard that deserve commendation. If we are going to take up the problem of peace in the Middle East, we need to look at both sides of this problem, and give some support to the constructive parts of the government which have fought against the unjust land seizing at the same time we are talking about whether the PLO is holding up its end of the bargain.

Mr. OBEY. Mr. Chairman, reclaiming my time, I understand the gentleman's comments and do not disagree with them. I once asked a former Prime Minister of Israel about that issue. I asked him about a specific piece of land.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I asked the gentleman for an assurance that a specific piece of land held by an Arab in that area was not going to be, in effect, confiscated. I was assured it was not. A week later it was. So I understand directly what the gentleman is raising. But I think that that is water over the dam. We have, in my view, the most constructive effort that has been made by Israel in my memory to try to bring peace to the region and reach an agreement with her neighbors. I think that bringing the PLO along in that process is essential, and I commend the present Israeli Government for their willingness to do that, and urge them to continue. I think our State Department is right to promote the process as well.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to compliment the gentleman from Wisconsin [Mr. OBEY] on his statement. The situation in the Middle East is extraordinarily complex. The United States has hung in there for many, many years in hopes of bringing about a balanced peace to the entire region. The sentiments expressed by the gentleman from Wisconsin are right on target. We cannot be in a position of taking sides. We have to work with the most moderate of all parties on all sides. Frankly, it would serve no purpose for the United States to start withholding support from the PLO when in fact they are going to be an integral part of a future peace in that part of the world.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I want to pay tribute to my good friend, the gentleman from New Jersey [Mr. SAXTON] for the work that he has done in this regard, and thank him for withdrawing his amendment, which I know he feels very strongly about. Just yesterday the gentleman from New Jersey and I, along with the gentleman from New York [Mr. SCHUMER] and the gentleman from Texas [Mr. DELAY] introduced a bill called the Middle East Peace Compliance and PLO Accountability Act of 1995.

What we are saying in this bill, which is very relevant to the discussion today, is that the PLO needs to keep its promise and needs to comply with the agreements it made when Yasir Arafat shook the hand of Prime Minister Rabin on the White House lawn, September 15, 1993. I wholeheartedly support the peace process and want to see the funds continued to the PLO, because I do agree with the gentleman from Wisconsin that the PLO can play and should play a very constructive role in Middle East peace.

The question is will they play that constructive role, and that question can only be answered by Mr. Arafat and the people of the PLO.

What our bill does is simply this: If the PLO complies with its commitments, then the U.S. aid will continue to flow. If the PLO, on the other hand, does not comply with its commitments, then the U.S. aid would stop.

The gentleman from Wisconsin [Mr. OBEY] said there can be no peace process without the constructive participation of the PLO. I agree. But the key word there is constructive participation. If they will have constructive participation, then peace will come and American money will flow. If, on the other hand, they are not constructive, then we ought not to give them money, if they renege on their promises.

Only they can determine that. I hope that Mr. Arafat will do the things he promised. I hope that he will condemn terrorism and all acts of terrorism, not only in English for American public consumption, but also in Arabic, so that his people can hear his condemnation. I hope he will proactively continue to track down and prosecute those responsible for committing terrorist acts, and I hope he will comply with all the other things to which he agreed.

Now, I would also hope, and I know the chairman of our Committee on International Relations is here, I would hope that we would be able to hold hearings on my bill and Mr. SAXTON's bill, and that we would talk actively at these hearings about a PLO compliance.

So I would like to yield to the chairman of the committee to engage in a colloquy briefly with him, to ask him if we are prepared to in the future hold hearings on our Middle East Peace Compliance and PLO Accountability Act of 1995, so we can be assured that the PLO will live up to its commitment so American aid can continue to flow.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, in response to the gentleman, we certainly will be holding hearings on this issue.

Mr. Chairman, in commitments that the PLO voluntarily assumed since September 1993, the PLO promised to renounce terrorism and the use of violence, discipline violators, and seek peaceful political change. It also promised to amend the Palestinian Covenant to remove all references calling for the destruction of Israel.

Over 1½ years later, we are still witnesses to wanton violence. The American people have waited patiently for the violence against innocent Israelis and Americans to end, and for PLO chief Yasser Arafat to display the kind of leadership necessary to make this experiment work.

The State Department's most recent report on PLO compliance, issued on June 1, 1995, demonstrated yet again that the Palestinian track of the Middle East peace process is still the cause of great concern and consternation.

The report once again fails to hold the PLO to an adequate standard. The report ignores many issues, for example the failure to renounce and prevent terrorism and violence, the failure to prosecute violators, the failure to turn over terrorists whose extradition was requested by Israel, the failure to enforce human rights standards toward those arrested by the Palestinian authority, and most glaringly, the failure to amend the Palestinian Covenant's references to the destruction of Israel.

Later this week, the President's authority under the Middle East Peace Facilitation Act will expire. A 45-day extension, adopted by the other body last week, will soon be considered in this House. This will allow U.S. support for the Middle East peace process to continue, while giving the House and Senate the opportunity to comprehensively review the reauthorization of the Middle East Peace Facilitation Act, which the Senate has committed to considering in its State Department reorganization measure. I also want to commend the gentleman from New Jersey [Mr. SAXTON], and the gentleman from New York [Mr. ENGEL]

for withdrawing their amendment at this time.

I, therefore, wish to assure the gentleman from New Jersey [Mr. SAXTON] that his concerns about U.S. funding for the Palestine Liberation Organization will be taken into account, and that I welcome his input, as well as that of other Members, as we prepare to discuss this important issue with the Senate, and in our committee.

Mr. ENGEL. Mr. Chairman, reclaiming my time, I thank the chairman for his remarks, and I just want to say that last year, the gentleman from New Jersey and I formed the peace accord monitoring group, which we cochair. I think that our Middle East Peace Compliance and Accountability Act of 1995 is a logical extension of the peace accord monitoring group to make sure that all sides are complying with what they promised.

I would say to the gentleman from Texas [Mr. BRYANT] who had some questions before, that it is not the Government of Israel that we worry about in terms of keeping its commitments to peace, because the Government of Israel has shown time and time again it keeps its commitments to peace. We are worried about the Palestinian side and the PLO. Again, only the PLO can determine whether or not it keeps its commitments to peace. I fervently hope it will, and fervently hope, therefore, that United States money will continue to flow. But time will tell.

I would say to Chairman GILMAN that I would hope that after the 45 days that the money is automatically extended, that we would use our bill as a core for the hearings to see that what we finally go beyond the 45 days, that we will have some teeth in terms of insisting that all sides, including PLO, comply with what they promise. Again, if they do, money will continue to flow. If they do not, it will be nobody's fault but their own.

Mr. BRYANT of Texas. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. I just wanted to respond once again. I fully agree with your desire to press the PLO to comply.

The CHAIRMAN. The time of the gentleman from New York [Mr. ENGEL] has expired.

Mr. BRYANT of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from New York be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mrs. CUBIN. Mr. Chairman, I object, and I will object any time anyone on either side requests extra time.

The CHAIRMAN. Objection is heard.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from New Jersey [Mr. SAXTON] for his restraint in deferring in his amendment to withhold aid to the PLO, not because it did not have the correct items on the merits, but because it was moving the dialog forward at this time for later debate.

I believe it is important to note to my colleagues that the PLO has failed to keep its promises, not only the White House lawn peace accords in September 1993, but in the self-rule accords as well. It also should be noted that the acts of terrorism against Israel by the PLO are well documented.

In contrast, Israel, as the only democracy in the Middle East, has been one of America's best friends, if not its best friend, a trading partner, involved in cultural exchange, and a champion for human rights. The victory we had in the Desert Storm war would not have been realized in my opinion, and I am sure the opinion of many of my colleagues and Americans, without Israel's assistance and Israel's restraint. So I say thank you to the gentleman from New Jersey [Mr. SAXTON].

□ 0215

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I would just like to identify with the remarks of the gentleman from New York [Mr. ENGEL] a moment ago and others with regard to the PLO.

I fully agree that we should act in every constructive way to see to it that they comply with their peace agreements. I also think it is wrong of us to get up here and only take the popular side.

The fact of the matter is, there are elements within the Israeli Government and Israeli society who believe it is OK to take away land from Arabs who have lived on it for hundreds of years. I do not think anybody here agrees with that. I think they view it as wrong. It is very dangerous to the peace process. If we are going to take this matter up, we ought to also make clear to the Israeli Government and others in that society that we do not sanction that and we view that as a threat to the peace process as well.

Mr. WILSON. Mr. Chairman, I would like to say that I think it would be an extremely destructive thing for us to in any way interfere with the assistance that has been committed to the PLO. This money is to go for schools, for water, for infrastructure, and it is absolutely essential to maintain the balance in the peace process.

I would like to further say that there is just, there is nobody in the world that admires the current Government of Israel as much as I do. I believe that Yitzhak Rabin is my political hero. I think the courage that he is showing under enormous pressure at home, the enormous pressures that are coming at him from every direction, the courage and the durability and the determination that he and his foreign minister have demonstrated to the world should be a great example to all of us.

I think they would be the last ones that would want us to do anything that would in any way upset the peace process.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I would take some exception to both what the chairman of the Committee on Appropriations and the ranking member of the subcommittee said in terms of the PLO.

By saying that they are moderates does not make them moderates. I think something that every Member in this Chamber and everyone in America needs to understand is that the fundamental test in the agreements still deals with the destruction of the state of Israel. One of the wisdoms, one of the things that was said that was going to be done 18 months ago regarding taking out part of the covenant and the PLO covenant that calls specifically for the state of Israel's destruction still exists, has not been taken out. And that, in a sense, is the essence of the debate that still goes on.

By us projecting our hopes and our desires onto Yasser Arafat does not change Yasser Arafat. I, along with six of my colleagues, just came back from Israel during the Memorial Day break where some of us met with Mr. Arafat. And some of his statements were bizarre, to say the best.

Mr. Arafat specifically said to this group that he believed that terrorist incidents that occurred in Israel, like the bombing in Tel Aviv where innocents that were killed were done by Israelis, without any proof, without any information.

He specifically talked about Israelis going through their internal security process and stealing passports and giving them to members of Hamas, without evidence. He would be willing to do things like that, because he has done things like that. He would be willing to kill innocents because he has been willing to do that previously.

Yet that is the person that Members in this Chamber are projecting as moderates. The reality is that people who have committed acts of terrorism that the Israeli Government knows are within the jurisdictional areas of the PNA in Jericho and in Gaza are there, they are identified by name, yet they are not being released to the Israeli Government.

There are clearly fundamental problems with what is going on right now. It is not the only path to success. By us projecting that, that is a real problem.

I support the effort of the gentleman from New Jersey [Mr. SAXTON] to get accountability, that the United States taxpayers, $100 million a year went last year, is supposedly going this year in a system of accountability that has real problems.

Other governments have withdrawn their aid. Other governments have withdrawn their aid.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I wanted to make a statement echoing what the gentleman says.

I do want to say that the gentleman from New Jersey has raised a very serious concern and one I share, demanding adequate accountability of American taxpayer dollars regardless of what country it goes to.

I insist that they live up to the standards before we give them the aid.

I want to assure the gentleman from New Jersey [Mr. SAXTON] and others that we will work with him in ensuring that the funds are spent properly. I will encourage the authorizing committee to maintain close oversight of this program, and I want to thank him for raising this very important matter. I look forward to working with him to ensure the proper management of this program is maintained.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to correct what I think was an inadvertent comment, the implication of a comment made by my friend from Wisconsin who as chairman of the Subcommittee on Foreign Operations has consistently promoted and led the fight for assistance to Israel and for security and for support of the peace process.

This is not the first Israeli constructive effort to try and bring peace to that region. Any study of the history of Israel since its founding, since its inception, would recognize that in 1948, in 1967, in the early 1970's, again in the Camp David process, Israel has over and over again reached out for that process.

What is different this time is the parties that were never willing to acknowledge the right of Israel to exist, some of those parties are now accepting that right and moving forward. But the history of Israel for its 45 to 47 years of existence is filled with efforts by its leaders to reach out to its Arab neighbors to bring an end to this particular conflict. I want to correct that for the RECORD.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes. I just want to make a couple of observations. Number one, as the gentleman from California [Mr. BERMAN] says, the Israeli Government for many years and many times has tried to reach out to the Arab countries to everyone involved to make peace. Usually until recently, she has been met with a stone wall. In the last couple of years that has changed. The peace process has been undertaken.

Second, no one really suggests credibly that the PLO is a moderate force. The PLO is not a moderate force. The PLO has been recognized and has been a terrorist organization and has engaged in terror. But one makes peace with one's enemies, not with one's friends. One makes peace with the extremists on the other side, not with the most moderate elements. That is easy.

The question involved in the entire peace process is, has the PLO changed, have circumstances changed, have they changed enough, can you do business with them? I believe the jury is still out on that question.

Not can you trust them, because you do not make peace agreements based on trust; you make peace agreements based on mutual interests if you can find them. But I believe the jury is still out on the question. And the valiant effort of the government of Israel to make peace should be supported, and the valiant effort of the United States Government to assist that should be supported.

I would have opposed the Saxton amendment because I think it would have brought the peace process to a dead stop. The bill that the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Texas [Mr. DELAY] and the gentleman from New York [Mr. SCHUMER] and the gentleman from New York [Mr. ENGEL] have designed instead, which they will introduce or they just introduced, may be a constructive effort to push the PLO to use the lever of American aid to push them a little further in the direction of compliance.

Have they complied, has the PLO complied with what they promised? No. Have they complied with some of it? Yes. Have they complied with enough so you can make a peace agreement? We do not know yet.

We have to be careful in our actions here to take actions that will advance the cause of peace and not throw an unnecessary roadblock in there. I am glad the gentleman from New Jersey [Mr. SAXTON] withdrew his amendment. I suspect the bill that he has gotten together with Mr. SCHUMER, Mr. ENGEL, and Mr. DELAY may be a step toward advancing that effort rather than restarding it. I hope we will discuss that in future days.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 78, after line 5, insert the following new section:

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 564. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT. Mr. Chairman, this is standard buy American. It was offered in the last Congress and placed on all the appropriations bills. I am only going to take a couple minutes.

I am not here to become an expert on the Middle East. I am sure trying to become an expert on the Midwest. I just want to point out to the Members of this Congress that we here in the Congress of the United States borrow money from Japan and Germany. We borrow from the Social Security trust fund. And we sell Government debt instruments to American citizens and basically pension plans. And then we pay interest. I would like the attention of everybody. I sat through all this intriguing debate. Then we pay interest on this borrowed money.

Now, I do not know where this $12 billion comes from. Is it the money we borrowed from Japan and Germany? Is it from the forays into Social Security? Is it the Government debt instruments that we sold to the pension plans that underfunded every major industrial pension plan in America? And the next major one that fails, the Pension Benefit Guaranty Corporation is going to have to bail it out. The next major bank that fails will exhaust the Federal Deposit Insurance Corporation, and we are going to be asked for more money for the savings and loans fiasco.

I keep hearing all about the superpower. If we evaluated America on a corporate standard, we would be considered deficient and possibly bankrupt.

All my little buy-American amendment says is we are going to ask people, to the greatest extent practical, if they find it in the goodness of their heart, to try not to buy the goods from Japan and Germany.

But there is one other thing I want to say. I have a 1-percent cut that will be coming up. I have never seen so many reasons to convince me that I should not bring it. My colleagues, we have cut education. We have cut housing. We have got more murder in America than any of these countries we are giving the money to.

I do not want to tarnish one bit the great job the chairman has done. This is the best foreign aid appropriation bill I have seen, and I am going to give you the credit for that and to the gentleman from Texas [Mr. WILSON] here. I

do not want you to take it personal, but if I had 400 votes, not one of them would go for this bill; because, my colleagues, I think it is unconscionable and immoral to pay your neighbor's rent bill when the bank is foreclosing on your family home.

Now, damn it, I am tired of talking about the Mideast. I want to talk about the Midwest. Tell you the truth, this does not endear me to a lot of people, Israel and Egypt do not take a penny cut in this new Congress. My veterans get a hit. My seniors get a hit. Our housing gets a hit. Our education gets a hit.

So my little 1-percent cut will exempt the basic poor countries, certain African accounts, certain development assistance, certain narcotics accounts, certain terrorist approaches and programs, so we could help where we are really needed.

Do you know what it does? The 1 percent is going to hit everybody. If the White House decides not to hit Israel and Egypt, then, yes, like the chairman tells me, other countries are going to even get hit harder. I cannot deal with that. But I am so damn sick of seeing my people go without jobs. I have to come down here, run to the chairman, talk about programs for America; when we do, there is no money.

□ 0230

Look, I just have a little very simple approach. I want you to accept my little Buy American amendment. At least these countries have to get a notice, but I want you to support a 1 percent cut.

If you are talking about deficits around here, damn it, this bill is not sacred, either, and let's really stand up for once.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. CALLAHAN. I just want to tell you, you have convinced me. I am going to accept your amendment.

Mr. TRAFICANT. I thank the gentleman.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas, the ranking member, who is ecstatic about the amendment. In fact passes over it without prejudice.

Mr. WILSON. I appreciate the the gentleman yielding. For clarification, did the chairman say he was going to accept both of your amendments or one of your amendments?

Mr. TRAFICANT. You will have to deal with that in conference.

Reclaiming my time, the major cities of America should secede from the union, qualify for foreign aid, and do a hell of a lot better.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BERMAN. Mr. Chairman, is the amendment before us the Buy American sense of Congress or is it the 1 percent across-the-board?

The CHAIRMAN. It is the Buy American amendment.

The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 78, after line 5, insert the following new section:

ACROSS-THE-BOARD REDUCTION OF AMOUNTS

SEC. 564. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Export and Investment Assistance" (title I of this Act).

(2) "Development Assistance Fund".

(3) "Development Fund for Africa".

(4) "International Disaster Assistance".

(5) "African Development Foundation".

(6) "Inter-American Foundation".

(7) "Peace Corps".

(8) "International Narcotics Control".

(9) "Anti-Terrorism Assistance".

(10) "Nonproliferation and Disarmament".

(11) "Contribution to the International Development Association".

(12) "Contribution to the Asian Development Fund".

Mr. TRAFICANT. Mr. Chairman, I am only going to offer the 1 percent. It may not even pass.

My God, cutting foreign aid in the Congress of the United States. You might even get an opponent with a half a million dollars staring at you in less than a week. But I guess, I played football without a helmet, I could handle that.

Except as provided in subsection (b), each amount appropriated or otherwise made available by this act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by the fat margin of this big 1 percento.

Exceptions: Export and Investment Assistance. Certain programs that help very poor countries. The Development Assistance Fund, the fund that helps again very poor countries, people with their stomachs hanging out, bloated hungry.

The Development Fund for Africa. International Disaster Assistance. The African Development Foundation. The Inter-American Foundation. The Peace Corps. International Narcotics Control. Anti-Terrorism Assistance. Nonproliferation and Disarmament Fund. Contribution to the International Development Association. Contribution to the Asian Development Fund. These about cover those basically very poor entities at the bottom of the list fighting for a few bucks.

I say this to the Congress: We have gone through a budget process around here, where I heard speaker after speaker come up and say nothing, nothing is sacred, everything is on the table. The debate we have right now is Medicare, Medicaid, senior citizens, children.

Well, there are some sacred cows in this bill. Now, I don't know about you. I am not a Member of the Japanese Diet. I am not a Member of the Israeli Knesset. I am not a member of the British Parliament and quite frankly, Scarlett, that is not my job.

If the Congress of the United States cannot make a 1-percent cut in this bill, then the Congress of the United States has, No. 1, lost all anatomy and cannot make tough decisions to govern.

Had this bill not come in at what is a very responsible approach by this chairman, I would have offered a bigger amendment, even though it would have failed. I am not going to belabor the time. But there is not a bill that comes before this Congress that cannot stand a 1-percent cut. I think I have taken care of those needy groups and those countries that are really deserving and need help. That is basically all I have to say.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Missouri.

Mr. VOLKMER. Is the amendment a 1 percent cut across the board for all areas of the bill? Everything?

Mr. TRAFICANT. Yes, there are.

Mr. VOLKMER. There are no exceptions?

Mr. TRAFICANT. Other than these exemptions. These exemptions that were listed, I don't want to go through the time to belabor them again, but you can read the amendment. There are quite a few exemptions.

Mr. VOLKMER. You did not cut those that you listed? That you read?

Mr. TRAFICANT. They are exempted.

Mr. VOLKMER. They are exempted. Everything else is cut 1 percent?

Mr. TRAFICANT. From what I understand, there is not an earmarking here and what the chairman tells me, that this could come to the Economic Support Fund, the $5.2 billion, and in fact there are certain groups in there that may not even take a cut.

What his concern is, for example, that if Israel and Egypt don't take any cut after it is all over, there will be bigger cuts for these smaller countries.

I do not deal with that. If there is no earmarking in this bill, then I cannot

deal with the earmarking. The legislative intent of the Traficant amendment is to cut everybody that gets a dollar from us, to cut them one penny, everybody. That is my legislative intent. If that means anything anymore. Legislative intent if somebody offers an amendment to Congress.

Mr. VOLKMER. You are talking about direct aid to those countries?

Mr. TRAFICANT. Yes, I am.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio, but I recognize the symbolism of what he is saying and support the symbolism. But to accept a 1-percent cut, especially one that just applies to certain areas—and I notice that you have taken selective programs out that you did not want to cut—but if I agree to accept your amendment, it would be an admission that I did not do the very best job I could do while still protecting the ability of the administration to have a foreign aid policy.

Let me just say that, first of all, I have cut the President's request by 19 percent; 20 times what the gentleman is suggesting, I have already cut. I have cut every single account almost in this foreign aid bill. I am below the budget allocations. I am below last year. This is the lowest level in the past probably 40 years of a foreign operations bill.

So if you come along at the last minute with this symbolic cut, I know that will gain great headlines and sound good. You might even be invited to the Donahue show, but let me tell you, I do not admit that this bill could be lower than I have made it. I have worked with your side of the aisle, with my side of the aisle, and we have compromised back and forth to the point of insisting that this bill not be any higher than it is right now.

In your bill, there is a possibility that because it does not exempt the Camp David countries, including Israel and Egypt, maybe they would be threatened by the 1 percent. It would not hurt them, you are right, but is that what you want to do?

The Child Survival Fund for some reason was left out of your exemption. You talk about these flies and these starving children, and you left child survival out. You say cut the Child Survival Fund. Cut the immunization programs by 1 percent. Maybe that 1 percent might inoculate some 15,000 kids. Maybe it would feed thousands of kids, but you did not exempt that.

I would submit to you that this committee, the subcommittee, the full committee, when we brought this bill to the House, it was done with great deliberation and done with the maximum amount of money that we are permitting or suggesting to be permitted for this administration to have for the next fiscal year.

I recognize the symbolism, I appreciate the symbolism, but let us give credit to where we already are. When the President came to us and asked us for $15 billion and we told the President, "We're sorry, we're going to cut you 19 percent, we're going to cut your ability to have a foreign policy by the largest amount in history," I think we have gone far enough.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I think the President came in asking for too much money. That is not unusual, No. 1.

No. 2, if you want to add those exceptions, I would be glad to accept them.

Mr. CALLAHAN. It has already been cut 19 percent.

Mr. TRAFICANT. Mr. Chairman, I am not asking you to vote on symbolism. I am asking you to vote on a cut, and I want the vote to be recorded on the cut.

I want to say one other thing to you: If everybody who came in here said, "Look, we did a great job, nobody should be cutting our bills," then we would not have any cuts to any bills.

This is not directed to you. I in fact support you. I am glad to see you in the position. In my opinion, I think everybody could take a 1 percent cut, and this is no different. That is what it is.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I was wondering if the distinguished chairman could tell me, is it correct that this bill cuts the administration's request by nearly $3 billion? Is it correct that the bill you have brought to the floor cuts the administration's request by nearly $3 billion?

Mr. CALLAHAN. The gentleman is correct.

Mr. BERMAN. Is it correct that the bill you have brought to the floor was nearly $2 billion below this year's funding level?

Mr. CALLAHAN. That is correct.

Mr. BERMAN. Is it correct that when your bill passes, that the 150 account, of which your bill takes up by far the biggest portion, no other function of the Federal Government will have been cut more in the past 10 years than that 150 account?

Mr. CALLAHAN. That is absolutely right.

Mr. WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I guess we could say over and over again that the bill has been cut by 20 percent below the President's request, it has been cut $2.8 billion below the President's request. In real dollars this is probably the smallest foreign operations bill brought before the House in the last quarter century.

I am going to address the Middle East situation. The proposed cut would reduce both the Economic Support Fund and foreign military sales, and in my opinion cuts to these programs would add a great deal of unsteadiness to the Middle East peace process.

I think that particularly in Israel's case, and in Egypt's as well that the Government is as strained as it could possibly be in trying to hold together the peace process especially within Israel itself. I think any cut by the American Congress at this time would have terrible consequences in Tel Aviv tomorrow. It is hard enough as it is.

I would also like to point out, and this was probably an oversight on the gentleman's part, but the cut would also reduce funds for refugees and disaster assistance, endangering the lives of children and adults all over the world who are at the very, very greatest risk.

Mr. Chairman, I respectfully ask the Members to vote against the amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Traficant amendment. I am a strong supporter for our foreign aid program but I have also made the tough choices to cut the program's budget—but if you do not believe me—do believe the National Taxpayers Union and Citizen's Against Government Waste who endorsed our committee's authorization bill.

Under the authorizing bill as approved by this House, we voted to cut $1 billion from the foreign assistance budget for 1996. The authorizing bill this House supported cuts another $2 billion from the foreign assistance budget in fiscal year 1997. Over the 7-year glidepath, the authorizing bill would save a total of $21 billion.

Mr. Chairman, Mr. CALLAHAN's appropriation bill is below those cuts in the authorizing bill. Yesterday, the House cut another $73 million in this bill.

Mr. Chairman, I submit that we have cut significantly from the foreign assistance program. We have vital national security, economic and humanitarian interests throughout the world. Mr. TRAFICANT's amendment would cut all of these vital programs. The gentleman's amendment would cut aid to our allies, to Russian nuclear-disarmament related programs, and to multilateral trade promotion programs to higher income countries needed to employ Americans whose jobs depend on exports.

Mr. Chairman, I urge a strong "no" vote on this amendment.

□ 0245

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply like to run down, once again, the numbers to emphasize what both the gentleman

from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] have said.

To put this amendment in perspective, in 1985, this bill spent $18.5 billion. Last year, this bill spent $13.6 billion. And this bill comes in at $11.9-and-some million. That means that this bill is almost a 20 percent cut from last year and it is a huge cut.

I am on the Committee on Appropriations so I cannot figure that fast, but the fact is if you take 18.5 and 11.9, it is almost a 40 percent cut over that time.

As the gentleman from California indicated, my colleagues cannot name another appropriation bill in this country that has been cut by anywhere near that amount.

I know what the public impression is. When my colleagues take a look at the polls, you see that 27 percent of the people in this country think that foreign aid is the largest expenditure in the budget, when, in fact, it is about 1 percent.

We have had a lot of distress and a lot of anger and a lot of frustration in this House for the past few years. But I think we have to ask ourselves whether or not our processes mean anything. And we have to ask ourselves whether we really have respect for the process by which we bring a product to the floor.

That process is called the committee system. People fight to get on various committees around here, and if either party places a person on the Committee on Appropriations, they ought to do it only if they think that that person will contribute to doing the best possible job at sorting out budget priorities and budget levels.

If my colleagues do not think people are worth it and are going to do that, they should not put them on the committee in the first place.

But the problem Members face if they are members of the Committee on Appropriations, very frankly, is that no matter how much we cut, it is always convenient for some Member to say, "Well, no matter what you do, boys and girls, we are going to one up you by 1 or 2 percent."

That is very easy to do. Not very complicated. Sounds great. Sounds simple. But the fact is that what that encourages people to do is to begin padding the accounts so that they take into account the fact that something like this might pass.

This bill has obviously not been padded. The gentleman from Alabama [Mr. CALLAHAN] has seen to that. So it seems to me that sooner or later both Members of this institution, and the so-called experts in these so-called outside groups who rank us, ought to take into account not just the votes that occur on the floor, but the actions taken in the committee itself.

This committee not only has reduced the bill from previous years' levels, as I have indicated it is almost $400 million below the authorization bill. It seems to me if a committee has done a good job in establishing fiscal discipline, it has a right to expect to be backed up by this House, and it seems to me when they have cut this much, no one in this body can reasonably ask for more.

So I would suggest that sooner or later, if you want people to serve and do what is right on the Committee on Appropriations, when they make the kind of reductions that have been made in this bill, which obviously are very tight, their judgment ought to be backed up.

I would respectfully request that you support the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] and oppose this amendment, because it is simply a "one-upper" and we ought to be above that.

Mr. METCALF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will take much less than 5 minutes. I want to commend the chairman and the committee for the work they have done on this bill. It is a great bill and I would support it. However, I rise to support the amendment of the gentleman from Ohio [Mr. TRAFICANT], and I would just like to tell you why.

You know, if we went out, not in the middle of the night like this, but went out in the daytime and picked out in any place in America and picked out 435 people, the first 435 people we ran into, and we asked them to come in and vote on this issue, how do my colleagues suppose they would vote? There is no question. Take any poll. There is no question how they would vote. They would vote to support it.

I think we should support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Mr. TRAFICANT. Mr. Chairman, are Members afraid of going on record? You cut education and housing and veterans, but you will not go on record on this vote? I ask for a vote.

Mr. DEUTSCH. Regular order.

The CHAIRMAN. The Chair is attempting to count for a quorum.

Mr. TRAFICANT. I will withdraw it if you give me a vote.

Mr. DEUTSCH. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend while the Chair counts for a quorum. The Chair counts 106 Members, a quorum is present.

RECORDED VOTE

The CHAIRMAN. Members favoring a recorded vote will now rise and be counted.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 270, not voting 26, as follows:

[Roll No. 442]

AYES—139

Allard	Geren	Payne (VA)
Archer	Gilchrest	Peterson (FL)
Baker (CA)	Gillmor	Petri
Ballenger	Goodlatte	Pombo
Barcia	Goodling	Portman
Barrett (NE)	Graham	Poshard
Barrett (WI)	Gutknecht	Quillen
Barton	Hancock	Rahall
Bevill	Hayes	Ramstad
Bilirakis	Hefley	Regula
Brewster	Hefner	Roberts
Browder	Herger	Roemer
Bryant (TX)	Hilleary	Rohrabacher
Canady	Hoekstra	Roth
Chabot	Holden	Royce
Chapman	Hunter	Sanford
Chenoweth	Hutchinson	Schaefer
Clement	Inglis	Schroeder
Coble	Istook	Seastrand
Coburn	Jacobs	Sensenbrenner
Collins (GA)	Johnson (CT)	Shuster
Combest	Johnson, E. B.	Smith (WA)
Condit	Jones	Solomon
Cooley	Kennedy (MA)	Spratt
Costello	Kleczka	Stearns
Cramer	Klug	Stenholm
Crane	Laughlin	Stockman
Crapo	Lincoln	Stump
Cremeans	Lipinski	Talent
Cunningham	Lucas	Tanner
Deal	Luther	Tate
DeFazio	Manzullo	Tauzin
Dingell	McHugh	Taylor (MS)
Doolittle	McKeon	Taylor (NC)
Dornan	Meehan	Thomas
Doyle	Metcalf	Thornberry
Duncan	Mica	Thurman
Edwards	Minge	Tiahrt
Emerson	Montgomery	Traficant
Everett	Moorhead	Upton
Fields (LA)	Myers	Volkmer
Fields (TX)	Neumann	Wamp
Flanagan	Ney	Ward
Funderburk	Norwood	Weldon (FL)
Gallegly	Orton	Weldon (PA)
Ganske	Parker	
Gekas	Pastor	

NOES—270

Abercrombie	Bunn	Doggett
Ackerman	Bunning	Dooley
Andrews	Burr	Dreier
Armey	Burton	Dunn
Bachus	Buyer	Durbin
Baesler	Callahan	Ehlers
Baker (LA)	Calvert	Ehrlich
Baldacci	Camp	Engel
Barr	Cardin	English
Bartlett	Castle	Ensign
Bass	Chambliss	Eshoo
Bateman	Christensen	Ewing
Becerra	Chrysler	Farr
Beilenson	Clay	Fattah
Bentsen	Clayton	Fawell
Bereuter	Clinger	Fazio
Berman	Clyburn	Filner
Bilbray	Collins (IL)	Flake
Bishop	Conyers	Foley
Bliley	Cox	Forbes
Blute	Coyne	Fowler
Boehlert	Cubin	Fox
Boehner	Danner	Frank (MA)
Bonilla	Davis	Franks (CT)
Bonior	de la Garza	Franks (NJ)
Bono	DeLauro	Frelinghuysen
Borski	DeLay	Frisa
Boucher	Dellums	Frost
Brown (CA)	Deutsch	Furse
Brown (FL)	Diaz-Balart	Gejdenson
Brown (OH)	Dickey	Gephardt
Brownback	Dicks	Gibbons
Bryant (TN)	Dixon	Gilman

Gingrich
Gonzalez
Gordon
Goss
Green
Greenwood
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Heineman
Hilliard
Hinchey
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hyde
Jackson-Lee
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McInnis
McKinney
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Pryce
Quinn
Radanovich
Rangel
Reed
Richardson
Riggs
Rivers
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sawyer
Saxton
Scarborough
Schiff
Scott
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Studds
Stupak
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Waters
Watt (NC)
Watts (OK)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Zeliff
Zimmer

NOT VOTING—26

Coleman
Collins (MI)
Evans
Foglietta
Ford
Gunderson
Gutierrez
Hall (OH)
Johnson, Sam
Martinez
McDade
McIntosh
McNulty
Meyers
Moakley
Reynolds
Roukema
Sanders
Schumer
Stark
Stokes
Towns
Waldholtz
Waxman
Yates
Young (FL)

□ 0312

Messrs. RUSH, JEFFERSON, and POMEROY changed their vote from "aye" to "no."

Mrs. SMITH of Washington, Mr. INGLIS of South Carolina, and Mr. GRAHAM, changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996".

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 78, after line 6, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 564. Not more than $21,000,000 of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

□ 0315

Mr. PORTER. Mr. Chairman, the chairman of the committee has asked that I yield to him for the purpose of explaining where we are. I yield to him for that purpose.

Mr. CALLAHAN. Mr. Chairman, if the Members of the House would give me their attention, I just wanted to give some idea of where we are and how fast we can move from this point.

The gentleman from Illinois [Mr. PORTER] has an amendment that is going to be debated for as much time as it may take. The issue involves Turkey. It is a very passionate issue with respect to Mr. PORTER, and there is going to be a lot of debate on that. But after the Porter amendment, we then have eight additional amendments on which we do not expect a lot of controversy. In fact, we intend to accept probably six of the eight, and then try to amend the other two to an acceptable level. So I feel like if we can give close attention to the debate on this particular issue, we can finish it in a timely manner, and then move as expeditiously as we can to the other six or seven amendments, and hopefully we can flow through them in a matter of minutes and then get you home before daybreak.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, those are the amendments that you have been noticed. I have two amendments that I would like to discuss with you, perhaps during the debate on this amendment.

Mr. CALLAHAN. That would be good.

Mr. PORTER. Mr. Chairman, reclaiming my time, Mr. Chairman, I ask unanimous consent that I be given 5 minutes from this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, the Porter-Smith-Wolf amendment is a straight cut in economic aid of $25 million for Turkey from the $46 million provided in the bill, to $21 million. It does not affect military aid to Turkey whatsoever, and there remains $320 million in FMF loans in the bill that is not affected by the amendment.

The amendment contains no conditions, no provisos, no reports. It is a straight cut of $25 million.

Mr. Chairman, I have great respect for the Turkish people, but millions of them are being denied their most basic human rights by their own Government. Turkey is a valued friend and ally of the United States. I offer the amendment in no way as hostility toward the Turkish nation. We want a closer relationship with Turkey based upon shared values. But I believe that the genocide going on in Turkey today against the Kurdish people and the ongoing and worsening human rights problems that are not being addressed by Turkey, are so severe that the Turkish democracy itself is being undermined and could well be lost.

Mr. Chairman, no true friend stands aside while his friend is violently abusing his family, and that is exactly what is happening as Turkey, our friend, is violently abusing the members of its country's family.

The United States must send a message to the Turkish people that their Government's policy of unbridled violence against the Kurdish minority, intransigence for the last 21 years in Cyprus where 35,000 troops continue to occupy a portion of that island, their preventing United States humanitarian aid from transiting Turkey to reach Armenia, and their ongoing torture, unlawful detention, and extrajudicial killings by their Government against their own people, must end.

Mr. Chairman, it is absolutely clear, and do not let anybody tell you otherwise, because it is not true, that nothing in Turkey is being done by the Government to change any of these wrongheaded policies.

Turkey continues to take a strictly military approach to the Kurdish situation. Government genocide is being committed against the Kurdish minority. Of approximately 15,000 people dead from the conflict, half of them have been killed in just the last 2 years; 3 million people have been internally displaced in Turkey as villages have been forcibly evacuated or destroyed. France Liberte Foundation puts the number of forcibly evacuated Kurdish villages at 2,500 villages. The former minister of human rights referred to the village evacuations in one province as state terrorism. Turkey has been widely criticized for its treatment of these 3 million refugees. Government forces continue to use excessive force against civilian noncombatants. They continued to use U.S. origin military equipment and actions during which human rights violations have taken place in direct violation of U.S. law.

Mr. Chairman, the Turkish police and military forces continue extrajudicial killings, unlawful detention, and torture, the numbers for which are all up during the last year. Authorities at all levels throughout the country continue to practice torture with impunity. Torture is systematic, widespread, and unpunished, even though it is illegal.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 4 additional minutes.)

Mr. PORTER. Mr. Chairman, in the rare case where torture claims are pursued, sentences are light. Convicted officers remain on the payroll while in prison and usually return to work when they are released; 1994 deaths in custody were the highest since 1982. Persons increasingly disappear while they are in police custody. Their tortured, mutilated bodies are usually found days, weeks or months later. In the first 3 months of this year, 77 people disappeared while allegedly in police custody, more than in all of last year.

Mr. Chairman, most disturbingly, the Government continues to harass, detain and prosecute writers, journalists, even elected parliamentarians who are critical of Government policies. One hundred sixty-six people are currently imprisoned under their sedition law.

Yashar Kemal, one of Turkey's most prominent writers, is today on trial for sedition under the so-called antiterror law. His crime is to criticize the Government's policy of terror against its Kurdish citizens, and he probably will be sent to prison.

Political organizations and media continue to face harassment and shutdowns. The Ciller government has indefinitely removed from consideration proposed Democratic reforms to the antiterror law. The state minister in charge of human rights, the first high ranking Government official to speak openly about torture, was relieved of his post earlier this year.

Turkey continues its intransigence regarding the occupation of Cyprus and the issue of transporting United States humanitarian assistance to Armenia. Thirty-five thousand Turkish troops remain in Cyprus, and negotiations are stalled. Turkey continues to block United States humanitarian assistance to Armenia.

Mr. Chairman, seven European countries in the face of these ongoing abuses have recently cut off all military assistance to Turkey, including France and Germany. The situation is that bad, and worsening, that these countries have cut off all military aid to this Government. An agreement between the European Union and Turkey for freer trade will not be taken up by the European Union for ratification because of ongoing Turkish human rights abuses.

Mr. Chairman, in this situation, it seems to me incumbent upon the United States to send a message to the Turkish Government that a violence only policy against its Kurdish minority is not acceptable; that it is not acceptable that they continue to prevent American assistance to Armenia; that it is not acceptable, Mr. Chairman, that they continue to torture and detain and execute without trial their own citizens, that it is not acceptable that they put people in prison for expressing their opinions about Government policy.

Turkey ought to be our close friend and ally, but we must have shared values, and we must send a message to this close friend and ally that their conduct simply does not meet international standards of any government on this Earth.

I commend the amendment to the Members.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, U.S. foreign assistance is supposed to go to nations that share our values and who promote peace and security in ways consistent with American interests. It is becoming increasingly clear that the Republic of Turkey is not a helpful partner to the United States. Indeed, by its behavior, Turkey has been acting against American values and American interests. American taxpayers should not have to support many of the Turkish actions we deplore.

Opponents of the Porter amendment claim that United States assistance to Turkey provides strong American influence over Turkey. Yet that influence has not translated into better Turkish behavior. Ironically, supporters of the Porter amendment, like myself, also recognize that United States aid gives us influence over Turkey—and we believe it's about time we started using that influence to force Turkey to make the meaningful changes it has so far resisted.

Turkey is maintaining a blockade of its tiny, land-locked neighbor Armenia by preventing trade, transport and transshipment of humanitarian assistance to Armenia. This blockade is illegal—it is not sanctioned by the United Nations or any other international organization. Turkey is also supporting the blockade of Armenia by Azerbaijan. Turkey has extended military support to Azerbaijan, and continues to conduct military exercises and increase its forces on the border with Armenia. The Armenian Government has sought to be a good neighbor with Turkey. This despite a very troubled history between the two nations—particularly the genocide of the Armenian people at the hands of the Ottoman Turks, which Turkey continues to officially deny. But Turkey has not responded in kind. Instead, Turkey has tried to prevent Armenia from having greater contact with the West. In the mean time, Turkey continues to strive for improved relations with the West—through membership in the European Economic Community and as a major recipient of United States economic and military aid.

It has been 20 years since Turkish troops first invaded the northern part of the Mediterranean island nation of Cyprus, leaving a trail of death, destruction and hundreds of thousands of refugees. In the two decades since this shocking breach of international law, Turkey has maintained and solidified its occupation of more than one-third of the territory of Cyprus with an estimated 35,000 troops. Turkey has continued this illegal occupation in complete defiance of the international community, spurning U.N. resolutions and the entreaties NATO countries, both here and in Europe, seeking a Turkish withdrawal.

Indeed, far from bowing to the international pressure, Turkey has gone in the other direction, having declared in 1983 the so-called "Turkish Republic of Northern Cyprus," recognized by no other country but Turkey. Recently, Turkey has increased the size of its occupation forces by adding 8,000 additional troops and new tanks and armored vehicles.

Turkey also curtails the civil rights of its minorities within its own borders. The mistreatment of the Kurdish people and the Christian community—including Armenian Christians in Turkey—is well-documented and has been eloquently described by Mr. PORTER and some of the other speakers.

Mr. Chairman, the message to Turkey must be that you cannot have it both ways. You cannot continue to benefit from the support of Western nations and call yourself a partner in peace and security, while flouting the basic principles of the Western democracies: respect for international law, respect for the sovereignty of your neighbors, and respect for the peoples within your own borders. Turkey has benefited from American largesse for many years, and the results have been disappointing. It is time to show that Turkey must clean up its act with regard to human rights if it wants to continue to receive United States support.

ENCOURAGE YOUR U.S. REPRESENTATIVE TO CUT U.S. AID TO TURKEY

"I will be offering an amendment to cut some of these funds in order to send a clear message to Turkey that their ongoing genocide of the Kurds, and their treatment of their neighbors, Armenia and Cyprus, is absolutely unacceptable."—Rep. John Edward Porter (R–IL), June 22, 1995.

The ANCA urges you to contact your U.S. Representative in support of Rep. Porter's amendment linking U.S. aid to Turkey to its blockade of Armenia, continued occupation of Cyprus, and escalating human rights violations, including widespread abuses against its Kurdish population.

Please call the Capitol Switchboard at (202) 225–3121 and ask to be connected to your Representative.

The House began debate on the foreign aid bill on Thursday, June 22nd. The vote on the Porter amendment is scheduled for Tuesday, June 27th. The entire House debate will be broadcast live on C–SPAN.

The last year the Congress withheld 10% of U.S. aid to Turkey because of concerns about human rights. The Turkish government responded by publicly rejecting any U.S. assistance which is linked to its record on human rights.

In February of this year, the State Department reported that the human rights situation in Turkey "worsened significantly," during 1994. More recently, in May of 1995, the State Department confirmed that U.S. supplied weapons are being used in human rights violations by the Turkish government.

Human rights groups, including Amnesty International and Human Rights Watch, have consistently identified Turkey as among the world's worst human rights abusers.

Turkey blockades U.S. humanitarian aid to Armenia, continues to occupy northern Cyprus, denies the identity of its Kurdish population, and places unfair restrictions on its Christian churches and communities.

THE PORTER AMENDMENT CUTTING U.S. AID TO TURKEY

Passing the Porter amendment will help to restore credibility to our foreign aid program by ensuring that recipients of U.S. aid adhere to basic international standards for human rights and humanitarian practices.

The U.S. State Department, in February of 1995, concluded that "the human rights situation in Turkey worsened significantly in 1994."

Human rights monitoring organizations have consistently documented extensive and widespread human rights abuses by the government of Turkey, including the use of torture.

Turkey is in violation of several international human rights agreements to which it is a party, such as the U.N. Universal Declaration of Human Rights and the European Convention on Human Rights.

Turkey continues to obstruct desperately needed U.S. humanitarian aid to Armenia.

Turkey continues to deny basic rights to 15 million Kurds and has used military force to deny them an identity.

Turkey continues its military occupation of Cyprus and has obstructed efforts to reach a just and lasting resolution on the island.

Turkey places unfair and prohibitive restrictions on Christian communities and churches.

MAINTAINING THE BAN ON U.S. AID TO AZERBAIJAN

Weakening the law restricting U.S. aid to Azerbaijan will represent a retreat from the principled position, adopted by the Congress in 1992, that Azerbaijan must make progress toward peace by lifting its blockades and abandoning a military solution to the Nagorno Karabagh conflict.

The Congress sends the wrong message by moving to weaken this restriction when, in the more than two years since the law was passed, the Azerbaijani government has not taken any steps to meet the clear conditions set forth in the Freedom Support Act.

Any attempt to lift the ban now will only encourage Azerbaijan to resist a political solution to the Karabagh conflict and keep their blockades in place.

A cease-fire has been in effect for over a year, but talks towards a settlement of the conflict have not yet been successful. Retreating from the conditions in the Freedom Support Act would seriously threaten a fragile peace and reward Azerbaijan for failing to comply with U.S. law.

The restriction on aid to the Azerbaijani government does not prevent the delivery of U.S. humanitarian aid to non-governmental organizations within Azerbaijan. To date, over $60 million in such assistance has been provided to meet humanitarian needs in Azerbaijan.

Azerbaijan fails to meet the democratic and human rights standards that U.S. taxpayers have the right to expect from recipients of foreign aid.

□ 0330

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our number one foreign policy priority should be to advance the national security interests of the United States. Turkey is clearly in our Nation's national security interest. Nothing more; nothing less.

Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, wrote this week in a letter to Chairman Callahan that:

Now that Turkey occupies the new front line in the post-Cold War era, the strategic value to the United States of having a staunch and steadfast ally situated in a critical strategic location in the flanks and Middle East cannot be overstated. . . .

He added that:

Turkey's continued participation in NATO as a strong ally of the U.S. remains vitally important as new security arrangements evolve in Europe.

He says:

Imposing more restrictions on this valued ally will only hinder our attempts to encourage progress and bring about lasting change. . . . By withdrawing support for them and taking on the role of adversary, we lost access to key decision makers. Recent progress combined with Turkey's unquestioned strategic importance, should drive the United States to increase support to Turkey in order to achieve our objectives, not destroy bilateral relations.

This is the Chairman of the Joint Chiefs of Staff who is entrusted with maintaining the defense of our Nation. His concerns about our Turkey's strategic importance should be paramount in this debate.

Turkey's is vital for a number of critical reasons:

First of all, Turkey secures NATO's troubled southern flank. It maintains the second largest standing army in NATO.

It strengthens Western defenses against future turmoil should Russian reformers fail and aggressive Russian nationalism returns.

It is the only secular democracy with a free market economy that has a predominantly Moslem population. Strengthening this democratic ally is crucial to preventing the spread of terrorism associated with Islamic fundamentalism, and instability arising from repressive regimes.

Turkey is vital to the containment of Saddam Hussein. Without the use of NATO air bases in Turkey, where over 2,700 strike missions against Iraq were launched, we would not have been able to defeat Iraq without substantially more casualties and expense.

Turkey's help in closing Iraq's pipeline and honoring the embargo cost the Turkish economy around $20 billion in trade to cooperate with the United States in Desert Storm.

Turkey remains a close friend with Israel and a supporter of the Middle East peace process. Turkey can help bridge the divide between Moslem and Western worlds.

Turkey's neighbors include Iran, Iraq, Syria, Russia, and the Balkans. And the stability in that very troubled sector of the world is vital to securing peace in one of the most volatile and dangerous sectors of geography.

Only yesterday, the Turkish Parliament approved a 6-month extension of Operation Provide Comfort, the international program which uses Turkish bases to deter Iraqi attacks against the Kurds of northern Iraq.

The State Department report on the situation in Turkey contends that Turkey has started human rights training for military, made public the Code of Conduct for the military, and is considering human rights and democracy proposals in the parliament. State Department states, "We can and should expect progress."

The State Department stated on June 14, 1995:

Any cutoff in assistance would undermine Prime Minister Ciller's bold but vulnerable initiative to improve democracy and human rights in Turkey. This would damage the interest of the Kurds and other important groups in Turkey.

As former Secretary of State Alexander Haig stated in a column in yesterday's Washington Times:

At this critical juncture, those who support cuts in assistance or in support for Turkey are willfully blind to U.S. strategic interests.

In the absence of an effective U.S. Turkish partnership, the entire U.S. position in the Persian Gulf and the Middle East will be the biggest loser. The winners will be neither pro-Western nor those interested in human rights. It is high time that we recovered from strategic amnesia.

That from Alexander Haig.

Mr. Chairman, I would suggest that as well intentioned as this amendment may be, it fiddles dangerously with a U.S. strategic alliance with one of our NATO allies, and it should be rejected.

Mr. TORRES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight to support the Porter-Wolf-Smith amendment in moving to strike the $25 million in economic support funds to Turkey to express U.S. opposition to the intransigence of the Turkish government against its neighbors with acts of hostility, acts that historically have cast Turkey as a bad actor in the Near East.

When I say this, you know that as we hear reports, as we are privy to the news, Turkey has not been providing or promoting peace in the region. Beginning with its callous invasion of Cyprus 21 years ago, as we have heard,

currently occupying that island with 35,000 Turkish troops speaks to their imperialistic stance that they have taken.

The Turkish army is constantly conducting military maneuvers near Armenia and has increased its forces on the Armenian border. The Turkish Army has extended military support to Azerbaijan in its conflict with the Armenians of Nagorno Karabagh.

Turkey continues to curtail and oppress the civil rights of its minorities. False charges of conspiring with the Kurdish movement are leveled against the Armenian church.

Turkey's genocide against its Kurdish minority, using U.S. origin weapons which have, as you have heard, resulted in the deaths of 15,000 Kurds, 2500 Kurdish villages that have been destroyed, Kurds forcibly evacuated, and three million Kurds made homeless refugees.

Turkey is no stranger to the crime of genocide. History will long note their genocide of Armenians, but they, to this day, continue to deny the fact of this atrocity some 80 years ago.

The Armenian genocide was a deliberate act to kill and to deport Armenians from Asia Minor. It takes its place in history with other acts of genocide such as Stalin's destruction of the kulaks, Hitler's calculated wrath on the Jews and gypsies, and Pol Pot's attempts to purge incorrect political thought in Cambodia by killing all of its people over the age of 15.

We do not have the ability, my colleagues, to go back and correct the acts of previous time or to right the wrongs of the past. I am sure, if we had that capacity, perhaps we could have prevented the deaths of millions of and murders of millions of men and women and children. But we can, however, do everything in our power to prevent such atrocities from occurring again, as they are occurring now.

Turkey's banning of books on the Armenian genocide and the imprisonment of its publishers is deplorable. Its persecution, its imprisonment of writers, of artists, of intellectuals, even members of their parliament, our counterparts, because they chose to dare to criticize Turkish policies against the Kurds, the Assyrians and Christians, this, this, my fellow colleagues, in what some of my colleagues have called the only Muslim democracy in the world. A democracy? I think not.

I think the greater question we must ask ourselves is why do we tolerate this bankrupt policy of Turkey? Simply because they are valued allies, I have heard. And because they played a critical role during the cold war. To be sure, we appreciate the use of their air bases and their listening posts on what was at that time the Soviet Union. But that is no longer. That is a heavy price for Americans to pay, for American taxpayers to pay when tanks, American tanks and American weapons, are used against innocent people and there is widespread torture and unlawful detention.

My colleagues, we have to send a strong message to Turkey, our so-called valued ally, that we can no longer tolerate this. Their human rights record leaves much to be desired. And this would send a clear and very salient message that we would like to see changes in their situation and provide for greater economic, political and social justice in that nation.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support the Porter amendment. If you listen to the debate on the Visclosky amendment and you were going to vote for it, you really have to vote for the Porter amendment.

Sure, Turkey has been our friends on things. But we really cannot close our eyes to what has taken place with the fundamental values that our country has. The gentleman from Illinois [Mr. PORTER] does not have with him now, but he had the pictures of the butchering, literally, the butchering of the Kurds and the ripping apart, and the body parts that are all over. He brought the pictures to the subcommittee meeting. You could not look at the pictures without getting sick.

Second, when I was in Nagorno Karabagh, all the weapons that the Azeris have used against the Armenians are supplied by the Turks. In the field was a Turkish tank that had been taken out. All the weapons had Turkish marks or American marks that we gave to the Turks because they are our NATO allies and then gave to the Azeris. You all know what took place on Cyprus. You all know what is going on there.

This is a moderate amendment. This is not a killer amendment. We stand for some fundamental values. I think to defeat the Porter amendment tonight would pretty much send words to the Turkish Government that they can do what they want to the Armenians. They can do what they want on Cyprus. They can butcher the Kurds, and the U.S. Congress will not speak out. I strongly urge a yea vote for the Porter amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, although I know you will be officially commended by the leadership of our committee, I want to add my thanks for the dignified and firm manner in which you have chaired over this process.

Mr. Chairman, I rise in support of the Porter amendment, and in doing so I want to acknowledge that Mr. PORTER is an internationally recognized champion of human rights, not only in Turkey but throughout the world. As we all know, he serves as co-chair with the gentleman from California [Mr. LANTOS] of the Human Rights—I do not know if it is called caucus anymore in the House of Representatives.

He knows of what he speaks. He has studied this subject of Turkey long and thoroughly. He has visited there. He has documentation for the concerns that he has expressed, and he has provided a great deal of leadership to our committee and to this Congress on what is going on in that part of the world. I commend him for his leadership and for bringing this amendment to the floor.

Our chairman, the gentleman from Louisiana [Mr. LIVINGSTON], read a letter from General Shalikashvili which made a couple of points about our foreign policy interests in Turkey and Turkey being a strong ally, and that is true. However, I do not believe any of the reasons spelled out in General Shalikashvili's letter gives Turkey a license to brutally repress its people or us reason to ignore that fact.

My colleague, our colleague, the gentleman from California [Mr. TORRES] has documented some of the concerns that we have, and in the interest of time I will not go into them. However, I will comment that Turkey, as others may mention later, is in violation of several international human rights agreements to which it is a party, such as the Universal Declaration on Human Rights and the European Convention on Human Rights.

□ 0345

Last year the Congress withheld 10 percent of United States aid to Turkey because of concerns about human rights.

In February of this year, the State Department reported that the human rights situation in Turkey worsened significantly during 1994.

More recently, in May of 1995, the State Department confirmed that United States-supplied weapons are being used in human rights violations by the Turkish Government.

That is why it is very interesting to hear in the statement of one of our colleagues earlier that the State Department expects progress on human rights in Turkey, when as recently as May they have said that the situation has deteriorated. They have been saying this over and over, that they expect progress. In the meantime, we have to do something about it.

Human rights groups including Amnesty International and Human Rights Watch have consistently identified Turkey as one of the world's worst human rights abusers. Turkey blockades United States humanitarian aid to Armenia, continues to occupy northern Cyprus, denies the identity of its Kurdish population, and places unfair restrictions on its Christian churches and communities.

For years Congress has heard from the State Department about quiet diplomacy will lead to progress on Turkey's human rights record. Each year we have read letters and heard testimony on how Turkey will soon adopt sweeping reforms which will lead to broad-based democracy and respect for human rights. Indeed, we even heard that read to us again tonight. Sadly each year, we have been disappointed as the human rights environment in Turkey continues to deteriorate.

The Congress must take the lead in impressing upon Turkey that it abide by international standards for humanitarian practices and human rights. If Turkey fails to comply with the requirement, I believe it is our obligation to ensure that United States tax dollars do not subsidize the Turkish Government's abuses of its own citizens.

I said as I began, Mr. Chairman, that I would not use all my time, but I would like to take a moment again to commend the gentleman from Illinois [Mr. PORTER] for his leadership and once again the gentleman from Alabama [Mr. CALLAHAN] for his strong leadership on this committee.

Mr. BUNN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at least twice in the last 3 hours I have heard a reference to the Ottoman Empire. It is interesting to me that the nation of Turkey is being blamed for something that the Ottoman Empire, which does not exist today, may or may not have done 75 years ago.

The government of Turkey is not responsible for what happened in World War I. I do not think that this debate benefits by that being our center focus.

But let's talk about the Kurdish people, because we are being told that there is a systematic genocide of the Turkish people, but we are not being told about the PKK, which is a terrorist group that was founded by the KGB to disrupt one of our NATO allies. Yet even though the Soviet Union no longer exists, the PKK still does, killing tourists, disrupting the economy and trying to divide the Nation.

I had an opportunity to visit Turkey recently and unfortunately also had the opportunity to see the result of one of the bombs in Istanbul that was designed to kill terrorists.

It did not accomplish its task. They found out that it was there and it was being towed away and it killed a tow truck driver rather than the tourists that it was aimed at.

But Turkey has a real threat to its national security. The PKK is intent on dividing the nation. Turkey has a right to defend its borders. It has a right to say if the PKK is going to use Iraq as a safe haven that it will go in and it will deal effectively with that terrorist attack that is coming across its border.

We also need to realize, Turkey is not anti-Kurdish. Roughly a quarter of the members of the parliament are Kurdish. But what about the 6 that were mentioned?

Let's quote a couple of the State Department because we heard some earlier quotes from the State Department. This is from June of this year:

"Currently as many as 25 percent of the members of the 450-seat parliament are Kurds." That does not sound like genocide of the Kurds to me.

As far as the 6 deputies, "Six are in self-imposed exile in Europe and most of these have associated with the PKK." We need to take a realistic look at what is happening in that country and respect their ability to protect themselves.

As far as free expression and books being banned, Turkey has made progress. We are told, oh, things are getting worse. Things are getting better.

In 1991 the law was changed so that books can be printed in Kurdish. This is an example of a book printed in Kurdish since the law was changed.

The blockade. We passed a modification in the committee to prevent support going to nations that maintain the blockades, so that we are not allowing that. But, in addition, Turkey removed the air blockade. They are making steps forward.

Cyprus. I think it is very interesting that somehow we think that Turkey is the only party at fault in Cyprus. Do we have a proposal here to take everybody else involved and say, "We're going to cut your funding by over half"?

I think it is a major mistake for this Congress to decide that Turkey is the only party at fault and, therefore, we are going to cut over half of their aid, we are not putting conditions certainly, we are just automatically saying $25 million of your $46 million in support is gone.

I think that that is very wrong. I think that things are improving in Turkey. But I also think we need to look at another very practical side. That is, our interests. Our interests are to maintain a strong relationship with a country that has worked very hard for us, has supported us, and it is not a one-way street.

As a NATO ally with the second largest ground force, they have been a significant factor. In Desert Storm, hundreds of Americans' lives were saved because we were able to use Turkey's air bases. One of the things that many of us do not realize is that Turkey has been the most effective participant in shutting off Iraq because the pipelines going through Turkey are closed and it has literally cost Turkey billions of dollars because of that sacrifice, because we have asked them to do so.

So we are sending them millions while they are losing billions in support of us. They are a friend that we can count on. There are two sides to the argument. I urge a strong "no" vote on the Porter amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Porter amendment which will hold Turkey accountable for the human rights abuses it has perpetrated over the past two decades.

According to the State Department, Turkey's human rights record "worsened significantly in 1994." And they are using the military aid we send them to carry out these gross abuses.

Each year, American taxpayer dollars go to perpetrate a terrifying list of human rights abuses. Extra-judicial executions, tortures, missing persons, political imprisonment. The list goes on. It is time to put an end to this.

We have seen 21 years of Turkish occupation of Cyprus. Over two decades since more than 200,000 Cypriots were driven from their homes in Cyprus and forced to live under foreign occupation. Turkey still has more than 35,000 troops on the island. And we still do not know what became of the 1,614 Cypriots and 5 American citizens missing since the Turkish invasion.

Turkey also continues to prevent United States humanitarian assistance from going to Armenia.

We must not tolerate these abuses that Turkey perpetrates. They have not shown significant signs of improvement, and we cannot let them roll the American taxpayers year after year. I urge my colleagues to make a statement that the United States will not tolerate this kind abuse. Please support the Porter amendment.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, each Member when deciding how to vote on the Porter amendment is going to have to decide it on whether or not the human rights violations which have been now a matter of record, that the Turkish Government has perpetrated them all over the Middle East, and then decide, well, is it enough to hear the State Department's report on recent human rights violations? Is that enough for me, a Member of Congress, to reduce the aid to Turkey?

Maybe it is not enough. Maybe it is just episodic, maybe a few instances of brutality that we should overlook because of the long-term relationship that the United States has had with Turkey.

But then when one recounts that these are not just episodes but, rather, a campaign of brutality according to the State Department report, and then when you add to it the fact that in Cyprus, where only one nation attacked and stormed the shores of Cyprus, only one, and caused refugees and caused agony and caused other human rights

violations, when you add that to the weighing-in of how you are finally going to cast your vote on the Porter amendment, and then you recall Armenia and you recall the patriarchate in Istanbul and the Kurds and one after the other, then you are going to be able to determine your vote not on just a scant report of recent violations but a government which has for decades, as someone else has referred to it, has for decades engaged in brutal conduct on its own citizens and on its neighbors.

The irony of it was, as the gentleman from California said, when the Cold War was at its height, we supplied weapons and economic aid to Turkey so that their weapons could be pointed toward the Soviet Union to keep them, to keep the Soviet Union, from ever being able to rush into the Middle East and fill the void of conflict that exists in that area of the world.

These weapons were pointed there. We said it was a matter of national security and NATO existence for us to make sure that the Turkish government was able to keep those weapons pointed at the Soviet Union.

What has happened since then? The Cold War ended, the Soviet Union collapsed, and these weapons were turned inwardly by the Turkish government toward their own citizens, toward Cyprus, facing west across the Aegean, and no longer can anyone in the State Department or in the Joint Chiefs of Staff aver that we need those guns pointed at the Soviet Union, which is useless. On the contrary, something must be done to turn those weapons away from the direction in which they are now pointed. That is the essence of the Porter amendment.

Mr. Chairman, we say the behavior of the Turkish government must be modified. This is a modest way in which to send that message and have the Congress play a small role in modifying that behavior. It does the United States no good at all to see the Cyprus situation, the Armenia situation, the Kurd situation continuously boil and continuously perpetuate itself in all the agony that exists in those parts of the world.

To say that Turkey helped us in the war against Iraq, well, so did Cyprus, so did a dozen other nations, so did 30 other nations supply materiel and airspace and all the other accouterments required for Desert Storm. So we cannot let bygones by bygones. It is a question of whether the past violations that we have outlined here in this debate are evidence of conduct, predilection toward future conduct of human rights violations and, therefore, adding instability to an area where we believe we ought to have stable government in order to protect our own national interests there.

Mr. Chairman, we need to support the Porter amendment and then urge the United States and the international community to solve the situation in Cyprus and Armenia and in the Kurdish part of Turkey and Iraq.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Porter amendment.

Mr. Chairman, Turkey is indeed an ally of the United States, an important one. So is Greece. Frankly, from time to time, the governments of both countries have frustrated me.

I would say, also, that I opposed in committee the original intention of the gentleman from Illinois [Mr. PORTER] to eliminate all aid to Turkey, because they are an important ally and I think we have to keep a focus on our own national interest, and I think our national interest requires a decent relationship with Turkey as well as the other countries in the region.

□ 0400

But I also think we have to remain true to our values, not just our interests.

And I think we expressed those values a year ago when the Congress asked for a report on the human rights situation in Turkey. We got it. It was not a very pleasant report.

And it seems to me that when we ask for a report on a subject as important as human rights and get one, we then ought to act on it. And if we are not prepared to act on it, then we ought not to ask for those reports in the first place because we are simply asking somebody to shuffle some paper to no good end.

And so it seems to me that the Porter amendment is a modest approach to try to send a signal that we do, indeed, care about human rights and we do expect that there is going to be an improvement and insist on an improvement in human rights in that country.

It is always a question of how far we go, how deeply we cut, how much of an amount we carve out in order to send that kind of a message. And I frankly do not know if the Porter amendment selects the right number or not. But I think it is a reasonable approach and it can be modified as we go through conference.

Mr. Chairman, I think that the worst thing of all that we could do would be to do nothing in this instance, because if we do that, I am afraid that the human rights abuses in Turkey will continue unabated. And I think the logical action that will flow from that is an eventual insistence by Congress that all aid be cut off and I do not think that would be healthy.

And so it seems to me that this is a modest approach and we ought to support it. It leaves Turkey with some $21 million in ESF and $320 million in SMF. I think that is a reasonable approach and so I would suggest that we support the Porter amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend my colleague from Illinois, Mr. PORTER, the gentleman from Virginia, Mr. WOLF, and the gentleman from New Jersey, Mr. SMITH for offering this amendment.

We all recognize the importance of continuing United States security cooperation with Turkey. Turkey's importance as a Member of NATO and its role as a base for operation Provide Comfort and its support for U.N. sanctions against Iraq is noteworthy and fully appreciated by our own Government.

Nonetheless, along with many of my colleagues, I am deeply concerned about the human rights situation in Turkey, particularly the government of Turkey's action against the Kurds, against journalists and others which infringe upon the freedom of expression.

Our Committee on International Relations has received credible reports from human rights organizations of serious violations of international standards of human rights. Moreover, we remain deeply concerned about Turkey's continuing intransigence regarding its ongoing occupation of Cypress by some 35,000 Turkish troops, not to mention the lack of information on the missing in action.

This amendment is targeted to cut only the economic support fund by some $25 million. It does not affect the funding of Turkey's foreign military financing program.

Accordingly, I urge my colleagues to support the Porter-Wolf-Smith amendment. It sends a strong message to Turkey on the need to improve their human rights record.

Mr. TORRICELLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by noting that in this Chamber, when there is a good cause to help people in a worthwhile endeavor, the name of the gentleman from Illinois, JOHN PORTER, is usually associated with it and tonight is no exception. I rise, therefore, in strong support of his amendment.

Through the years, we have on many occasions debated in this Chamber the question of American assistance to Turkey. I remember most of them, and frankly opposed most of them because Turkey was so critical to the United States during the cold war, because of its pivotal position in a dangerous place in the world.

But after all these years, and all of those votes, in the final analysis, we have no choice tonight. The cold war and its end has meant many things, but for this Chamber and the foreign policy of this country it certainly means this: A new freedom to look at friends and adversaries alike honestly, no longer needing to compromise for the Nation's security important national principles.

This much can be said of the United States in the post-cold-war period.

There is no reason to compromise. Our highest principles cannot be bought simply because of security reasons.

Tonight, we need to take a firm and final stand on human rights in Turkey because, in fact, Turkey is two nations. It has an evolving democracy, to be sure. But it is also unmistakably involved in a genocidal campaign against hundreds of thousands of its own people; not simply abusing some of their rights, but villages that I have seen with my own eyes razed. Buildings taken to the ground, thousands of people who have disappeared from their homes. It is, to be certain, an ally of longstanding of the United States, but for nearly 3 decades engaged in an occupation of Cypress, standing harm's way against a fellow NATO ally.

It is, of course, a Nation that was helpful to the United States in the Persian Gulf war. But yet it unbelievably blockades humanitarian assistance to the Armenian people, one of the most desperate of nations on earth trying to struggle to create a new nation for itself. And yet our own country, despite this friendship cannot get assistance to Armenia because of a Turkish blockade.

Tonight, Mr. Chairman, the United States has an opportunity to follow the leadership of our European allies who have already taken a stand by ending their own assistance. And yet, Mr. PORTER does not ask that we do end assistance. He makes the incredibly modest proposal, leaving military assistance aside, for 50 percent basis, we reduce economic assistance.

Mr. Chairman, one day it will be asked where were you America when the villages of the Kurdish people were razed and their people were abused? Where were you? What did you do and what stand did you take? As it will be asked three decades later America, where were you when Cypress continued to be occupied? As it will be asked, where were you America when the Armenian people suffered, a new Nation was being created, but your own aid was being blockaded?

Tonight by standing with the gentleman from Virginia [Mr. WOLF], with the gentleman from New Jersey [Mr. SMITH], with the gentleman from Illinois [Mr. PORTER], you can answer all 3 of these questions. That we stood as friends of Turkey to be sure, because it is better in friendship to be honest, to ask Turkey to correct its own behavior. That is worthy of a friendship with the United States. I strongly urge adoption of the Porter amendment.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to add my commendations to my colleague from Illinois, Congressman PORTER, for sponsoring this important amendment. It is designed to hold the Turkish Government accountable for their human rights abuses and prevent U.S. taxpayer dollars from funding such violations.

This amendment is particularly timely, as the Turkish Government continues to suppress religious expression within its borders. Turkey has signed a number of international agreements guaranteeing freedom of religion, including the Treaty of Lausanne, a 1968 protocol between Greece and Turkey, the European Convention for Human Rights and several agreements issued by the Conference on Security and Cooperation in Europe. In spite of these guarantees, the Turkish Government has systematically repressed the religious freedom of the Greek community and other ethnic minorities in Turkey.

Particularly disturbing to me is Turkey's failure to take strong action in the wake of several recent terrorist attacks against ecumenical patriarch Bartholomew I. The patriarch is the spiritual leader of the Eastern Orthodox Christian Church, representing over 250 million Orthodox Christians worldwide, including over 5 million residing in the United States.

On May 28, 1994, a provocation was staged by Muslim militants in Istanbul, Turkey, against the patriarch. Three bombs were placed in the attic of the building where the patriarch lives and were found shortly before they were set to explode. While the episode is ominous, it is only one in a series of provocations against the Patriarchate and the Greek Orthodox Christian Community in Turkey.

Other examples include the following: On March 30, 1994, unknown perpetrators threw a molotov bomb inside the back courtyard of the Ecumenical Patriarchate. In July 1993, the Christian Orthodox cemetery in Yenikoy was attacked by vandals and desecrated. Finally, there has been a concerted effort to convert the Church of Hagia (Saint) Sophia into a mosque.

In light of these events, I have introduced separate legislation in this Congress urging the Turkish Government to ensure the proper protection of the Patriarchate and all Orthodox faithful residing in Turkey.

Also, of course, Turkey continues its illegal occupation of northern Cyprus—one recognized by no other government on Earth. Altogether this represents two decades of unanswered questions, two decades of division, two decades of human rights violations and two decades of cultural destruction.

Turkey continues to station more than 30,000 troops on the Island of Cyprus and also maintains 65,000 settlers there. In fact, the amount of U.S. aid we send to Turkey each year is roughly equal to the amount needed to maintain the 30,000-plus troops illegally occupying Cyprus. A coincidence? I think not.

A "no" vote, Mr. Chairman, on the Porter amendment endorses the human rights violation. A "yes" vote will send a strong message to Turkey that their policies of oppression will not be tolerated. So please, I ask my colleagues, vote "yes".

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, some 6 or 7 or 8 years ago, I had the opportunity of going to Bulgaria. Before I went to Bulgaria, I spent some time with the Turkish ambassador and a number of Turkish parliamentarians. They were very concerned because the Bulgarians had circled a number of towns on the Bulgarian-Turkish border. One of them was Kurdzhali.

They had surrounded towns and forced Turkish Bulgarians to change their names. They had made it illegal to use the Turkish language. They had, in fact, tried as a Bulgarian Government to eliminate the Turkish culture in Bulgaria.

I went to Sofia, the capital of Bulgaria, and spoke to those officials, then the communist leaders of that nation. And then I got on a bus and traveled approximately 3½ to 4 hours south to Kurdzhali. Then Assistant Secretary of State Dick Shifter was with me and some other Members of this body were with me and we went door-to-door in that town and talked to people and by happenstance we found some people that confirmed in fact that is what had happened.

The Bulgarian TV was with us and we made statements. The Bulgarian Government was surprised that we found confirmation of the allegations the Turkish Government had made.

So I rise today on behalf of the Porter amendment as someone who has in my role in the Helsinki Commission been an advocate of human rights for Turks. But when we ask for human rights, we must also be prepared to accommodate human rights.

And that sadly is not happening in Turkey. I commend the speech of our colleague, Mr. TORRICELLI. I thought he said it just right. Turkey is our friend. Turkey is an important ally. I do not delude myself, however that, Turkey has allied itself with us for our interests. They did it for their interests.

□ 0415

They had benefited by the protection of the NATO alliance and the alliance with the United States, and they have been an important ally of ours.

It is, frankly, a more complicated world in which we now live. When it was us and them, it was easy to point fingers at the Warsaw Pact nations and say they are awful, they are violating human rights, they are not allowing people to emigrate, and we were all united on that because after that, that was then, and we were us.

It is, as the gentleman from New Jersey [Mr. TORRICELLI] said, more difficult to look a friend in the eye and

say, "Friend, you're not acting properly, you're not complying with the rules of the Helsinki Final Act of the Uniform Declaration of Human Rights, and you are abusing your Kurdish citizens."

In fact, my colleagues, non-Kurds in Turkey, if they happen to be in prison, have their human rights violated egregiously.

I have met on countless times with the Ambassador from Turkey in private because it was not my desire to confront Turkey in a public way. But frankly, my colleagues, I do not believe the Prime Minister, Madam Ciller, is in control of the actions of the Turkish military as we see thousands upon thousands upon thousands of refugees created, warring on their own citizens.

Yes, the PKK is a problem. They are terrorists, and the Turkish Government has a responsibility to its people and to its nation to confront that terrorism. But we must stand and say that that confrontation and dealing with terrorism should not be and must not be an excuse or rationalization for the continued undermining of the human rights of the Kurdish citizens and other citizens in Turkey. The Porter-Smith-Wolf amendment speaks to this issue.

I said on the amendment that we adopted of the gentleman from Indiana [Mr. VISCLOSKY], also a complicated amendment, that America plays a very special place in the world. We speak with a loud voice. Let us tonight again speak with a voice on behalf of those who are weak and who have no voice.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Porter-Wolf-Smith amendment which would cut ESF assistance by $25 million, leaving Turkey with $21 million in that account.

Mr. Chairman, without question a stable and democratic Turkey is the best partner we could hope to have in that frightfully unstable region. Turkey has been a loyal friend who supported us in the Gulf War and continues to pay the price for standing up to Saddam Hussein. The economic costs of the Iraq embargo and lack of authority in northern Iraq have fueled terrorism and violence which has claimed the lives of more than 6,000 people since 1991.

Mr. Chairman, in recent years, aid levels to Turkey have decreased steadily, and Turkey's grants have already been converted to loans. Last year, Turkey received $46 million in ESF assistance. Additionally, 10 percent of Turkey's $363 million military assistance earmark was conditioned on the findings of a human rights report by the Departments of State and Defense. In response, Turkish leaders rejected the conditioned 10 percent and anti-American, particularly anti-Congress, rhetoric abounded in the Turkish press and Parliament.

The time has come for Congress and the President to reexamine available options to best support an important ally while remaining true to our human rights commitments. Striking such a balance is important. While we want to support Turkey's pro-Western, democratic oriented government, we cannot abandon what we continue to see in terms of human rights abuses and those who face oppression.

The State Department and Defense Department report on allegations of abuses by Turkey's armed forces confirmed OSCE and NGO data that Turkey's leaders have failed to improve human rights conditions. More than 2,000 Kurdish villages have been evacuated, creating 2 million internal refugees. Death squads operate unhindered and hundreds of civilians have disappeared or become victims of unsolved murders. Turkey's pending entry into an EU Customs Union, clearly linked to human rights improvements, has barely spurred cosmetic reforms to address laws which restrict free expression. While Turkey deserves our assistance in combating terrorism supported from abroad, the government's response to terror has only made the problem worse. Volatile combinations of violence and propaganda polarize Turkey's citizens and destabilize the political system, raising the possibility of a military coup.

Mr. Chairman, last Friday, a letter from the Chairman of the Joint Chiefs of Staff, General Shalikashvili, reiterating Turkey's strategic importance, was circulated with a "Dear Colleague" asking us to oppose the Porter amendment. I believe it is noteworthy that General Shalikashvili, who led international efforts to help Kurds after the gulf war, has personally engaged himself in a dialogue on human rights issues with his Turkish counterparts. This dialogue reaffirms the important linkage of human rights with security interests, but also raises some questions in my mind. First, has the human right situation in Turkey deteriorated to such a critical point that it must be raised at the highest military levels? Second, did such discussions contribute to the conclusions of the recent State Department and DOD report indicating that U.S. equipment has been used to commit rights abuses? And finally, what role does the Turkish military have in politics if, and I quote the letter, "the Turkish military leadership is backing progress on human rights and is ready to make a concerted effort to see democratization legislation pass?"

Mr. Chairman, Turkey's present leaders seem unable to find a peaceful, political solution to the Kurdish problem. Nationalist policies promoted through military action are widely supported among the Turkish media, public, and almost all political parties. This is not surprising when one considers that those who advocate political solutions, including free expression and cultural rights for Kurds, are viewed as "separatists" and face significant jail time. Championing political, nonmilitary solutions to the Kurdish crisis would take an immense act of courage. While realization of such policies would certainly test the mettle of Turkish democracy, we must assure Turkey that we, her friends, would stand by her, for we all must collectively place our faith in the ability of our democratic institutions and values to overcome divisive issues.

Mr. Chairman, let us not forget the critical parliamentary elections in Turkey next fall. Many believe this election will be an historic last chance for the present political system and constitution. If a newly elected group of Turkish leaders is unable to decisively move toward peaceful resolution of the Kurdish impasse, many related crises will be exacerbated. Islamic fundamentalist and nationalist parties increasingly cut into support for Turkey's centrist, secular parties. Should the centrist parties lose control, Turkey will likely turn away from the West and could face increased internal conflict. That outcome would be devastating to the interests of both our countries and would pose serious threats to regional stability. In this context, Mr. Chairman, I would urge worldwide election monitoring institutions to set their sights on this important contest, where the potential for irregularities, especially in southeast Turkey, will be significant.

Mr. Chairman, keeping these issues in mind, aid to Turkey poses serious questions. When we fail to raise the human rights issues, we seemingly condone and support Turkey's militaristic campaign against its own citizens. I would remind my colleagues and our friends in Turkey of a traditional Turkish saying: "Words between friends are often the most bitter." A decision to condition aid to Turkey should not be viewed as a rejection of our friendship. I believe further demonstration of our concerns over deteriorating human rights conditions are warranted, not only to confirm our support for human rights and for those who support human rights in Turkey, but also for the interests of political stability in a crucial ally. I believe the porter amendment to cut Turkey's ESF funding from $46 to $21 million is an appropriate demonstration of our concern, and I call on my colleagues to support this amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the House International Relations Committee and of the Congressional Human Rights Caucus, the latter of which Mr. PORTER is cochair with Mr. LANTOS, I

have stated repeatedly in committee and on the House floor that we must condemn human rights abuses whenever and wherever they occur. I say to my colleagues, "You can't pick and choose," and for those, yes, Turkey has been an ally, and my colleague, the gentleman from New Jersey [Mr. TORRICELLI] clearly pointed out, however, the dichotomies in that relationship. But I reject those who suggest that that relationship at any price has to be maintained. There are some things that are not for sale.

The gentleman from Illinois is to be commended for pointing out the abuses perpetrated by Turkey in recent years. Yes; there are times when we must be firm even with our allies. And the time is now for us to be firm with our NATO ally, Turkey. So, it is right that we condemn the human rights violations committed by Turkey within and beyond its borders. And it is right that we pursue the mild sanctions proposed in this amendment.

I ask my colleagues, should we be providing any assistance whatsoever to a country which responds to its critics in the press by stopping the presses and shutting up writers—even the Nation's leading author—by throwing them in jail without due process?

Should we be providing any armaments whatsoever to a government which according to our State Department turns around and uses those armaments to repress ethnic minorities such as the Kurds?

Should we be providing any assistance whatsoever to a country which for 21 years has forcibly and illegally occupied with 35,000 troops the tiny island nation of Cyprus? The Turkish occupation of Cyprus has dashed the dreams and destroyed the hopes of thousands of families in Cyprus. And it continues to this very day.

And how about the missing in Cyprus? Over 1,000 Cypriots and several Americans missing after the Turkish invasion 21 years ago? Should we forget those people? Should we forget our fellow Americans who are among the missing?

And should we be providing any assistance whatsoever to a country which has been blocking United States humanitarian assistance from reaching the great people of Armenia? Armenian children have had to do without schooling, and hospitals have been unable to care for the sick and the dying. There is no justification for this type of behavior, and American taxpayers should not be asked to reward or appease these types of actions.

So, it would seem to me that maybe we should not even be providing a penny of U.S. aid to a country which behaves so punitively toward its own people and toward its neighbors.

And yet, despite the troubling activities outlined above, the United States nevertheless provides aid to Turkey to the tune of $375 million per year. This amendment does not seek to drastically change that aid relationship. Instead, it simply seeks to reduce that total by $25 million. This is a reasonable amendment. And it is a responsible approach. I join Mr. PORTER in support of his amendment to modestly reduce aid to Turkey. I urge Members to support the amendment. Vote "yes."

Soon the daybreak will probably come upon the Capitol and bring with it the promise of a new day. I would urge my colleagues that the beacon of light that has shined throughout the night from this Capitol to the rest of the world become a promise of a new day for human rights in Turkey, in Armenia, in Cyprus, and we can do that by voting for this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Porter amendment, cutting back economic support fund assistance to Turkey, is a good amendment and deserves the support of the House.

It is time to put an end to the bureaucratic inertia and mindset that believes that once a country receives U.S. economic assistance, we have to give millions more every year from then on.

Turkey does have economic problems, but most of its problems are those that only they can solve.

Forty percent of Turkey's manufacturing is under state control. With numbers like that, it is no wonder that the economy lags. Turkey's continued occupation of parts of the Island of Cyprus is unacceptable, as is the human rights situation there.

Most of all, Mr. Chairman, I would hope that the Porter amendment would send a strong message to Turkey that the time has come to work out its differences with Greece and to create a lasting peace in the eastern Mediterranean.

Such a reconciliation and the ending of tensions could do more for Turkish prosperity and stability than any conceivable level of American economic assistance.

That message needs to be sent, and will be sent, if the House adopts the Porter amendment. I urge everyone to vote for this amendment.

Mr. ZIMMER. Mr. Chairman, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from New Jersey.

Mr. ZIMMER. Mr. Chairman, we all know that Turkey was a front-line state in the cold war on the border of the Soviet Union, and we know that Turkey still has a very important strategic location. Certainly, it is in America's interests to remain on good terms with allies of strategic importance. But our foreign policy is not just about military strategy. Our foreign policy at root is about our values, and how best we can promote those values, and how best we can encourage our allies to embrace our values.

□ 0430

It, certainly, is not consistent with the values that America has or America seeks around the world to have Turkey blocking the transit of United States humanitarian aid to Armenia. It is not consistent with American values to have Turkey intransigent for decades regarding Cyprus, its invasion, its occupation of Cyprus by 35,000 Turkish troops.

It is not consistent with American values that Turkey continues its genocide against its Kurdish minority, using United States-made weapons, which has resulted in 15,000 deaths, 2,500 Kurdish villages destroyed or forcibly evacuated, and 3 million Kurds made homeless refugees. It is not consistent with American values that Turkey oppresses the human rights of its own citizens.

The State Department of the United States in its own evaluation said, "Despite the government's pledge in 1993 to end torture and to establish a state of law based on respect for human rights, torture and excessive use of force by security personnel persisted throughout 1994." The State Department report goes onto say, "The human rights situation worsened significantly in 1994. The police and security forces often employed torture during periods of incommunicado detention and interrogation, and the security forces continued to use excessive force against noncombatants."

The State Department says, "Various agencies of the government continue to harass, intimidate, indict, and imprison human rights monitors, journalists, lawyers and professors, for ideas which they expressed in public forums. Disappearances and mystery murder cases continued at a high rate in the southeast." It says, ". . . the government infrequently prosecutes police or security officers for extrajudicial killings, torture, and other abuses. In the cases which produce a conviction, lenient sentences were usually given. The resulting climate of impunity that has been created probably remains the single largest obstacle to reducing unlawful killing, torture, and other human rights abuses."

Finally, the State Department says, "Human rights monitors hesitate to estimate the number of persons in custody who might reasonably be considered political prisoners. They estimate only that thousands have been detained."

These are not the values that America should be promoting throughout the world. We should support the Porter amendment.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the Porter-Smith-Wolf amendment.

Mr. Chairman, over the last several weeks, I have stood side by side with members of the large and vibrant Greek, Cypriot, and Armenian-American communities that I am privileged to represent.

I heard first-hand about the injustices perpetrated against their homelands by Turkish Governments of the past, and about the terrible human rights violations that continue to this day.

Sadly, there isn't anything we can do to undo the suffering of the past.

But we in Congress have every obligation to use our clout with Turkey—particularly the power of our pocketbook—to stop the suffering of the present.

We should join with France and other European countries which have cut their aid in response to Turkey's massive human rights abuses.

Turkey is paying a moral price for its abuses and now we must make it pay a financial price as well.

For over 2 years Turkey has maintained its illegal occupation on Cyprus, in violation of innumerable U.N. resolutions.

This amendment, cutting $25 million in economic assistance, sends a strong signal that the United States will no longer tolerate Turkey blocking a solution to the conflict on Cyprus.

We will no longer tolerate abuses against Kurdish civilians, particularly with American-made weapons.

We will no longer tolerate the mistreatment of Christians in Turkey and the harassment of Orthodox clergymen.

We will also no longer tolerate the stranglehold of the Armenian blockade.

For over 2 years, Turkey has blockaded the small, land-locked country of Armenia, denying that country the most basic humanitarian assistance—food, medicine, and clothing.

To make matters worse, much of this humanitarian assistance has been U.S. aid.

Turkey is using United States money to help keep United States aid from reaching a third country.

Allowing our ally Turkey to deny United States humanitarian assistance to people in need discredits our Nation's foreign policy and sets a terrible precedent for abuse by other nations.

Support human rights.

Support simple human dignity.

Support a credible U.S. foreign policy.

Support the Porter-Smith-Wolf amendment.

Mr. LAUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I have listened to various speakers talk about pockets of communities of Greeks, pockets of communities of Americans, pockets of communities of Armenians, pockets of communities of other ethnic groups, I have not heard anyone say they are here to speak for the pocket of Turks in America. And, strangely, they have not, because for historical reasons, the Turks did not immigrate to America, so they have no voice to stand before the Congress of the United States to say anything kind or good about the Turks of the world.

So I come before you, my colleagues, as a voice for the Turks, because I lived in that country. Not because I asked to go there, but because your Government, my Government, sent me there as a youngster, as a young soldier.

To the gentlewoman from California and for the others who have said the Turks have attacked the Christians, and my good friend, the gentlewoman from California [Ms. PELOSI], I must tell you that 28 years ago in a small village called Sinop, I worshipped my all-mighty God and Jesus Christ without fear. Last year my 20-year-old daughter spent a week with a Turkish family in Istanbul, and, yes, she went to an Armenian Christian wedding. She did not understand the words, but she understood the Christian symbolism of marriage. And when the wedding was over, she tells me that she went outside, and in the same block as the Christian Armenian church, there was a Jewish synagogue in the same block, and in the same block was a Moslem mosque.

So if I were a Turkish citizen today, I would ask my Government in these words of friendship from the American Congress, why has the Congress of the United States declared war? Because I sat in this very Hall when we passed a resolution declaring war on Iraq for invading Kuwait, and I heard the same words.

It is not an easy neighborhood that the Republic of Turkey lives in. The Turks gave the women in that country the right to vote before we did in this great land of ours called the United States of America. And today a woman is head of government, and nowhere else in that region of the world has a woman headed their government. They have free elections in Turkey. And, yes, there are Kurds in the Parliament, and I have met them and talked to them, and they are under death threats. But not from Turks, but from the PKK.

So I ask you, why are we doing this? My good friend from New Jersey and others have said let us send them a message. What message are you sending Iraq and Iran, next-door neighbors? What message are you sending Bulgaria? What message are you sending Syria?

So, my colleague and friends, why would any country on this Earth want to be an ally of our great country, when this body stands and attacks the people? Why would a mother in Turkey want her son to go to Korea when our Government asks? Why would a mother in Turkey want her young son to stand at the battle lines of freedom and democracy?

If I were a Turk, I would ask my Government to break its friendship with a country that talks about mine the way this body has tonight. There will be no other voice who has lived in Turkey. There are no Turks that gather in any of the 435 congressional districts in this body. There are no Turks in my district. There are no Armenians in my district. There are very few Greeks, if any, in my district. But why is that important? I thought we came here as Americans. I thought we came to this body to do what was good for the United States of America.

So I urge Members to defeat the Porter amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight in support of the Porter-Smith-Wolf amendment. I believe that Congress must take a strong stand relative to Turkey, because of its blatant refusal to abide by the international norms of conduct toward its neighbors and its own citizens.

First, Turkey practices gunboat diplomacy, recently authorizing the use of military force against Greece if Greece exercises its internationally recognized right to patrol its coastal waters up to the distance off the coast prescribed in the international law of the sea.

Second, Turkey continues to violate the rights of its citizens, and was behind only China in the number of pages devoted to a single country in the 1994 State Department Human Rights Report.

Third, Turkey has also been widely criticized for violating United States law when they used United States weapons against its Kurdish minority. Three million Kurds are now rendered homeless.

Finally, Turkey continues its 21-year military occupation of northern Cyprus with its 35,000 troops.

I strongly believe that the most effective policy the United States can pursue is to convince Turkey of the seriousness of our support for the principles of human rights by imposing strict conditions on the granting of United States aid.

I close by urging my colleagues to support this amendment. The use of foreign aid money must be held to strict standards. In light of Turkey's failure to comply with international standards for human rights and humanitarian practices, it is our obligation to ensure that United States tax dollars do not subsidize the Turkish government's abuses against its own citizens and its neighbors.

Mr. WHITFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a lot said early this morning about the situation in Turkey, and I think it is very easy for us to sit in the warmth of this building and the security of our great country and talk about what another nation should do. But I think it would be helpful to remember that Turkey is surrounded by Iran on its southern Border, and Iraq and Syria, all terrorist nations. It has been said many times this evening and this morning that the PKK is a terrorist organization, operating out of Iraq, and the Turkish Government has taken many steps to try to remove that terrorism from its country. As a result, we also know and reports have shown without dispute that the PKK has committed acts of terrorism and has committed many killings of Turkish people throughout the country of Turkey. And today Turkey finds itself in the unenviable position and task of trying to reconcile human rights, to protect its democracy, while defending itself in a very unstable part of the world and against a well-organized and well-financed terrorist organization.

So I think it has been said many times this morning that Turkey is a vital military ally of the United States, going back to the Korean war, through the cold war, through the Persian Gulf War. The gentleman from Maryland [Mr. HOYER] said earlier today that Turkey received more from being an ally to the United States than it gave, but I would like to remind this body that as a result of the Iraqi war, Turkey lost over $20 billion because of the embargo on the Turkish-Iraqi pipeline, and the fact that it lost its trade with Iran, its second largest trading partner.

□ 0445

So, its support of the United States has come at a dear cost to Turkey. The Clinton administration asked for $100 million in economic aid. The committee reduced that to $46 million, and now the Porter amendment wants to reduce it down to $21 million. I think it is sending a wrong message to a vital ally to reduce funding when they live in such an unstable area of the world surrounded by terrorist nations, a terrorist organization operating within the country, and I think the Turkish people and the Turkish Government has shown that it is committed to improving its human rights activities and I would urge a vote against the Porter amendment.

Mr. CALLAHAN. Mr. Chairman, we are trying to determine how many speakers there are on each side and we have no idea where they are or where they are coming from or which side they are on. Can the gentleman from Texas [Mr. WILSON] give us an idea of how many Members over there wish to be heard?

Mr. WILSON. Mr. Chairman, I see nine.

Mr. CALLAHAN. How many on this side? I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think it is very much in the interest of everybody not to resurrect the rancorousness of earlier in the evening by getting into an argument about limitation. So I hope we can avoid a formal limitation. I would also hope, and I know some Members are still interested in talking on this amendment frankly I think on both sides. We underestimated the number of Members who did want to talk. So I guess I would simply ask Members for restraint in continuing on this amendment, and ask Members to hold their remarks as short as possible and if they do not absolutely feel obligated to speak, ask if they would consider not doing so, simply because we still have seven amendments remaining after this. We have one more which we expect will take some time, and we would like to finish this thing before 7 in the morning.

Mr. CALLAHAN. I agree, and I have no intention of offering a limitation. I was just trying to make an inquiry in deference to all of those who wish to speak, to give them an opportunity, but to recognize that we have heard just about every aspect of this.

It is my understanding that on this side, and we welcome listening to it again, we do not have any problem with that, but I think our own side of the aisle we are pretty well down to just me closing it out. If we could encourage the gentleman's side to be as brief as they possibly could, let us get through and give them the opportunity and give some of them the opportunity they want to revise and extend their remarks, and we will put it in the RECORD tomorrow. But if we could get through this in a timely fashion I would very much appreciate it.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Porter amendment, commend our friend from Illinois for offering it along with his cosponsors.

Mr. Chairman, one of the previous speakers who spoke in opposition to the Porter amendment said we should focus on the question of whether it is appropriate and good for the United States. What is appropriate and good for the United States is to practice as well as preach principles of respect for human rights, and support for peaceful resolution of disputes among States as the cornerstones of our foreign policy, except in cases, except in cases where a vital national interest of our own would dictate otherwise.

The record is replete with examples in which Turkey has violated and is violating these principles dear to our own foreign policy. We need only look to the constant refusal of Turkey to permit independent monitoring of human rights conditions within that country by international organizations. We need only look to the shabby and often persecution that takes place of Christians within Turkey. We need only look with respect to the behavior of the Turkish Government toward the Kurds. We need only look toward the continuation of the ruthless blockade of Armenia, and finally, we need only look to the continued illegal occupation of the island of Cyprus with the active support of Turkey.

The record is replete with examples of Turkey's disregard for the principles that we say inform our foreign policy.

Mr. Chairman, I would submit that the country whose principles ought to be measured in the Porter amendment is not Turkey. The country whose principles are to be measured in the Porter amendment is the United States. The principles we measure are whether we talk about what we believe in, or whether we act upon that in which we believe.

I know that there have been arguments advanced as to ways in which continuing this level of support for Turkey serves the strategic best interests of the United States. For years we heard that a policy which did not ruffle the feathers of Turkey was important as a check against Soviet aggression. That rationale evaporated with the existence of the Soviet state in 1991.

Those who explicitly or implicitly argue it argue with respect to a world that no longer exists.

There is the argument that is made that Turkey's continuing importance as a military force, as a positive military force in that region requires a continued level of support. Frankly, that issue was taken off the table when the gentleman from Illinois [Mr. PORTER] drafted his amendment, because his amendment does not reduce military assistance from the United States to Turkey. To the extent that the military force must remain a positive one, the Porter amendment does not jeopardize or undercut that military support.

Finally, there are those who say that the continued cohesion of NATO depends upon a relationship between the United States and Turkey which does not reduce or otherwise threaten United States aid to Turkey.

My colleagues, I would submit that it is important in this post-cold-war era that NATO evolve beyond being a force that stands against a negative presence in Europe, and must evolve into a positive force that stands for some positive principles. First among those principles ought to be the active practice, the active practice of the use of international law and peaceful means to determine disputes among nations.

Turkey does not practice such a process.

The Porter amendment is carefully tailored. It is modest in scope. It is

well thought out. Although it is modest in scope and particular in detail, it represents a dramatic departure from the status quo politics which have plagued our insufficient reaction to the atrocities on Cyprus, the atrocities in Armenia, the atrocity committed against the Christians in Turkey, against the Kurds, and the general dismal record of Turkey on human rights.

Let us not only send a message to Turkey tonight, let us send a message to our own citizens, Mr. Chairman, tonight that in the United States we are finally ready to practice what we preach.

Support the Porter amendment.

Ms. ESHOO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Porter-Wolf-Smith amendment and urge my colleagues to do so as well. The hour is very, very late, but the moment is right. This amendment, which does amend the Foreign Aid Appropriations Act, reduces nonmilitary assistance to Turkey. I think that with many of the things that have been said throughout this evening that that is an important point to underscore. It reduces nonmilitary assistance to Turkey, to encourage that country to improve its human rights record.

I will not go through it; so many other Members have. It is not a record that the American people can point to with pride and say we want to indeed send our tax dollars to them.

This amendment is intended to draw attention to Turkey's brutal blockade of Armenia, its systematic oppression of citizens in Cyprus, and the Kurds, and restrictions on free expression in Turkey. Armenia is suffering under a two-sided blockade supported to the west by Turkey and to the east by Azerbaijan.

I am not going to continue my comments but ask that they be revised and extended for the RECORD, Mr. Chairman. The hour is late.

There is a last comment that I would like to make, and that is that one of our colleagues this evening spoke about the Ottoman Empire. And it was they that imposed the genocide upon the Armenian people and that this government should not be held responsible.

The Government of Turkey should follow the Government of Germany that acknowledged what a previous government did; to this day they still pay for that. The present Government of Turkey has never acknowledged that they annihilated 1½ million people. I think that this is an important distinction to make, and I think that that is inherent in the amendment that is before us.

I thank my colleagues on both sides of the aisle, especially the gentleman from Illinois [Mr. PORTER], and the original cosponsors of this for the work they have done and thank the chairman as well for his dignity and patience this evening.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this morning to support the Porter-Wolf-Smith amendment. I think it is a good idea. You know, a lot of people wonder what exactly foreign policy is all about. Some of them, I think in America have the mistaken notion that foreign policy is just a matter of us playing Santa Claus to the rest of the world. It is not the way it is supposed to be. Foreign policy is supposed to be a vehicle which reflects what we believe in and what we stand for.

Well, it seems to me that we stand for human rights. But we have a problem in Turkey: 15,000 deaths, 2,500 Kurdish villages destroyed or forcibly evacuated, and 3 million Kurds made homeless refugees.

We have another problem. We believe in a free press as part of democracy. But Turkey has persecuted and imprisoned writers and journalists. When there has been public criticism, Turkey has responded with repression.

So we have a legitimate problem, we have a legitimate reason to take Turkey to task on this issue.

The first thing some opponents would say is, well wait a minute, Turkey is our ally. And I think our colleague, the gentleman from New Jersey [Mr. TORRICELLI], put it very well. Sometimes we have to speak with our allies, pull them aside. This amendment says, I think, and even sends, I think, a modest message. Let me emphasize we are not talking about military aid. I acknowledge that Turkey has threats from the PKK, from Iraq and Iran, but this is not military aid.

We are giving $320 million in military loans to Turkey in this budget. This is a mere $25 million in economic aid as a means of saying to our ally, wait a minute, we think you are doing some things that are not consistent with what we as Americans believe in.

I just want to communicate to the American people what we stand for and why we have a foreign policy. This is an excellent opportunity to do it. It enables us to say we stand for human rights, we want to see a free press, we are against repression, and even when our allies do it, we are willing to take them to task on it.

□ 0500

I do not think this measure threatens the security of Turkey, but enables us to stand up. I have said on this floor on a couple of occasions, as a member of the Committee on International Relations, that we have to lead, that we should be engaged in the world, that we should have foreign aid, but I do not believe we should have a passive foreign policy. Making these kinds of decisions, saying to our allies, "We think you're wrong," standing up for the principles we believe in, reflects the kind of leadership that I think all Americans can understand, and reflects the kind of foreign policy that all Americans can understand.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend, the gentleman from Texas [Mr. WILSON] said before that everything that has to be said has been said but not everyone has said it. I will not take the full 5 minutes, but I want to add my voice very strongly in support of the Porter amendment.

I have had the pleasure for the past several years of working very closely with the gentleman from Illinois [Mr. PORTER] on the Cyprus issue. I think, of course, that is a very, very important as of yet unresolved issue. Last year my bill, cosponsored by the gentleman from Illinois [Mr. PORTER], passed Congress and was signed into law by the President calling for a full investigation of the missing Cyprus, including six American citizens.

Turkey has been an ally of the United States for many years but has turned away, turned a blind eye, turned a deaf ear whenever we have asked for an accounting of the missing in Cyprus and an accounting of our American citizens. That is totally unacceptable.

Our colleagues have mentioned how Turkey invaded Cyprus back in 1973, has divided the island, has refused as far as I have seen any kind of reasonable attempts at mediation, and I certainly think that 22 years now is far, far too long.

I think it really behooves us to say to Turkey, or to any ally, or to anyone that is a recipient of United States foreign aid, that there is a certain modicum of behavior which we expect, and if you do not adhere to that, to that decent way, then we are going to act accordingly.

When we look at Cyprus and the way Turkey has behaved, at the way they have behaved toward the Armenians, at the way they have reacted toward the Kurds, it really makes one stop and pause. I think we have seen here this evening and this morning an outpouring of colleagues on both sides of the aisle expressing a grave reservation at the way Turkey has acted.

It is a NATO ally, it has American weapons. We are not happy with how they have used them, but the Porter amendment does not really address that. It talks about nonmilitary aid. I think it certainly makes sense to support this amendment.

I urge my colleagues to support it and am glad that we have such bipartisan support.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I know the hour is late or, if you want, the hour is early.

Yet the principle that this amendment is espousing is something that I actually compliment my Republican colleagues on the Committee on Rules for making a number of these type amendments in order on this bill, in many ways better than the first 2 years that I was in Congress in the 103d Congress, to really give us an opportunity in this bill to, both by words but also by deeds, send a message in our foreign policy.

We have already taken action on this bill that has clearly sent signals around the world about American foreign policy: that yes, we have national security interests and obviously, as the chairman of the Committee on Appropriations mentioned, and I think there would be unanimity for support of that, that that is our No. 1 interest but that is not our only interest. There are other interests that come into play and we can send messages to try to influence. Because if that is only what we are interested in, then really what are we and who are we as a country?

Mr. Chairman, we previously have taken action in terms of the Cuban nuclear powerplant, in terms of the Visclosky amendment on Armenia. Now we have an opportunity to take action regarding Turkey, action that really sends a message because of some of the specific human rights violations that Turkey has engaged in that are irrefutable, that are 100 percent proven on a factual basis by independent agencies, and also really specifically respond to the conditions in Cyprus, where it has been pointed out American citizens are still missing in Cyprus, an area and an activity. How—if we do not pass this amendment—are we supposed to let Turkey know that there is a fundamental problem with the occupation of the island?

As has been pointed out but needs to really be emphasized, there is no question, I do not believe there is one Member in this Chamber who would argue with Turkey's critical part of the NATO alliance. But again I urge my colleagues to look at the numbers in the amendment and look at the numbers in the bill.

This amendment does not address the $320 million in military FMF loans to Turkey. That is not what the gentleman from Illinois [Mr. PORTER] is addressing. What it does address is the ESF loans or ESF aid of $25 million. That is clearly an area where by our actions—in the action that hopefully we will be taking in a short time—we will send a very clear and unequivocal message to Turkey that their actions in the invasion of Cyprus, the continued occupation, the oppression, the torture, the missing Americans that are still missing regarding that invasion, that those people and those actions are not unheeded and are not ignored by the Members of this Congress. By our actions and by our deeds, we will have an ability to change that and change the course, as we have done in a number of instances already, and as I believe we will do in a continuing effort.

I really see this as a bright day and really bright 2 days of the U.S. Congress in terms of our actions on this bill.

Mr. KLINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the Chair for his attentiveness and those of the House. I will try not to rehash what has been talked about too much, but I wanted to focus on something that my colleague, the gentleman from Florida [Mr. DEUTSCH], just mentioned. That is a fact that, as they say, we do have a dog in this hunt.

Back in 1974 during the invasion of Cyprus, five American citizens were captured. One of them was a 17-year-old young man from Detroit, MI, Andrew Kassapis. A year ago, on the 20th anniversary of the invasion in Cyprus, I had a chance to meet his father outside. He is still filled with the hurt and the wonderment of what has ever occurred to his son. Yet we have got to remember, this 17-year-old boy who if he is now alive would be 38 years old, was with his family in Cyprus. Andrew was taken from his family, with his American passport in hand, he was reported to have been taken alive and seen alive in a Turkish prison some weeks later. Among some of the 1,614 Greek Cypriots who were taken and who are still unaccounted for were an infant, two 3-year-olds, one 7-year-old, a 9-year-old, an 11-year-old, and a 14-year-old.

Throughout this debate in the late night and early morning hours, the word "modest" has been said many times. Indeed, the Porter amendment is very modest, when you take a look at all of the elements that come into question in Turkey's abuse of civil rights and you take a look at what has occurred, in particular the invasion of Cyprus.

Mr. Chairman, this invasion and these abductions could not have occurred with American arms and a conscious American decision not to stop this invasion as we did 10 years prior. Over $8 billion of American taxpayer dollars have gone since then, since those American citizens were taken. Again, we are not talking about military aid. We are talking about a message on only the economic aid front.

Twenty-one years ago when the Turkish troops using American arms illegally invaded, ethnically cleansed, and occupied the northern third of Cyprus, in that process 6,000 Greek Cypriots were killed, ethnically cleansed 200,000 Greek Cypriots from their ancestral homes and captured those 5 Americans and 1,614 Greek Cypriots who are still missing today.

Today over 35,000 Turkish troops illegally occupy the northern third of Cyprus. This illegal occupation of Cyprus is in violation of over 67 United Nations resolutions and over 30 congressional expressions of opposition. Today America is paying for that ethnic cleansing. Each year the United States continues to send hundreds of millions of dollars in cash to the government of Turkey. However, these funds are fungible. Coincidentally, they are equal to the cost of maintaining the Turkish military units in Cyprus. Additionally, the nearly half billion dollars of military equipment the United States gives to Turkey in foreign aid each year replaces on mainland Turkey the massive amounts of arms that Turkey deploys on Cyprus to block the ethnically cleansed area.

We also must talk just very briefly about the enclaved, the American-supported conditions on Cyprus. Again we are asking for a modest message to be sent.

Those enclaved people have prohibitions against leaving their village without official permission. They have a requirement that any talk with outsiders must occur in the presence of their police; a requirement that all mail in and out be read by the regime; the prohibition of the possession of a telephone; the requirement of reporting to their police once a week for males 18 to 50 years of age; the prohibition of educational facilities beyond elementary school and the replacement of elementary school teachers; the prohibition of elementary school's teaching of that ethnic group's history or religion and the confiscation of such books.

I just want to say there is harassment, there is beating, there is rape, there is murder, there is desecration of churches. We are asking for a modest step to be taken. I ask that the people of this House support the Porter amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Porter-Wolf-Smith amendment. This amendment does not in any way affect the $320 million in military aid to Turkey but does cut $25 million in economic aid. It does that in order to express U.S. opposition to several Turkish policies, especially the occupation of Cyprus.

I will be short, Mr. Chairman, but a May 30, 1994 report by U.N. Secretary-General Boutros Boutros-Ghali has termed Cyprus one of the world's most highly militarized areas in terms of ratio between the number of troops and the civilian population. Twenty years ago, Mr. Chairman, Turkish troops invaded the northern part of the island nation of Cyprus, leaving death in its wake and since has not only occupied that nation with 35,000 troops but has over time increased the occupation some 8,000 troops. Again, that was

marked and noted by U.N. Secretary-General Boutros Boutros-Ghali as a particular violation. I think that is reason enough to support this amendment, reason enough to send that message to Turkey in cutting that $25 million in economic aid.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois to condition United States aid to Turkey.

Mr. Chairman, it is important to understand why we bring this amendment to the floor today.

Yes, Turkey is an ally of the United States.

Yes, Turkey is a member of NATO.

And yes, Turkey is a country that receives United States aid.

But Turkey is also a country that uses our dollars to knowingly and willingly block United States humanitarian assistance;

It is also a country that uses our dollars to keep its troops stationed in Cyprus.

And it is also a country that not only uses our dollars to routinely violate human rights but last year, it actually threw six members of its own parliament into jail for speaking out on behalf of human rights.

Mr. Chairman, I would suggest that unless Turkey changes its ways—it no longer deserves to receive even a dime of United States aid.

It is utterly inconceivable to me that a country who is an ally of ours, who is a member of NATO, and who accepts U.S. aid, would think it has the right to block U.S. humanitarian assistance to people in need.

But that is exactly what Turkey is doing today in Armenia.

Over the past 6 years, full-scale war in Nagorno-Karabakh—which borders Turkey—has left tens of thousands of people killed and wounded, over 1 million people homeless, and countless villages disabled and destroyed. As a result, thousands of people are starving and dying today in Armenia. As a nation, we have taken steps to provide humanitarian relief to save lives. But unfortunely, the most direct route for that aid is through Turkey. And to this day, Turkey continues to block those relief efforts. As a result of this blockade the cost to supply aid to Armenia today is three times higher than what it would be without the blockade.

So not only is Turkey taking our money and using it to block aid but by keeping this blockade in place, it is costing us three times as much money to pursue our own foreign policy interests.

That is money that could be used to heal, to feed, or to warm thousands of suffering people.

And we can't let this situation continue.

As a nation, we have been far too lenient with the Government of Turkey.

Just look at the situation in Cyprus.

Twenty-one years ago, Turkish troops invaded the island of Cyprus.

As a result of that invasion thousands of people were killed, over 200,000 people were expelled from their homes, and today over 1,600 remain missing—including 5 Americans.

But instead of helping us locate the missing, Turkey today continues to keep 35,000 troops in Cyprus.

A barbed wire fence actually cuts across the island, separating Greek Cypriots on one side from their families and friends on the other.

Turkey has been so unwilling to negotiate even U.N. Secretary General Boutros Boutros-Ghali has spoken out against them.

Just 2 weeks ago, he called northern Cyprus "one of the most highly militarized areas in the world."

And most disturbing of all when you look at the amount of U.S. dollars flowing into Turkey today it is nearly identical to the amount of money Turkey spends to keep those troops housed in Cyprus.

So in effect American taxpayers are paying to keep Turkish troops housed in Cyprus.

Mr. Chairman, this situation is outrageous.

At a time when we were asking senior citizens and students and working families to sacrifice because of the deficit we have no business paying to keep Turkish troops housed in Cyprus.

Mr. Chairman, until Turkey begins to remove its troops from Cyprus, until it lifts its blockade of Armenia, until it respects the rights of its Kurdish minorities, and until it lives up to internationally recognized standards of human rights then we have no business sending aid to Turkey.

I believe the Porter amendment will send the right message and move us in the right direction.

I urge my colleagues to support it.

□ 0515

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will only take a couple of minutes. I think we all agree, now everything has been said and I believe everybody has said it.

Mr. Chairman, I would point out the same things that the other people who have opposed this amendment have pointed out. That one-fourth of the Turkish parliament is Kurdish; that Turkey is the only really functioning Moslem democracy in the world; that they maintain a secular state; that they have recognized Israel from the time of its inception; that they have been an absolutely necessary ally for the United States during the 50 years of the cold war.

I do not subscribe to the belief that now the cold war is over, we can forget who our friends were during the cold war or that we can forget who the friends are that we will need if we have another one. I do not think we should forget Turkey's great sacrifices in maintaining the economic boycott against Iraq. I do not think we should forget Turkey's contribution to the gulf war.

We should not forget the importance of the Turkish bases to any future operations that we might have. I think this is the wrong thing to do and I oppose the amendment. To the author of the amendment, I will say that I think you have got a good chance to win with this because I believe you have had about 218 speakers.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that this will close out the debate, but let me start off by saying that this particular amendment is a true deliberative process. This is what the Congress of the United States is all about.

This is not about oil companies coming and lobbying us because they need something. This is not because someone wants something for their own district. This is because of passion.

And let me tell my colleagues that the passion in the eyes of the gentleman from Illinois [Mr. PORTER] and the true belief that the gentleman has, concern about the human rights violations in that section of the world, is remarkable.

I have seen the passion in the eyes of the gentleman's wife, Kathryn, who has been over there and has seen some of these atrocities. And I am not standing here, and on one in this House stands here and says we want to condone the atrocities. That is not the issue.

The issue here is whether or not we are going to continue to support Turkey as Turkey has supported us. It is not a question of whether or not Greece is a better supporter than Turkey, because they are both great allies. It is a question of whether or not, in this complicated world of foreign policy, we are going to make a decision here tonight not necessarily wanting to do what the President of the United States wants us to do.

He wants us to kill the Porter amendment. The Chairman of the Joint Chiefs of Staff has written a letter to us which was read on the floor tonight by the chairman of the Committee on Appropriations telling us to disregard human rights at this particular time. This is not the issue. Do not disregard the human rights violations. Do not discontinue your efforts, Mr. PORTER, in seeing that this issue some day is resolved.

Let us do it the way we have started doing it. What we all have started. When they came before our committee, I chastised the Turkish representatives. I chastised the administration

for not being more adamant in making certain that Turkey was not violating human rights.

But now we are down to the point where we have committed, and so many of my colleagues came to me before on aid to Russia to build houses for Russian soldiers and argued, "The President of the United States promised this. We have a commitment to Russia. We have got to give him this money or else we will embarrass the President of the United States."

And now the President has guaranteed Turkey that we are going to fulfill the rest of this commitment. And incidentally we have already told Turkey: This is the last time that we are going to permit you to buy all of the aircraft and military supplies you want. But do not come back. This is the last year.

We have insisted in the report language the very things that you argued. That we are dissatisfied with what we hear. Mr. Chairman, I am at such a disadvantage. I have never been to Greece. I have never been to Turkey. I have never been to Cyprus. I have never been to Iran. So I am at a disadvantage, because I have not seen firsthand what my colleagues are talking about. But I know from the passion in my colleagues' eyes that they are sincere.

But the question here is more a military question than a human rights question. Because we are saying to Turkey, in report language, "We do not like what we have been told, please straighten your act up. We are not going to continue this after this year."

We are going to fulfill our commitment, just as we did to the Russians and let them build houses for their retiring military officers. We are going to fulfill the commitment. We are going to allow the President of the United States to have an effective capability to establish foreign policy.

And we are going to live up to the chief executive officer of this country by giving him the right to have an effective, constitutional guaranteed ability to run international affairs.

So the question here tonight is whether or not for this one year we are going to continue our commitment to Turkey and whether or not we are going to show our appreciation to Turkey for the very valiant ally they have been to us in times of need.

When 2,700 sorties flew out of Turkey during the Persian Gulf war, let me tell my colleagues, we were very appreciative of them. So we do not need them today. We are not at war in the gulf. So let us turn our back on Turkey.

Let us not argue whether Turkey is a greater ally than Greece or Greece is a greater ally than Turkey. Let us fulfill the commitment. Let us follow the wishes of the Commander in Chief of our military. Let us follow the wishes of the Joint Chiefs of Staff. Let us follow the wishes of the Speaker of the House and the leadership.

Let us follow the wishes of the chairman of our Committee on Appropriations. Let us follow the wishes of the ranking member of the subcommittee, the gentleman from Texas [Mr. WILSON], and let us vote this up or down with the understanding that it has nothing to do with condoning any civil rights violation or humanitarian violation anywhere in the world, but it is whether or not we are going to fulfill a commitment that the Commander in Chief has made and whether or not we are going to tell Turkey, "We do not need you anymore; the war in the gulf is over."

So let us vote this bill. I am going to ask for a recorded vote. And let us vote this bill up or down, then go through the last eight amendments that we have and go home and try to get some rest.

Mrs. FOWLER. Mr. Chairman, I rise to oppose this amendment.

This spring I visited Turkey with the Chairman of the National Security Committee. We met with key Turkish and NATO military commanders, who briefed us on Turkey's recent actions in the region.

Aside from the critical support Turkey offered for Operations Desert Shield and Desert Storm, providing bases from which some 2,700 sorties were flown against Iraq, Turkey currently extends vital support for operation provide comfort in Iraq, and deny flight and sharp guard in the former Yugoslavia.

Moreover, Turkey remains key to Western efforts to pursue stability throughout Central Asia. Through its support for secular rule and free markets, Turkey provides a much-needed counterbalance to Iranian influence in these newly independent nations.

We should also be mindful that Turkey, a neighbor of Iran, Iraq, and Syria, has been a supporter of the Mideast peace process.

The gentleman criticizes Turkey for human rights problems. These concerns are indeed important. However, Turkey is moving to address this issue.

In my judgment, this amendment is not an appropriate mechanism for influencing a valued ally. I urge its defeat.

Mr. RADANOVICH. Mr. Chairman, I would like to offer my support for the Porter amendment to H.R. 1868, the Foreign Operations Appropriations Act. This amendment would cut economic assistance to the Government of Turkey particularly because that Government has failed to improve its dismal human rights record.

I support the amendment because Turkey continues to prevent United States humanitarian aid from flowing freely to the Republic of Armenia. Armenia is a progressive country whose bold experiments with democracy and market economics must not be jeopardized by those who seek its demise. America would be taking the right approach by restricting aid to Turkey if that country continues to block humanitarian aid shipments to Armenia. I urge my colleagues to vote in favor of the Porter amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 155, answered "present" 1, not voting 32, as follows:

[Roll No. 443]

AYES—247

Abercrombie	Fox	Miller (CA)
Ackerman	Frank (MA)	Mineta
Allard	Franks (CT)	Minge
Andrews	Franks (NJ)	Mink
Archer	Frelinghuysen	Molinari
Baker (CA)	Frost	Mollohan
Baldacci	Funderburk	Moorhead
Barcia	Furse	Moran
Bartlett	Gallegly	Morella
Bass	Gejdenson	Nadler
Becerra	Gekas	Neal
Bentsen	Gephardt	Neumann
Bevill	Gibbons	Ney
Bilbray	Gilchrest	Oberstar
Bilirakis	Gilman	Obey
Bishop	Gonzalez	Olver
Blute	Goodlatte	Orton
Boehlert	Goodling	Owens
Bonior	Greenwood	Pallone
Borski	Gutierrez	Parker
Boucher	Hall (OH)	Pastor
Browder	Hall (TX)	Payne (NJ)
Brown (CA)	Hamilton	Payne (VA)
Brown (FL)	Hancock	Pelosi
Brown (OH)	Harman	Peterson (FL)
Brownback	Hastings (FL)	Peterson (MN)
Bryant (TN)	Hefley	Pombo
Cardin	Hefner	Pomeroy
Castle	Hilleary	Porter
Chabot	Hilliard	Portman
Chenoweth	Hinchey	Poshard
Christensen	Hobson	Pryce
Clay	Holden	Quillen
Clyburn	Horn	Radanovich
Coble	Hoyer	Rahall
Coburn	Hunter	Ramstad
Collins (GA)	Jackson-Lee	Reed
Collins (IL)	Jacobs	Richardson
Combest	Jefferson	Rivers
Condit	Johnson (CT)	Roemer
Conyers	Johnson, E.B.	Ros-Lehtinen
Costello	Kanjorski	Roth
Coyne	Kaptur	Roybal-Allard
Cramer	Kelly	Royce
Crane	Kennedy (MA)	Rush
Crapo	Kennedy (RI)	Saxton
Cunningham	Kennelly	Scarborough
Davis	Kildee	Scott
DeFazio	Kim	Seastrand
DeLauro	Kleczka	Sensenbrenner
Dellums	Klink	Serrano
Deutsch	Klug	Shays
Diaz-Balart	LaHood	Shuster
Dickey	Largent	Sisisky
Dicks	Leach	Slaughter
Dingell	Levin	Smith (NJ)
Dixon	Lewis (GA)	Smith (WA)
Doggett	Lipinski	Souder
Dooley	LoBiondo	Spratt
Doolittle	Lofgren	Stearns
Doyle	Lowey	Stenholm
Dreier	Luther	Studds
Duncan	Maloney	Stupak
Durbin	Manton	Talent
Engel	Manzullo	Tate
Ensign	Markey	Thompson
Eshoo	Martini	Thurman
Evans	Mascara	Torkildsen
Farr	Matsui	Torres
Fattah	McCarthy	Torricelli
Fawell	McHale	Traficant
Fazio	McInnis	Tucker
Fields (LA)	McKeon	Upton
Filner	McKinney	Velazquez
Flake	Meehan	Vento
Flanagan	Meek	Visclosky
Forbes	Menendez	Volkmer
Ford	Metcalf	Ward

Waters	Weller	Wynn
Watt (NC)	Williams	Zeliff
Watts (OK)	Wolf	Zimmer
Weldon (FL)	Woolsey	
Weldon (PA)	Wyden	

NOES—155

Armey	Geren	Myrick
Bachus	Gillmor	Nethercutt
Baesler	Gingrich	Norwood
Baker (LA)	Gordon	Nussle
Ballenger	Goss	Ortiz
Barr	Graham	Oxley
Barrett (NE)	Green	Packard
Barrett (WI)	Gutknecht	Paxon
Barton	Hansen	Petri
Beilenson	Hastert	Pickett
Bereuter	Hastings (WA)	Quinn
Berman	Hayes	Regula
Bliley	Hayworth	Riggs
Boehner	Heineman	Roberts
Bonilla	Herger	Rogers
Bono	Hoekstra	Rohrabacher
Brewster	Hostettler	Rose
Bryant (TX)	Houghton	Sabo
Bunn	Hutchinson	Salmon
Bunning	Hyde	Sanford
Burton	Inglis	Sawyer
Buyer	Istook	Schaefer
Callahan	Johnson (SD)	Schiff
Calvert	Johnston	Schroeder
Camp	Jones	Shadegg
Canady	Kasich	Shaw
Chambliss	King	Skaggs
Chrysler	Kingston	Skeen
Clayton	Knollenberg	Skelton
Clement	Kolbe	Smith (MI)
Clinger	Lantos	Smith (TX)
Cooley	LaTourette	Spence
Cox	Laughlin	Stump
Cremeans	Lazio	Tanner
Cubin	Lewis (CA)	Tauzin
Danner	Lewis (KY)	Taylor (MS)
de la Garza	Lightfoot	Taylor (NC)
Deal	Lincoln	Tejeda
DeLay	Linder	Thornberry
Dornan	Livingston	Thornton
Dunn	Longley	Tiahrt
Edwards	Lucas	Vucanovich
Ehlers	McCollum	Waldholtz
Ehrlich	McCrery	Walker
Emerson	McDermott	Walsh
English	McHugh	Wamp
Everett	McIntosh	White
Fields (TX)	Mica	Whitfield
Foley	Miller (FL)	Wicker
Fowler	Montgomery	Wilson
Frisa	Murtha	Wise
Ganske	Myers	

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—32

Burr	Martinez	Solomon
Chapman	McDade	Stark
Coleman	McNulty	Stockman
Collins (MI)	Meyers	Stokes
Ewing	Mfume	Thomas
Foglietta	Moakley	Towns
Gunderson	Rangel	Waxman
Hoke	Reynolds	Yates
Johnson, Sam	Roukema	Young (AK)
LaFalce	Sanders	Young (FL)
Latham	Schumer	

□ 0544

Mr. BASS and Mr. ZELIFF changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 0545

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR: page 78, after line 6, insert the following new section:

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

SEC. 564. No funds appropriated in this Act under the heading "North American Development Bank" may be obligated or expended unless it is made known to the Federal entity or official to which funds are appropriated under this Act that the Government of Mexico has contributed a share of the paid-in portion of the capital stock for fiscal year 1996 equivalent to that appropriated by the United States.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Chairman, quite simply, this amendment would allow the expenditure of the United States 1996 contribution to the North American Development Bank which was created under NAFTA in the amount of $56.25 million only after the United States is notified that Mexico has also made its contribution, which is what the authorizing legislation in the agreement actually calls for. This amendment imposes no new requirements on either the United States or on Mexico.

Let me mention to my colleagues that this is the first time that the Congress of the United States will actually be appropriating money to an instrumentality that has been created under NAFTA. Again, this installment will be in the amount of $56.25 million.

This amendment would benefit the citizens of both Mexico and the United States by reaffirming the duties of both countries to meet their existing legal obligations to the North American Development Bank, which will finance environmental projects benefiting both sides of the border, as well as about 10 percent of the funds will be used to accommodate displaced workers in this country.

Let me restate also, this amendment imposes no new requirements on either our country or on Mexico. It simply gives the legislature of Mexico an incentive to pass the necessary legislation promptly and ensure that the Untied States alone will not bear the burden of financing environmental infrastructure and related projects relating to NAFTA.

Let me also mention to my colleagues that currently the U.S. $56.25 million 1995 contribution, passed as part of the NAFTA implementing legislation, is sitting untouched at the New York Federal Reserve because the NADBank is really not up and running yet. Mexico also has already $56.2 million from last year being held in an account at the Banco de Mexico in Mexico City. In other words, the NADBank already has over $112.5 million ready and waiting at its fingertips, and waiting to disburse this year's appropriation until Mexico makes its contribution will have no effect on the bank's ability to carry out its mandate. Given Mexico's recent financial crisis and our Government's commitment, without my support, incidentally, of over $20 billion to rescue Mexico from the brink of financial disaster, we have good reason to be concerned about whether Mexico will contribute its share. Earlier this year after Mexico allowed its reserves to dwindle to just over $6 billion and had accumulated over $140 billion of external debt, our administration, without a vote of this Congress, agreed to put up $20 billion of loans and loan guarantees to Mexico. Mexico has already drawn down $10 billion of that, and of that $10 billion which we have already sent to Mexico, the Mexican Government should be able to come up with the $56.25 million to keep the promise it made under NAFTA to fund the NADBank.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, we will be happy to accept the gentlewoman's amendment.

Ms. KAPTUR. Mr. Chairman, I wanted to thank the gentleman for his gentlemanly deportment throughout the consideration of the bill through committee and on the floor.

Mr. TORRES. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wanted to commend the gentlewoman from Ohio for the introduction of her amendment. I know that she had large concern in the beginning because this bank, while it is not related directly to the NAFTA proposition, she was led to believe, perhaps others believed, that this binational bank, would, in fact, be providing money for Mexico. The U.S. portion of this bank, the money that the gentlewoman has cited here, will stay in the U.S. account, and it will be used on the American side to provide for infrastructure along our 2,000-mile border. Already there are a number of projects that are in design process to begin to build water programs, sewer cleanup, toxic cleanup, various infrastructure programs.

As the gentlewoman mentioned, 10 percent of the funds of the bank will be used for domestic use of workers and communities who will need adjustment if there are job losses related to NAFTA. So the bank is, I should correct the gentlewoman, the bank is in process. They are headquartered in San Antonio. They have staff building up, and they are simply awaiting the go-ahead for projects to begin. I want to thank the chairman of the subcommittee for agreeing and accepting this amendment.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to reiterate what my colleague from California just stated, and that is this is an unusual portion of this bill in that this portion of the allotment of this bill is designed to help American projects on our side of the border, water system projects, road projects, bridge projects, whatever is necessary, environmental projects, that are extremely important for our commitment in trying to improve the situation along the Mexican border.

I want to thank the gentleman from Alabama, Chairman CALLAHAN, for working with us very closely on this, and the gentlewoman from Ohio, Ms. KAPTUR, for helping us on this.

I wonder if I could ask the gentlewoman from Ohio a question about the amendment. I had a concern and discussed this with the gentleman from California [Mr. TORRES] earlier. Would this allow for incremental contributions, or would we have to wait to contribute any money to this fund until they met the $56 million commitment? Or if they committed $40 or $50 million, could we then contribute the same amount, without having to wait for them to reach the maximum amount, if that situation were to occur?

Ms. KAPTUR. If the gentleman will yield, the intent of this amendment is to provide equity between both countries, and their share would have to equal ours. So if they contributed $20 million, we would contribute $20 million. If they contributed nothing, we would contribute nothing. The idea is we both march down the aisle together.

Mr. BONILLA. Mr. Chairman, I appreciate the work of the gentlewoman from Ohio on this amendment.

Mr. CALLAHAN. Mr. Chairman, we have about seven of these amendments. I assumed if both sides accept them, we could take them for granted. I appreciate your comments, but I would like to get on with the other seven amendments. If we are going to talk 30 minutes on all seven, we will be here until noon.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RICHARDSON: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR BURMA

SEC. 564. None of the funds made available in this Act may be used for International Narcotics Control or Crop Substitution Assistance for the Government of Burma.

Mr. RICHARDSON. Mr. Chairman, today and this evening and this morning we have talked about human rights violators around the world. Well, this amendment deals with the heavyweight champion of all human rights violators, and that is the Government of Burma, Myanmar. What this amendment does is prohibit counternarcotics assistance to that country, both on human rights grounds and on narcotics grounds.

Mr. Chairman, what we have here is an amendment that is supported by the chairman of the subcommittee, by the minority, by the chairman of the Committee on International Relations, who is doing very valuable antinarcotics work throughout the world and especially in the Burma area.

Mr. Chairman, I would be also honored to have the coauthor of this amendment, the gentleman from California [Mr. ROHRABACHER], join me. I would like to yield to him for any initiatives.

The purpose of this amendment is to prohibit counternarcotics funds for the Government of Burma.

My intention is to prohibit the administration from using this legislation to fund its shortsighted new drug policy initiatives toward Burma that were proposed last by drug czar Lee Brown.

The purpose of this amendment is to nullify the administration efforts to start a crop substitution program with Burma, to increase funding for UNDCP for their cooperation, and to fund NFO's activities in Burma.

I want to clarify to my colleagues that the Richardson-Rohrabacher amendment does not obstruct the ongoing efforts of Chairman GILMAN of the International Relations Committee to find alternative approaches to combating the enormous drug trade in Burma.

Furthermore, this amendment has no effect on the minimal presence of Drug Enforcement Agency [DEA] representatives already in Burma's capital of Rangoon.

There is a very simple logic to this amendment: We have condemned Burma for years for human rights abuses and child labor violations—they have made no effort to reform—we should not reward this repressive regime with American tax dollars now.

My most recent trip to Burma last month was extremely disappointing on account of the Burmese regime's retrenchment on human rights and democratization efforts.

Burma's ruling military junta, the State Law and Order Restoration Council [SLORC], has established itself as the heavyweight champion of repressive governments by violating human rights and detaining the leader of Burma's democratic movement Aung San Suu Kyi for the past 6 years.

This courageous woman is in house arrest without any prospect of being released.

Recent efforts to obtain visas by the authors of this amendment have been denied or granted only after preconditions were met.

Leading opposition members of the National League for Democracy were arrested after I met with them last month.

Perhaps the most egregious of all human rights violations comes in the form of Dr. Michael Aris, Aung San Suu Kyi's husband has been denied access to his imprisoned wife.

Shortly after admitting the Red Cross to inspect prisons in Burma, the International Committee for the Red Cross has abandoned efforts to work with the SLORC leadership last week after the SLORC imposed unacceptable conditions on Red Cross operations.

Dealing with the heroin crisis is an important issue before Congress and I can sympathize with Members who have fought noble battles to rid American streets of the drug menace.

New Mexico is not immune to this disease; I have seen the devastating effects of heroin abuse on Indian Pueblos and the impoverished Hispanic communities in my own district. But these problems do not mean that American dollars should go to reward a repressive regime with counternarcotics assistance.

The narcotics issue is a small component of an overall United States policy shift necessary to combat the repressive Burmese regime. The Richardson-Rohrabacher amendment is a means to a greater objective of promoting democracy in a country that has a vital strategic interest in Southeast Asia.

I urge Members to consider the resulting relationship forged by a counternarcotics partnership between the United States and a military junta that expels respected international organizations like the Red Cross while constructing infrastructure projects with child labor.

The end of the cold war offers the United States a window of opportunity to encourage nations to foster democracy and open their economies to free trade. The SLORC has made it clear to myself and other Members that they are not willing to play by these rules.

Efforts to combat the international drug trade should not blur our ability to discipline a regime that has not made a serious attempt on its own.

Like Burma's dismal human rights record, its unilateral efforts to counter the narcotics threat are not impressive as they have had no major impact on the thriving Burmese drug economy. The SLORC has yet to introduce meaningful eradication or drug enforcement measures in the ethnic strongholds of the Shan State where the bulk of Burma's drug trade is based.

Instead, the SLORC concentrates on quelling border area insurgencies that result from actions designed to crush democratic efforts and does not take counternarcotics as a priority in these regions.

By prohibiting counternarcotics funding to the Government of Burma the Richardson-Rohrabacher amendment will send a signal to the SLORC that the United States wants meaningful reform.

I commend the distinguished gentleman from New York, BEN GILMAN, the chairman of the International Relations Committee for his efforts to pursue solutions to this problem.

I understand he has requested a GAO report to explore the possibilities of counternarcotics assistance with local governing authorities and I am supportive of that initiative.

I want to make it clear for the record that the language of the Richardson-Rohrabacher amendment does not preclude any direct or indirect counternarcotics assistance funding to regional ethnic groups in Burma if the GAO determines that such assistance can be provided directly to the regional ethnic groups in Burma and not through the SLORC.

I hope Mr. GILMAN can appreciate my concern for unintended funding of SLORC activities with money intended for counternarcotic operations.

Mr. ROHRABACHER. Mr. Chairman, I would like to thank my colleague from New Mexico very much for his leadership on this issue. There is a concern about what is going on in Burma right now, because the message that we send is being heard on the other side of the world, and literally hundreds of thousands of people's lives are at stake.

What we have in Burma is a misinterpretation by the SLORC regime, which is one of the most brutal and oppressive regimes on this planet. It is a misinterpretation of some of the actions of this Congress, that in some way we are not as committed to democracy in that country as we all are in this body.

This message today that we are sending with this amendment is that the United States is on the side of democracy, and we will not tolerate the brutality and the military offensives that are being conducted by the Government of Burma against its own people. As we sit tonight, or should I say this morning, on the other side of the world the Burmese military is about to conduct another offensive against one of its ethnic peoples, the Kareni people, who are a very small group of people that are at risk of being wiped out by a military offensive by this very brutal regime. By what we are doing today with this amendment, we send a message to the regime we are for democracy, and do not terrorize your own people.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, we have no objection to the amendment. In the essence of time, I would like to revise and extend my remarks, which is a way we can get things in the RECORD without taking up a lot of extra time.

Mr. Chairman, this amendment would prohibit funds in this act from being used for narcotics control or crop substitution assistance in Burma.

Two-thirds of the heroin seized on the streets of the United States comes from Burma. It seems to me it is in our interest to cooperate with that government, however distasteful it may be, to reduce heroin production that threatens the lives of American citizens. Cutting off all contact with Burma may only end up hurting our own citizens. In addition, the administration opposes this amendment.

Currently the United States has been involved in multilateral assistance through the U.N. International Drug Control Program, as well as projects with nongovernmental organizations in minority-controlled areas. I know the administration is considering a small program to attack heroin traffickers in Burma and to encourage opium farmers to produce other crops, but no decisions have been made on the scope of such a program.

I agree with the gentleman from New Mexico that the Burmese Government is regressive, and that human rights are routinely violated. However, I'm not sure this amendment is the right way to deal with that problem.

On the other hand, I think I know where the votes are, and I know the gentleman's intentions are sincere. Therefore, I am prepared to accept the amendment on this side.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, I would like to commend my colleague from New Mexico for his leadership on this amendment and for his vigilance in watching the situation in Burma, and his travels and all his efforts on behalf of human rights in that part of the world. It is actually an area that has been largely ignored. I commend the gentleman for his outstanding efforts in this area.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment.

We all support a vigorous effort to eradicate drug production and trafficking.

But there are two serious problems with subsidizing brutal, illegitimate governments, no matter how pure our motives.

First, it legitimizes these dictators. A law enforcement partnership with the United States gives any regime more international prestige. It also gives their people a heightened sense of despair. These are the effects of our anti-immigration deal with Fidel Castro. These are the effects of our many concessions to the Beijing regime. The costs to human rights of any partnership with murderers are never trivial.

Second, this kind of deal is not likely to work. If the SLORC ["slork"] cared one bit about stopping drugs, they would have stopped the drugs. This poisoning of our children has been going on with the full knowledge and consent—and quite possibly the participation—of the SLORC.

Governments that kill our children do not deserve carrots. They deserve sticks. The solution to drugs coming from Burma, like the solution from most problems caused or exacerbated by the SLORC is international ostracism, and the restoration of the free and democratically elected government—not more foreign aid.

I urge a "yes" vote on the Richardson amendment.

Mr. UNDERWOOD. Mr. Chairman, I rise in full support of this amendment. This amendment is necessary not only because of the profits from drugs, but because of the children who buy them and sometimes die from them. We know that there is a big drug problem in the Asia-Pacific region. There is even a big drug problem on my island of Guam. This amendment sends a message that this country will not tolerate drugs. This amendment will show that this country will not sit down while a country we help will transform the money we give to them into drugs. This amendment will show that this country will take a strong stand on drugs. This amendment is just one small step to making a big problem disappear. We may need a marathon of steps to follow, but this represents a good beginning. This amendment will make the streets safer for our children here and in the Asia-Pacific region. This is why we have to thank Mr. RICHARDSON and Mr. ROHRABACHER for combining to make this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 359, noes 38, not voting 37, as follows:

[Roll No. 444]

AYES—359

Abercrombie	Coyne	Green
Ackerman	Cramer	Greenwood
Andrews	Crane	Gutierrez
Armey	Crapo	Gutknecht
Bachus	Cremeans	Hall (OH)
Baesler	Cubin	Hamilton
Baker (CA)	Cunningham	Hansen
Baker (LA)	Danner	Harman
Baldacci	Davis	Hastings (FL)
Barcia	de la Garza	Hastings (WA)
Barr	DeFazio	Hayes
Barrett (NE)	DeLauro	Hayworth
Barrett (WI)	Dellums	Hefner
Bartlett	Deutsch	Heineman
Barton	Diaz-Balart	Herger
Bass	Dickey	Hilleary
Bateman	Dicks	Hilliard
Becerra	Doggett	Hinchey
Beilenson	Doolittle	Hobson
Bentsen	Dornan	Hoekstra
Bereuter	Doyle	Hoke
Berman	Dreier	Holden
Bevill	Duncan	Horn
Bilbray	Dunn	Hostettler
Bilirakis	Durbin	Houghton
Bishop	Edwards	Hoyer
Bliley	Engel	Hutchinson
Blute	English	Hyde
Boehlert	Ensign	Inglis
Boehner	Eshoo	Jackson-Lee
Bonilla	Evans	Jacobs
Bonior	Everett	Jefferson
Bono	Farr	Johnson (SD)
Borski	Fawell	Johnson, E. B.
Boucher	Fazio	Johnston
Brewster	Fields (LA)	Kanjorski
Brown (CA)	Filner	Kaptur
Brown (FL)	Flake	Kasich
Brown (OH)	Flanagan	Kelly
Brownback	Foley	Kennedy (MA)
Bryant (TN)	Forbes	Kennedy (RI)
Bryant (TX)	Ford	Kennelly
Bunn	Fowler	Kildee
Burton	Fox	Kim
Callahan	Franks (CT)	King
Calvert	Franks (NJ)	Kingston
Camp	Frelinghuysen	Kleczka
Canady	Frisa	Klink
Cardin	Frost	Klug
Castle	Funderburk	Knollenberg
Chabot	Furse	Kolbe
Chambliss	Gallegly	LaHood
Chenoweth	Ganske	Lantos
Christensen	Gejdenson	Largent
Chrysler	Gekas	LaTourette
Clay	Gephardt	Lazio
Clayton	Geren	Leach
Clement	Gibbons	Levin
Clinger	Gilchrest	Lewis (CA)
Clyburn	Gilman	Lewis (GA)
Collins (IL)	Gonzalez	Lightfoot
Condit	Goodlatte	Lincoln
Conyers	Goodling	Linder
Cooley	Gordon	Lipinski
Costello	Goss	LoBiondo
Cox	Graham	Lofgren

Longley	Paxon	Smith (NJ)
Lowey	Payne (NJ)	Smith (TX)
Lucas	Payne (VA)	Smith (WA)
Luther	Pelosi	Souder
Maloney	Peterson (FL)	Spence
Manton	Peterson (MN)	Spratt
Markey	Petri	Stearns
Martini	Pickett	Stenholm
Mascara	Pombo	Studds
Matsui	Pomeroy	Stupak
McCarthy	Porter	Talent
McCollum	Portman	Tanner
McCrery	Poshard	Tate
McDermott	Pryce	Taylor (MS)
McHale	Quillen	Tejeda
McHugh	Quinn	Thomas
McInnis	Radanovich	Thompson
McIntosh	Rahall	Thornberry
McKeon	Ramstad	Thornton
McKinney	Rangel	Thurman
Meehan	Reed	Tiahrt
Meek	Regula	Torkildsen
Menendez	Richardson	Torres
Metcalf	Riggs	Torricelli
Mica	Rivers	Traficant
Miller (CA)	Roemer	Tucker
Miller (FL)	Rogers	Upton
Mineta	Rohrabacher	Velazquez
Minge	Ros-Lehtinen	Vento
Mink	Rose	Visclosky
Molinari	Roth	Volkmer
Mollohan	Roybal-Allard	Waldholtz
Montgomery	Royce	Walsh
Moorhead	Rush	Wamp
Moran	Sabo	Ward
Morella	Salmon	Waters
Murtha	Sanford	Watt (NC)
Myrick	Sawyer	Watts (OK)
Nadler	Saxton	Weldon (FL)
Neal	Scarborough	Weldon (PA)
Nethercutt	Schiff	Weller
Neumann	Schroeder	White
Ney	Scott	Whitfield
Nussle	Seastrand	Wicker
Oberstar	Serrano	Williams
Obey	Shadegg	Wilson
Olver	Shays	Wise
Ortiz	Shuster	Wolf
Orton	Sisisky	Woolsey
Owens	Skaggs	Wyden
Packard	Skeen	Wynn
Pallone	Skelton	Zeliff
Parker	Slaughter	Zimmer
Pastor	Smith (MI)	

NOES—38

Allard	Emerson	Manzullo
Archer	Ewing	Myers
Ballenger	Fields (TX)	Norwood
Bunning	Gillmor	Oxley
Buyer	Hall (TX)	Roberts
Coble	Hancock	Schaefer
Coburn	Hastert	Sensenbrenner
Collins (GA)	Hunter	Shaw
Combest	Johnson (CT)	Stump
Deal	Jones	Taylor (NC)
DeLay	Laughlin	Vucanovich
Ehlers	Lewis (KY)	Walker
Ehrlich	Livingston	

NOT VOTING—37

Browder	Istook	Schumer
Burr	Johnson, Sam	Solomon
Chapman	LaFalce	Stark
Coleman	Latham	Stockman
Collins (MI)	Martinez	Stokes
Dingell	McDade	Tauzin
Dixon	McNulty	Towns
Dooley	Meyers	Waxman
Fattah	Mfume	Yates
Foglietta	Moakley	Young (AK)
Frank (MA)	Reynolds	Young (FL)
Gunderson	Roukema	
Hefley	Sanders	

□ 0615

Mr. EHLERS changed his vote from "aye" to "no."

Mr. FRISA and Mr. SMITH of Michigan changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am still trying to keep a semblance of comity and understanding around here.

Forget it. Forget it.

The CHAIRMAN. The Committee will be in order.

Mr. OBEY. Forget it, Mr. Chairman. Do whatever you want.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER: Page 78, after line 6, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 564. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico by at least 10 percent of the level of such illegal drugs from the previous year, as determined by the Director of the Office of National Drug Control Policy; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute illegal drug kingpins and their accomplices, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering; and

(B) is pursuing international anti-drug trafficking initiatives.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Let's calm down just a second. Let's take the advice of the gentleman from Wisconsin [Mr. OBEY]. He is trying to work it out. He is not a part of any delaying tactic. He rose in all sincerity after I talked with him and said there is a possibility that we can just run through these last 4 amendments, 3 of which are accepted amendments.

Let's try to work it out and keep calm. Maybe we can do it, maybe we can't. If we can, we can. If we can't, we can't. But I appreciate the gentleman's effort to try to add some degree of sensibility to this debate and to this bill and to try to get finished with it today. I applaud the gentleman.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, we have about four or five Members of the House that have been here on the floor, and I have watched these Members. They have amendments that they feel very strongly about. They have worked with the committee, both the ranking member on the minority side and the chairman of the committee on this side. They have worked hard all night working out agreements. They have agreements, they have an opportunity to complete their work which they have spent the night working on. If we can just give them the courtesy of allowing them to proceed in accordance with the agreements they have worked so hard on tonight, we can finish our night's business.

It seems to me the kind of courtesy we ought to extend to those of our colleagues who spent this evening working as hard as they did together. I would encourage the body to accommodate those Members.

Mr. CALLAHAN. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I simply stood to inquire about the order of the amendments since it had been my understanding that we were first moving to the Burton amendment. I am opposed to the Burton amendment. I am not looking to do it any favors, but I thought that the Burton amendment was going to be going first and I would like to know why it is not.

Mr. CALLAHAN. Mr. Chairman, we have no objection to that if the gentleman from Indiana [Mr. SOUDER] has no objection. We will go that way. This is the order that someone wrote for me. I was not keeping order on how they go. If the gentleman would rather have the Burton amendment, I have no objection to that if the gentleman has no objection.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana: Page 78, after line 6, insert the following new section:

LIMITATION ON ASSISTANCE TO INDIA

SEC. 564. None of the funds appropriated in this Act under the heading "Development Assistance Fund" may be made available to the Government of India or non-governmental organizations and private voluntary organizations operating within India.

Mr. BURTON of Indiana. Mr. Chairman, the hour is early. Everybody is tired. We have discussed human rights violations around the world. I think everybody knows my position on the human rights violations that have been occurring in India, in Punjab, in Kashmir and Nagaland.

I will not prolong the debate. I understand we have an agreement for a much lower amount of reduction in aid to India than I wanted. I wanted a cut of

$70 million. We have gone down to $5 million, but I will accept that because of the late hour and because all I want to do is send a signal to India that we want them to try to change their policies toward the people who are suffering these human rights violations over there.

With that, because we have an agreement and understanding, I close my remarks.

AMENDMENT OFFERED BY MR. CALLAHAN TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. CALLAHAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CALLAHAN to the amendment offered by Mr. BURTON of Indiana: In the matter proposed to be inserted by the amendment, strike "None of the funds" and insert "Not more than $65,000,000 of the funds.

Mr. CALLAHAN. Mr. Chairman, the gentleman from Indiana [Mr. BURTON] has zeroed the amount. This amendment cuts India by $5 million. I now concur in the amendment. I hope that the minority side will also do that.

Mr. WILSON. Mr. Chairman, if the gentleman will yield, as one Member, I agree with the amendment and agree to accept it, but there are many Members on this side that do not agree with it and intend to oppose it.

Mr. ROSE. Mr. Chairman, I move to strike the last word.

I will be brief. The hour is very early, as my colleague has said. This is not about money. This is about symbolism.

India is trying to be our friend. Compared to what, you say? Compared to China. The Secretary of Defense told me the other night that India was fast becoming more strategically important to us than China. India has 900 million people. China has 1.2 billion people. India has a free press, it has an elected parliament, it has a judiciary, it has a court system. Bectel, General Electric, and Enron corporations have a $3 billion contract on the table right now, Enron, Bectel, GE, $3 billion contract right now, very touchy, with the Indian Government to build a power station to generate all the electricity for Bombay. It is to be owned by the American companies.

Mr. Chairman, it could be $1 million and we would put this new relationship that we are now developing with India in jeopardy. I have been there twice this year. I was there when Secretary Brown was there. Motorola, AT&T. I was there when the 777 airplane from Boeing was being demonstrated for Air India.

I know my friend, the gentleman from Indiana [Mr. BURTON], is close to people as the Sikhs have had problems in India, but read the "Dear Colleague" letter that a very broad bipartisan group of us signed saying, Let us not slap India in the face with $70 or $7 or $5 or $1 million. Let us continue to work to make them our friends.

The Prime Minister is opening up the country to foreign investment. There are 1.4 million American Indian citizens in this country. You want to hear from them by noon today? They are intelligent, they are committed, they are professional, they are in every community in this country.

They do not care whether it is $1 million or $70 million. They do not want to see this Government of ours slap their native country in this way.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, as the chairman of the Subcommittee on Asia and the Pacific, I strongly ask Members, do not cut the aid to India. It is not in the best interest of the United States to do this.

We are opening up relationships with India as never before in every front. We have a positive relationship. This is not in our interest to slash this aid. I urge Members to vote against the Burton amendment.

Mr. BONIOR. Mr. Chairman, I rise in strong support of this amendment. I will tell why, Mr. Chairman.

There is a place called Kashmir. What is happening in Kashmir today is one of the great moral tragedies on the face of this earth. Mr. Chairman, Kashmir is plagued by violence. There have been more than 20,000 people that have been killed there. Tensions are on the rise again. Holy places of worship by the Moslems have been burned to the ground recently. On Saturday, June 3, the Indian Parliament once again extended the New Delhi rule over Kashmir and they revoked the elections that were going to be held. It is one horror story after another. The rape of women, the butchery of the civilians of Kashmir. It is one of the great tragedies of our time. I think it is about time we sent a very clear message to India.

There are 700,000 Indian troops in Kashmir today. They are stationed no further from this wall or that wall, throughout the country. You cannot move on the streets without seeing an Indian soldier with their finger on the trigger of a gun. People do not go out at night.

This is a good amendment. I commend my colleague from Indiana for offering it. I hope my colleagues will at least show some sense of sensitivity. Amnesty International, all the human rights groups are kept out. Only recently have they allowed the Red Cross to finally come in. This is an important amendment. I hope my colleagues will support my friends from Indiana.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. BONIOR] for adding these comments because I, too, want to rise in support of the Burton amendment.

The gentleman from North Carolina [Mr. ROSE] may be right that they are open to trade and India is open to good relations with America, but let me tell you what they are not open to: Amnesty International, the international media.

Much of what the gentleman from Michigan [Mr. BONIOR] said tonight about the carnage in Kashmir or for that matter in the Punjab may be new to many Members of this institution. That is because the media of this country and the world cannot even get in to see the carnage. People have been killed by the thousands. They have littered the streets of Kashmir. The least we can do is support the gentleman from Indiana [Mr. BURTON] and send this extremely modest message.

I join with the gentleman from Michigan [Mr. BONIOR] in urging support of the Burton amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the Burton amendment.

I think the gentleman from North Carolina is quite right. This is symbolism. Whether you cut 5 or 70, it does not matter. We should not be cutting it at all.

The United States and India, two, the longest democracy and the largest democracy, have too many confluent interests to allow such an ill-conceived amendment to be adopted.

Has there been trouble? Yes, there has. Has the government of India taken great strides to alleviate the difficulties? Yes, it has.

The government has very recently decided to allow the controversial Terrorist and Disruptive Activities Act to terminate on May 23, 1995 despite continued terrorist violence in Jammu and Kashmir.

India's National Human Rights Commission works vigorously to protect rights. Assistant Secretary of State, Robin Raphel, said on February 9 of this year the commission has surprised the skeptics and begun to establish itself as an effective advocate for human rights.

Just a few weeks ago the U.N. High Commissioner for Human Rights, Ayala Lasso, visited Punjab and Kashmir. In a press conference after this visit, Lasso praised the advances India has made in human rights and lauded the unparalleled access he had been granted.

In my opinion the Burton amendment seeks to damage United States-Indian relations at precisely the moment they are showing such dynamism. More United States investment has come to India in the last year than in the entire history of United States-Indian relations. In addition, India buys more of its goods from the United States then from any other country.

The U.S. Department of Commerce has named India as one of the 10 big emerging markets and estimates business opportunities worth at least $100 billion in the next 5 years in the infrastructure sector alone.

□ 0630

I think that this amendment overlooks the great strides that India is making in its efforts to protect human rights and it would have an extremely negative impact on the flourishing United States-Indian relations. It is bad for U.S. business and overlooks the great strides that India is making.

Have there been difficulties? Yes, there have. We should not penalize a country when they are trying to correct those difficulties. I think we should vote "no" on the amendment.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for his comments and I think it is important to respond. Last year when the gentleman from Indiana [Mr. BURTON] tried to do this, there was a great deal of discussion about the refusal of India to allow international organizations in to check what is happening in Kashmir.

Reuters today reports:

India, in a move towards greater transparency in strife-torn Kashmir, agreed Thursday to allow the International Committee of the Red Cross access to the detainees in the region. The Red Cross said in a memorandum of understanding was signed between the committee and the Indian government allowing it access to all persons arrested and detained in relation with the current situation in Jammu and Kashmir.

This is a democracy. This is a country which has had a peaceful transition of power from the government to the opposition, both nationally and in many states very recently. I think this is not taking the situation in India in perspective.

There are terrible problems in Kashmir. Many people have died. But this is not the right approach. While we are loosening up the Pressler amendment allowing all kinds of assistance, nonmilitary assistance to go into Pakistan, to now come in and slap India like this puts us into a position which we will rue the day that we accept. I urge the amendment be defeated.

PARLIAMENTARY INQUIRY

Mr. CALLAHAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CALLAHAN. Mr. Chairman, I think there may be some confusion. What is the amendment before the Committee at this time?

The CHAIRMAN. The Callahan amendment to the Burton amendment.

Mr. CALLAHAN. So it is the Callahan amendment that is being debated. The Callahan amendment reduces it only $5 million, whereas Mr. BURTON zeroed it out. The amendment before the Committee is whether or not Members want to adopt the $5 million substitute or the $5 million amendment to the Burton amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it may be the world's largest democracy, but there is a gross abuse of rights that is going on there and I cannot imagine that we as the Congress would not want to stand up with our money and say something about it; the outrageous abuses that have occurred against the Sikhs and against the Moslems and indeed against the Christians.

I like the original amendment of the gentleman from Indiana [Mr. BURTON] to zero it out. We ought to stand up and make a statement for heaven sakes. It is our money. Why should we be supporting the kinds of abuses that are going on there. Torturing people routinely in certain parts of the country; locking them up because they expressed their opinion only and then they do not see the light of day. I mean it is outrageous.

The gentleman from Indiana [Mr. BURTON] has courageously stood on this floor for years and advocated this position and I would like to support the gentleman's amendment and just say to all of my colleagues that I think that there are some serious problems here. If they are the world's largest democracy, then they ought to stand up and respect human rights. I support the Burton amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana [Mr. BURTON], which I take it has now been amended or is from the gentleman from Alabama [Mr. CALLAHAN]. And I really want to stress that this is the wrong amendment at the wrong time.

If we were before the House a few years ago, then some of these allegations that are being brought up today might have been appropriate, but they are certainly not appropriate now. India has made a lot of progress on many of the human rights issues and if you look specifically at some of the points that were made today, I would like to individually try to refute them.

Unlike many other nations where human rights have been as issue, India has honestly confronted its problems in this area and taken protective steps to address them. Last week under the auspices of our Congressional Caucus on India, which I cochair along with the gentleman from Florida [Mr. MCCOLLUM], we had a visit from the chairman of India's National Commission on Human Rights. This is a new commission in business now for about a year or two. And I wish that the gentleman from Indiana [Mr. BURTON] and some of the other critics of India had been there to hear the presentation of Mr. Misra, who was a former chief justice of India's Supreme Court.

He pointed out how the commission now has the power to summon witnesses, collect evidence and to recommend prosecution of officials accused of human rights violations. The commission has been active in every State of India. Not a single recommendation by the commission has been rejected by government officials.

On May 23 of this year, the Terrorist and Disruptive Activities Prevention Act, this is the infamous act that some people have mentioned today that in the past has allowed for judicial procedures to be usurped, it has lapsed. It has not been reenacted and there are no plans to renew it.

And the main reason it was allowed to lapse was largely because of the urging of this new human rights commission. And this was despite the continuing terrorist violence in Jammu and Kashmir, much of it arising from Islamic fundamentalist forces outside of India's borders.

I think the gentleman from New York [Mr. ENGEL] mentioned that the Indian Human Rights Commission has won praise from our own State Department. Before the Subcommittee on Asia the Assistant Secretary of State, Robin Raphel, was quoted and came before the subcommittee and said that they were surprised, the State Department, that the skeptics that had talked about this commission and said it was never going to accomplish anything were wrong and that the commission had established itself as an effective advocate for human rights.

It was mentioned that a few weeks ago the U.N. high commissioner for human rights, he visited Punjab and Kashmir. And after his visit he praised the advances India has made in human rights. He lauded the unparalleled access that has been granted to investigate allegations concerning human rights violations.

Some mention has been made about Asia Watch, Amnesty International, and the International Red Cross. During his visit to the United States this month, Mr. Misra, the chairman of India's National Human Rights Commission, met with representatives of these three groups and he indicated there will be progress on these organizations sending representatives to India within the year.

Now, I think that the gentlemen have suggested that the amendment would put pressure on the Government of India to improve its record on human rights. In fact, I think this amendment, if it were to become law, would have just the opposite effect. It would greatly reduce our ability to positively influence the Indian Government, not only in terms of human

rights but on a wide range of economic and security issues.

Punitive measures like this one would only serve to isolate the Indian Government, give aid and comfort to political forces in India who oppose closer ties with the United States. I think it is extremely unfair that at this point when so much progress has been made and when so many of us have worked with the Indian Government representatives to try to turn things around and this human rights commission has started and had success, it would be really a tremendous disservice to pass this amendment.

Regardless of weather it is $70 million or $5 million, it is the symbolic effect of it that is going to have a negative impact on our relations.

Mr. BURTON of Indiana. Mr. Chairman, I ask to strike the requisite number of words.

Mr. Chairman, I hope everybody will pay attention to this. This is very important. The Indian Government has promised for years to allow Amnesty International and other human rights groups, the International Red Cross, into Punjab and Kashmir and they have never fulfilled that obligation.

I talked to the Indian Ambassador in my office and said, "Can I take a congressional delegation over there and take TV cameras so we could talk to the people?" He said, "Yes, we will work that out." Three years later, he never called me back. They do not want us in there.

Let me give my colleagues some facts. In 1995, Indian troops in Kashmir burned to the ground the centuries-old old walnut wood mosque along with hundreds of homes around it. You might say that is not very bad.

Let me tell you what Asia Watch says. Asia Watch, a human rights group, said that virtually everyone detained in Punjab is tortured. Everyone arrested is tortured. Amnesty International: Torture in Punjab and Kashmir and injury is widespread and in some cases systematic, resulting in scores of deaths in police custody.

State Department, you talk about the State Department, the State Department Human Rights Report this year said over 41,000 cash bounties were paid to police in Punjab for extrajudicial killings of Sikhs between 1991 and 1993. That was 41,000 people. Murdered.

Extrajudicial murders of Sikh youth are a common occurrence. Between 1986 and 1994, 6,017 unidentified Sikh victims of Indian police were cremated in the district of Amritsar alone. There are 13 districts in Punjab. It has been estimated that security forces have had over 25,000 unidentified Sikhs cremated or dumped in the rivers.

They just drained about a three-block area, a three-block area of canals, and they found 12 bodies with their arms tied together and their feet tied together and tortured. And they have hundreds of miles of these canals and in one two-block area they found 12 bodies at the bottom of the canal when they drained it.

In January 1993, paramilitary forces in Kashmir burned to death at least 65 Kashmiri civilians in the town of Sofar. Soldiers immediately set fire to five separate areas of the town and dragged shopkeepers out of their shops and shot them in the streets. The torching of entire Kashmiri villages by Indian forces is a common tactic. I can go on and on and on.

They gang rape women. I want the gentlewomen to listen to this. They gang rape Moslem women in Kashmir because it is something that violates their religious beliefs so the men will not have anything to do with them. Women commit suicide and leave the country and their families because of these things that are going on.

All I am asking for is a $5 million cut to send a signal to them. Do my colleagues think that is too much? They are getting $152 million anyhow. All I am asking for is a signal to them.

For God's sake, I brought pictures down here of people that have been disemboweled and tortured by the Indian Government. I have done this for years. We have passed amendments in the past and they have started to see the light.

The TADA laws are starting to change, but there are still a lot of other black laws that will allow them to take people out of their homes in the middle of the night, never to be seen again, no judicial proceedings, and we continue to support them with our taxpayers' dollars.

All I am asking, all I am asking is that we send them a signal. Go ahead and give them the $152 million, but let the rest of the world know that we at least care about Punjab and Kashmir. We are talking about Moslems, we are talking about Sikhs and we are talking about Christians in Nagaland.

This goes beyond just one ethnic group or one religious group. It goes into a lot of them. They have 1.1 million troops in Kashmir and Punjab imposing martial law and they have been doing it for years. This is not me talking. Read Amnesty International. Read the International Red Cross. All these human rights groups say these things.

All I am asking my colleagues to do is to vote for the substitute amendment, which I thought we had an agreement on tonight. I was asking for a $70 million cut and I said, "OK, just to send a signal I will go along with a $5 million cut." I thought we had an agreement. I thought the gentleman from North Carolina [Mr. ROSE] and I had an agreement and all of a sudden this place erupts into a big debate. Well, we had the debate.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. FLAKE. Mr. Chairman, the gentleman who is speaking has spent the last several years, and I have been supportive because there have been a number of persons who are residents in my district who have come from India who have been victimized in so many ways.

We have seen the gentleman from Indiana [Mr. BURTON] come to this well year after year to talk about the human rights violations which have been not only proven, but in most instances proven by institutions and agencies that we have a great deal of faith in.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. FLAKE. If the gentleman from Indiana [Mr. BURTON] has been willing, and that is commendable on his part, to agree to the amendment of the gentleman from Alabama [Mr. CALLAHAN] that strikes a portion but does not strike in total the amount of funds that are made available for India, I think we as a body ought to agree to that.

It is not a question that India has not made some progress, but it is a question of at what price do we, as we stand in this well, talk about the contracts that are available for India; talk about changes that are being made as of this moment that could have been made over the last 3 or 4 years that have not been made?

I tend to think that once again we can have an empty process; more sounding brass and tinkling cymbal. I urge my colleagues to support the Callahan amendment. If the gentleman from Indiana [Mr. BURTON] is in agreement with it, I think this body would do itself well. It would send a proper signal to India. We have been standing together over the last 3 years on this amendment. I think it is the right thing to do.

Mr. BURTON of Indiana. Mr. Chairman, let me just say that we just cut $25 million on the Porter amendment and we did that in a country, in my view, that does not even come close to the human rights violations that we are talking about here. Let us just send a signal to them. Let the world know we care.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know how many of the Members here on the floor have ever been to the Punjab or have spent any time in Amritsar as I have done and been to the Golden Temple, gone to the border of Kashmir.

□ 0645

I do not know how many Members have spent any time in India itself. I spent months in India, not under any grant or anything of the kind. I went on my own, I traveled the length and breath of India for months in the Gandhi centenary year. I am not sure that that necessarily gives me any greater insight than any other Member might have at this point, but I do not think it made me any the less sympathetic or wise about what was going on in India and the many countries that I was able to visit in my travels. I can think of two, when I was asked, and I would say the same thing today, two that I felt were the friendliest to the United States were the friendliest to me. The two countries for which I have the greatest affection and still feel deep affection because of the friendships I made there, and that continues today, and that was Egypt and India. I well recall the times in Egypt when people were asking when is the United States coming back, why did they leave us? The same in India.

So I stand here today in support of the Callahan amendment, speaking, I believe, as a friend of India of more than two decades standing.

No one can go and have an acquaintanceship with any member of the Sikh religion. Religion has been mentioned here tonight. The Sikh people are among the only ones that I have ever been acquainted with that actually live their religion. I say to my colleagues, "If you go to a Sikh temple and seek shelter, it will be given to you without question. If you go to a Sikh temple, you will be fed without question. They do not require of anyone that they demonstrate any kind of good will or special purpose in being there. They know that you are a human being, and I have discovered that among the Sikh people all around the world."

The question there then is not whether we are for India or against India, and I have the greatest respect for the presentation of the gentleman from North Carolina [Mr. ROSE] because his record on human rights with respect to Tibet and other areas is unmatched, but how is it possible for us to make an argument?

And the reason I am here in support—how is it possible for me to make an argument against our participation with China which I consider obscene? Child labor, prison labor, all for the money that we think we can make out of the country. We should not have the most-favored-nation status there.

How can I stand up? How can any of us who have that position stand there, and then, when we see our friends, and I consider, and I say again with resolution, our friends in India involving themselves in this aberration of torture and murder in the Punjab and Kashmir and not make this gesture, and I will call it that, and I do not think that is an empty term to say it is a gesture.

So what I am saying here: I believe, as a friend of India and a friend of the Punjab most particularly, I admit to bias and prejudice in particular with the Sikh people in the Punjab. But that does not make my commitment any the less, and I do not think it should make it for any of the rest of us any the less with our friends in India, the great democracy in southeast Asia, something we are never going to see in the mainland of China, probably in the legislative lifetime of most of us in this Chamber, sad to say. I wish it was otherwise.

This is important to do, as the leading democracy in the world right now, to say that it is not just a question of dollars and cents, and it is not just a question of trying to deal with past friendships and say, "Let's ignore what is going on right now." If we are going to be true to what is the best in India, and we will find people in India that have this same point of view: They want their government to do the right thing just as we want to do the right thing with our Government. I ask my colleagues then to support the Callahan amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Indiana has made these comments over and over year after year in committee and on the floor of this House yet ignores the progress that India has made, as Chairman BEREUTER noted, the progress that India has made in human rights. Allegations of human rights violations in Kashmir caused India to form the Independent National Human Rights Commission. Thus far 174 security-force personnel have been punished for their involvement in human rights violations. Assistant Secretary of State for south Asia, Robin Raffel, in some testimony in Congress this year said that the Indians in HRC, an independent body, has real teeth that have made a difference. International efforts to monitor the situation in Punjab, as well as in Kashmir, continue. The International Committee of the Red Cross has been in to Kashmir. Last year Members of the U.S. Congress have gone there. From some of the largest American newspapers, the New York Times, the Post, the Los Angeles Times have been into Kashmir and have viewed the progress there. Prime Minister Rao announced that the Terrorist and Disruptive Prevention Act will be allowed to lapse, has lapsed this year, effectively answering the amendments as referenced to TADA. This is just one more area in which Mr. BURTON'S amendment has been rendered out of date.

It makes no sense, Mr. Chairman, to stigmatize a nation which has taken so many positive steps towards improving human rights conditions. India and the United States have too many interests. India is an emerging nation, the two largest democracies in the world. They have too many common interests to allow such an ill-conceived amendment to be adopted.

The issue for India, the issue in this amendment, is not one of United States foreign assistance. Last year, the total development assistance allocated for India's 900 million people was slightly less than $40 million.

The money is not the issue. What will damage and retard our relationship, our human rights relationship, our democracy relationship, our democratic relationship, our trade relationship with India is the stigma that this amendment will attempt to impose on India.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes. I just happen to have to comment that I have had a lot of relationships in the last 2 or 3 years with India because of the terrorism question and because they have had similar problems to many of those we have been concerned about, about radical Moslems and the problems of the international networks that are involved in this, and over that experience and the relationship I have grown to understand some of the problems that the gentleman from Indiana [Mr. BURTON] has talked about. I understand there has been a history, but I also understand, as several have mentioned here, and the previous speaker just did, there have been enormous strides, and I am convinced that this is so, that have been taken by the Indian Government to correct those problems, and for us today to come and make this symbolic gesture, and that is, as several people have said today, is indeed what we would be doing by this vote that slaps India at this time when they are making that progress and when we are increasing our relationships with them in trade and with a war against terrorism and in so many other ways is just plain wrong.

As the gentleman from Nebraska [Mr. BEREUTER], my friend, said a few moments ago who chairs the subcommittee in the Committee on International Relations on this subject, this is simply the wrong thing to do now, and I urge a "no" vote on the Burton amendment.

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join with the previous speaker, as well as the gentleman from Nebraska [Mr. BEREUTER], and say very strongly, as strongly as I can as the immediate former chairman of the Subcommittee on Asia from this side, that this amendment and the

amendment to it would be a tragic mistake at this time. India is a very important country, a democratizing country, a very large democracy, and a country that has been very, very responsive to all of the suggestions that we have been making over the years. If adopted, this amendment will do great harm to that relationship which is growing stronger and stronger between our two nations and between the trade relationship that has been developing, and even more importantly, this amendment, because its maker has rushed to the floor to do the kind of traditional Indian bashing that we have seen here year after year after year, this amendment is fatally flawed and will do harm not just to millions of children in India, but to millions of children around the world. This amendment is drafted in such a way that it will cut off not just the development aid to India, but all United States development assistance to any nongovernment organization that is presently in India whether they are in India or not. The development assistance will be cut off to Catholic relief services all over the world and to Save the Children all over the world and the work that these organizations are too important for us to ignore, work that nobody else is doing in so many corners of the world.

If the gentleman from Indiana [Mr. BURTON] wants to go to India, I invite him to do so. To blame the Ambassador for not bringing him there is utter nonsense. I say to my colleagues, I've been there. You get on a plane and you go. I've been to Kashmir. You get on a plane and you go, and you see with your own two eyes instead of looking at the horror pictures that people bring you because I see those pictures in my office, too, and let me tell you both sides have brought me the same pictures of the same corpses and blamed each other for them. You have to make some sense out of this, and you don't do it by those who have vested interests in this issues.

Yes, India has problems and historically has had problems, religious deep-seated problems, that have existed throughout the ages. But progress is being made by a government that is responsive, that is democratizing more and more each day. We have never seen this kind of response from a major government being responsive and responsible to the suggestions that we have made.

I say to my colleagues, You have asked for the Red Cross to come in. They are going in. You asked for a human rights commission. There is a human rights commission. I urge my colleagues. This is no compromise that you see before you. We have worked out a compromise before on this $5 million, this symbolic $5 million, and this was not supposed to come up.

Now suddenly, after we fulfill our obligation of the agreement that we supposedly made, Republicans and Democrats alike with the maker of this amendment, and we fulfilled our part, suddenly of a new partner is sought to make a new agreement with to bring up $70 million and then to knock it down to $5 million as if this was an act of major generosity. This is flimflam. It is in the interests of the United States of America to make sure that this amendment and the amendment to it is defeated, not just for India, but for Catholic Relief Services, and Save the Children, and all of the good work that those organizations do as well worldwide.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, I first wish to commend the gentleman from Indiana for offering the basic amendment, however, as he has said, I think too that perhaps in the spirit of compromise that the Callahan amendment should be adopted at this time. However I had hoped that we would be able to spend a little more time on what is occurring in the country of India because even though there have been improvements in India's relation with the people of Kashmir and Punjab, it is still not there, and I think that we need to send that signal.

I, too, like the gentleman from Hawaii [Mr. ABERCROMBIE], consider India a very friendly nation, one that we will continue to improve our relationship with, one that we will hopefully continue to see human rights violations eliminated completely, that people will not be persecuted because of their religious beliefs, as has been done in the past and continues today.

I believe that it is imperative, and I would just like to ask the gentleman from Alabama on his substitute amendment because of what has been mentioned by the previous speaker:

"Under your amendment we have a total of a $5 million cut is all; is that correct?"

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Alabama.

Mr. CALLAHAN. That is correct.

Mr. VOLKMER. That does not deprive the charity organizations from providing assistance for the children, for the people that need it in India; does it?

Mr. CALLAHAN. That is correct.

Mr. VOLKMER. And that assistance will continue.

Mr. CALLAHAN. That is correct.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from New York.

□ 0700

Mr. ACKERMAN. Mr. Chairman, let me read to you from the amendment.

Mr. VOLKMER. Which amendment?

Mr. ACKERMAN. If the gentleman from Alabama [Mr. CALLAHAN] will give me a copy of his amendment, I will read both. Mr. CALLAHAN's amendment affects the amount and not the other language, is that correct?

Mr. CALLAHAN. It affects just the amount.

Mr. ACKERMAN. Let me read you the language that exists through both amendments. No development assistance fund, and he changes that in the number, may be made available to the government of India or nongovernmental organizations and private voluntary organizations operating within India.

Very simple: If they are operating within India, they get no money. That is what this says. It is a fatal flaw in the drafting of this, which will be responsible for killing children all over the world.

Mr. VOLKMER. If the gentleman from Alabama would agree that we could modify his amendment to clarify that it only affects the total amount of U.S. aid that will be going to India, I think it would be beneficial. I would yield to the gentleman from Alabama, if he wishes to make such a modification.

Mr. CALLAHAN. I would have no objection, but I think out of deference to the gentleman from Indiana, [Mr. BURTON] we talked only about the monetary portion of it.

Mr. VOLKMER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I have no objection.

Mr. CALLAHAN. The gentleman from Indiana has no problem. If he has no problem, I have no problem.

Mr. VOLKMER. I ask unanimous consent that the amendment be modified.

Mr. ACKERMAN. Mr. Chairman, I object.

Mr. VOLKMER. I was just trying to help move this thing along. If the gentleman wishes to object, he has that right.

Mr. ACKERMAN. Mr. Chairman, I object.

The CHAIRMAN. objection is heard.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, as the author of the original amendment, it is my intention to send a signal to India. These things that the gentleman from New York is raising right now, I have no problem with changing them. The gentleman is objecting right now because he simply wants to kill any attempt to send a signal to India. It is obvious what he is trying to do.

So I say again to my colleague, I am amenable to that kind of amendment. I think it is something that would still send a signal to India and solve the problem.

Mr. MANTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Burton amendment. India has come too far in its human rights situation to be turned back by this amendment, no matter how much it has been scaled down. The symbolism does the damage.

Since securing independence only a short time ago, India has made great strides to develop a vibrant democratic system. The chief argument of the proponents of this amendment is that India should be punished because its government is guilty of human rights abuses. If the complete absence of human rights abuses was a test for securing foreign assistance, then a majority of the countries which this bill benefits would not be eligible. The real issue should be whether a nation is making a good-faith effort to address such problems.

Mr. Chairman, I am not arguing that India is perfect or does not need to improve the treatment of its citizens. Rather, I submit that I share the goals of my colleagues who want to encourage India—and all nations—to fully realize their potential as free nations. I believe we can best achieve this goal by offering assistance to the Indian Government, by working in partnership to help this young democratic nation with so much potential, but so many burdens, to develop into a strong democracy which stands as an example to the entire region.

In the past year, India has made great strides toward improving its human rights record. I think the United States can be proud of our role in encouraging this achievement. U.S. assistance to India is one of the success stories of our foreign assistance program. India is a strong democracy in a region in need of a positive force to encourage the growth of democracy. I urge my colleagues to vote to continue our current commonsense policy toward India. I urge a "no" vote on the amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but just a minute. I do have Sikhs in my district, and many of them have suffered some of the atrocities that the gentleman from Indiana has spoken about.

I would like to associate myself with the gentleman from Michigan [Mr. BONIOR] and his comments that he has made, because they are true. It is true that some groups have gone into Punjab and Kashmir, but they are not allowed on a regular basis. When they have gone it, you have heard the results that Mr. BURTON has read and Mr. BONIOR has talked about. These are farmers. They own most of the land, and they are having violations. I have heard there is punishment and slaps in the face. Well, punish me with $152 million, and that is not a slap in the face.

AMENDMENT OFFERED BY MR. VOLKMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. VOLKMER. Mr. Chairman, I offer a substitute amendment to the original amendment offered by the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN. The Clerk will report the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER as a substitute to the amendment offered by Mr. BURTON of Indiana: In lieu of the matter proposed to be inserted by the amendment, insert the following:

LIMITATION ON ASSISTANCE TO INDIA

SEC. 564. Not to exceed $65,000,000 appropriated in this Act under the heading "Development Assistance Fund" may be made available to the Government of India.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, we have no objection to the substitute for the amendment. I do not think the original sponsor of the original amendment objects.

Mr. VOLKMER. This says it is only the $65 million. That is it. Now, in other words, it is a cut of $5 million. That is it.

PARLIAMENTARY INQUIRY

Mr. ACKERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Missouri [Mr. VOLKMER] yield for a parliamentary inquiry?

Mr. ACKERMAN. I believe I must ask the Chair for a parliamentary inquiry, rather than the gentleman in the well.

The CHAIRMAN. The gentleman from Missouri must yield for that purpose.

Mr. VOLKMER. Mr. Chairman, I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, did I understand the gentleman to say this is an amendment to the amendment to the amendment? If so, I believe that would not be in order at this time.

The CHAIRMAN. This is a substitute for the Burton amendment.

Mr. ACKERMAN. May we see a copy of it?

The CHAIRMAN. The Clerk will make copies available.

The CHAIRMAN. The Chair will first put the question on the amendment offered by the gentleman from Alabama [Mr. CALLAHAN] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ACKERMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Burton amendment.

The vote was taken by electronic device, and there were—ayes 284, noes 118, not voting 32, as follows:

[Roll No. 445]

AYES—284

Abercrombie	Fawell	Metcalf
Allard	Fazio	Miller (CA)
Armey	Fields (LA)	Miller (FL)
Bachus	Fields (TX)	Minge
Baker (CA)	Flake	Molinari
Baker (LA)	Flanagan	Mollohan
Baldacci	Foley	Montgomery
Ballenger	Forbes	Moorhead
Barcia	Ford	Moran
Barrett (NE)	Franks (CT)	Murtha
Barrett (WI)	Frisa	Myers
Bartlett	Frost	Myrick
Barton	Gallegly	Neal
Bass	Ganske	Neumann
Bereuter	Gejdenson	Norwood
Bevill	Geren	Nussle
Bilbray	Gilchrest	Oberstar
Bilirakis	Gilman	Obey
Bishop	Gonzalez	Olver
Bliley	Goodlatte	Ortiz
Blute	Goodling	Orton
Boehlert	Gordon	Owens
Boehner	Goss	Oxley
Bonilla	Graham	Packard
Bonior	Greenwood	Parker
Bono	Gutknecht	Paxon
Borski	Hall (TX)	Payne (VA)
Brewster	Hancock	Pelosi
Browder	Hansen	Peterson (MN)
Brown (CA)	Hastert	Petri
Brownback	Hastings (WA)	Pickett
Bryant (TN)	Hayes	Pombo
Bunn	Hayworth	Pomeroy
Bunning	Hefner	Porter
Burr	Heineman	Portman
Burton	Herger	Poshard
Buyer	Hilleary	Pryce
Callahan	Hinchey	Quillen
Calvert	Hobson	Quinn
Camp	Hoekstra	Radanovich
Canady	Hoke	Rahall
Chambliss	Holden	Ramstad
Chenoweth	Hostettler	Rangel
Christensen	Houghton	Reed
Chrysler	Hoyer	Regula
Clay	Hunter	Richardson
Clement	Hutchinson	Riggs
Clinger	Hyde	Rivers
Coble	Inglis	Roberts
Coburn	Jackson-Lee	Rogers
Collins (GA)	Jacobs	Rohrabacher
Combest	Jones	Ros-Lehtinen
Condit	Kanjorski	Roth
Cooley	Kaptur	Sabo
Costello	Kasich	Salmon
Cox	Kennedy (RI)	Sanford
Cramer	Kennelly	Saxton
Crane	Kim	Scarborough
Crapo	King	Schaefer
Cremeans	Kingston	Schiff
Cubin	Kleczka	Schroeder
Cunningham	Klink	Seastrand
Danner	Klug	Sensenbrenner
Davis	Kolbe	Serrano
de la Garza	LaFalce	Shadegg
Deal	Largent	Shays
DeLauro	Laughlin	Sisisky
DeLay	Lewis (GA)	Skeen
Diaz-Balart	Lewis (KY)	Skelton
Dickey	Lincoln	Slaughter
Dicks	Linder	Smith (MI)
Dingell	Lipinski	Smith (NJ)
Doolittle	Longley	Smith (TX)
Dornan	Lucas	Smith (WA)
Doyle	Luther	Spratt
Dreier	Manzullo	Stearns
Duncan	Martini	Stenholm
Dunn	Mascara	Stockman
Edwards	McCarthy	Stump
Ehrlich	McCrery	Stupak
Emerson	McHale	Talent
English	McHugh	Tanner
Ensign	McInnis	Tate
Everett	McIntosh	Taylor (MS)
Ewing	McKeon	Tejeda
Farr	McKinney	Thomas

Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Tucker
Vento
Volkmer
Waldholtz
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Wyden
Zeliff

NOES—118

Ackerman
Andrews
Baesler
Barr
Bateman
Beilenson
Bentsen
Berman
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chabot
Clayton
Clyburn
Collins (IL)
Conyers
Coyne
DeFazio
Dellums
Deutsch
Dixon
Doggett
Dooley
Durbin
Ehlers
Engel
Eshoo
Evans
Fattah
Filner
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Funderburk
Furse
Gekas
Gephardt
Gibbons
Gillmor
Green
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Horn
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kildee
Knollenberg
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Livingston
LoBiondo
Lofgren
Lowey
Maloney
Manton
Markey
Matsui
McCollum
McDermott
Meehan
Meek
Menendez
Mica
Mineta
Mink
Morella
Nadler
Nethercutt
Ney
Pallone
Pastor
Payne (NJ)
Peterson (FL)
Roemer
Rose
Roybal-Allard
Royce
Rush
Sawyer
Scott
Shaw
Shuster
Skaggs
Souder
Spence
Studds
Taylor (NC)
Thompson
Thurman
Upton
Velazquez
Visclosky
Vucanovich
Walker
Walsh
Waters
Wise
Woolsey
Wynn
Zimmer

NOT VOTING—32

Archer
Becerra
Chapman
Coleman
Collins (MI)
Foglietta
Gunderson
Hall (OH)
Harman
Hefley
Istook
Johnson, Sam
Latham
Martinez
McDade
McNulty
Meyers
Mfume
Moakley
Reynolds
Roukema
Sanders
Schumer
Solomon
Stark
Stokes
Tauzin
Towns
Waxman
Yates
Young (AK)
Young (FL)

□ 0726

Ms. WOOLSEY, Mrs. COLLINS of Illinois, Mr. DOGGETT, Mrs. FOWLER, Mrs. KELLY, Ms. WATERS, and Messrs. STUDDS, PETERSON of Florida, and MATSUI changed their vote from "aye" to "no."

Messrs. GILMAN, OBEY, EMERSON, and SHADEGG changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LATHAM. Mr. Speaker, on the morning of June 29, I was unavoidably detailed and unable to vote on House rollcalls 443, 444, and 445.

I would like the record to show that, had I been present, I would have voted "no" on rollcall 443, "yes" on rollcall 444, and "yes" on rollcall 445.

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent to speak out of order for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. LINDER. I object.

The CHAIRMAN. Objection is heard.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman can only do that by unanimous consent.

PARLIAMENTARY INQUIRY

Mr. BEREUTER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEREUTER. Mr. Chairman, why is it by unanimous consent at this stage?

The CHAIRMAN. It is right here in the manual. A pro forma amendment may be offered after a substitute has been adopted and before the vote on the amendment, as amended, by unanimous consent only.

Mr. VOLKMER. Mr. Chairman, I could not hear the ruling because of the uproar.

Mr. ACKERMAN. Mr. Chairman, we could not hear the ruling.

The CHAIRMAN. A pro forma amendment may be offered after a substitute has been adopted and before the vote on the amendment, as amended, by unanimous consent only. That answers the gentleman's question.

Mr. ACKERMAN. Mr. Chairman, I ask unanimous consent that the distinguished chairman of the subcommittee be allowed to speak.

Mr. LINDER. I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 210, not voting 33, as follows:

[Roll No. 446]

AYES—191

Abercrombie
Allard
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Bliley
Bonilla
Bonior
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Camp
Canady
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cubin
Cunningham
de la Garza
Deal
DeLauro
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Ensign
Everett
Farr
Fawell
Fazio
Fields (TX)
Flake
Foley
Forbes
Franks (CT)
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gonzalez
Gordon
Goss
Graham
Greenwood
Gutknecht
Hancock
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hoke
Hostettler
Hunter
Hyde
Inglis
Jackson-Lee
Jacobs
Kaptur
Kennelly
King
Kingston
Kleczka
Klug
Kolbe
Largent
Latham
Laughlin
Lewis (GA)
Lewis (KY)
Lipinski
Longley
Manzullo
Martini
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Miller (CA)
Minge
Montgomery
Moorhead
Moran
Myers
Myrick
Neumann
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pombo
Porter
Poshard
Quillen
Radanovich
Ramstad
Reed
Riggs
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Salmon
Saxton
Scarborough
Schaefer
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torres
Torricelli
Traficant
Volkmer
Waldholtz
Walker
Wamp
Watt (NC)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wyden
Zeliff
Zimmer

NOES—210

Ackerman
Andrews
Archer
Baesler
Baldacci
Barr
Barrett (NE)
Barrett (WI)
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bishop
Blute
Boehlert
Boehner
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burr
Calvert
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
Cooley
Coyne
Cramer
Cremeans
Danner
Davis
DeLay
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Ehlers
Emerson
Engel
English
Eshoo
Evans
Ewing
Fattah
Fields (LA)
Filner
Flanagan
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gephardt
Gibbons
Gillmor
Gilman
Goodlatte
Green
Gutierrez
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Klink
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
Meehan
Meek
Menendez
Mica
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Morella
Murtha

Nadler	Richardson	Stupak
Neal	Roberts	Thompson
Nethercutt	Roemer	Thornton
Ney	Rose	Thurman
Norwood	Roth	Torkildsen
Obey	Roybal-Allard	Tucker
Oxley	Royce	Upton
Pallone	Rush	Velazquez
Pastor	Sabo	Vento
Payne (NJ)	Sanford	Visclosky
Pelosi	Sawyer	Vucanovich
Peterson (FL)	Schiff	Walsh
Petri	Scott	Ward
Pickett	Serrano	Waters
Pomeroy	Shaw	Watts (OK)
Portman	Sisisky	Weldon (FL)
Pryce	Skaggs	Williams
Quinn	Slaughter	Wilson
Rahall	Smith (MI)	Wise
Rangel	Souder	Woolsey
Regula	Studds	Wynn

NOT VOTING—33

Becerra	Hutchinson	Schumer
Chapman	Istook	Solomon
Coleman	Johnson, Sam	Spratt
Collins (MI)	Martinez	Stark
DeFazio	McNulty	Stokes
Foglietta	Meyers	Tauzin
Goodling	Mfume	Towns
Gunderson	Moakley	Waxman
Hall (OH)	Reynolds	Yates
Harman	Roukema	Young (AK)
Hefley	Sanders	Young (FL)

□ 0736

Mr. DOGGETT and Mr. EWING changed their vote from "aye" to "no."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 445 and 446 on H.R. 1868.

Had I been present, I would have voted "aye" on rollcall No. 445, and "no" on rollcall No. 446.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR RUSSIA

SEC. 564. Of the funds appropriated in this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", not more than $150,000,000 may be made available for Russia.

Mr. ROEMER. Mr. Chairman, I would like to start out by thanking the Chair for his fairness presiding all through the night on this bill.

Mr. Chairman, I would also like to thank the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON], who have been exceedingly patient with an open rule.

Mr. Chairman, we are now debating all night, into the morning. We are competing with "Good Morning America," the "Today Show," "Sesame Street" for some of our children that we did not see last night. We are debating some very serious issues.

We are talking about two things. We are talking about cutting, in a fair way, some funds in this budget. We are talking about America and what America stands for.

About 15 hours ago we debated what that flag behind our Chairman stood for. We heard different people articulate what that means to veterans who have died overseas. We heard people talk about their experience marching in civil rights parades. Now we hear about people overseas and what that American flag means to them. It means fairness. It means democracy. It means justice.

What my amendment would achieve is justice in terms of cuts in foreign aid to Russia and in terms of a fair outcome for an unjust war that the Russians started in Chechnya. My amendment would cut $30 million from Russia.

Some people might clamor, "Oh, that's too much. We've already cut some aid for Russia. That's too much to cut."

Mr. Chairman, $30 million. I ask for Members' support. That is not too much to send a signal to Russia that they have conducted themselves in a brutal and inhumane way in attacking the people and the country of Chechnya.

How much do we give Russia in aid? In the NIS account under New Independent States, $580 million. Under the DOD funds for the Nunn-Lugar to this date, $612 million. IMF loans, we just extended them a $6.2 billion loan. Space Station will give them $400 million. Then we will extend money to them under OPIC and World Banks.

Is $30 million too much to ask if we are going to cut $25 million from Turkey for human rights? No. Is $30 million too much to send a signal to the people of Russia that we will not subsidize a war with American money?

That is in effect what we are doing. We are sending hundreds of millions of dollars over there. The Russians are spending $2 billion to attack Chechnya. We are subsidizing that with these hundreds of millions of dollars.

I think our relationship with Russia is critical. I did not support the Hefley amendment to cut $296 million. We need to engage with the Russians. We need to see an orderly transition. We do not want to spend hundreds of billions of dollars increasing our defense expenditures, but to send them a message for a $30 million cut I think is fair.

This amendment, Mr. Chairman, is not about what is wrong in Russia. It is about what is right in America, that we stand up for peace, that we stand up for justice, and the United States should send the Russians a signal.

As the American people wake up across this country, let's show them we have worked through the night. We are going to cut some foreign aid, we are going to do it justly, and we are going to try to end an inhumane war in Chechnya.

I urge my colleagues to support this fair amendment.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ROEMER

Mr. OBEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. ROEMER: In lieu of the matter proposed to be inserted by the amendment, insert the following:

LIMITATION ON FUNDS FOR RUSSIA

SEC. 564. Of the funds appropriated in the Act under the heading "Assistance for the New Independent States of the Former Soviet Union", not more than $195,000,000 may be made available for Russia.

Mr. OBEY. Mr. Chairman, as the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Texas [Mr. WILSON] and the gentleman from Alabama [Mr. CALLAHAN] all pointed out yesterday, if this were pre-1990, or if 1990 had not happened and the Communists were still in control in Russia, we would be spending about $200 billion more on our defense budget. So the question here is not whether we are for or against the war in Chechnya. We are against it.

I would point out that the people of Russia have indicated that they are outraged over their Government's action in Chechnya. They have given Mr. Yeltsin single-digit ratings in the polls. The Russian media has roundly attacked the actions of the Russian Government for Chechnya.

□ 0745

So have sectors of the military, including General Lebyan, who is one of the most popular figures in the Russian military establishment who called upon the government to enter negotiations with the Chechnyans. So has most of the Russian Parliament.

We have talks underway between Russia and Chechnya. The Russian Government started talks with them and Prime Minister Chernomyrdin on June 25 that Russia would seek only a political solution.

I would suggest to you that that indicates that it is not just Members of Congress who are opposed to Russian action in Chechnya. So are the vast majority of people who have spoken out in Russia itself. Now people want to send a signal to the Russian Government that they want that war to stop. I do not think there is any harm in that. But I think it needs to be a measured response or else we will, in fact, hurt the very reformers who are trying to see to it that they end that war, the very reformers who are also trying to bring a market system and a system of democracy to that country which has not been anywhere near close in a thousand years or more.

So this amendment simply limits the amount that we would provide to Russia to $195 million, and it is an effort to send a signal without doing damage to the very forces in Russia who are on our side on democratization, on moving to market forces and ending the war. To me it gives us an opportunity to do things that both sides want, and I would urge you in the spirit of sending a measured signal to that country to accept the substitute amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am one of the lone voices on our side of the aisle who believes that there are times for open rules and that there are times for closed rules, and I think have just exhibited one of those times when maybe we should have had a closed rule.

You know, everybody has their views on foreign policy, and most of them have expressed themselves in the last several hours, many of them, several times.

Now, I will tell you that in my opinion, the subcommittee headed up by the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] did a tremendous job in producing a very difficult bill. They took this bill down by almost $2 billion under what was appropriated last year and almost $3 billion under what the President asked for.

It was not easy to produce this bill. The bill comes out as a foreign aid appropriations bill perhaps for the first time in 20 years under an open rule.

On one amendment after another, the House has worked its will. And that is good. That is democracy. That is just exactly what the gentleman from Indiana indicated is represented by the flag behind me, except for the fact that not everybody has all of the facts at their fingertips on every subject that we have discussed. The emotionalism of the moment gets in the way. Individual groups get about various aggravating factors that have nothing whatsoever to do with the bill.

Others might be upset about something that happened on another bill. People vote or call for votes even when it disrupts the business of the evening. As a result not every decision we have made in the last 2 days has been in the best interest of a cohesive U.S. foreign policy. But we are going to have to move this bill and the administration is going to have to live with it. It is going to go to the Senate, and they in turn will work their will.

All of that is background for my belief that this amendment by the gentleman from Indiana is founded on the best of intentions, as were most of the amendments that have been debated here today. But it does cut too far and it is not good foreign policy. And that is why I support the substitute from the gentleman from Wisconsin.

You can take it out on the Russians, and I agree with everything the gentleman from Indiana has said about the Chechnyan horror. The Russians have gone too far. They have massacred innocent men, women, and children. There is no doubt about it. But we have still got to remember that good foreign policy is not made by overreacting to every issue that grates on our emotions.

Foreign policy is a network of ideas, of concepts that have to come together and work in the best national interest of this country and of peace and freedom in the world. And if we are going to get cohesive, sensible policy, then we cannot just pick out one thing that grates on us and react to it.

So I would tell my colleagues that the fact that Russia has joined the NATO Partnership for Peace, the fact that they are working for an end of the conflict in Tadzhikistan, the fact that they are withdrawing troops in Moldavia, the fact that they are reaching an agreement with Ukraine on the division of the Black Sea fleet and basing of that fleet, the fact that they are moving toward a settlement in Georgia, the fact that they have agreed to a peacekeeping force in Azerbaijan that will operate under OSCE supervision, the fact that they have withdrawn their troops from the Baltic States, that they have ended their targeting of nuclear weapons against the United States, that the cold war is over, that free media is flourishing in Russia today, that elections for President and the Parliament are progressing on schedule, that democracy is taking root in an area that has not ever been known in its entire history: All of those things are also things that you should consider when you consider whether or not we should cut aid to the Russian people from the United States.

I would urge you ladies and gentlemen, stop getting carried away with the emotionalism of one issue that is brought up on the floor to sweep us off our feet and start realizing that foreign policy is more complicated than any one single issue. As well-intentioned as the gentleman from Indiana is with his amendment, I urge you to adopt the substitute from the gentleman from Wisconsin. It is a fair and just statement about the outrages that exist in Chechnya.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, you know, I guess it comes as no surprise I am not the smartest man in the House. I am not the most effective man in the House. I am not the most handsome man in the House, and I suppose if my epitaph had to be written today, the epitaph would have to mention, if I did anything in the United States House of Representatives, it was fight aid to Russia.

Last year when I was on the floor of this House of Representatives complaining about a foolish program of building houses for Russian soldiers, I do not think I saw the gentleman from Indiana standing up opposing that. And for the gentleman to stand on the floor of the House tonight and to indicate that I have not cut aid to Russia and that only he is here to cut aid to Russia is sort of an insult.

In 1994, the level of aid to Russia was $2.1 billion. In 1995, it was $842 million. The President came and said, SONNY, we need $788 million, and I said, no, Mr. President, we are only going to give you $595 million. So I have cut aid to Russia to nearly 25 percent of what it was two years ago. So let us not confuse this issue of CALLAHAN standing here supporting aid to Russia.

I am supporting a responsible piece of legislation that has bipartisan support.

I started out at $150 million and then we compromised with others in the House in order to reach a consensus that we could bring to this floor. So let us not confuse this with the fact that we are not already cutting aid to Russia.

I think, Mr. Chairman, we should adopt the Obey substitute. I think it is responsible, and I think we should adopt it now, and I think we should move on with the other three amendments.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just say that as I started my remarks on opening up, that I complimented the gentleman from Alabama [Mr. CALLAHAN] for his hard work on this bill. He has been very fair and open and I did not intend any kind of insult to the gentleman from Alabama by offering this amendment.

I think he has done as fair a job as he could in putting this bill together. However, there are many things where we give aid to the Russians that do not fall under the gentleman's purview and jurisdiction.

And I mentioned some of those, the DOD funds and Nunn-Lugar, over $612 million. You mentioned the NIS account, $580 million; IMF loan, space station. My amendment does not touch Nunn-Lugar. My amendment does not touch space station. My amendment does not touch U.S. assistance through trade investment agencies and OPIC.

Mr. Chairman, my amendment tries to say that instead of just saying to the Russians with a $5 million cut out of $1 billion, when you add up all the programs, "Please do not do it again," and wink at the Russians, my amendment says, "You will not do it again." This is $30 million as opposed to $5 million. The gentleman from Alabama [Mr. CALLAHAN] has done an exceedingly fair job on this bill.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I greatly respect the gentleman from Indiana [Mr. ROEMER] and his concern about human rights. I think that human rights is a basic value on both sides of the aisle and it has to remain a basic value of this House.

But I think we need to understand that one of the reasons that the gentleman from Alabama [Mr. CALLAHAN] made the major reductions that he did in his mark was because of the general concern in the House about the war in Chechnya. If it had not been for that war, we would have fought for a much higher number.

We felt that the number provided by the gentleman already sends a significant signal to anybody who has one ear open. But nonetheless, in order to assist all Members of the House so that they can specifically record themselves as wanting to send another message, we are supporting a further modest reduction in aid to Russia. We simply have a question about numbers and we have a question about whether if you go too deep, you do not harm the very forces in Russia who are the most on our side.

Mr. Chairman, I want to respect everyone's sincerity, but I would strongly urge the House to support this amendment. It will send a measured signal, but it will not send a dangerous signal and that is what we are trying to do.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, just to close let me say also if the gentleman from Indiana [Mr. ROEMER] or anybody else would like to read the language of the bill, we address the Chechnyan situation and we are just as distressed as the gentleman or anybody else.

Thus, in the language of the bill, in the report language, we do point out our discontent with what is happening there and we encourage them to change their direction. So we have addressed Chechnya.

We have addressed the reduction with 25 percent of what we were 2 years ago, and I would urge the adoption of the Obey substitute.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I am a member of the Committee on International Relations and I am among those who vote to cut, not to send a signal, but to save money.

I believe in a lean and trim foreign aid policy because it is cheaper to make the peace than it is to fight the war. But we have also got a $4.8 trillion debt on our hands and according to the generational forecast that is printed in the budget, because of this debt by the time every child born after 1993 goes to work, he or she will pay between 84 and 94 percent of his or her income in State, local, and Federal taxes.

That is one of the reasons why I believe in a foreign aid policy. I am going to vote in favor of the foreign aid bill regardless of the form, but I am cutting not to send a signal to the foreign countries, but to save money.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Wisconsin.

□ 0800

Mr. OBEY. Mr. Chairman, I would like to ask the gentleman if we totaled up everything that the American taxpayers shelled out in taxes since we first had the cold war begin until the Berlin Wall fell down or was knocked down, I would like to ask the gentleman:

"How much do you think that would amount to per family in this country in taxes?"

Mr. MANZULLO. I was not a Member of Congress then.

Mr. OBEY. Neither was I, but the answer is $80,000 per family. That is what the average American family has shelled out over the last 45 years to win the cold war.

It seems to me that what we are talking about tonight is the necessity to invest a tiny pittance in comparison to that number to try to secure a peace——

Mr. MANZULLO. Reclaiming my time——

Mr. OBEY. That, if it is lost, will cost us far more.

Mr. MANZULLO. Reclaiming my time, I have no objection with it. I am just stating words have been said on the floor here that many of us are voting to cut because we do not understand foreign policy, that it is more complicated than we think it is.

I am on the committee, and I have studied it. Maybe I do not understand it as well as many of the members here do, but I have an obligation to those kids born after 1993 who are facing a 48- to 49-percent income tax rate in this country, my children and the children of the people we represent, that we have to take every opportunity there is to make a cut, and there are many of us that are voting not to send a signal to Russia, not to send a signal to India, but simply to say we want to save money and we use this as an opportunity to do so.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say very briefly we are asking, and I think the gentleman from Wisconsin put it in pretty good perspective, we are asking the average American to allow us to spend $2 this year. We are saying, "We believe, if you'll let us spend $2, we have a better chance of your children living in a world in which Russia is a democracy."

And, yes, it has problems, and, yes, there are things we do not like, and, yes, it may even fail. But we believe those $2 is a better gamble of not having to go to a draft, not having to risk a nuclear war, not having to do a lot of other things. That is what it comes down to, $2 per American.

I would simply ask all of my colleagues to vote for the substitute offered by the gentleman from Wisconsin.

Mr. GEPHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes, but I want to follow the Speaker and urge Members on both sides of the aisle to vote for the Obey substitute.

I have the greatest respect for my friend from Indiana. But I believe that what the gentleman from Wisconsin [Mr. OBEY] is suggesting is a better approach.

Russia is in the balance today. No one is happy with what happened in Chechnya. Everyone hopes for future progress. This is an embryonic democracy that is trying to become a democracy, and, if we take this language of a cut as suggested by my friend from Indiana, we stand the chance of injuring the ability of this democracy to take root and to take hold and to save us billions and billions of dollars in the future.

I urge Members on both sides of the aisle in a bipartisan manner to vote for the Obey substitute to the amendment offered by the gentleman from Indiana [Mr. ROEMER].

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, now we have been at this a long time, apparently for 200 years or better. Now I just think it is a sad day when we start talking about embryonic democracies, when we start talking about how we can justify what is going on in Chechnya and say that we are not going to do what the gentleman from Indiana [Mr. ROEMER] is asking.

Now I do not know about the message, whether it will be clear or whether it will not be clear, but I know what will be clear from our point of view if we back up this amendment that is being offered.

How can we take a look at what is going on? I do not know. Maybe it is because we have the electronic media that bring us these pictures, that brings us the immediacy, if my colleagues will. We do not have the luxury, I guess, if that is the right word, of contemplating these atrocities at a distance of time. It is not brought by a clipper ship, or it is not taken by Pony Express, or that we literally have distanced ourselves.

But I do not think any message is going to be delivered unless this kind of message, delivered from this Congress, because we are the ones that can make that difference. I do not know what Mr. Yeltsin's position is at the

moment because I am not quite sure whether he can stand or sit. I do not know what is going on as far as the Russian Parliament is, whether it is going to stand or fall this week, but I do know one thing. I know that what I have heard about, how the Chechnyans are viewed by the Russians. If we think we have got racism in this country to deal with, and we do, well, let me tell my colleagues it pales in comparison to the way the Russians regard the Chechnyans. There is no human dimension operating where they are concerned. As far as the Chechnyans are concerned, they would just as soon wipe them all out.

Now, if we want to participate in that, in the name of democracy we can go ahead and do that. But I am telling my colleagues it diminishes us, it diminishes us as a people, it diminishes us as a democracy. One thing we have always stood for, or tried to at least in our rhetorical stances, and I do not use the word rhetorical in some pejorative sense. One thing we stood for historically along the way is when the little person is being done in by the big person we stand with them.

I was asked at one point why did I ever get into politics. I said, "Sunday school; I think it is one of the few times I've ever been able to get anybody to stand back and wonder what did he say." It was Sunday school. That is what I learned, and I learned that that is what Americans do, and that is what Americans stand for and stand up for.

The Russians want to destroy these people. When I say the Russians I am talking about the leadership there. I do not think the Russian people want to be involved in this, and I think a lot of them will take a signal, if that is what we are talking about here today, what kind of signal gets sent. They would take a signal that we understand that, and so, while I applaud the motives of the previous two speakers, I think that, if we genuinely mean to stand for those things that have been discussed from the very first moments of our second day of deliberation here with respect to that flag, that we are going to back up the amendment offered by the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just conclude by saying that I have the greatest respect for the Speaker and the minority leader, but, if we are going to show a fledgling democracy how a great democracy acts, then we should send a strong signal.

What is the greater threat to internal Russia right now? Is it the war in Chechnya, or is it $30 million out of a billion that we are sending them?

Mr. ABERCROMBIE. Reclaiming my time, Mr. Chairman, I think the greatest threat to Russian democracy right now is this enterprise they are engaged in, in Chechnya.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 17-minute vote.

Pursuant to rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying amendment offered by the gentleman from Indiana [Mr. ROEMER].

The vote was taken by electronic device, and there were—ayes 348, noes 67, not voting 20, as follows:

[Roll No. 447]

AYES—348

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McKeon
Meehan
Meek
Menendez
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff

NOES—67

Abercrombie
Andrews
Baesler
Bryant (TN)
Bunning
Burton
Chabot
Chenoweth
Cox
Crane
Crapo
Cubin
Diaz-Balart
Dornan
Duncan
Durbin
Ensign
Farr
Fattah
Funderburk
Geren
Gutierrez
Hall (TX)
Hancock
Hayworth
Hilleary
Hoke
Hunter
Inglis
Jacobs
Jefferson
Lewis (GA)
Lincoln
Lofgren
Longley
McIntosh
McKinney
Metcalf
Miller (CA)
Neumann
Ney
Pallone
Quillen
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Seastrand
Sensenbrenner
Shadegg
Shuster
Smith (WA)
Souder
Stockman
Tate
Taylor (MS)
Tiahrt
Traficant
Tucker
Volkmer
Wamp
Zimmer

NOT VOTING—20

Chapman
Collins (MI)
Fields (LA)
Foglietta
Gunderson
Hefley
Martinez
McInnis
McNulty
Meyers
Moakley
Reynolds
Sanders
Schumer
Solomon
Stokes
Towns
Waxman
Young (AK)
Young (FL)

□ 0826

Messrs. QUILLEN, LONGLEY, ROYCE, and SANFORD changed their vote from "aye" to "no."

Mrs. MEEK of Florida and Mr. CHRISTENSEN changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above-recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 401, noes 2, not voting 31, as follows:

[Roll No. 448]

AYES—401

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—2

Johnson (CT)
Lofgren

NOT VOTING—31

Bartlett
Barton
Brewster
Chapman
Collins (MI)
Condit
Conyers
Fields (LA)
Foglietta
Gephardt
Gunderson
Hefley
Johnson (SD)
Kaptur
Martinez
McCrery
McNulty
Meyers
Moakley
Parker
Reynolds
Sanders
Schumer
Skelton
Solomon
Stockman
Stokes
Waxman
Weldon (PA)
Young (AK)
Young (FL)

□ 0836

Mr. HALL of Texas changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 0840

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER: Page 78, after line 6, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 564. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico by at least 10 percent of the level of such illegal drugs from the previous year, as determined by the Director of the Office of National Drug Control Policy; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute illegal drug kingpins and their accomplices, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering; and

(B) is pursuing international anti-drug trafficking initiatives.

Mr. SOUDER. Mr. Chairman, I offer this amendment on behalf of myself, the gentleman from New Hampshire [Mr. ZELIFF], the gentleman from Arizona [Mr. SHADEGG], the gentleman from California [Mr. CONDIT], the gentleman from Massachusetts [Mr. BLUTE], the gentleman from Florida [Mr. MICA], the gentleman from Mississippi [Mr. TAYLOR], the gentleman from Maryland [Mr. EHRLICH], the gentleman from Washington [Mr. METCALF], the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Indiana [Mr. HOSTETTLER], and the gentleman from Tennessee [Mr. WAMP].

MODIFICATION TO AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that the amendment be modified with the modification at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. SOUDER numbered 81: Beginning on line 9 strike, "by at least" and all through the word "year" on line 10.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SOUDER: Page 78, after line 6, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 564. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico, as determined by the Director of the Office of National Drug Control Policy; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute illegal drug kingpins and their accomplices, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering; and

(B) is pursuing international anti-drug trafficking initiatives.

Mr. SOUDER. Mr. Chairman, for the last 2 days the Government Reform Subcommittee with jurisdiction on national security and justice, chaired by the distinguished gentleman from New Hampshire [Mr. ZELIFF], has held hearings on the drug interdiction efforts. This amendment, sponsored by Members from both parties, many of whom serve on the subcommittee, has risen directly from those hearings. I want to especially commend Chairman ZELIFF for his leadership in trying to raise awareness of our Nation's drug crisis that again appears to be rising to even higher than the 1989 levels.

Our amendment is simple. It would stop foreign aid to Mexico unless Mexico reduces the amount of drugs entering the United States as determined by the Office of National Drug Control Policy.

Mexico is taking action to crack down on drug kingpins and individuals involved in money laundering and corruption. Mexico is pursuing international drug trafficking initiatives.

More drugs now come into America from Mexico than from any other country in the world. That is the major reason why we need this. Our Southwest border has provided an unimpeded drug passageway. Consider the following: The State Department estimates that 80 percent of the marijuana in this country comes through Mexico; 60 percent to 70 percent of the cocaine in this country comes through Mexico; and 22 percent of the heroin in this country comes through Mexico.

At the same time, the border seizure rate for illegal drugs is estimated to be in the 5-percent to 15-percent range, according to the CRS. Put another way, we catch fewer drug traffickers than shoplifters within our own borders. This is not due to any lack of effort on the part of our own law enforcement officers. They are simply overwhelmed.

The flow of illicit drugs from Mexico traditionally has not been effectively addressed by the Government of Mexico, despite President Zedillo's apparent enthusiasm for combating drug trafficking. President Zedillo is to be commended for his words of commitment toward the eradication of drug trafficking across our shared border. However, the level of corruption existing within the Mexican Government infrastructure makes me skeptical that such well-intended verbiage will become a reality.

We must not forget that Americans will be left with business as usual if his words do not become a reality, and Mexican drug trafficking will lead to the continued deaths of our children and destruction of our families.

I hope with all my heart that President Zedillo is successful in pursuing reforms, but if he is not, he will have a hard time telling my constituents in Indiana that we let NAFTA pass with no conditions, that we let President Clinton bail out the Mexican economy with no conditions, and now for a third time we are giving Mexico another break with no strings attached. I think my colleagues would also have a hard time explaining this to their constituents in their home States.

I have accepted the change in my amendment because I believe that in order to accelerate things here the most important thing here is to make a statement that we can agree on, and we can get into the RECORD. I also believe because of the wording of the amendment it would be very difficult to establish what the base would have been where he took the 10-percent funds since I do not know the actual amount of illegal drugs coming in. The phrase "by at least 10 percent of the level of such illegal drugs from the previous year," actually modifies the phrase "is taking action to reduce." So I believe that was an acceptable change in order to get this amendment favorably accepted.

CORRUPTION IN THE MEXICAN GOVERNMENT

"Profoundly corrupt" is how the customs chief in the Reagan and Bush administration recalls the Mexican Government of the 1980's. "And it got worse and worse."—USA Today, April 4, 1995.

Mexican President Ernesto Zedillo acknowledged, "There is evidence that some individuals in the government could have served the interests of drug traffickers." In a sharp departure from a tradition of denial about high-level involvement in narcotics peddling, the President said illegal drug operations had penetrated "institutions, power structures and local economies."—The Houston Post, March 26, 1995.

According to Eduardo Valle Espinoza, a former attorney general's official, at least half of Mexico's 31 Federal police chiefs and 31 Federal attorney general's delegates receive illegal payoffs from drug traffickers * * * they pass that money along to their superiors as part of "a pyramid of corruption." Moreover, police chief posts are so lucrative that some applicants offer $1 million or $2 million just to be hired.—The Dallas Morning News, March 19, 1995.

Once subsidiaries of the Colombians, Mexico's cartels are becoming full-fledged partners, using some $30 billion in annual revenue to pollute the political system through a familiar combination of bribery and terror.—The Boston Globe, March 19, 1995.

Last year, the corruption was even more blatant. Police credentials signed by the State Attorney General of Baja, California, turned up in the hands of members of the Arellano Felixes. They allegedly were sold out of the attorney general's office for $8,000 to $10,000.—The Boston Globe, March 19, 1995.

The State Department's recently released annual report on international drug trafficking talks matter-of-factly about the influence of narcotics dealers on the Mexican government, saying that efforts were under way to "eliminate official corruption within law enforcement and the judiciary."—The Washington Post, March 12, 1995.

Most observers now agree that Mexico is awash in drug money, apparently enough to hasten the peso's decline as some of it moved out of the country recently. Raul Benitez Manaut, a drug trafficking specialist in Mexico City, estimated that as much as half of all hotel tourist revenue last year came from traffickers who laundered millions of dollars simply by having officials create fictitious guests.—The Boston Globe, March 19, 1995.

HORROR STORIES: MEXICO—DRUGS

President Zedillo quoted as saying, "I also think we have to put order in our own house. We have severe problems in the attorney general's office, historical problems"; Time: "Of corruption?" Zedillo: "Yes."—Time, June 19, 1995.

"This city [Tijuana] is the main battlefield in a ferocious war for the border that has raged across Mexico, spilling south to Venezuela and north to San Francisco * * *. The combatants are two major Mexican drug cartels—one based in Tijuana, the other in the northwestern state of Sinaloa. More than 200 people have been killed in their battles during the last 5 years, many of them anonymous gunslingers and drug-runners."—LA Times, June 16, 1995.

A list of "excellent cadavers" in the war: "The former state attorney of Sinaloa, murdered while jogging in a Mexico City park. The head of the Sinaloa human rights commission, slain on orders of a Federal police commander. A roman Catholic cardinal, mowed down in a Guadalajara airport shootout. A Federal police commander, killed by fellow officers guarding a Tijuana drug lord. The Tijuana police chief, ambushed on a highway. And most recently, the former state attorney general of Jalisco, shot has he left home to teach a law class."—LA Times, June 16, 1995.

A quote from a Mexican investigator: "There are powerful obstacles within the State police forces, people allied with the narcotics. The Federal police are another obstacle. And the third enemy is the bad guys themselves. So you are fighting three fronts. It goes beyond the police. Organized crime has the support and participation of politicians. It happened in Colombia. And it is happening in Mexico."—LA Times, June 16, 1995.

Cocaine arrives from Columbia, through the desert city of Mexicali, where smuggling specialists, "Who function as subcontractors for the different cartels, send groups of loaded vehicles through the Calexico port of entry to the Los Angeles area, often warehousing the cocaine in Riverside and San Bernardino counties." This Imperial Valley corridor accounted for almost one-half of the cocaine seized along the southwestern border during the past three years."—LA Times, June 16, 1995.

"We have reliable information that every load of cocaine that comes into Mexicali is guarded by Mexican federal police," said a high ranking United States law enforcement agent, who asked not be to identified.—LA Times, June 16, 1995.

The corruptive influence reaches across the border. A continuing probe of U.S. border inspectors has resulted in charges against two Calexico inspectors for waving across tons of smuggled cocaine in exchange for bribes. Just last month, a grand juror from the Imperial Valley was convicted in San Diego Federal court of leaking sensitive information to traffickers—the first case of grand jury tampering in the history of the Southern District of the U.S. District Court.—LA Times, June 16, 1995.

A massive indictment involving southern California currency exchanges in April—the sting revealed how traffickers infiltrated the thriving cross-border industry to move and launder their millions. The suspects included the owner of a chain of currency businesses in Los Angles, Orange, and San Diego counties and a prominent accountant who the U.S. DEA says it linked to the Arellanos—LA Times. June 16, 1995.

On taking advantage of NAFTA: Gangsters also have acquired trucking companies and sought consultants with expertise in NAFTA, "someone knowledgeable who could counsel them on how to take advantage of NAFTA to move their product," said Craig Chretien, special agent in charge of the DEA in San Diego—LA Times. June 16, 1995.

Summary of the article above, the struggle between rival gangs and drug families has pushed across the border, and is too far out of control for the Mexican police to handle. One official was quoted: "We are fighting a monster. We have just begun to cut off a few tentacles, but we are not close to killing it."—LA Times. June 16, 1995.

"As a result of the financial capacity of these drug-trafficking organizations, the tendency to infiltrate the government and financial structures will continue. The power of the drug-trafficking organizations could lead to situations of ungovernability, using whatever political or economic space in which institutions show weakness or inattention; the advance of drug-trafficking promotes impunity and uncertainty in the institutions, justifies violence and increases intimidation of the authorities"—(taken from a report from Mexico's National Institute for Combating Drugs).—LA Times. June 15, 1995.

Mexico has become a "narco-democracy"—a term to reflect the apparent contradiction of a nation governed by elected officials and a democratic constitution falling under the influence of ruthless international drug cartels.—LA Times. June 15, 1995.

"The bosses of Mexico's handful of major cartels remain at large, raking up what Constatine estimates at $7 billion in annual profits as they consolidate their presence north of the border."—LA Times. June 15, 1995.

"Notable murders blamed on "narco-politics," such as the slaying of Presidential candidate Luis Donaldo Colosio last year and that of the Roman Catholic cardinal of Guadalajara the year before, have gone unsolved. Mexican and United States authorities are investigating ruling party leaders suspected of collusion with drug lords in these and other crimes."—LA Times. June 15, 1995.

"Drug corruption pervades law enforcement. Federal and State police serve as soldiers of the underworld. They commit murders, guard drug lords and, as was graphically illustrated in the mystery surrounding a giant cocaine shipment that landed in the state of Zacatecas last year, escort huge loads of drugs toward the United States. Mexican Federal officers protect smuggling operations in hub cities such as Mexicali, according to United States Law enforcement."—LA Times. June 15, 1995.

"There has been a history of, and there continue to be problems with, the groups of Mexican Federal police assigned to high-profile areas of trafficking, such as the border. They get percentages of drug profits; they get compromised. It has been tough. There is an unacceptable level of corruption." Craig Chretien.—LA Times. June 15, 1995.

"A U.N. commission on transnational crime recently said gangs have used the battered economy as a Laundromat for their illicit profits. They convert their dollar revenues into cheap pesos and buy movable assets, such as luxury cars, in Mexico. Then they sell them abroad for "clean" dollar profits. U.N. sources estimated that the cartels laundered tens of thousands millions of dollars in Mexico this year".—LA Times. June 15, 1995.

MEXICO: AMERICA'S #1 DRUG TRANSIT POINT!

More drugs come into America from Mexico than from any other country in the world.

Our Southwest border has provided an unimpeded drug passageway. Consider the following: 80 percent of the marijuana in this country comes through Mexico; 60–70 percent of the cocaine in this country comes through Mexico; and 22 percent of the heroin in this country comes through Mexico.—(estimates from the State Department)

We catch fewer drug traffickers than shoplifters within our own borders. The border seizure rate for illegal drugs is estimated to be a mere 5 to 15 percent. This isn't due to any lack of effort on the part of our own law enforcement officers, they are simply overwhelmed.—(estimates from CRS)

The United States receives more illegal—than legal—imports from Mexico each year. According to some estimates, Americans spend at least $50 billion per year on illegal drug purchases versus $32.5 billion per year on legal imports.—(estimates from CRS)

It's time to put drug traffickers out of their jobs and behind bars. But in order to do so, we must hold the Mexican Government accountable for its part in the war on drugs. This is exactly what the Souder-Zeliff amendment would do.

THREE STRIKES AND WE'RE OUT!

Strike One: The 103d Congress gave Mexico its first break by allowing the passage of NAFTA with no strings attached. We opened the door to increased trade to Mexico—and increased drug trafficking with it. Decreased border examinations have let more drugs enter our country via the Mexican border.

Strike Two: President Clinton's $47.5 billion bailout gave Mexico its second big break with no strings attached. The Mexican Government made a poor judgment when it devalued the peso, and now American taxpayers are picking up the tab.

Strike Three? If we don't get tough with Mexico now, and pass the Souder-Zeliff amendment, we will hand Mexico its third break with no strings attached.

But this time it won't be the Mexican government receiving the big break, it will be the drug smugglers, lords, and kingpins. I'll have a hard time telling my constituents that we have let this happen, and I think you will too.

Vote for the Souder-Zeliff Amendment—Don't Let America Strike Out.

RELENTLESS GOVERNMENT CORRUPTION

While President Zedillo is to be applauded for advocating a tough policy on drugs, previous administrations have endorsed similar initiatives without results.

The level of corruption in the Mexican Government has rendered futile their best efforts—pervasive corruption doesn't stop at the snap of a finger.

When a newspaper in Mexico's own capital city writes that every police agency "from the smallest town to the Federal judicial police is contaminated by the narco-traffickers," I think there is still a problem.

Officials are often offered the choice of "silver or lead"—money or a bullet—allowing traffickers to build their powerful empires.

Despite President Zedillo's good intentions, President John Adams was right:

Americans deserve better than to passively wait and see if the promises made by one administration in this narco-democracy become a reality. We cannot wait while one more life is lost to the drug trade.

The drug problem in this country is not only an issue of demand—it is also an issue of supply. We must use whatever leverage we have to stem the flow of drugs into this country—we owe our children nothing less.

Columbians fly merchandise to central and south America in converted 727's capable of carrying up to 10 tons. Mexicans ship it in small shipments by truck, trains, and small ships. "At every key transit point, bribed Mexican officials are on hand to help."—LA Times. June 15, 1995.

Mexican drug lords now spend as much as $500 million a year on bribery. They spend nearly $1,000 in payoffs for each kilogram of cocaine. The Mexican Federal attorney general's annual budget is about $200 million—less than half of the presumed cartels' kickbacks.—LA Times. June 15, 1995.

Aug 6, 1994. Soon after a shipment of cocaine estimated at $200 million was seized by Mexican officials, a separate police force hijacked it. They unloaded about ¾ of the shipment into trucks, before allowing it to proceed to the state capital.—LA Times. June 15, 1995.

"In this operation, it's left absolutely clear the connection that exists between high officials of the attorney general's office and the

narcotics gangs operating in Zacatecas."—Top U.S. Justice officials concluded that the drug theft was covered up.—LA Times. June 15, 1995.

On corruption: "There are few officers whom they can depend on. In there, they give an order and the bad guys know about it before the officers. It turns out that the one who receives the order is the traitor."—LA Times. June 15, 1995.

Ruiz Massieu, 44, is considered to be the symbol of cynicism and corruption to rival any of the PRI's six decades in power. He has been charged with covering up for the man accused of ordering his brother's assassination, and being investigated for possible ties to drug traffickers after $10 million was discovered in bank accounts in his name.—LA Times. June 15, 1995.

Drug trafficking is a $30 billion-a-year business in Mexico.—Dallas Morning News. June 6, 1995.

"Observers believe that many businesses in Mexico that are seeking United States investment may actually belong to drug traffickers, or to businessmen who are in league with drug traffickers. 'It's becoming impossible to know whether they're holding hands with the Devil down there'."—Dallas News. June 6, 1995.

Recent revelations about more direct and flagrant links between drug lords and political elites in Latin America suggest significant changes in the traditional ways of doing drug business: Leaks from American officials, together with investigations and arrests in Mexico and Columbia, show that the drug lords are modernizing, becoming businessmen instead of simply rich, high-rolling, quick-burnout delinquents.—LA Times. May 23, 1995.

Faced with a growing threat from narcotics traffickers, President Ernesto Zedillo has ordered the Mexican military to take a greater role in the antidrug fight, including the use of air force jets to intercept planes loaded with cocaine.—The New York Times. May 23, 1995.

Expenditures for this fight against drug trafficking has risen to $38 million from $27 million.—New York Times. May 23, 1995.

Mexican officials agreed to crack down after Clinton's $52 billion international rescue package, most notably by giving the U.S. more information on drug trafficking.—New York Times. May 23, 1995.

For the U.S., the tentacles of drug-based corruption are thwarting the war against cocaine traffickers, but, for others, President Zedillo's commitment to that war is credible and may even turn the tide.—San Diego Union Tribune: May 15, 1995.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I have examined the amendment. The amendment is acceptable to this side of the aisle.

Mr. SOUDER. I thank the gentleman.

Mr. ZELIFF. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from New Hampshire.

Mr. ZELIFF. Mr. Chairman, I would like to commend the gentleman for making the amendment. I think it is right on the mark and sends the appropriate message.

Mr. Chairman, I rise in support of the gentleman from Indiana's amendment. Very simply, Mr. Chairman, this amendment would hold funds from Mexico until they can prove that they decrease the drug flow to our country by 10 percent. I remind my colleagues that 80 percent of the marijuana, 70 percent of the cocaine, and 20 percent of the heroin traffic to the United States comes through Mexico. I firmly believe that we need to take huge steps in refocusing our efforts on stemming the tide of drugs that are killing this Nation. The Souder amendment is an extremely effective first step in that effort. Drugs are killing our Nation, Mr. Chairman, and I fear that we in this Congress have forgotten that. As Drug Enforcement Administration Constantine said, they are a timebomb about to go off. It's time our Nation wakes up and realizes this.

As chairman of the House Subcommittee on National Security, International Affairs, and Criminal Justice, I have held four high-level oversight hearings on the President's national drug strategy—what we have learned is devastating.

Over the course of our four hearings, we have heard from Nancy Reagan, former cabinet members, prevention groups, and drug czar Lee Brown. We have also heard testimony from the heads of the Drug Enforcement Agency, U.S. Customs, and the Coast Guard, President Clinton's interdiction coordinator, and GAO investigators. They revealed that they have just completed a major study of the Clinton administration's drug strategy in source countries.

Mr. Chairman, I would like to share with the House what we have learned:

First, the head of DEA, Administrator Constantine, admitted that our exploding drug use in this country—that was falling until 3 years ago—and the international drug cartels should be seen as our No. 1 national security threat. He ranked it above ballistic missiles for the impact on our Nation. Yet he also admitted that it is not given that ranking by his own administration's National Security Council. He spoke from the heart and called his threat, and I quote, a "timebomb."

Second, the President's interdiction coordinator, Admiral Kramek, admitted that his office, which is supposed to coordinate the whole Nation's drug interdiction effort, has just six people—and that his efforts have seen cuts for 3 straight years.

Fourth we received admissions from the DEA, the President's interdiction coordinator, and the head of U.S. Customs that President Clinton's drug strategy is nor fulfillng expectations.

Fourth, and Mr. Chairman, GAO today dropped a bomb in our committee. After investigating the Clinton drug strategy in the source countries, including extensive interviews in Columbia and Mexico, they released a study that shows that the Clinton anti-drug strategy in the source countries is very badly managed, poorly coordinated among agencies, holds low priority in key embassies, including the United States embassy in Mexico—even though 70 percent of the cocaine coming to the United States comes from Mexico, and that the Clinton administration's drug strategy in source countries has serious accountability problems. That study and testimony is available from GAO for anyone who asks.

What does this all mean, Mr. Chairman? It means that what we have is a secret epidemic creeping back into American culture, and we have a failed drug policy by this administration. There is much to be done to correct this, Mr. Chairman, and the Souder amendment is not the answer—but it is a definite step toward cutting the flow of drugs from Mexico. We must do everything we can to stop the drugs at their source. The majority of cocaine comes into our country from Mexico, and that is where we must start.

They will feel it where it hurts, Mr. Chairman—in the wallet. We cannot afford to continue to ignore this epidemic and sweep it under the rug. The time is now to begin the war on drugs once again. I urge my colleagues in the strongest possible terms to vote for the Souder amendment, and show Mexico that we are serious about cleaning up the scourge of drugs from America's streets.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, the amendment is acceptable to the minority as well.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to commend the gentleman for his very fine amendment. Things are deteriorating along the borders and getting worse, not better. We definitely need to give Mexico this wakeup call.

Mr. SOUDER. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to say to the gentleman that I share many of the sentiments expressed by him. I did not support NAFTA because I frankly have very little faith in the willingness of the elite who run Mexico to really provide sufficient reforms for their economy or to sufficiently crack down on drugs, and I am very skeptical that even with the good intentions announced by the new Government that we will see much progress. But I do want to say that we need to face a far more fundamental problem when it comes to drugs. It is easy to blame other countries whose income is very low and therefore whose farmers find an easy way to make money by producing drugs for export to the United States. But if we are going to be credible in objecting to that practice, then it seems to me we have to face up to a reality about our own country.

□ 0845

The gentleman from Alabama [Mr. CALLAHAN] and I in 2 successive years have both been chewed on by people in this House who are very well-meaning, but who insist that we continue to

spend very large amounts of money in the drug interdiction program and in the program in this bill to wipe out the production of drugs in other countries.

I must tell you, while I hate to say it, that in my judgment, while that money is well-intentioned, almost all of it in my view is wasted. We have been told by officials of our own Government in previous administrations who ran some of those programs that in fact they stop less than 2 percent of the drugs that come into this country.

I would respectfully ask each and every Member of this House, the next time we have a foreign assistance bill up, before you pressure the gentleman from Alabama [Mr. CALLAHAN] or anybody else on the subcommittee to again raise that amount, you take a look behind the numbers. This goes for people on both sides of the aisle. Because last year, you remember, a number of Members on this side of the aisle tried to bring down the rule because we reduced that program to save money.

The fact is that the recommendation to cut it was the right recommendation because that program is virtually a total waste. It seems to me we would be much better off to use that money for drug education, drug enforcement and law enforcement programs right here in this country than we would be to waste it in this bill.

Mr. PASTOR. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. PASTOR. I thank the gentleman for yielding.

Mr. Chairman, I would like to tell my colleagues here that I represent the border communities in Arizona. We now begin to see that this Government is working with the United States in trying to stop the flow of drugs from Mexico into this country. Mexico, as you know, is in hard times. If we are going to stop the drugs from coming from Mexico into this country, it has to be a binational effort.

I agree with my colleague the gentleman from Wisconsin that one of the problems is that we are doing very little in this country to stop the consumption. As long as there is a demand for consumption of drugs in this country, you are going to find countries in Central America, South America, Mexico or wherever continue to bring or produce those products because this country has such a high demand.

I think we need to address that problem, because as long as we have a high demand for drugs in this country, then these countries will continue to produce them. I would tell my colleagues that we have an equally high problem in this country. We have to do as much as we can to lower the consumption and use of drugs in the United States.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I just want to tell the gentleman, as a former criminal prosecutor, I could not agree with you more. We cannot eradicate all the crops in the world. We cannot stop the introduction of drugs, all of the massive paraphanalia that comes in with the drug crops, and stop the flow of money the other way.

We have got to stop drug abuse by stopping the demand. We have got to convince our children and our people that it is culturally impermissible, it is socially unacceptable, to use drugs in this country. At that point, drug abuse will stop.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take the floor only for a moment. I agree and associate with everything that the gentleman from Louisiana and the gentleman from Wisconsin said, with one big exception. Our interdiction effort is working. That is the reason why they are coming in from Mexico now, is because of the success of the interdiction system and the interdiction effort in south Florida using our United States naval assets. That has been a tremendous help. The problem is, to do the same thing on the Mexican border will require absolute cooperation from the Mexicans, including flyover cooperation which we have never received. That is the big difference.

The rest of it is absolutely necessary. I totally agree. But I think in this particular effort, in this particular matter, I want the record to be absolutely clear that our U.S. Navy in cooperation with all of the Federal law enforcement officials and local law enforcement officials is doing a terrific job in south Florida.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Michigan.

Mr. BONIOR. Could my friend the gentleman from Florida apprise us, I remember during the debate we had on NAFTA, he was very eloquent about a particular case, in an extradition case. Could you give us an update on where that is and if the administration ever took any action on your behalf?

Mr. SHAW. While we were negotiating, they had the man on trial down there, which means if he were returned here, it would be double jeopardy. It was a double-cross. It was just plain and simple. The Mexicans just did not level with us and tell us the truth. We desperately need extradition from Mexico. We have not received that cooperation. We have yet to extradite one single Mexican national back to the United States. We have got to work on that. We have been working, the attorney general has been working hard to try to do that. I was working hard. But none of us to date have succeeded.

Mr. PASTOR. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Arizona.

Mr. PASTOR. Very recently I was in Austin, TX and had a chance to meet with Mexican officials. One of the concerns that they have and are asking us to assist is that, as you know, we have the former attorney general in this country, and they asked that we send him back to Mexico so that he could be prosecuted. The judge in this country refused to extradite him. Right now the Mexican Government is saying, you ask us to cooperate, we need cooperation from you so that we can extradite this known—

Mr. SHAW. Reclaiming my time, I do not know the facts of that situation, but we have extradited, particularly Mexican nationals and even Americans back into Mexico. Our extradition treaty has been a one-way street.

Mr. Chairman, I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I do not want to delay the debate at this point, but I just want to make note for our colleagues that the drug war has to be fought on five major battlefields to reduce both demand and supply simultaneously. It is all well and good to try to reduce consumption, but let's not forget the supply side.

We have got to eradicate, we have got to interdict, we have got to enforce, and on the demand side, we have got to teach our young people and we have got to treat and rehabilitate. We cannot neglect any one of those facets in our drug war.

Mr. SHAW. The gentleman certainly knows of what he speaks. He has done a lot for this House in the war on drugs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SOUDER], as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WISE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 0, not voting 23, as follows:

[Roll No. 449]

AYES—411

Abercrombie	Barcia	Berman
Ackerman	Barr	Bevill
Allard	Barrett (NE)	Bilbray
Andrews	Barrett (WI)	Bilirakis
Archer	Bartlett	Bishop
Armey	Barton	Bliley
Bachus	Bass	Blute
Baesler	Bateman	Boehlert
Baker (CA)	Becerra	Boehner
Baker (LA)	Beilenson	Bonilla
Baldacci	Bentsen	Bonior
Ballenger	Bereuter	Bono

Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—23

Chapman
Collins (MI)
Doolittle
Fields (LA)
Foglietta
Kasich
Martinez
McNulty
Menendez
Meyers
Moakley
Nadler
Reynolds
Sanders
Schumer
Serrano
Solomon
Stokes
Stump
Velazquez
Waxman
Young (AK)
Young (FL)

□ 0910

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Mr. RICHARDSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was going to offer an amendment that terminated the IMET program and the enhanced IMET program to Guatemala. However, given the subcommittee's action in eliminating the IMET program because of Guatemala's grave human rights problems, and the assurance that the chairman has given me of extended oversight of the enhanced IMET program, I will not be offering this amendment.

However, I do want to recognize the efforts of the gentleman from New Jersey [Mr. TORRICELLI] and the gentlewoman from Maryland [Mrs. MORELLA] who have worked with me on this amendment who have long been involved in the Guatemala issue.

Mr. Chairman, I think as my colleagues know, Guatemala is also, especially in the Western Hemisphere, one of the more outstanding human rights violators. There have been cases where Americans have been killed, thousands and thousands of disappearances, and a military that is out of control and the objective of the amendment was to get the United States out of the business of associating itself with the military.

But some in the committee have developed an enhanced IMET program which deals with teaching human rights, teaching ethics to military officers in the Guatemalan military, and feel with the extended oversight and the good record that the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] have established on a number of human rights amendments today, that I will offer the amendment.

And I would like to recognize the gentlewoman from Maryland [Mrs. MORELLA] who is active in this issue and who has had a long history in support of human rights in Guatemala.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite words.

Mr. Chairman, I want to thank the subcommittee and the chairman for their recognition of the severity of human rights problems in Guatemala.

The bill authorizes only expanded IMET funding for Guatemala. The chairman has assured me that candidates for this program will be carefully screened for past abuses.

I hope that the committee and the Members of this body will continue their attention to the situation in Guatemala. I urge members to review the devastating report of the U.N. human rights monitoring mission in Guatemala. They will find that in spite of progress in peace talks and almost 10 years of democratic government, the administration of justice in Guatemala is nearly nonexistent, and military impunity, not only for human violations, but also for drug trafficking and other criminal conduct, continues unabated.

Members of the Guatemalan military continue to impede the Harbury-Bamaca case; the government prosecutor assigned to her case resigned this week because of death threats against him and his family and an assassination attempt last week. For 6 years I have been working to resolve the case of Sr. Dianna Ortiz, an American citizen who was kidnaped, raped, and tortured, as well as the cases of Michael Devine and Myrna Mack. In these and a number of other cases, members of the Guatemalan military have prevented the judicial process from working.

I look forward to working with the chairman and other Members of the House in resolving human rights concerns in Guatemala and in supporting a negotiated resolution of Guatemala's civil war.

□ 0915

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I, too, would like to add my thanks and congratulations to the gentleman from New Mexico [Mr. RICHARDSON] and the distinguished chairman of the subcommittee. The tragedy of Guatemala, while it remains an unfortunate fixture in our history, nevertheless shows promise of bringing change. The actions of the Committee on Appropriations and the Committee on International Relations in a greater oversight role, a new vigilance, I believe, in

the Select Committee on Intelligence, the recent announcements by the new DCI in his public statements about new standards for agency activities in the region and the investigations on several levels ordered by the President I think bodes well for the future, for whatever mistakes have been made, I am convinced we are going to know the truth about the past, and, more importantly, that this program in the future and future American involvement may be now on a new and higher standard of which we can all be proud.

I thank the gentleman for offering the amendment and for having yielded me the time.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I would like to assure my colleague from New Mexico that neither myself or the other members of the subcommittee have any interest in protecting the Guatemalan military from scrutiny of its human rights performance. At the urging of our colleague, the gentleman from California [Mr. TORRES], the subcommittee intends to monitor the activities very closely. For this reason the bill supports administration's present cutoff for all IMET to Guatemala. All the bill does is say that, if the administration makes the decision to resume IMET in Guatemala, it cannot be military IMET. It must be human rights IMET.

In light of this I would hope that the gentleman from New Mexico [Mr. RICHARDSON] would withdraw his amendment if he has indeed introduced it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Wisconsin.

The CHAIRMAN pro tempore (Mr. WALKER). The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(On request of Mr. OBEY and by unanimous consent, Mr. RICHARDSON was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would simply take the time to simply say that I, for one, would hope that Guatemala would not receive even expanded IMET. I think they have demonstrated that they do not know how to use any military training. I think they demonstrated that it is a virtually hopeless case to reform that military at this juncture in their history, and so I simply want to express my strong reservation about the administration providing any kind of IMET whatsoever to Guatemala.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I just returned from a trip to Guatemala and saw, and I am particularly interested in this subject, and I think that one of the problems there is a recognition or a feeling that the Guatemalans only have a public relations problem——

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(By unanimous consent, Mr. RICHARDSON was allowed to proceed for 2 additional minutes.)

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. DOGGETT. Having just returned from a trip to Guatemala, having met personally with the President, with the Foreign Minister of Guatemala, with a number of business leaders in Guatemala, I remain troubled that the Guatemalan Government remains captive of the Guatemalan military, that the Guatemalan business leaders, many well-intentioned, many working hard to bring reforms in their country, have not yet recognized that they have something more than a public relations problem, that this is not just a concern of one Member of Congress. This is not just the concern of the American Embassy in Guatemala City where our Ambassador, Marilyn McAffee, has been doing an outstanding job of bringing to the attention of the President, to the President of the Congress of Guatemala, the concerns that we have with human rights in that country, but that this is a deep and continuing concern of the American people.

I visited first-hand with a prosecutor in one of the highly publicized cases, thanks to the important work of our colleague, the gentleman from New Jersey [Mr. TORRICELLI]. That prosecutor has been under continual death threats, and he has every reason to be concerned with his life since this year in Guatemala over 20 people in the city of Guatemala City have been found shot with a single bullet wound to the back of the head. The Guatemalan military and its legal counsel stood in the way of an exhumation near a former Guatemalan military base in the northern part of the country to try to get to the bottom of the investigation concerning the death of Mr. Bomaca. It is the Guatemalan prosecutor who wanted to proceed with that exhumation who faced continual death threats, who has this week, after going public about those death threats, actually threatened to resign if his safety cannot be assured.

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(By unanimous consent, Mr. RICHARDSON was allowed to proceed for 1 additional minute.)

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. DOGGETT. He has every reason to be concerned also given the fact that it was only within the last year that the Chief Justice of the Supreme Court of Guatemala was assassinated, that Guatemala during the last year has failed to make any progress in the prosecution of any human rights cases, that the military still seems to feel that it is a power unto its own and that it will not reform.

All of this, of course, occurs at a time that an officer of the Guatemalan military remains under indictment in the State of Florida for drug trafficking, and the Guatemalan Government refused to extradite that officer to the State of Florida. The problems that Guatemala has with reference to drugs trafficking rank right up there along with this human rights abuses and indeed may well be directly connected to those abuses, and now in Guatemala City there is a wave of kidnapings that know no political basis.

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, given the serious nature of the problem in Guatemala, I am troubled about having any assistance continue there. I was very pleased that, when we considered the foreign assistance bill, that the gentleman from New Jersey [Mr. TORRICELLI] succeeded in adding an amendment to that piece of legislation that conditioned our foreign assistance to Guatemala on a number of things. The significant progress in extraditing the colonel in the Guatemalan military who has been indicted in the State of Florida, significant progress be demonstrated in the human rights cases that are pending in Guatemala, specifically the situation with Jenifer Harberry with whom he has worked, and with whom I met in Guatemala and is a person of tremendous courage who continues to pursue the investigation of the death of her husband, and who continues apparently to be thwarted at every avenue in her attempts to investigate that death. Also I met with another very courageous woman there, Mrs. Carpio, from one of the most prominent families in Guatemala, whose husband was the editor of one of the leading newspaper in Guatemala who was the subject of a political assassination. No progress has been made with reference to the investigation of that assassination. The same is true of an anthropologist in Guatemala with whose sister I met in Guatemala City where little, if any, progress is being made.

So, many of the leaders in the effort to bring about change in Guatemala are women who have been left as widows, as sisters who have been left without any realistic hope that their cases are going to be thoroughly and fully investigated. It was only a couple of days

after returning to the United States that I, along with several other Members of Congress, received calls from Guatemala concerning the latest efforts to block the exhumation of Mr. Bomaca. We communicated directly with the President after consulting with the State Department, with the Foreign Minister, and have yet to receive a response, but the word that comes back is that this investigation still remains blocked, that no progress has been made concerning this investigation.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. If I understand, I would like to congratulate the gentleman for the work that he has done in helping to expose the problems of Guatemala, the time he has taken to go there and the expertise that he developed on the issue. I say to the gentleman, "You may have made an enormous contribution."

But I also want to remind my colleagues that, indeed, it is not 1, but there are 11 Guatemalan military officers, who have been indicted in the United States for narcotics trafficking that have not been extradited. So, those who would advance continued American military cooperation with Guatemala should recognize that they are harboring outlaws themselves who have been trafficking in cocaine to the United States. At this point it is estimated that fully one-third of all the cocaine that reaches the United States is warehoused in Guatemala before it reaches our cities and towns, this in a country that is completely controlled by military units, where nothing happens by chance. It raises the question about the integrity of their operations and should make suspect any American military cooperation in the future.

Although we have not proceeded with this amendment today, we do so, and I trust the gentleman agrees in the belief that in good faith the Clinton administration will not proceed with expanded IMET given the current situation.

Mr. DOGGETT. Mr. Chairman, I agree wholeheartedly. We should not, and this situation needs to be monitored very closely because the situation in Guatemala remains very dark indeed, and there is a failure to recognize the true dimension of this problem, the potential for trade, for commerce. It is a beautiful country, as my colleagues know from their travels there. There is great potential there, but, as long as there is this roadblock and this indifference to the issue of human rights, we are not going to see the full potential of our relationship developed.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I, too, wish to congratulate the gentleman in the well for his continuing interest in making sure that recipient countries of aid from this country do not violate basic human rights of their own citizens, and what is interesting to me is that I find no one on the other side contributing to this discussion, even though earlier today, when we had an amendment on the little country of Haiti in the Caribbean, we had all kinds of discussions.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. DOGGETT] has expired.

Mr. TORRES. Mr. Chairman, I rise today in support of H.R. 1868, the fiscal year 1996 foreign operations appropriations bill as reported out of the full Appropriations Committee. I want to commend Chairman CALLAHAN and the distinguished ranking member, Mr. WILSON, for their diligent work in crafting a very difficult foreign assistance appropriations package. However, I must note that the bill falls short in meeting important funding needs in some areas, particularly in providing adequate assistance for Latin and Central America.

United States assistance for emerging democracies of Latin and Central America is threatened by the 40-percent reduction to the Development Assistance Fund, the elimination of funding for the Fund for Special Operations of the Inter-American Development Bank [IDB], and the reduction in funding for the Inter-American Foundation [IAF].

Latin America is at the cusp of full consolidation to democratic rule and commitment to free-market, free trade economic policies. Today, the region represents our fastest growing trading partner and accounts for $91 billion in U.S. exports which support nearly 2 million U.S. jobs. However, nearly half the region remains in poverty. These countries will continue to need U.S. Government engagement and foreign assistance in each of the areas of sustainable development if they are to become consumers of U.S. goods and services and full participants in the proposed free trade area of the Americas. Resource levels to the region have dropped precipitously over the past several years and cannot be reduced disproportionately if these goals are to be achieved.

The Fund for Special Operations, the concessional lending arm of the IDB, lends to the five poorest countries in Latin America. Its programs focus on poverty reduction, basic human needs, grassroots development, and projects designed to assist women and the environment. In an era when U.S. bilateral foreign assistance is being cut dramatically, the small U.S. contribution to the Fund for Special Operations is an effective investment in the development of our poorest neighbors in the Western Hemisphere. While this bill has eliminated the $21 million administration request for the Fund, I believe this small U.S. contribution is critical in leveraging significant funds from other donor nations around the world.

The Inter-American Foundation has made significant contributions in providing direct financial support for self-help efforts initiated at the grassroots level by people in Latin America. The IAF effectively channels funds to the private sector, not governments. Projects supported by the IAF create opportunities for the poor to acquire skills and accumulate capital, opening the way for their participation in the mainstream economy. The $11 million reduction in IAF funding contained in this bill will dilute the IAF's effectiveness and ability to support innovative, private sector, sustainable development programs.

A further reduction in resources to Latin and Central America essentially means a premature United States exit from the region. It means backing away from our democratic neighbors, leaving much work unfinished and many commitments unmet. It is my hope that as this bill moves through the legislative process, these concerns will be addressed.

I am pleased to note that the bill provides the full funding level for the U.S. contribution to the North American Development Bank created under the NAFTA Agreement. NADBank was established primarily to finance environmental cleanup projects along the United States-Mexican border area. Communities on both sides of the border have been plagued for years by the problems of raw sewage dumped in boundary waters, unsafe drinking water, and inadequate municipal waste disposal. The agreement with Mexico gives priority to infrastructure projects addressing these environmental problems. In addition, NADBank will provide support for NAFTA-related community adjustment and investment projects throughout the United States. Because the NADBank is a new player in the international capital markets, full funding is critical to ensure the Bank's financial strength and ultimately, its success.

Ms. PRYCE. Mr. Chairman, I rise today to express my concern and disappointment regarding efforts to condition aid to India during consideration of H.R. 1868, the Foreign Operations Appropriations Act of 1995. Specifically, I object to amendments which would prohibit United States development assistance to the government of India or any nongovernmental or private voluntary organization that operates in that country, based on allegations of human rights abuses. I would like to take this opportunity to set the facts straight.

India is the world's largest democracy, with a free and open press as well as a strong pluralistic culture. At the same time, it is a developing nation and does face some tough challenges, including human rights issues. However, India has taken a number of positive steps to improve human rights conditions. For example, reports of human rights violations in Jammu and Kashmir caused India to form an independent National Human Rights Commission [NHRC], resulting in the punishment of 174 security force personnel to date. Additionally, India remains open to international efforts to monitor the situation in Punjab, Jammu, and Kashmir. Most recently, United Nations Human Rights Commissioner Josey Ayala-Lasso was in New Dehli last week after visiting Jammu and Kashmir and was impressed with the Indian Government's transparency and committment to NHRC's task. Further, in past efforts to deny aid to India, India's Terrorist and Disruptive Activities Act [TADA] has been cited as a tool used by the Indian Government to legally violate human rights. However, Prime Minister Rao allowed TADA to lapse on May 23, 1995, and it is no longer effective. This real evidence and significant

progress toward high standards for human rights in India cannot be ignored in this debate. By denying aid to a country which has taken positive steps to address human rights concerns, the United States would be sending the wrong message to India and to other developing countries faced with human rights problems.

Mr. Speaker, it is also important to consider the positive diplomatic and economic relationship developing between the United States and India as we consider United States foreign assistance. Over the last 4 years, India has been transforming under an ambitious policy of economic reform, making the transition from a highly regulated, centrally planned economy to a market-oriented economy open to United States investment and exports. In fact, the United States Commerce Department has designated India as one of the most important big emerging markets, with a middle class exceeding 200 million people. A number of American companies are recognizing and seizing upon this tremendous opportunity.

The United States Government should be fostering the improved climate of relations with India as a democratic nation working to build a market-based economy and free society. Any attempt to stigmatize India, however small, should be rejected. Therefore, I urge my colleagues to oppose any amendments to H.R. 1868 that would deny United States assistance to India.

Mr. CALLAHAN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion to rise.

The question was taken, and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 171, not voting 26, as follows:

[Roll No. 450]

AYES—238

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—171

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Crane
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Slaughter
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—26

Ballenger
Boucher
Chapman
Clement
Collins (MI)
Fawell
Foglietta
Hall (OH)
Hansen
Istook
Jefferson
Kaptur
Kasich
Largent
Linder
McKeon
McNulty
Moakley
Radanovich
Reynolds
Sanders
Scarborough
Schumer
Stokes
Waxman
Young (AK)

□ 0947

Messrs. RANGEL, OLVER, BEILENSON, VOLKMER, TUCKER and GUTIERREZ changed their vote from "aye" to "no."

Messrs. SALMON, HORN, and McDADE, Mrs. JOHNSON of Connecticut, and Mr. SPENCE changed their vote from "no" to "aye."

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. WALKER, 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 bill, (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST AND PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 67, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEARS 1996–2002

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–165) on the resolution (H. Res. 175) waiving points of order on the concurrent resolution (H. Con. Res. 67) setting forth the congressional budget for the U.S. Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1944, RESCISSIONS AND DISASTER SUPPLEMENTAL ACT OF 1995

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–166) on the resolution (H.

Res. 176) providing for consideration of the bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for antiterrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1868, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT FROM 9:57 A.M. TO 11:30 A.M. TODAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 11:30 a.m. today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GEPHARDT. Reserving the right to object, Mr. Speaker, and I probably will not object, I would like to inquire of the majority leader what this unanimous-consent request would result in with regard to the schedule for this morning.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, as the gentleman knows, today is still yesterday. If this unanimous-consent request is agreed to, then we will adjourn and we will come back in an hour and a half, when today will be tomorrow, we will reconvene the House, and we will forego 1-minutes. Then we will go into the rule on the budget conference report, and then from there we will move on to the budget conference report.

Mr. GEPHARDT. Mr. Speaker, could the gentleman tell the Members what might happen after that?

Mr. ARMEY. Assuming, of course, that that will go swimmingly.

Mr. GEPHARDT. Side stroke, all the way.

Mr. ARMEY. To coin a phrase, as it were, we would then expect to move on to the rule on the rescission bill and then on the rescission bill.

Following that, we would hope to complete consideration of the Medicare select conference report.

Mr. GEPHARDT. Mr. Speaker, can the gentleman tell us if there is business beyond that that he would like to try to finish today or tomorrow?

Mr. ARMEY. Mr. Speaker, I would hope that that would complete our day for today, and that perhaps we would return tomorrow and take under consideration the appropriations bill that has been under consideration.

Mr. GEPHARDT. I thank the gentleman.

Mr. ARMEY. We would return the day after tomorrow.

Mr. BONIOR. Mr. Speaker, if the gentleman will yield, just for purposes of Members having time to do what they need to do this morning, and I will not object, but if we go into the full House to do the rule on the budget conference report, it would be difficult, I might tell my colleagues, for us to get a vote until the previous question on the rule, which Members can factor in the additional time that Members will have between now and then. That is probably an additional 45 minutes on top of the hour and a half.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, the gentleman is correct, assuming there is no vote on the approval of the Journal, in which case we could roll that to a later point, and we should be able to give all our Members an opportunity to freshen up, come back, and be ready to run the table.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to be available for one additional question, is it still the gentleman's intent to have the House adjourn at 3 o'clock tomorrow?

Mr. ARMEY. If the gentleman will yield further, the gentleman is correct. I have every intent, albeit a decreasing optimism, of being out of here by 3 o'clock tomorrow. However, it is important that we meet our departure times, especially after a rigorous week, and if everything goes well, we should have every expectation of having everyone out for the 4th of July work period by 3 o'clock on Friday.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, are we contemplating Chief Justice Warren Burger's funeral today at 12:30, and is there going to be any time for those who may wish to attend to do so?

Mr. ARMEY. If the gentleman will yield further the gentleman is perfectly correct in making the question. At that time we should be in general debate, and there should be an opportunity for Members who wish to attend. I appreciate the gentleman making the inquiry.

Mr. BONIOR. Mr. Speaker, if the gentleman will yield further, I would like to ask the majority leader, Members have inquired as to whether or not the committees that are on, that are scheduled to meet at 10 o'clock, will be meeting.

Mr. ARMEY. I am sure that would be at the discretion of each of the separate committees, but we will not be in the House under the 5-minute rule, so it would be perfectly acceptable within the rules of the House for them to do so.

Mr. GEPHARDT. One last inquiry, Mr. Speaker, of the distinguished majority leader. Will there be any 1-minute speeches today?

Mr. ARMEY. Again, Mr. Speaker, let me thank the minority leader for asking. With the gentleman's acceptance, I would propose that we not do so.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, the gentleman mentioned that later on tomorrow, the next legislative day, that the second item of business would probably be the rule, and then the new rescission bill. When will that bill be available for Members to review?

Mr. ARMEY. If the gentleman from Missouri will yield further, Mr. Speaker, I appreciate the gentleman asking me. That will happen as soon as we can get to it.

Mr. VOLKMER. If the gentleman will continue to yield, some Members might like to take a look at it before we vote on it.

Mr. ARMEY. I appreciate that. It is available now and I am sure we can make it available to the gentleman.

Mr. GEPHARDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—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 Commerce and ordered to be printed.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 28, 1995.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUNDERSON (at the request of Mr. ARMEY), after 6:15 p.m. today, on account of personal reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT), after 8 p.m. tonight, on account of attending a funeral.

Ms. HARMAN (at the request of Mr. GEPHARDT), on Wednesday, June 28, from 8:30 p.m. to midnight, on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 8:30 p.m., on account of illness.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 57 minutes a.m.), under its previous order, the House adjourned until Thursday, June 29, 1995, at 11:30 a.m.

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:

[Submitted Wednesday, June 28]

Mr. SOLOMON: Committee on Rules. H. Res. 175. A resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 67) setting forth the congressional budget for the United States Government for fiscal years, 1996, 1997, 1998, 1999, 2000, 2001, and 2002 (Rept. 104–165). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. H. Res. 176. A resolution providing for the consideration of the bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes (Rept. 104–166). 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:

[June 29, 1995.—legislative day of June 28, 1995]

By Mr. SKAGGS:

H.R. 1954. A bill to amend the National Park Service Concessions Policy Act to enable the Secretary of the Interior to authorize scenic commercial overflights at units of the National Park System, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1112. A letter from the Director, Standards of Conduct Office, Department of Defense, transmitting a report of individuals who filed DD Form 1787, Report of DOD and Defense Related Employment for fiscal year 1994, pursuant to 10 U.S.C. 2397(e); to the Committee on National Security.

1113. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation, to provide for alternative means of acquiring and improving housing and supporting facilities for unaccompanied members of the Armed Forces; to the Committee on National Security.

1114. A letter from the Vice-Chair, Coordinating Council on Juvenile Justice and Delinquency Prevention, transmitting a request to the U.S. House of Representatives to appoint an individual to the Coordinating Council on Juvenile Justice and Delinquency Prevention; to the Committee on Economic and Educational Opportunities.

1115. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Administration's report entitled, "Profiles of Foreign Direct Investment in U.S. Energy 1993," pursuant to section 657(8) of the Department of Energy Organization Act; to the Committee on Commerce.

1116. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled, "Double Jeopardy: Persons with Mental Illnesses in the Criminal Justice System," pursuant to 42 U.S.C. 290bb–31; to the Committee on Commerce.

1117. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for Presidential Determination regarding the drawdown of defense articles and services for the Rapid Reaction Force [RRF], pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

1118. A letter from the Chief of Staff, International Affairs, Federal Election Institute, transmitting a communication regarding the Second Trilateral Conference on Electoral Systems (volume I, II, including the executive report, index and program) by the Canadian, American, and Mexican delegations held May 10 through May 12, 1995, in Ottawa, Canada; to the Committee on International Relations.

1119. A letter from the Secretary of Transportation, transmitting the semiannual report of the inspector general for the period October 1, 1994, through March 31, 1995, and management report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1120. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1121. A letter from the President, Federal Financing Bank, transmitting the management report of the Federal Financing Bank for fiscal year 1994, including audited financial statements and the independent auditor's report on the statements, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

1122. A letter from the Administrator, General Services Administration, transmitting the semiannual report on the activities of the Department's inspector general for the period October 1, 1994, through March 31, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1123. A letter from the Counsel, National Council on Radiation Protection and Measurements, transmitting the 1994 annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to Public Law 88–376, section 14(b) (78 Stat. 323); to the Committee on the Judiciary.

1124. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to amend the Program Fraud Civil Remedies Act; to the Committee on the Judiciary.

1125. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, calendar year 1994, pursuant to Public Law 88–449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

1126. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend provisions of the Bankruptcy Code governing the powers of a bankruptcy court and the effect of automatic stays as they relate to certain multifamily liens insured or held by the Secretary of Housing and Urban Development or the Secretary of Agriculture; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (for himself, Ms. WATERS, Mr. CLYBURN, Mr. MASCARA, and Mr. EVANS):

H.R. 1941. A bill to amend title 38, United States Code, to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LONGLEY:

H.R. 1942. A bill to give authority to the State of Maine over marine fisheries in the waters within 12 miles of the coast of the State; to the Committee on Resources.

By Mr. BILBRAY (for himself, Mr. PACKARD, Mr. CUNNINGHAM, Mr. HUNTER, and Mr. FILNER):

H.R. 1943. A bill to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities; to the Committee on Transportation and Infrastructure.

By Mr. LIVINGSTON:

H.R. 1944. A bill making emergency supplemental appropriations for additional disaster assistance, for antiterrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making recissions for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BATEMAN (for himself, Mr. SHAW, Mr. HOUGHTON, Mr. MCCRERY,

Mr. COLLINS of Georgia, Mr. PAYNE of Virginia, Mr. TAYLOR of North Carolina, Mr. BLILEY, Mr. SISISKY, Mr. BOUCHER, and Mr. PICKETT):

H.R. 1945. A bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent; to the Committee on Ways and Means.

By Mr. LARGENT (for himself, Mr. PARKER, Mr. ALLARD, Mr. BAKER of Louisiana, Mr. BARTLETT of Maryland, Mr. BARR, Mr. BARTON of Texas, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLEMENT, Mr. COBURN, Mr. COMBEST, Mr. COOLEY, Mr. CRANE, Mr. CRAPO, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Mr. EMERSON, Mr. FORBES, Mr. FOX, Mr. GOODLATTE, Mr. GRAHAM, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLEARY, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. LEWIS of Kentucky, Mr. METCALF, Mr. MONTGOMERY, Mrs. MYRICK, Mr. NEUMANN, Mr. PETRI, Mr. PORTER, Mr. QUILLEN, Mr. RAHALL, Mr. ROBERTS, Mr. SALMON, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SHADEGG, Mrs. SMITH of Washington, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TATE, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr. THORNBERRY, Mrs. VUCANOVICH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELLER, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 1946. A bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes; to the Committee on the Judiciary.

By Mr. McCRERY (for himself, Mr. HERGER, and Mr. JACOBS):

H.R. 1947. A bill to amend the Internal Revenue Code of 1986 to revise certain rules relating to fuel excise tax refunds, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 1948. A bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes; to the Committee on Commerce.

By Mr. MINGE:

H.R. 1949. A bill to amend the conservation title of the Food Security Act of 1985 to give the Secretary of Agriculture jurisdiction over all wetland determinations involving agricultural lands, to provide for consultation between the Secretary of Agriculture and other Federal agencies involved in wetland conservation, and to improve the operation of the wetland conservation program of the Department of Agriculture; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. TORRICELLI):

H.R. 1950. A bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Mr. HASTERT, Mr. RICHARDSON, Mr. FRISA, and Mr. DEFAZIO):

H.R. 1951. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow food and dietary supplement manufacturers to communicate truthful, nonmisleading information to consumers concerning the nutritional content and disease prevention benefits of their products, to repeal or clarify rules enacted by the Dietary Supplement Health and Education Act of 1994, and for other purposes; to the Committee on Commerce.

By Mrs. SCHROEDER (for herself, Mrs. LOWEY, Ms. JACKSON-LEE, Ms. RIVERS, Mrs. KENNELLY, Ms. DELAURO, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Ms. FURSE, Ms. HARMAN, Ms. NORTON, Mrs. MALONEY, Ms. SLAUGHTER, Ms. MCKINNEY, Mrs. MINK of Hawaii, Ms. PELOSI, Ms. VELAZQUEZ, Ms. WOOLSEY, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BALDACCI, Mr. BEILENSON, Mr. BENTSEN, Mr. BERMAN, Mr. CARDIN, Mr. COLEMAN, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DEUTSCH, Mr. EVANS, Mr. FILNER, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HORN, Mr. JOHNSTON of Florida, Mr. MATSUI, Mr. MEEHAN, Mr. MILLER of California, Mr. MINETA, Mr. NADLER, Mr. OLVER, Mr. REED, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SERRANO, Mr. SCHUMER, Mr. SHAYS, Mr. STARK, Mr. WAXMAN, Mr. WARD, Mr. YATES, and Ms. LOFGREN):

H.R. 1952. A bill to protect women's reproductive health and constitutional right to choice; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALKER (for himself, Mr. ZIMMER, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, Mrs. SEASTRAND, Mr. WELDON of Florida, and Mr. SENSENBRENNER):

H.R. 1953. A bill to amend the Internal Revenue Code of 1986 to encourage the development of a commercial space industry in the United States; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. ROEMER, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. MATSUI, and Mr. PORTER.

H.R. 60: Mr. SKEEN, Mr. GALLEGLY, Mr. SMITH of Texas, and Mr. METCALF.

H.R. 72: Mr. MILLER of Florida, Mrs. MEEK of Florida, and Mr. BILIRAKIS.

H.R. 73: Mr. BILIRAKIS.

H.R. 94: Mr. SISISKY, Mr. JACOBS, Mr. MCHALE, and Mr. CHRYSLER.

H.R. 104: Mr. GALLEGLY.

H.R. 117: Mr. FLANAGAN.

H.R. 127: Ms. RIVERS, Mr. BLILEY, and Mr. LATOURETTE.

H.R. 218: Mr. UPTON.

H.R. 222: Mr. THORNBERRY, Mr. BEREUTER, Mr. INGLIS of South Carolina, Mr. BRYANT of Tennessee, Mr. BARRETT of Nebraska, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. LIVINGSTON, Mr. BARCIA, Mr. DOOLITTLE, Mr. DELAY, Mr. DORNAN, Mr. EMERSON, Mr. HEFLEY, and Mr. BURTON of Indiana.

H.R. 263: Mr. JOHNSTON of Florida, Mr. MCDERMOTT, Mr. MATSUI, Mr. BEILENSON, Mr. BROWN of California, Mr. WAXMAN, Mr. ACKERMAN, and Mrs. MALONEY.

H.R. 359: Mr. CHAPMAN.

H.R. 373: Mr. METCALF.

H.R. 394: Mr. BURR.

H.R. 530: Mr. KIM and Mr. HOBSON.

H.R. 573: Mrs. LOWEY, Mr. STUPAK, Mr. POSHARD, and Mr. GORDON.

H.R. 733: Mr. CRANE, Ms. SLAUGHTER, and Mr. MINETA.

H.R. 734: Mr. CRANE, Ms. SLAUGHTER, and Mr. WARD.

H.R. 784: Mr. BLILEY, Mr. WELDON of Florida, Mr. HALL of Texas, Mr. BARTLETT of Maryland, and Mr. KOLBE.

H.R. 789: Mr. CLINGER.

H.R. 863: Mr. CLEMENT, Mr. ROEMER, and Ms. PRYCE.

H.R. 873: Mr. LIGHTFOOT, Mr. REYNOLDS, and Mr. MICA.

H.R. 892: Mr. HANCOCK.

H.R. 893: Mr. BLILEY, Ms. RIVERS, and Mr. RANGEL.

H.R. 995: Mr. FLANAGAN.

H.R. 1023: Mr. WAXMAN.

H.R. 1067: Mr. SMITH of New Jersey.

H.R. 1068: Mr. SMITH of New Jersey.

H.R. 1114: Mr. RAMSTAD, Mr. DOOLITTLE, Mr. TIAHRT, and Mr. DORNAN.

H.R. 1119: Mr. KLECZKA.

H.R. 1171: Mr. LEWIS of Georgia.

H.R. 1459: Mr. BONIOR, Mr. FAZIO of California, Ms. MCKINNEY, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. DELLUMS, and Mr. OWENS.

H.R. 1484: Mr. STUPAK, Mr. BONIOR, and Mr. CLEMENT.

H.R. 1488: Mr. BARCIA of Michigan, Mr. CHAPMAN, Mr. HOLDEN, Mr. ISTOOK, Mr. BALLENGER, Mr. COBLE, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. NEY, Mr. PETE GEREN of Texas, Mr. DICKEY, Mr. TAYLOR of North Carolina, Mr. CRANE, Mr. SOUDER, Mr. QUILLEN, Mr. HOSTETTLER, Mr. YOUNG of Alaska, Mr. SOLOMON, Mr. BARTON of Texas, Mr. JONES, Mr. HILLEARY, Mr. WAMP, Mr. THORNBERRY, Mr. SKEEN, Mr. POSHARD, Mr. BASS, Mr. EMERSON, and Mr. WICKER.

H.R. 1527: Mr. METCALF and Ms. DUNN of Washington.

H.R. 1592: Mr. DIXON.

H.R. 1610: Mrs. WALDHOLTZ, Mr. BARRETT of Nebraska, and Mr. GALLEGLY.

H.R. 1661: Mrs. JOHNSON of Connecticut, Mr. WARD, Mr. CRAMER, and Mr. COBLE.

H.R. 1662: Mr. DIAZ-BALART, Mr. WOLF, Mr. BILBRAY, Mr. LIVINGSTON, Mr. MFUME, and Mr. ENGLISH of Pennsylvania.

H.R. 1713: Mr. GALLEGLY.

H.R. 1736: Mr. WYDEN, Mr. MCDERMOTT, Mr. MILLER of California, Mr. WAXMAN, Mr. SERRANO, Mr. ACKERMAN, Mr. DAVIS, Mr. FROST, Mr. FLAKE, Mr. HILLIARD, Mr. FATTAH, Mr. BAKER of Louisiana, and Mr. GUTIERREZ.

H.R. 1787: Mr. ROHRABACHER, Mr. DORNAN, Mr. WATTS of Oklahoma, Mr. MOORHEAD, and Mr. EWING.

H.R. 1791: Mr. KOLBE and Mr. HOEKSTRA.

H.R. 1884: Mr. MOAKLEY and Mr. JACOBS.

H.R. 1897: Mr. ROMERO-BARCELÓ and Mr. FRANK of Massachusetts.

H.R. 1930: Mr. ANDREWS and Mr. PAXON.

H.R. 1936: Mr. OBERSTAR, Mr. RANGEL, and Mrs. ROUKEMA.

H.J. Res. 89: Mr. BROWN of Ohio, Mr. HOLDEN, and Mr. TALENT.

H.J. Res. 97: Mr. STARK and Mr. FROST.

H. Con. Res. 42: Ms. RIVERS.

H. Con. Res. 63: Mr. SAM JOHNSON.

H. Res. 59: Mr. BROWN of California and Mr. MARTINI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1289: Mr. CLAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1868

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 83: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR ETHIOPIA

SEC. 564. None of the funds appropriated in this Act may be made available to the government of Ethiopia unless the State Department monitors, during fiscal year 1996, the Ethiopian government's human rights progress.

H.R. 1868

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 84: Page 78, after line 6, insert the following new section:

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

SEC. 564. No funds appropriated in this Act under the heading "North American Development Bank" may be obligated or expended unless it is made known to the Federal entity or official to which funds are appropriated under this Act that the Government of Mexico has contributed a share of the paid-in portion of the capital stock for fiscal year 1996 equivalent to that appropriated by the U.S.

H.R. 1905

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 16: Page 16, line 1, after the dollar amount, insert the following: "(less $810,000,000)".

Page 17, line 23, after the dollar amount, insert the following: "(less $490,750,000)".

H.R. 1905

OFFERED BY: MR. DOGGETT

AMENDMENT NO. 17: On Page 16, line 1, strike "$2,596,700,000", and insert "$2,556,700,000".

H.R. 1905

OFFERED BY: MR. MARKEY

AMENDMENT NO. 18: Page 18, line 5, strike "$226,600,000" and insert "$426,600,000".

H.R. 1905

OFFERED BY: MR. MARKEY

AMENDMENT NO. 19: Page 26, line 3, strike "$468,300,000" and insert "$479,300,000".

Page 27, line 9, strike "$11,000,000" and insert "$22,000,000".

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 20: On page 16, line 1, delete "$2,596,700,000" and insert "$2,556,700,000".

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 21: On page 16, line 1, delete "$2,596,700,000" and insert "$2,576,700,000".

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 22: On page 16, line 1, delete "$2,596,700,000" and insert "$2,578,700,000".

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 23: On page 16, line 1, insert "(less $18,000,000)", before "to remain".

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 24: On page 16, line 1, insert "(less $20,000,000)", before "to remain"

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 25: On page 16, on line 1, insert "(less $40,000,000)", before "to remain"

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 26: Page 29, after line 25, insert the following new section:

SEC. 505. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

(1) "Energy Supply, Research and Development Activities", aggregate amount, $18,000,000.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 27: Page 29, after line 25, insert the following new section:

SEC. 505. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

(1) "Energy Supply, Research and Development Activities", aggregate amount, $20,000,000.

H.R. 1905

OFFERED BY: MR. OBEY

AMENDMENT NO. 28: Page 29, after line 25, insert the following new section:

SEC. 505. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

(1) "Energy Supply, Research and Development Activities", aggregate amount, $40,000,000.

H.R. 1905

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 29: On page 19, line 7, strike "$5,265,478,000" and in lieu thereof insert "$5,411,478,000".

H.R. 1905

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 30: Page 20, line 8, strike "$362,250,000" and insert "$326,025,000".

Page 20, line 25, strike "$239,944,000" and insert "$203,719,000".

H.R. 1905

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 31: On Page 16, Line 1 strike "$2,596,700,000" and insert "$2,588,700,000".

H.R. 1905

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 32: Page 16, Line 1 insert "(less $8,000,000)" before "to remain".

H.R. 1905

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 33: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 505. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for a spallation neutron source.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for "Energy Supply, Research and Development Activities" is hereby reduced by $8,000,000.

H.R. 1868

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 85: Page 78, after line 6, insert the following new section:

LIMITATION OF FUNDS FOR ETHIOPIA

SEC. 564. None of the funds appropriated in this Act may be made available to the Government of Ethiopia if it is made known to the State Department that during fiscal year 1996 the Ethiopian government has not made progress on human rights.