

the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A)."

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

"654. Policy concerning homosexuality in the armed forces."

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

It was decided in the affirmative { Yeas 301 Nays 134

107.18 [Roll No. 462] AYES—301

Table with 3 columns: Allard, Andrews (NJ), Andrews (TX), Applegate, Archer, Armev, Bachus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barca, Barcia, Barrett (NE), Bartlett, Barton, Bateman, Bentley, Bereuter, Bevill, Bilbray, Bilirakis, Bishop, Bliley, Blute, Boehner, Bonilla, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (FL), Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Carr, Castle, Chapman, Clayton, Clement, Clinger, Clyburn, Coble, Coleman, Collins (GA), Combust, Condit, Cooper, Costello, Cox, Cramer, Crane, Crapo, Cunningham, Danner, Darden, de la Garza, Deal, DeLay, Derrick, Diaz-Balart, Dickey, Dicks, Dingell, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Durbin, Edwards (TX), Emerson, English (OK), Everett, Ewing, Faleomavaega (AS), Fawell, Fields (TX), Fingerhut, Fish, Fowler, Franks (CT), Franks (NJ), Frost, Gallegly, Gallo, Gekas, Gephardt, Geren, Gibbons, Gilchrist, Gillmor, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Grandy, Green, Greenwood, Hall (OH), Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hayes, Hefley, Hefner, Herger, Hoagland, Hobson, Hochbrueckner, Hoekstra, Hoke, Holden, Houghton, Hoyer, Hughes, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Jacobs, Jefferson, Johnson (GA), Johnson (SD), Johnson, Sam, Kanjorski, Kaptur, Castle, Chapman, Clayton, Clement, Clinger, Clyburn, Coble, Coleman, Collins (GA), Combust, Condit, Cooper, Costello, Cox, Cramer, Crane, Crapo, Cunningham, Danner, Darden, de la Garza, Deal, DeLay, Derrick, Diaz-Balart, Dickey, Dicks, Dingell, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Durbin, Edwards (TX), Emerson, English (OK), Everett, Ewing, Faleomavaega (AS), Fawell, Fields (TX), Fingerhut, Fish, Fowler, Franks (CT), Franks (NJ), Frost, Gallegly, Gallo, Gekas, Gephardt, Geren, Gibbons, Gilchrist, Gillmor, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Grandy, Green, Greenwood, Hall (OH), Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hayes, Hefley, Hefner, Herger, Hoagland, Hobson, Hochbrueckner, Hoekstra, Hoke, Holden, Houghton, Hoyer, Hughes, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Jacobs, Jefferson, Johnson (GA), Johnson (SD), Johnson, Sam, Kanjorski, Kaptur, Kasich, Kildee, Kim, King, Kingston, Kleczka, Klein, Klink, Klug, Knollenberg, Kopetski, Kyl, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lazio, Lehman, Levin, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Lipinski, Livingston, Lloyd, Long, Machtley, Mann, Manton, Manzullo, Martinez, Mazzoli, McCandless, McCollum, McCrery, McCurdy, McHale, McHugh, McInnis, McKeon, McMillan, McNulty, Menendez, Meyers, Mica, Michel, Miller (FL), Minge, Molinari, Mollohan, Montgomery, Moorhead, Murphy, Murtha, Myers, Natcher, Neal (NC), Nussle, Obey, Ortiz, Orton, Oxley, Packard, Parker, Pastor, Paxon, Payne (VA), Penny, Peterson (FL), Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Abercrombie, Ackerman, Andrews (ME), Bacchus (FL), Barlow, Barrett (WI), Becerra, Beilenson, Berman, Blackwell, Boehlert, Brown (CA), Brown (OH), Bryant, Byrne, Cantwell, Cardin, Clay, Collins (IL), Collins (MI), Conyers, Coppersmith, Coyne, de Lugo (VI), DeFazio, DeLauro, Dellums, Deutsch, Dixon, Edwards (CA), Engel, English (AZ), Eshoo, Evans, Farr, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford (MI), Ford (TN), Frank (MA), Furse, Gejdenson, Gilman, Gonzalez, Gunderson, Gutierrez, Hamburg, Harman, Hastings, Hilliard, Hinchey, Poshard, Price (NC), Pryce (OH), Quillen, Quinn, Rahall, Ramstad, Ravenel, Regula, Richardson, Ridge, Roberts, Roemer, Rogers, Rohrabacher, Romero-Barcelo (PR), Ros-Lehtinen, Rose, Roth, Roukema, Rowland, Royce, Sangmeister, Santorum, Sarpalus, Sawyer, Saxton, Schaefer, Schiff, Sensenbrenner, Sharp, Shaw, Shuster, Sisisky, Skeen, Skelton, Slattery, Smith (MI), Smith (NJ), Smith (TX), Snowe, Solomon, Spence, Spratt, Stearns, Stenholm, Strickland, Stump, Stupak, Sundquist, Sweet, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejeda, Thomas (CA), Thomas (WY), Thornton, Thurman, Torricelli, Traficant, Upton, Valentine, Volkmer, Vucanovich, Walker, Walsh, Weldon, Whitten, Wilson, Wise, Wolf, Wynn, Young (AK), Young (FL), Zeliff, Zimmer

NOES—134

Horn
Huffington
Johnson (CT)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kolbe
Kreidler
Leach
Lewis (GA)
Lowe
Maloney
Margolies-
Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley

Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Pickle
Rangel
Reed
Reynolds
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd

Skaggs
Slaughter
Smith (IA)
Smith (OR)
Stark
Stokes
Studds
Swift
Synar
Thompson
Torkildsen
Torres
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Woodsey
Wyden
Yates

NOT VOTING—3

Istook McDade Underwood (GU)

So the amendment was agreed to.
After some further time,

107.19 RECORDED VOTE

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

At the end of title X (page 346, after line 23), insert the following new section:

SEC. 1043. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope toward the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had climbed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should be November 15, 1993, seek the receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

It was decided in the affirmative { Yeas 406
Nays 26

107.20 [Roll No. 463]

AYES—406

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier

Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gedjenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinche
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Insee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy

Kennelly
Kildee
Kim
King
Kingston
Kleccka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Leahman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowe
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone

Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramestad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders

Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar

Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woodsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—26

Bachus (AL)
Barton
Burton
Coble
Combust
Conyers
Dornan
Fields (TX)
Geren

Gonzalez
Hancock
Hunter
Inhofe
Johnston
McKinney
Obey
Parker
Payne (NJ)

Ridge
Roberts
Sensenbrenner
Stump
Taylor (MS)
Towns
Walker
Weldon

NOT VOTING—6

Cooper
de la Garza

Jefferson
McDade

Underwood (GU)
Whitten

So the amendment was agreed to.
After some further time,

The SPEAKER pro tempore, Mr. REYNOLDS, assumed the Chair.

When Mr. DURBIN, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

107.21 TRIBAL JUDICIAL SYSTEMS

On motion of Mr. RICHARDSON, by unanimous consent, the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. RICHARDSON, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. REYNOLDS, by unanimous consent, announced the appointment of Messrs. MILLER of California, RICHARDSON, and THOMAS of Wyoming, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.