

Weldon Young (AK) Zeliff
Wolf Young (FL) Zimmer

NOT VOTING—10

Bentley Darden Vento
Byrne Gibbons Williams
Condit McDade
Conyers Owens

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

107.9 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. OBEY, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report (Rept. No. 103-267) on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

107.10 SUBPOENA

The SPEAKER pro tempore, Mr. MAZZOLI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

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

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued in a criminal case pending in the United States District Court for the Central District of California.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

107.11 SUBPOENAS

The SPEAKER pro tempore, Mr. MAZZOLI, laid before the House communications, which were read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

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

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that one former and four current members of my staff have been served with subpoenas issued in a criminal case pending in the United States District Court for the General District of California.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

107.12 DEFENSE AUTHORIZATION

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 254 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2401) to authorize appro-

priations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes.

Mr. DURBIN, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

107.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MEEHAN:

Strike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisers to the President and Secretary.

It was decided in the { Yeas 169
negative Nays 264

107.14 [Roll No. 460]
AYES—169

- Abercrombie Gephardt Nadler
Ackerman Gibbons Neal (MA)
Andrews (ME) Gilman Norton (DC)
Applegate Gonzalez Oberstar
Bacchus (FL) Grandy Obey
Barca Green Olver
Barrett (WI) Gunderson Pallone
Becerra Gutierrez Pastor
Beilenson Hamburg Payne (NJ)
Berman Harman Pelosi
Blackwell Hastings Penny
Boehlert Hilliard Pickle
Bonior Hinchey Rangel
Brown (CA) Hoagland Reed
Brown (OH) Hochbrueckner Reynolds
Bryant Horn Richardson
Byrne Hoyer Rostenkowski
Cantwell Huffington Roybal-Allard
Cardin Inslee Rush
Carr Jefferson Sabo
Clay Johnson (CT) Sanders
Clayton Johnson, E. B. Sawyer
Clyburn Johnston Schenk
Collins (IL) Kennedy Schroeder
Collins (MI) Kennelly Schumer
Condit Kildee Scott
Coppersmith Kleczka Serrano
Coyne Kopetski Sharp
de Lugo (VI) Kreidler Shays
DeFazio Lantos Shepherd
DeLauro LaRocco Skaggs
Dellums Leach Slaughter
Deutsch Levin Smith (IA)
Dicks Lewis (GA) Stark
Dixon Lowey Stokes
Dooley Maloney Strickland
Durbin Manton Studds
Edwards (CA) Margolies-
Engel Mezvinsky
English (AZ) Markey
Eshoo Martinez
Evans Matsui
Faleomavaega (AS) McCloskey
Farr McDermott
Fazio McKinney
Fields (LA) Meehan
Filner Meek
Fingerhut Menendez
Flake Mfume
Foglietta Miller (CA)
Ford (MI) Mineta
Ford (TN) Minge
Frank (MA) Mink
Furse Moakley
Gejdenson Moran
Morella
Watt

Waxman Woolsey Wynn
Wheat Wyden Yates

NOES—264

- Allard Goodling Oxley
Andrews (NJ) Gordon Packard
Andrews (TX) Goss Parker
Archer Grams Paxon
Armye Greenwood Payne (VA)
Bachus (AL) Hall (OH) Peterson (FL)
Baesler Hall (TX) Peterson (MN)
Baker (CA) Hamilton Petri
Baker (LA) Hancock Pickett
Ballenger Hansen Pombo
Barcia Hastert Pomeroy
Barlow Hayes Porter
Barrett (NE) Hefley Portman
Bartlett Hefner Poshard
Barton Herger Price (NC)
Bateman Hobson Pryce (OH)
Bentley Hoekstra Quillen
Bereuter Hoke Quinn
Bevill Holden Rahall
Bilbray Houghton Ramstad
Bilirakis Hughes Ravenel
Bishop Hunter Regula
Bliley Hutchinson Ridge
Blute Hutto Roberts
Boehner Hyde Roemer
Bonilla Inglis Rogers
Borski Inhofe Rohrabacher
Boucher Istook Romero-Barcelo
Brewster Jacobs (PR)
Brooks Johnson (GA) Ros-Lehtinen
Browder Johnson (SD) Roth
Brown (FL) Johnson, Sam Roukema
Bunning Kanjorski Rowland
Burton Kaptur Royce
Buyer Kasich Sangmeister
Callahan Kim Santorum
Calvert King Sarpalius
Camp Kingston Saxton
Canady Klein Schaefer
Castle Klink Schiff
Chapman Klug Sensenbrenner
Clement Knollenberg Shaw
Clinger Kolbe Shuster
Coble Kyl Sisisky
Coleman LaFalce Skeen
Collins (GA) Lambert Skelton
Combest Lancaster Slattery
Cooper Laughlin Smith (MI)
Costello Lazio Smith (NJ)
Cox Lehman Smith (OR)
Cramer Levy Smith (TX)
Crane Lewis (CA) Snow
Crapo Lewis (FL) Solomon
Cunningham Lightfoot Spence
Danner Linder Spratt
Darden Lipinski Stearns
de la Garza Livingston Stenholm
Deal Lloyd Stump
DeLay Long Stupak
Derrick Machtley Sundquist
Diaz-Balart Mann Talent
Dickey Manzullo Tanner
Dingell Mazzoli Tauzin
Doolittle McCandless Taylor (MS)
Dornan McCollum Taylor (NC)
Dreier McCreery Tejeda
Duncan McCurdy Thomas (CA)
Dunn McHale Thomas (WY)
Edwards (TX) McHugh Thornton
Emerson McInnis Thurman
English (OK) McKeon Traficant
Everett McMillan Upton
Ewing McNulty Valentine
Fawell Meyers Volkmer
Fields (TX) Mica Vucanovich
Fish Michel Walker
Fowler Miller (FL) Walsh
Franks (CT) Molinari Weldon
Franks (NJ) Mollohan Whitten
Frost Montgomery Williams
Gallegly Moorhead Wilson
Gallo Murphy Wise
Gekas Murtha Wolf
Geren Myers Young (AK)
Gilchrest Natcher Young (FL)
Gillmor Neal (NC) Zeliff
Gingrich Nussle Zimmer
Glickman Ortiz
Goodlatte Orton

NOT VOTING—5

Conyers Owens Underwood (GU)
McDade Rose

So the amendment was not agreed to.
After some further time,

¶107.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HUNTER:

In section 575, at the end of subsection (c) of section 654 of title 10, United States Code, as proposed to be added by subsection (a) of that section (page 203, after line 15), insert the following new paragraph:

“(3) As part of the process for enlistment or appointment of a person as a member of the armed forces, the Secretary concerned shall, before the enlistment or appointment, ask the person (1) whether the person is a homosexual or bisexual, and (2) whether the person engages in homosexual acts or intends to engage in, or has a propensity to engage in, homosexual acts.”

In section 575(d), strike out “sense of Congress that—” (page 205, beginning on line 18) and all that follows through “(2) the Secretary” (page 206, line 5) and insert in lieu thereof “sense of Congress that the Secretary.”

It was decided in the { Yeas 144 negative } { Nays 291

¶107.16 [Roll No. 461] AYES—144

- Allard, Andrews (TX), Archer, Arney, Bachus (AL), Baesler, Baker (CA), Baker (LA), Barcia, Barlow, Barrett (NE), Bartlett, Barton, Bateman, Bentley, Bereuter, Bevill, Bilirakis, Bilely, Boehner, Bonilla, Brewster, Browder, Bunning, Burton, Buyer, Callahan, Camp, Canady, Coble, Collins (GA), Combest, Cooper, Cox, Cramer, Crane, Crapo, Cunningham, de la Garza, DeLay, Derrick, Diaz-Balart, Dickey, Doollittle, Dornan, Duncan, Emerson, English (OK), Everett, Ewing, Fawell, Fields (TX), Franks (CT), Gallegly, Gekas, Geren, Goodlatte, Goss, Grams, Hall (OH), Hall (TX), Hancock, Hansen, Hastert, Hefley, Herger, Hoekstra, Holden, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Istook, Johnson, Sam, King, Kingston, Knollenberg, Lancaster, Levy, Lewis (FL), Lightfoot, Linder, Livingston, Manzullo, McCandless, McCollum, McHugh, McInnis, McKeon, McMillan, Mica, Miller (FL), Moorhead, Myers, Ortiz, Packard, Parker, Paxon, Petri, Pombo, Portman, Quillen, Quinn, Rahall, Ravenel, Roberts, Rogers, Ros-Lehtinen, Roth, Royce, Sarpaluis, Schaefer, Sensenbrenner, Shaw, Skeen, Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejeda, Thomas (WY), Valentine, Volkmer, Vucanovich, Walker, Wilson, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

NOES—291

- Abercrombie, Ackerman, Andrews (ME), Andrews (NJ), Applegate, Bacchus (FL), Ballenger, Barca, Barrett (WI), Becerra, Beilenson, Berman, Bilbray, Bishop, Blackwell, Blute, Boehlert, Bonior, Borski, Boucher, Brooks, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Calvert, Cantwell, Cardin, Carr, Castle, Chapman, Clay, Clayton, Clement, Clinger, Clyburn, Coleman, Collins (IL), Collins (MI), Condit, Conyers

- Coppersmith, Costello, Coyne, Danner, Darden, DeLugo (VI), Deal, DeFazio, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Dooley, Dreier, Dunn, Durbin, Edwards (CA), Edwards (TX), Engel, English (AZ), Eshoo, Evans, Faleomavaega (AS), Farr, Fazio, Fields (LA), Filner, Fingerhut, Fish, Flake, Foglietta, Ford (MI), Ford (TN), Fowler, Frank (MA), Franks (NJ), Frost, Furse, Gallo, Gejdenson, Gephardt, Gibbons, Gilchrist, Gillmor, Gilman, Gingrich, Glickman, Gonzalez, Goodling, Gordon, Grandy, Green, Greenwood, Gunderson, Gutierrez, Hamburg, Hamilton, Harman, Hastings, Hayes, Hefner, Hilliard, Hinchey, Hoagland, Hobson, Hochbrueckner, Hoke, Horn, Houghton, Hoyer, Huffington, Hughes, Inslee, Jacobs, Jefferson, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, E. B., Johnston, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kim, Kleczka, Klein, Klink, Klug, Kolbe, Kopetski, Kreidler, Kyl, LaFalce, Lambert, Lantos, LaRocco, Laughlin, Lazio, Leach, Lehman, Levin, Lewis (CA), Lewis (GA), Lipinski, Lloyd, Long, Lowey, Machtley, Maloney, Mann, Mantol, Margolies-Mezvinsky, Markey, Martinez, Matsui, Mazzoli, McCloskey, McCrery, McCurdy, McDermott, McHale, McKinney, McNulty, McNutty, Meehan, Meek, Menendez, Meyers, Mfume, Michel, Miller (CA), Mineta, Minge, Mink, Moakley, Molinari, Mollohan, Montgomery, Moran, Morella, Murphy, Murtha, Nadler, Natcher, Neal (MA), Neal (NC), Norton (DC), Nussle, Oberstar, Obey, Orton, Owens, Oxley, Pallone, Pastor, Payne (NJ), Payne (VA), Pelosi, Penny, Peterson (FL), Peterson (MN), Pickett, Pickle, Pomeroy, Porter, Poshard, Price (NC), Pryce (OH), Ramstad, Rangel, Reed, Regula, Reynolds, Richardson, Ridge, Roemer, Rohrabacher, Romero-Barcelo (PR), Rose, Rosenkowsky, Roukema, Rowland, Roybal-Allard, Rush, Sabo, Sanders, Sangmeister, Santorum, Sawyer, Saxton, Schenk, Schiff, Schroeder, Schumer, Scott, Serrano, Sharp, Shays, Shepherd, Shuster, Sisisky, Skaggs, Skelton, Slattery, Slaughter, Smith (IA), Smith (MI), Spratt, Stark, Stokes, Strickland, Studds, Stupak, Swett, Swift, Synar, Thomas (CA), Thompson, Thornton, Thurman, Torkildsen, Torres, Torricelli, Towns, Traficant, Tucker, Unsoeld, Upton, Velazquez, Vento, Visclosky, Walsh, Washington, Waters, Watt, Waxman, Weldon, Wheat, Whitten, Williams, Wise, Woolsey, Wyden, Wynn, Yates

NOT VOTING—3

- McDade, Olver, Underwood (GU)

So the amendment was not agreed to. After some further time,

¶107.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SKELTON:

Strike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

“§654. Policy concerning homosexuality in the armed forces

“(a) FINDINGS.—Congress makes the following findings:

“(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

“(2) There is no constitutional right to serve in the armed forces.

“(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

“(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

“(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

“(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

“(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

“(8) Military life is fundamentally different from civilian life in that—

“(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

“(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

“(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

“(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

“(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

“(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

“(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in