

Ros-Lehtinen  
Rose  
Rostenkowski  
Roth  
Roukema  
Rowland  
Roybal-Allard  
Royce  
Rush  
Sabó  
Sanders  
Sangmeister  
Santorum  
Sarpalius  
Sawyer  
Saxton  
Schaefer  
Schenk  
Schiff  
Schroeder  
Schumer  
Scott  
Sensenbrenner  
Serrano  
Sharp  
Shaw  
Shays  
Shepherd  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton

Slattery  
Slaughter  
Smith (IA)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snow  
Solomon  
Spence  
Spratt  
Stark  
Stearns  
Stenholm  
Stokes  
Strickland  
Studds  
Stupak  
Sundquist  
Sweet  
Swift  
Synar  
Talent  
Tanner  
Tausin  
Taylor (MS)  
Taylor (NC)  
Tejeda  
Thomas (CA)  
Thomas (WY)  
Thompson  
Thornton  
Thurman  
Torkildsen

Torres  
Torricelli  
Towns  
Traficant  
Tucker  
Upton  
Valentine  
Velázquez  
Vento  
Visclosky  
Volkmer  
Vucanovich  
Walker  
Walsh  
Washington  
Waters  
Watt  
Waxman  
Weldon  
Wheat  
Whitten  
Wilson  
Wise  
Wolf  
Woolsey  
Wyden  
Wynn  
Yates  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

NAYS—1

Stump  
NOT VOTING—5

Ford (MI) Smith (MI) Williams  
McDade Unsoeld

So the amendment was agreed to.  
The question being put, *viva voce*,

Will the House agree to the following amendment [the ANDREWS of Maine amendment] on which a separate vote had been demanded?

At the end of title XIII (page 447, after line 6), insert the following section:

**SEC. 1360. RESTRICTION ON USE OF DEFENSE CONVERSION FUNDS FOR THE SALE OR TRANSFER OF DEFENSE ARTICLES OR DEFENSE SERVICES.**

(a) RESTRICTION.—Except as provided in subsection (b), none of the funds appropriated pursuant to an authorization of appropriations in this Act and made available for defense conversion programs may be used to finance (whether directly or through the use of loan guarantees) the sale or transfer to foreign countries of foreign entities of any defense article or defense service, including defense articles and defense services subject to section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) CIVILIAN END-USE.—The Secretary of Defense may grant exemptions from the restriction of subsection (a) with respect to sales or transfers of defense articles or defense services for civilian end-use.

(c) DEFINITIONS.—For purposes of this section:

(1) The term “defense article” has the meaning given that term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(2) The term “defense service” has the meaning given that term in paragraph (4) of such section.

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. GINGRICH demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 266  
Nays ..... 162

108.20 [Roll No. 470]  
AYES—266

Abercrombie  
Ackerman  
Allard  
Andrews (ME)  
Andrews (NJ)  
Applegate  
Baesler  
Ballenger  
Barca  
Barlow  
Barrett (NE)  
Barrett (WI)  
Becerra  
Beilenson  
Bentley  
Bereuter  
Berman  
Bevill  
Bilirakis  
Bishop  
Blackwell  
Boehlert  
Bonior  
Borski  
Brewster  
Brooks  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant  
Byrne  
Cantwell  
Cardin  
Carr  
Chapman  
Clay  
Clayton  
Clement  
Clyburn  
Coleman  
Collins (GA)  
Collins (IL)  
Collins (MI)  
Condit  
Conyers  
Cooper  
Coppersmith  
Costello  
Coyne  
Crane  
Danner  
Deal  
DeFazio  
DeLauro  
Dellums  
Derrick  
Deutsch  
Dixon  
Dooley  
Duncan  
Dunn  
Durbin  
Edwards (CA)  
Engel  
English (AZ)  
English (OK)  
Eshoo  
Evans  
Farr  
Fawell  
Fazio  
Fields (LA)  
Filner  
Fingerhut  
Fish  
Flake  
Foglietta  
Ford (TN)  
Frank (MA)  
Franks (NJ)  
Furse  
Gallo  
Gejdenson  
Gephardt  
Gibbons  
Gilchrist  
Gilman  
Glickman

Gonzalez  
Dorland  
Grams  
Grandy  
Green  
Greenwood  
Gunderson  
Gutierrez  
Hall (OH)  
Hamburg  
Hamilton  
Harman  
Hastings  
Hefner  
Hilliard  
Hinchey  
Hoagland  
Hoachbrueckner  
Hoekstra  
Hoke  
Holden  
Horn  
Hoyer  
Huffington  
Hughes  
Inslie  
Istook  
Jacobs  
Jefferson  
Johnson (SD)  
Johnston  
Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kennelly  
Kildee  
Kim  
Kleczka  
Klein  
Klink  
Klug  
Knollenberg  
Kopetski  
Kreidler  
LaFalce  
Lambert  
Lantos  
LaRocco  
Lazio  
Leach  
Lehman  
Levin  
Lewis (GA)  
Lipinski  
Lloyd  
Long  
Lowey  
Maloney  
Manton  
Margolies-  
Mezvinsky  
Markey  
Martinez  
Matsui  
Mazzoli  
McCloskey  
McCurdy  
McDermott  
McHale  
McKinney  
McMillan  
Meehan  
Menendez  
Mfume  
Miller (CA)  
Miller (FL)  
Mineta  
Minge  
Mink  
Moakley  
Mollohan  
Montgomery  
Moran  
Morella  
Murphy  
Nadler  
Neal (MA)  
Neal (NC)

Nussle  
Oberstar  
Obey  
Olver  
Orton  
Owens  
Pallone  
Parker  
Pastor  
Paxon  
Payne (NJ)  
Pelosi  
Penny  
Peterson (MN)  
Petri  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quinn  
Rahall  
Ramstad  
Rangel  
Ravenel  
Reed  
Regula  
Reynolds  
Richardson  
Roemer  
Rose  
Rostenkowski  
Roth  
Roukema  
Roybal-Allard  
Royce  
Rush  
Sabó  
Sanders  
Sangmeister  
Sawyer  
Saxton  
Schenk  
Schiff  
Schroeder  
Schumer  
Scott  
Sensenbrenner  
Serrano  
Sharp  
Shepherd  
Skaggs  
Slaughter  
Smith (NJ)  
Spratt  
Stark  
Stokes  
Strickland  
Studds  
Sweet  
Swift  
Synar  
Tanner  
Thompson  
Thornton  
Thurman  
Torres  
Towns  
Traficant  
Tucker  
Upton  
Valentine  
Velázquez  
Vento  
Visclosky  
Volkmer  
Washington  
Waters  
Watt  
Waxman  
Wheat  
Whitten  
Wise  
Wolf  
Woolsey  
Wyden  
Wynn  
Zimmer

NOES—162

Andrews (TX) Bacchus (FL) Baker (LA)  
Archer Bachus (AL) Bartlett  
Arney Baker (CA) Barton

Bateman  
Bilbray  
Bliley  
Blute  
Boehner  
Bonilla  
Boucher  
Browder  
Bunning  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Castle  
Clinger  
Coble  
Combust  
Cox  
Cramer  
Crapo  
Cunningham  
Darden  
de la Garza  
DeLay  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Doolittle  
Dornan  
Dreier  
Edwards (TX)  
Emerson  
Everett  
Ewing  
Fields (TX)  
Fowler  
Franks (CT)  
Frost  
Gallegly  
Gekas  
Geren  
Gillmor  
Gingrich  
Goodlatte  
Goodling  
Goss  
Hall (TX)  
Hancock

Hansen  
Hastert  
Hayes  
Hefley  
Herger  
Hobson  
Houghton  
Hunter  
Hutchinson  
Hutto  
Hyde  
Inglis  
Inhofe  
Johnson (CT)  
Johnson (GA)  
Johnson, E.B.  
Johnson, Sam  
King  
Kingston  
Kolbe  
Kyl  
Lancaster  
Laughlin  
Levy  
Lewis (CA)  
Lewis (FL)  
Lightfoot  
Linder  
Livingston  
Machtley  
Mann  
Manzullo  
McCandless  
McCollum  
McCrery  
McHugh  
McInnis  
McKeon  
McNulty  
Meek  
Meyers  
Mica  
Michel  
Molinari  
Moorhead  
Murtha  
Myers  
Natcher  
Ortiz  
Oxley  
Packard

Payne (VA)  
Peterson (FL)  
Pickett  
Pickle  
Pombo  
Quillen  
Rowland  
Ridge  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rowland  
Sarpalius  
Santorum  
Schaefer  
Shaw  
Shays  
Shuster  
Sisisky  
Skeen  
Skelton  
Slattery  
Smith (IA)  
Smith (OR)  
Smith (TX)  
Snow  
Solomon  
Spence  
Stearns  
Stenholm  
Stump  
Stupak  
Sundquist  
Talent  
Tausin  
Taylor (MS)  
Taylor (NC)  
Tejeda  
Thomas (CA)  
Thomas (WY)  
Torkildsen  
Torricelli  
Vucanovich  
Walker  
Walsh  
Weldon  
Wilson  
Yates  
Young (AK)  
Young (FL)  
Zeliff

NOT VOTING—5

Ford (MI) Smith (MI) Williams  
McDade Unsoeld

So the amendment was agreed to.  
The question being put, *viva voce*,

Will the House agree to the following amendment [the SKELTON amendment] on which a separate vote had been demanded?

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 ulti-

mate 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 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).

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. SOLOMON demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 295 affirmative ..... } Nays ..... 133

108.21 [Roll No. 471] AYES—295

Table listing names of members of Congress who voted 'AYES' on the bill. The list includes names such as Allard, Andrews (NJ), Andrews (TX), Applegate, Archer, Army, 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, Brooks, Browder, Brown (FL), Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Carr, Castle, Chapman, Clement, Clinger, Clyburn, Coble, Coleman, Collins (GA), Combest, 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, Fawell, Fields (TX), Fingerhut, Fish, Ford (MI), Fowler, Franks (CT), Franks (NJ), Frost, Gallegly, Gallo, Gekas, Gephardt, Geren, Gibbons, Gilchrest, 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, Hoke, Holden, Houghton, Hoyer, Hughes, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Istook, Jacobs, Johnson (GA), Johnson (SD), Johnson, Sam.