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H.R. 4899, H.R. 5224, H.R. 5239, H.R. 2166 AND H. CON. RES. 328

MARKUP

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

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H.R. 4899, H.R. 5224, H.R. 5239, H.R. 2166 AND H. CON. RES. 328

THURSDAY, SEPTEMBER 21, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 1:46 p.m., in Room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (Chairman of the Committee) presiding.

Mr. GILMAN. The Committee on International Relations meets today in open session, pursuant to notice, to consider several items.

H.R. 4899, THE ASIAN PACIFIC CHARTER COMMISSION ACT OF 2000

Chairman GILMAN. Our first bill we will consider is H.R. 4899, establishing the Pacific Charter Commission. The Chair lays the bill before the Committee. The clerk will report the title of the bill.

Ms. BLOOMER. H.R. 4899, a bill to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes.

Chairman GILMAN. Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1. Short Title——

Chairman GILMAN. Without objection, the bill is considered as having been read and is open for amendment at any point.

[The bill appears in the appendix.]

Chairman GILMAN. I have an amendment in the nature of a substitute at the desk. The clerk will report the amendment.

Ms. BLOOMER. Amendment in the nature of a substitute offered by Mr. Gilman. Strike all after the enacting clause and——

Chairman GILMAN. Without objection, the amendment in the nature of a substitute is considered as having been read and is open for amendment at any point.

[The amendment appears in the appendix.]

Chairman GILMAN. I now recognize myself on the bill and the amendment.

Shortly after World War II, the American soldier and statesman, George Marshall, said that a safe and free America depends on a safe and free Europe. General Marshall, of course, was empha-

sizing the importance of Europe to the United States at that time. Permit me to suggest that Marshall's paradigm has changed. Today, he would have stated that a safe and free America depends on also a democratic, safe, and free Asia.

Before the summer recess, I introduced H.R. 4899, legislation establishing a Pacific Charter Commission. The purpose of the commission would be to create a charter that would promote a consistent and coordinated foreign policy which would ensure economic and military security in the Pacific region of Asia. The charter would attempt to obtain these goals through the promotion of democracy, human rights, the rule of law, free trade, and open markets.

As you know, this region is vital to the future of our Nation. Over the past 50 years, Asia has become a significant center of international economic and military power. Our Nation has seen the blood of its sons and daughters shed on Asian soil in defense of our national interests and in fighting tyranny. America has fought three wars in Asia since 1941, and our American military, our soldiers, sailors, airmen, and Marines, have all been engaged in ensuring peace across the Pacific. Our basic interests in Asia have remained virtually the same for the past 200 years: fostering democracy, human rights, and the rule of law.

In 1941, our Nation and Great Britain laid down a set of principles of foreign policy conduct. It was called the Atlantic Charter. Similarly, I propose that we establish a Pacific Charter Commission that would assist our Government in laying out the principles for our policies in Asia in the 21st century. Such a Pacific Charter would articulate America's long-term goals and objectives in the Pacific and link them with the means for implementation. It would be a comprehensive model for our involvement in the region, supporting our national interests and assuring others of our intention to remain a Pacific power. Further, it would demonstrate that our Nation is placing its relations with Asia in the 21st century on a par comparable to that which has informed its relations with Europe over the latter half of the 20th century.

H.R. 4899 would establish a commission of seven members from outside the Government, with an interest and expertise relating to Asia, chosen by the President with the advice and consent of the senate. Commissioners, who would serve for 6 years, would develop a new U.S. foreign policy for the Pacific region.

The time has come to lay out the architecture of policy that will establish our intention to remain engaged in Asia and the terms of our continued engagement. A commission to establish a Pacific Charter for the 21st century would provide the framework for such a policy. It would assure the entire region—allies and otherwise—of the continuation of our leadership that is consistent, coherent, and coordinated.

Accordingly, I urge my colleagues to vote for H.R. 4899.

Is there any member—Mr. Bereuter, the Chairman of our Asia and the Pacific Subcommittee.

Mr. BEREUTER. Thank you, Mr. Chairman.

I want to express my concern, as the Chairman knows, that the Asia and Pacific Subcommittee was not given a chance to examine this. I know the gentleman provided me with a copy several days

ago, but I have liked to have had the Asia and Pacific Subcommittee work its will.

I would note that the Administration expresses their opposition, believing that a new U.S. Government-funded commission is not necessary at this point.

I have examined it closely, and I have tried to see the changes the Chairman has made. Would you tell me the nature of any specific changes that you have made in your substitute?

Chairman GILMAN. Yes. In reply to the gentleman, the only change made is we changed the title from Asia Pacific to the Pacific Charter.

Mr. BEREUTER. I see. Mr. Chairman, I——

Chairman GILMAN. Mr. Bereuter, if you will yield?

Mr. BEREUTER. Yes, I yield.

Chairman GILMAN. We have also, at the request of the minority, sunsetted this measure to 5 years and reduced the budget of the commission from $5 million to $2.5 million to bring it more into line with funding levels associated with other congressionally mandated commissions.

Mr. BEREUTER. I started out in opposition to it, but I noticed the change in the sunset. I appreciate the Chairman's and the minority's interest in that.

I wonder if the Chairman would tell me when, if this becomes public law, it would take effect. Immediately upon signature of the President?

Chairman GILMAN. I believe it would be upon signature by the President.

Mr. BEREUTER. I wonder if the Chairman would consider an amendment. I hope you would consider it a friendly amendment. We might just express orally making it effective February 1 of 2001.

Chairman GILMAN. I would have no objection to that.

Mr. BEREUTER. I would make that amendment to the gentleman's amendment.

Chairman GILMAN. The gentleman's amendment is agreed upon unless there is some objection.

Mr. BEREUTER. Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Bereuter. We appreciate your support for the measure.

Are there any other members seeking recognition? If not, are there any questions on the amendment? If not, the question is on the Gilman amendment. All those in favor, signify in the usual manner. Opposed? The amendment is agreed to.

If there are no further amendments, without objection, the previous question is ordered.

The gentleman from Nebraska, Mr. Bereuter, is recognized to offer a motion.

Mr. BEREUTER. Mr. Chairman, I gather you would like this on the suspension calendar; therefore, I move the Chairman be requested to seek consideration of the pending measure, as amended, on the suspension calendar.

Chairman GILMAN The question is on the motion of the gentleman from Nebraska. Those in favor of the motion, signify in the usual manner. Those opposed, say no.

The ayes have it. The motion is agreed to. Without objection, the Chair or his designee is authorized to make the motions under Rule 22 with respect to a conference on this bill or a counterpart from the Senate.

I thank the gentleman for his support.

H.R. 5224, THE INTERNATIONAL FOOD RELIEF PARTNERSHIP ACT OF 2000

Chairman GILMAN. We now move to consider H.R. 5224 relating to international food relief partnerships. The Chair lays the bill before the Committee. The clerk will report the title of the bill.

Ms. BLOOMER. H.R. 5224, a bill to amend the Agricultural Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries.

Chairman GILMAN. Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. 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——

Chairman GILMAN. Without objection, the bill is considered as having been read and is open for amendment at any point.

[The bill appears in the appendix.]

Chairman GILMAN. Are there any members seeking recognition?

[No response.]

Chairman GILMAN. I now recognize myself briefly.

I am pleased to join the Chairman of the Committee on Agriculture, Mr. Combest, the distinguished gentleman from Texas, and the ranking member of the Committee on Agriculture, the distinguished gentleman from Texas, Mr. Stenholm, and the Chairman of the Subcommittee on Asia and the Pacific of the International Relations Committee, Mr. Bereuter, and our distinguished colleague Mr. Hall, the gentleman from Ohio, in introducing the International Food Relief Partnership Act of 2000.

The International Food Relief Partnership Act of 2000 authorizes the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries.

The bill creates a public-private partnership to leverage the donation of nutritious food by volunteers to needy families around the globe at times of famine, disaster, and other critical needs.

Nonprofits such as Breedlove, Child Life International, and Feed the Starving Children provide direct hunger assistance at times of disaster, famine, or other critical need. Other nonprofits similar to these fine organizations are located throughout Nation. These nonprofits accept gleaned crops donated by regional farmers and help transport and distribute this food overseas. Once the donated food is processed, it can be stored for years for use in food emergencies.

We need to encourage more volunteer efforts from nonprofits of this nature. The International Food Relief Partnership Act accomplishes this objective by providing a means for nonprofits to accept donated food and process it into a product for use in times of disaster, famine, or other critical need.

I ask my colleagues to support this legislation.

Mr. Gejdenson? Any other members seeking recognition? Mr. Bereuter?

Mr. BEREUTER. Thank you, Mr. Chairman. I want to express my support for H.R. 5224. As the original cosponsor of this measure, following the Chairman's lead, I would like to thank you for your initiative in advancing it.

As an advocate of food assistance programs, I welcome this legislation as a unique initiative to build grass-roots support for our foreign food assistance program. Currently, large agribusiness companies serve as the primary supplier for commodities used in Title II food aid programs completed by USAID. This bill, of course, amends Title II of the Agricultural Trade Development and Assistance Act to create opportunities for nonprofit organizations and private voluntary organizations (PVOs) in agricultural areas to also become directly involved in the production, storage, and distribution of prepackaged food materials for use in USAID food aid projects.

In my opinion, it is certainly possible and advantageous for the private and the nonprofit sector to work together on food aid programs. Indeed, it is important to keep as many people as possible engaged in food assistance programs, as Asians, Africans, and Central Americans face hunger due to natural disaster and abject poverty, and as American farmers search for new venues for their surplus commodities.

On a side note, I would like to express my dismay that the Clinton Administration has drastically cut Title III food for development grants from $312.1 million to $25 million, a 92-percent cut in funding. I would say that those and other similar cuts limit food aid options and, thus, have a very negative impact on support for food aid programs and on the agricultural sector. I have complained in the past about this cut.

But this legislation is another opportunity for us to deliver food and do good things for the poorest people in the world, and I thank the Chairman for his initiative.

Chairman GILMAN. Thank you, Mr. Bereuter, for your comments.

I have a technical amendment at the desk the clerk will read.

Ms. BLOOMER. Amendment offered by Mr. Gilman, at the end of line 19 on page 2, add "requested by."

[The amendment appears in the appendix.]

Chairman GILMAN. Any comments on the amendment? If not, all in favor of the amendment, signify in the usual manner. Opposed? The amendment is carried.

Are there any other members seeking recognition? If not, if there are no further amendments, without objection, the previous question is ordered.

The gentleman from Nebraska, Mr. Bereuter, is recognized to offer a motion.

Mr. BEREUTER. Mr. Chairman, I move that the Chairman be requested to seek consideration of the pending measure as amended on the suspension calendar.

Chairman GILMAN. The question is on the motion of the gentleman from Nebraska. All those in favor, signify in the usual manner. Opposed?

The ayes have it. The motion is agreed to. Without objection, the Chair or his designee is authorized to make motions under Rule 22 with respect to a conference on this bill or a counterpart from the Senate.

H.R. 5239, THE EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Chairman GILMAN. We now move to consider H.R. 5239, to reauthorize certain provisions of the Export Administration Act. The Chair lays the bill before the Committee. The clerk will report the title of the bill.

Ms. BLOOMER. H.R. 5239, a bill to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

Chairman GILMAN. Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1, Short Title——

Chairman GILMAN. Without objection, the bill is considered as having been read and is open for amendment at any point.

[The bill appears in the appendix.]

Chairman GILMAN. I now recognize myself briefly.

The Export Administration Modification and Clarification Act of 2000 will strengthen the enforcement of our export control system by increasing the penalties against those who would knowingly violate its regulations and provisions.

This measure would implement one of the key recommendations of the Cox Commission report on protecting our national security interests, and is virtually identical to a provision in H.R. 973, a security assistance bill, which passed the House in June of last year with strong bipartisan support.

Since the Export Administration Act lapsed in August 1994, the Administration has used the authorities in the International Emergency Economic Powers Act to administer our export control system. But in some key areas, the Administration has less authority under IEEPA than under the EAA of 1979.

For example, the penalties for violations of the Export Administration regulations that occur under IEEPA, both criminal and civil, are substantially lower than those available for violations that occur under the EAA. Even these penalties are too low, having been eroded by inflation over the past 20 years.

The measure I am introducing today significantly increases the penalties available to our enforcement authorities at the Bureau of Export Administration in the Department of Commerce. It also ensures that the Department can maintain its ability to protect from public disclosure information concerning export license applications, the licenses themselves, and related export enforcement information.

In view of the lapse of the EAA over the past five and a half years, the Department is coming under mounting legal challenges and is currently defending against two separate lawsuits seeking public release of export licensing information subject to the confidentiality provisions of section 12(c) of the EAA.

This measure authorizes $72 million for fiscal year 2001 for the operation of the Export Administration Act as continued under the International Emergency Economic Powers Act.

Accordingly, I urge my colleagues to join in supporting this very timely measure that will provide the authorities our regulators need to deter companies and individuals from exporting dual-use goods and technologies to countries and users of concern and to protect the confidentiality of the export control process.

Are there any members seeking recognition?

[No response.]

Chairman GILMAN. Are any members seeking to offer amendments?

[No response.]

Chairman GILMAN. If there are no amendments, without objection, the previous question is ordered. The gentleman from Nebraska, Mr. Bereuter, is recognized to offer a motion.

Mr. BEREUTER. Mr. Chairman, I move the Chairman be requested to seek consideration of the pending measure on the suspension calendar.

Chairman GILMAN. Thank you, Mr. Bereuter.

The question is on the motion of the gentleman from Nebraska. Those in favor of the motion, signify in the usual manner. Those opposed, say no.

The ayes have it. The motion is agreed to. Without objection, the Chair or his designee is authorized to make the motions under Rule 22 with respect to a conference on this bill or a counterpart from the Senate.

H.R. 2166, THE BEAR PROTECTION ACT OF 1999

Chairman GILMAN. We will now consider H.R. 2166, the Bear Protection Act. The Chair lays the bill before the Committee. The clerk will report the title of the bill.

Ms. BLOOMER. H.R. 2166, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled, or advertised as containing, bear viscera, and for other purposes.

Chairman GILMAN. This bill was referred by the Speaker to the Committee on Resources and in addition to our Committee and to the Committee on Ways and Means.

Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. 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 Bear Protection Act——

Chairman GILMAN. Without objection, the bill is considered as having been read and is open for amendment at any point.

[The bill appears in the appendix.]

Chairman GILMAN. I now recognize myself briefly. I want to commend Representative Porter, the gentleman from Illinois, for crafting this important bill. And I also want to thank Chairwoman Ros-Lehtinen and the ranking minority member of the Inter-

national Economic Policy and Trade Subcommittee for their quick action on the bill.

Although the demand for bear parts is virtually non-existent in our Nation, that market is rapidly expanding in Eastern Asia. Bear viscera are widely used as aphrodisiacs, as traditional medicines to treat everything from epilepsy to toothaches, and some parts are considered culinary delicacies. As East Asia has already forced its bear population to the brink of extinction, they are turning to the United States as a new source for bear viscera. In South Korea, North American bear gall bladders are sold under-the-counter in small quantities and are worth more, gram for gram, than cocaine.

H.R. 2166 bans the sale, export, import, and possession of bear viscera and would set civil and criminal penalties for violations. The Bear Protection Act also directs our U.S. Trade Representative to make international trafficking in bear viscera a priority issue in ongoing discussions with our Asian trading partners.

Accordingly, I urge my colleagues to support H.R. 2166.

Are there any members seeking recognition or seeking to offer amendments?

[No response.]

Chairman GILMAN. If there are no amendments or further requests, without objection, the previous question is ordered.

The gentleman from Nebraska, Mr. Bereuter, is recognized to offer a motion.

Mr. BEREUTER. Mr. Chairman, I move that the Chairman be requested to seek consideration of the pending measure on the suspension calendar.

Chairman GILMAN. The question is now on the motion of the gentleman from Nebraska, Mr. Bereuter. Those in favor, signify in the usual manner. Those opposed, say no?

The ayes have it. The motion is agreed to. Without objection, the Chair or his designee is authorized to make motions under Rule 22 with respect to a conference on this bill or a counterpart from the Senate.

H. CON. RES. 328, RELATING TO FREE AND FAIR ELECTIONS IN BURMA

Chairman GILMAN. We now consider H. Con. Res. 328 relating to Burma. The Chair lays the resolution before the Committee. The clerk will report the title of the resolution.

Ms. BLOOMER. H. Con. Res. 328, a resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

[The resolution appears in the appendix.]

Chairman GILMAN. This resolution was referred to the Subcommittee on International Operations and Human Rights who reported it on June 28th to the Full Committee with an amendment in the nature of a substitute.

The resolution was also referred to the Subcommittee on Asia and the Pacific and was reported on September 13th to the Full Committee with an amendment in the nature of a substitute.

Without objection, the Subcommittee-recommended language from the Subcommittee on Asia and the Pacific will be treated as

original text for the purposes of amendment. The clerk will read the preamble and operative language of the Subcommittee's recommendation, in that order, for amendment. The clerk will read.

Ms. BLOOMER. Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations——

Chairman GILMAN. Without objection, the Subcommittee's recommendation is considered as having been read and is open for amendment at any point.

[The amended resolution appears in the appendix.]

Chairman GILMAN. I would now recognize the gentleman from Nebraska, Mr. Bereuter, the Chairman of our Subcommittee on Asia and the Pacific, to introduce the measure to the Committee.

Mr. BEREUTER. Thank you, Mr. Chairman.

H. Con. Res. 328 was introduced on May 16th by the gentleman from Illinois, Mr. Porter, and unanimously approved by the Subcommittee on Asia and the Pacific on September 13th. For over 10 years, the Burmese military regime, now known as the State Peace and Development Council (the SPDC) has refused to implement the results of the 1990 elections which were won overwhelmingly by the National League for Democracy (NLD).

During this period, and indeed since 1962, when General Ne Win and the military seized control, the military has engaged in egregious, systematic violence and abuse of the fundamental human rights of ethnic minorities and other people of the country. The abuses of the junta in Rangoon most recently have come under international scrutiny when, on August 24th, Aung San Suu Kyi was denied the ability to visit NLD party offices outside the capital. For 9 days, she was detained at a roadblock and eventually was forcibly returned to her residence. Since that time, she and other NLD party leaders have been under virtual house arrest.

Despite the military's denials, no independent observer had been allowed to visit, and the British Ambassador was roughed up when he attempted to force his way into her compound.

In addition, party offices have been ransacked and papers seized. To justify their actions, the junta has issued the ludicrous charge that the NLD had formed an alliance with the rebels in the provinces.

It is entirely proper that the House of Representatives go on record condemning these human rights abuses. Since her electoral victory in 1990, Daw Aung San Suu Kyi has repeatedly been arrested, threatened, and harassed. The illegal SPDC military regime has done everything possible to discredit the NLD and its leader. This is simply wrong, and we, of course, should say so repeatedly and emphatically and do anything else we can that is effective.

Mr. Chairman, at the subcommittee markup, an amendment was approved that had the concurrence of the resolution's author, Mr. Porter, and which was designed to update the situation in Burma and address two concerns that were raised regarding the base text.

First, the amendment updated the current standoff between Aung San Suu Kyi and the military by including six new whereas clauses. These clauses detailed the denial of right to movement and association and the seizure of documents at the NLD party offices. The new language makes it clear that Aung San Suu Kyi was

clearly within her rights in attempting to visit party offices and that there was no justification for the roadblock established by the SPDC.

Secondly, we made technical changes to correct the name of the Department of State International Narcotics Control Strategy Report for 2000.

Lastly, the amendment altered Resolved Clause 3. The resolution as introduced endorses the economic and political sanctions that are currently in force.

Unfortunately, the sanctions are simply not having the desired effect. Burma has not been isolated. It has become a full member of ASEAN. Burma's neighbors—India, China, Japan, and Southeast Asian nations—are pursuing a policy of engagement with Burma. Australia prefers a policy of "constructive engagement" as they call it.

Even the EU countries, which have joined us in expressing outrage against the policies of the Burmese junta, have generally not imposed economic sanctions. While unilateral economic sanctions may make us feel good, they rarely are effective in forcing changes on recalcitrant regimes. Unfortunately, the regime's outrageous behavior and stubborn refusal to even engage the NLD in a meaningful dialogue leaves us with few options to our present policy of sanctions and isolation.

Let me make myself clear. I do not have a more effective alternative to the current sanctions policy. We have looked for one, but unless we have multilateral at least within the region, it is going to be very difficult. So I am as frustrated at least as all the members are.

However, I think we should not delude ourselves by believing that the current policy is effective, and that was original language of the resolution. I, therefore, requested of Mr. Porter that he agree to modify this language and say that the U.S. should continue to pursue policies with regard to Burma designed to, and so on, and those who support the sanction policy, if they choose, can read this as an endorsement of sanctions.

However, there is sufficient flexibility in the language to address the concerns of those who are frustrated with the ineffectiveness of the sanctions. And I hope, Mr. Smith, from our discussion a few minutes ago, you understand how we have, with Mr. Porter, tried to accommodate those people that want to leave sanctions in place, but also for people like myself that believe that sanctions frankly are not effective, to read it that way. I don't, as I mentioned, have a good alternative. We have sought them in Committee. We have sought them by individual discussions. We have sought them on an international basis.

I would once again note that the resolution's author, Mr. Porter, is comfortable with the proposed change. I discussed this matter with Chairman Smith earlier, and I just confirmed with Mr. Porter less than an hour and a half ago that he was pleased and wanted the resolution in its current amended form to be moved to the floor expeditiously under suspension calendar.

Mr. Chairman, I urge the Committee to approve H. Con. Res. 328 as amended.

Chairman GILMAN. Thank you, Mr. Bereuter.

Any other members——

Mr. PAYNE. Mr. Chairman?

Chairman GILMAN. Mr. Payne?

Mr. PAYNE. Thank you very much, Mr. Chairman. I strongly support this House Con. Res. 328 and feel that we really have to attempt to keep the pressure on. I did have the opportunity to get to Burma, as I might have mentioned before, about a year or so ago and did force the authorities to allow us to see Aung San Suu Kyi at the U.S. embassy. We had a several-hour lunch and discussion with her, and we also had the opportunity to meet with SLORC members at another time, those who were elected at the time she was elected. And they are certainly a tremendous repressive government. The treatment of the Burmese in Thailand is also something that we should really have the Thai Government look into. There are 800,000 refugees or workers there making about $1 a day. It is really unbelievable.

So I certainly support this. We visited the borders up by the People's Republic of China where they have also an enterprise going on in that region. But it is repressive. The military government is—as a matter of fact, a group of students were given about 10 years in prison for demonstrating, and I have written the Government of Burma several times asking them if they would reconsider. These were just students demonstrating. I thought that was certainly overly extreme.

So, Mr. Chairman, I certainly support this strongly and urge the passage of this bill.

Chairman GILMAN. Are any other members seeking recognition?

Mr. SMITH. Mr. Chairman?

Chairman GILMAN. Mr. Rohrabacher? Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman.

Mr. Chairman, I do have an amendment that I would like to offer to H. Con. Res. 328.

Chairman GILMAN. The clerk will report the amendment.

Ms. BLOOMER. Amendment offered by Mr. Smith, page 5, "Strike lines 5 through 7 and insert the following: (3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means."

[The amendment appears in the appendix.]

Mr. BEREUTER. Would the gentleman yield?

Mr. SMITH. I would be happy to yield.

Mr. BEREUTER. I thank the gentleman for yielding. I consider this move on the gentleman's part a violation of our agreement that we had when we proceeded with this, and I would ask the gentleman to reconsider offering this amendment. It is not what we agreed to earlier. I understand the gentleman's point about the sanctions. And all I am saying is I don't want to give any indication—and other members don't—that they are effective. And we have left it so that all of the policies are pursued with respect to the two objectives, A and B, are identified. This gives the Administration, current and future, maximum flexibility, including continuing with the current policies, whatever they think is effective to pursue a restoration of democracy, human rights, and civil liberties under Part A, and Part B, to support U.S. national security counter-narcotics interests.

I just think at this late point to violate what I think was a clear agreement is not good faith.

Mr. SMITH. Let me just say, reclaiming my time, that in 20 years I have never violated—and I never will violate—an agreement. I want that on the record and very clearly stated.

In looking at the gentleman's language, I had no idea that the intent of the language that he is talking about—and he just articulated it again here today—was to suggest that both sides could read into that language, the pro-sanctions group and the anti-sanctions group can both walk away and say their cause has been vindicated. That is not my intent. My intent is to be as clear and as unambiguous as possible. As we all know, the distinguished Chairman of the Asia and the Pacific Subcommittee was likely not going to bring this resolution up, but the clear intent to pursue policies with regard—as stated on page 5——

Mr. BEREUTER. Would the gentleman yield for a clarification?

Mr. SMITH. No, I won't yield this time.

Mr. BEREUTER. You misstated my intention.

Mr. SMITH. Well, I just heard your intention stated, but let me——

Mr. BEREUTER. I have——

Mr. SMITH. You will have to get your own time.

Mr. BEREUTER. I had always intended to bring this resolution up. I had assured Mr. Porter I would.

Mr. SMITH. Well, that is good to hear, but let me just say very clearly, this amendment that I am offering today puts all the members on the record—vote it up or down. I hope they will vote it up and approve this. It is a very clear amendment. In this case, I agree with the Clinton Administration. I was very happy that Secretary of State Madeleine Albright and the Administration took the initiative. Many of us had encouraged her to do so, but she did so in her own right because of the outrageous behavior by the Burmese authorities.

Today, as we meet, there is a BBC Wire Service story that the military authorities in Burma have again prevented the democracy leader, Aung San Suu Kyi, from leaving the capital in Rangoon.

The Burmese authorities have gotten worse. Now, is this the time when you should pull the plug on the sanctions, or give any kind of suggestion that could be read by the Rangoon leadership as a sign that we are somehow wavering? I don't think so. Yes, this is basically sense of the Congress, but what we say does have meaning. It does, hopefully, indicate where we are coming from in terms of our policy direction, and I think we need to reiterate in the strongest terms possible—and this is clear and, as I said, is nonambiguous language—that we want the United States policy to maintain current economic and political sanctions. To say otherwise, to give some kind of indication that could go either way I think just emboldens the dictatorship, however unwitting or unintentional that outcome is.

And let me say, had I known that this language could be read both ways, I would never, ever, ever have suggested that we embrace such language. The language that states pursue policies, the policies that the Administration is pursuing, is well meaning, well intentioned. But sanctions, as we all know, never work in a day,

maybe not in a year, maybe not in several years. I supported sanctions against South Africa, and was frankly the only Republican on this panel 15 years ago or so who took that position, because I believed it was right even though it might not succeed overnight. There was a counter argument that was meaningful, but I felt at the time that that was the way to proceed. And eventually the sanctions did indeed work.

Right now there is an outrage going on in Rangoon. Aung San Suu Kyi, the great Nobel Peace Prize winner, and her organization and her freely-elected members of her parliament are persona non grata, and I think we need to say, notwithstanding anything else that ASEAN does, that we are on record for these sanctions. And I hope the membership of the Committee will support this amendment.

Chairman GILMAN. Thank you, Mr. Smith.

Mr. SMITH. And it is absolutely no breach of any agreement.

Chairman GILMAN. Mr. Rohrabacher next, then I will come back to Mr. Bereuter. Mr. Rohrabacher? Mr. Bereuter?

Mr. BEREUTER. Mr. Chairman, members. The gentleman perhaps was wrong when he suggested unknowingly that I had not intended to bring this resolution up. If he feels that in fact I had not and had not good intentions to bring it up, it is outrageous. I had assured Mr. Porter at all times that this resolution would come to the Committee, I would try to expedite its movement to the floor. And that continues to be the case. Now, if the gentleman thinks otherwise, it is outrageous.

Now, I invite members to calmly look at page 5, at lines 5 through 11. As members can see from the resolution before you, it says, "United States policy shall continue to pursue policies with regard to Burma that are designed to", and then the two clauses with the objectives. That gives the Administration wide flexibility on designing what is appropriate. It does not say, nor does this member suggest that they have to relieve any kind of sanctions that are opposed, but I do not want to give any impression whatsoever that we think they are effective. Unfortunately, they are not as long as we do not have multilateral support at least within the region and among major countries like Japan and Australia, for example, and certainly the European Union.

Now, we know that occasionally sanctions do work, but it is almost always when they are multilateral sanctions, as was the case with South Africa. What the gentleman wants to do is change it to say "its current policies." By saying "current" it suggests that there can be no change, that we don't necessarily support anything that isn't a current policy. And I think if you look at it that way, you will understand that I am not attempting to give any message that we need to lift the sanctions. It just says "to continue to pursue policies with regard to Burma." If the Administration wants to continue policies or a future Administration, good, that is up to them. They have that option. Maybe at some time they will be effective. They certainly might if a few more countries joined us, but at the moment, we are alone. I hope in what I believe was an agreement to move it forward, that the gentleman's amendment will, since he is pursuing it, not be accepted. In any case, the resolution is important. It will move forward.

Chairman GILMAN. Mr. Rohrabacher?

Mr. ROHRABACHER. I rise in strong support of the amendment. Let me just say that I have watched policy concerning Burma and I have watched what is going on in Burma since before I was elected to Congress. I have met with young students who were in Rangoon, who saw their fellow students shot down and young female students who were brutally raped by soldiers from the regime, and students who were chased through the jungles. I met these students in jungle camps in Burma. In fact, one of the first things that happened to me was that I was condemned for meeting these students, for crossing the border illegally into the jungle to meet these brave freedom fighters. And ever since then—I have to tell you, these people, who are struggling for Burma against these tremendous odds especially under the leadership of Aung San Suu Kyi, are some of the most admirable people in the world. They are facing a horrendous challenge. You know, the dictatorship has all the guns. They are as brutal as any dictatorship could be. They have got drug lords in cahoots with the leaders of their country.

How would you like to live in a country in which the drug lords and the government went to the same restaurant every night and partied together? And all of a sudden all of the government officials have fancy cars. And where did they get the money to do that when their people are literally eating crickets because the food production has gone down so much in that country that used to be ''the rice bowl'' of Asia.

We currently have a policy of sanctions. The reason Mr. Smith's amendment must be adopted is because the gangsters in Rangoon will read this bill without Mr. Smith's amendment, as a retrogression, as a backing down of American policy of sanctions.

Now, Mr. Bereuter has argued, articulately, that the sanctions may or may not be affected, but the very last thing that we want to do with the most vile, corrupt regime on this planet and which is being challenged peacefully by such heroic people as Aung San Suu Kyi, the last thing we want to do is to send a message that can be read by those people as a backing down from our confrontation or our adamant opposition to that regime. And that is the way it will be read and that is what they will say.

ASEAN has had a policy that is not involved with sanctions. That policy has failed. They admit it has failed. Our policy has sanctions. Now we can say we are in search of a policy. Well, it is pretty easy to determine what the policy should be. The United States of America should be on the side of people who believe in democracy, people who believe in honest government, and we should be opposed to dictators and to murderers and to thugs who brutalize their people and terrorize their population. The choice is so clear in Burma, and I don't think the policy of sanctions, economic sanctions goes far enough. I think we should be working with Thailand and others, who would have gone in this direction, to openly support Aung San Suu Kyi and her elected majority in Burma, and recognize them as a government in exile because they are the government. We believe that government are those people who have the consent of the governed, and in Burma that means Aung San Suu Kyi and her people. And I say, I couldn't more strongly support Mr. Smith's amendment that keeps us on the

record and cannot be interpreted as backing down from our opposition to that vile regime. Thank you very much.

Chairman GILMAN. Thank you, Rohrabacher. Are any other members seeking recognition? Mr. Payne.

Mr. PAYNE. Yes. I too rise in support of Mr. Smith's amendment. As I indicated, I had the opportunity to be there firsthand and talk to Aung San Suu Kyi and people who were elected with her. I saw the brutality and the students that were beaten by the authorities, the lack of any kind of progress that is being made. And for us to have a sanctions policy and then to remove it, would certainly give a signal that the US is sort of looking the other way, or not as serious about this regime as we were, because we are removing something that was previously there. And so I support the amendment.

Mr. BEREUTER. Will the gentleman yield?

Mr. PAYNE. Yes.

Mr. BEREUTER. I thank the gentleman from New Jersey. There is nothing in the resolution, I just remind the gentleman, that removes the economic sanctions. I just want to clarify that. It is pressure. Thank you for yielding.

Mr. PAYNE. Thank you very much. Thanks for that correction. I still think though it should be clear then, and for that, I support the amendment from the gentleman from New Jersey.

Chairman GILMAN. Are any other members seeking recognition? If not, I want to support Congressman Porter, the gentleman from Illinois for introducing this important piece of legislation.

Today Aung San Suu Kyi is attempting to travel to northern Burma in defiance of the dictatorship's ban on her traveling. She was twice forcefully returned after attempting to travel in Burma. The last attempt was August 24th. She camped out in her car for 9 days until the dictatorship forced her back. She was then held incommunicado. As we speak today, she is surrounded by heavily-armed soldiers at the train station and is being prevented from boarding the train.

The UN General Assembly and the Human Rights Commission have passed nine consecutive resolutions regarding the appalling human rights conditions in Burma. This resolution as amended assures Congress remains on record in support of the brave woman in Burma.

And with regard to the amendment, I strongly support the amendment by the gentleman from New Jersey. Congress needs to remain firmly on record in support of the continuing sanctions against the repressive illegal government in Burma. Aung San Suu Kyi and the members of Parliament who were elected in 1990, have not been able to establish a government inside of Burma. Many of her supporters have been and still are in prison. Thousands have been tortured and murdered. The government relies heavily on slave and forced labor for construction projects. The ILO has even banned it from participating in any ILO meetings.

The government is also deeply involved in the illicit drug trade. It was just reported by Secretary Cohen, who was in Thailand 2 days ago, that the Thai are asking for 50 helicopters to fight against the drug trafficking. The Thai military has estimated that 600 million amphetamine pills flooded Thailand last year from across a 2,000-kilometer border with Myanmar. Thai community

leaders have frequently accused Myanmar of destroying Thai youth, warning that drug addiction was reaching crisis proportions in Thailand, with more than 600,000 young people reportedly hooked on amphetamines. In Bangkok Tuesday, Secretary Cohen said, "We understand now there is a serious problem concerning Thailand by virtue of methamphetamine being produced and distributed from Burma." The drug problem will be high on the agenda of the commander of US forces in the Pacific who is due to visit Thailand next week. Now is certainly not the time to suggest that Congress is backing down from its strong support for these sanctions. Accordingly, I urge our colleagues to support the amendment by the gentleman from New Jersey.

Dr. Cooksey.

Mr. COOKSEY. Thank you, Mr. Chairman. I understand my friend from New Jersey's reason for this amendment to sustain the sanctions and sustain our current policy, or perhaps add the sanctions. We have tried sanctions in this country for years, and usually they are ineffective and they do nothing but hurt the people that are in that country that need the most help.

Now, I was in the military 30 years ago. I believe that the military has a place, but the military in Burma is really a major part of the problem. When I was there last November, I told some of the military officers that if anything happens to Aung San Suu Kyi, the wrath of the world will be on them, and for those of you that think I am a loose cannon, the wrath of John Cooksey will be on those guys too.

And this bothers me when I read that someone in the government says that Aung San Suu Kyi would be, quote, "crushed for trying to draft the constitution", and just the general attitude of those people.

But that said, I still do not think we should support this amendment, and I don't think it is a good amendment, and I don't think it will help Aung San Suu Kyi. I don't think it will help the people over there that have the courage to stand up to the military. I think it is a self-defeating amendment. So thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Dr. Cooksey. Are any other members seeking recognition? If not, the question is now on the amendment by the gentleman from New Jersey, Mr. Smith. All in favor, signify in the usual manner.

Opposed?

The amendment is carried. Is any other member seeking recognition or desiring to offer any amendments? Mr. Rohrabacher?

Mr. ROHRABACHER. Is this the time to comment on the bill itself?

Chairman GILMAN. Yes.

Mr. ROHRABACHER. All right. I would seek recognition.

Chairman GILMAN. Mr. Rohrabacher is recognized.

Mr. ROHRABACHER. And I will make this very short. In talking about how the United States should engage a dictatorship like we find in Burma—and let me just say that Mr. Bereuter, who works very diligently at his job and is a very, very conscientious Chairman of the Subcommittee—we just have some honest disagreements. It is as simple as that.

Mr. BEREUTER. Will the gentleman yield?

Mr. ROHRABACHER. Yes, sir.

Mr. BEREUTER. I thank you for your kind words, but in this one we have, I think no disagreement. I respect the gentleman's particular knowledge of Burma. I think it is an outrageous regime. I want to bring this woman who was elected in 1990 to power. There is no disagreement on the objectives or your analysis of the terrible situation. I want the gentleman to be assured of that. Thank you.

Mr. ROHRABACHER. Thank you very much, Mr. Bereuter. I would like to bring up two points about the government of Burma, or should I say the thugs that control Burma, because they are not the government. Let us be aware. These people hold power, but they are not the government. The government, again, derives its just powers from the consent of the governed, and these people could not muster a majority by any stretch of the imagination.

But this regime that is in power has made deals with the Chinese. And we talked about Chinese engagement, constructive engagement with the Burmese dictatorship. I think it is important for us to put on the record that the Chinese have provided the weapons that this regime has needed to maintain control. How this regime is maintaining control, it is now in an unholy alliance with Beijing. And what does Beijing get for giving them all of these hundreds of millions of dollars of weapons? Number one, it is receiving some place for a military location on the coast of Burma, which is now, we understand, not necessarily in construction, but clearly there is a Chinese military presence there. But more importantly, what they are doing is they are cutting down all of the teak wood. They are taking what belongs to the people of Burma, their natural treasures, whether they are minerals or whether they are timber—and that is the next thing that I am going to mention—and they are just taking this away, robbing the people of their legacy, and the money is going, yes, to pay the Chinese for their guns, and it is going into foreign bank accounts. That is number one we have to understand about the regime in Burma.

But number two, let us understand that over the last 10 years the Burmese regime has completely obliterated its own opposition, not only from Aung San Suu Kyi's supporters and the democratic supporters, but also from various ethnic groups that maintain certain control of territory around Burma for a number of years. Now this regime has total control of Burma. And what is happening to the heroin production in Burma now that this regime totally controls the country? Opium production in Burma is dramatically up, even though they have had some kind of a drought over there, and what we have got is this Administration does not—excuse me—there are people in this Administration who do not want to face the fact that the drug lords and the regime are one and the same. So let us recognize that the Burmese regime controls that country and that country produces 30 to 40 percent of the world's heroin, and that is what we are up against here.

There is no more vile regime on this planet than the one in Burma, and the people in Thailand are looking to us to stand strong, and I think that this is a very important resolution, and it is important to have our voices strong and united in these things. And I appreciate Mr. Bereuter making it very, very clear that he

is morally and all the other ways opposed to this type of regime. So thank you very much.

Chairman GILMAN. Thank you, Mr. Rohrabacher. Are any other members seeking recognition? If not, the gentleman from Nebraska, Mr. Bereuter is recognized to offer a motion.

Mr. BEREUTER. Mr. Chairman, I move the Chairman be requested to seek consideration of pending measure as amended on the suspension calendar.

Chairman GILMAN. The question is on the motion of the gentleman from Nebraska. Any as in favor of the motion, signify in the usual manner.

Any opposed, say no.

The ayes have it. The motion is agreed to. Further proceedings on this measure are postponed.

Mr. MENENDEZ. Mr. Chairman.

Chairman GILMAN. Who is seeking recognition?

Mr. MENENDEZ. I do.

Chairman GILMAN. Mr. Menendez.

Mr. MENENDEZ. Mr. Chairman, parliamentary inquiry. Did the previous legislation of the Committee, I understand, adopted on the Export Administration Act, get sent to the Subcommittee on International and Economic Policy and Trade?

Chairman GILMAN. Yes. I am informed by staff that we informed the Subcommittee on International Economic Policy and Trade that we intended to proceed to the Full Committee on this important measure so that we could get it to the Senate as quickly as possible.

Mr. MENENDEZ. Mr. Chairman, let me first say that you may have informed the Chairlady, but you did not inform the whole Committee, and as the ranking Democrat on the Committee, let me say that while I support, in essence, what the bill attempts to do, I would have done it a little differently. I do want to register my strong opposition to it having been marked up here in Full Committee—and I would have been here at the original time at 2:00, the Committee was originally cited for—without first having gone to our Subcommittee. It is just an issue that for members of the Committee, who spend a lot of time as I do in my Subcommittee, showing up, working on issues. The value of a member on behalf of the constituency they represent is not for that Subcommittee and the work there to be an intellectual reservoir or debating society, but it comes on the opportunity to craft and vote on legislation. So I would hope that for the future, that we would have the courtesy as knowing as well, and being able to register our opinions as to whether or not the Committee should be bypassed, and I would hope it is done in the most infrequent opportunities as possible.

Chairman GILMAN. I thank the gentleman for his comments, and I regret that he was not informed of this. And I would think that it be the Subcommittee Chairman's responsibility to inform the Committee of these kind of events, but we certainly will take the gentleman's comments in mind for future issues that come before our Committee.

Mr. BEREUTER. Mr. Chairman.

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman. I had thought that perhaps H. Con. Res. 397 might come up today. It is on Central Asia. It is authored by the gentleman from New Jersey, Mr. Smith. We are ready to take that up, and if we have another markup, I am hoping that it could be brought on that agenda. I think Mr. Smith is ready to move, and I certainly am.

Chairman GILMAN. Mr. Bereuter, staff informs me that we will be prepared to take that measure up next week in our next markup.

Thank you very much, and I want to thank all of our members for standing by. The Committee stands adjourned.

[Whereupon, at 2:41 p.m., the Committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENTS OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

H.R. 4899, THE PACIFIC CHARTER COMMISSION ACT OF 2000

Shortly after World War II, the great American soldier and statesman, George C. Marshall, said that a safe and free America depends on a safe and free Europe. Marshall, of course, was emphasizing the importance of Europe to the United States at the time. Permit me to suggest that Marshall's paradigm has changed. Today, he could have stated that a safe and free America depends on a democratic, safe and free Asia.

Before the Summer recess, I introduced H.R. 4899, legislation to establish a Pacific Charter Commission. The purpose of the commission would be to create a charter that would promote a consistent and coordinated foreign policy which would ensure economic and military security in the Pacific region of Asia. The charter would attempt to obtain these goals through the promotion of democracy, human rights, the rule of law, free trade, and open markets.

As you know, this region is vital to the future of our nation. Over the past 50 years, Asia has become a significant center of international economic and military power. The United States has seen the blood of its sons and daughters shed on Asian soil in defense of our national interests and in fighting tyranny. America has fought three wars in Asia since 1941, and American soldiers, sailors, airmen, and Marines are engaged in ensuring peace across the Pacific. Our basic interests in Asia have remained virtually the same for the past 200 years: fostering democracy, human rights and the rule of law.

In 1941, the United States and Great Britain laid down a set of principles of foreign-policy conduct. It was called the Atlantic Charter. Similarly, I propose that we establish a Pacific Charter Commission that would assist our government in laying out the principles for our policies in Asia in the 21st century. Such a Pacific Charter would articulate America's long-term goals and objectives in the Pacific and link them with the means for implementation. It would be a comprehensive model for our involvement in the region, supporting our national interests and assuring others of our intention to remain a Pacific power. Further, it would demonstrate that the United States is placing its relations with Asia in the 21st century on a par comparable to that which has informed its relations with Europe over the latter half of the 20th century.

H.R. 4899 would establish a commission of seven members from outside the government, with an interest and expertise relating to Asia, chosen by the President with the advice and consent of the Senate. Commissioners, who would serve for six years, would develop a new U.S. foreign policy for the Pacific region.

The time has come to lay out an architecture of policy that will establish our intention to remain engaged in Asia and the terms of our continued engagement. A Commission to establish a Pacific Charter for the 21st century would provide the framework for such a U.S. policy. It would assure the entire region—allies and otherwise—of the continuation of a leadership that is consistent, coherent, and coordinated.

Accordingly, I ask for you to vote for H.R. 4899.

H.R. 5224, THE INTERNATIONAL FOOD RELIEF PARTNERSHIP ACT OF 2000

I am pleased to join the Chairman of the Committee on Agriculture, Mr. Combest, the distinguished gentleman from Texas, and the Ranking Member of the Committee on Agriculture, the distinguished gentleman from Texas, Mr. Stenholm, and the distinguished Chairman of the Subcommittee on Asia and the Pacific of the International Relations Committee, the distinguished gentleman from Nebraska, Mr. Bereuter, in introducing the International Food Relief Partnership Act of 2000.

The International Food Relief Partnership Act of 2000 authorizes the stockpiling and rapid transportation, delivery and distribution of shelf stable prepackaged foods to needy individuals in foreign countries.

This bill creates a public-private partnership to leverage the donation of nutritious food by volunteers to needy families around the globe at times of famine, disaster and other critical needs.

Non-profits such as Breedlove, Child Life International, and Feed the Starving Children provide direct hunger assistance at times of disaster, famine, or other critical need. Other non-profits similar to these fine organizations are located throughout the United States. These non-profits accept gleaned crops donated by regional farmers, and help transport and distribute this food overseas. Once the donated food is processed, it can be stored for years for use in food emergencies.

We need to encourage more volunteer efforts from non-profits. The International Food Relief Partnership Act accomplishes this objective by providing a means for non-profits to accept donated and food and process it into a product for use in times of disaster, famine, or other critical need.

I ask my colleagues to support this important legislation.

H.R. 5239, THE EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

The ''Export Administration Modification and Clarification Act of 2000'' will strengthen the enforcement of our export control system by increasing the penalties against those who would knowingly violate its regulations and provisions.

This measure would implement one of the key recommendations of the Cox Commission report on protecting our national security interests, and is virtually identical to a provision in H.R. 973, a security assistance bill, which passed the House in June of last year with strong bipartisan support.

Since the Export Administration Act (EAA) lapsed in August of 1994, the Administration has used the authorities in the International Emergency Economic Powers Act (IEEPA) to administer our export control system. But in some key areas, the Administration has less authority under IEEPA than under the EAA of 1979.

For, example, the penalties for violations of the Export Administration Regulations that occur under IEEPA, both criminal and civil, are substantially lower than those available for violations that occur under the EAA. Even these penalties are too low, having been eroded by inflation over the past 20 years.

The measure I am introducing today significantly increases the penalties available to our enforcement authorities at the Bureau of Export Administration (BXA) in the Department of Commerce. It also ensures that the Department can maintain its ability to protect from public disclosure information concerning export license applications, the licenses themselves and related export enforcement information.

In view of the lapse of the EAA over the past five and one-half years, the Department is coming under mounting legal challenges and is currently defending against two separate lawsuits seeking public release of export licensing information subject to the confidentiality provisions of section 12(c) of the EAA.

The measure also authorizes $72 million for fiscal year 2001 for the operation of the Export Administration Act as continued under the International Emergency Economic Powers Act.

I would urge my colleagues to join me in supporting this very timely measure that will provide the authorities our regulators need to deter companies and individuals from exporting dual-use goods and technologies to countries and uses of concern and to protect the confidentiality of the export control process.

H.R. 2166, THE BEAR PROTECTION ACT OF 1999

I want to commend Representative Porter, the gentleman from Illinois, for crafting this important bill. And I want to thank Chairwoman Ros-Lehtinen and the Ranking Minority Member of the International Economic Policy and Trade Subcommittee for their quick action on this bill.

Although the demand for bear parts is virtually non-existent in the U.S., the market is rapidly expanding in Eastern Asia. Bear viscera are widely used as aphrodisiacs, as traditional medicines to treat everything from epilepsy to tooth-

aches, and some parts are considered culinary delicacies. As East Asia has already forced its bear population to the brink of extinction, they are turning to the United States as a new source for bear viscera. In South Korea, North American bear gall bladders are sold under-the-counter in small quantities and are worth more, gram for gram, than cocaine.

H.R. 2166 bans the sale, export, import and possession of bear viscera and would set civil and criminal penalties for violations. The Bear Protection Act also directs the United States Trade Representative to make international trafficking in bear viscera a priority issue in ongoing discussions with our Asian trading partners.

Accordingly, I urge my colleagues to support H.R. 2166.

H. CON. RES. 328, RELATING TO FREE AND FAIR ELECTIONS IN BURMA

I want to commend Congressman Porter, the gentleman from Illinois, for introducing this important piece of legislation. Today Aung San Suu Kyi is attempting to travel to northern Burma in defiance of the dictatorships ban on her traveling. She was twice forcefully returned after attempting to travel in Burma. The last attempt was August 24th. She camped out in her car for nine days until the dictatorship forced her back. She was then held incommunicado.

As we speak, she is surrounded by heavily armed soldiers at the train station and is being prevented from boarding the train.

The U.N. General Assembly and the Human Rights Commission have passed nine consecutive resolutions regarding the appalling human rights conditions in Burma. This resolution as amended ensures that the Congress remains on record in support of this brave woman in Burma.

I urge my colleagues to support the bill.

On Burma Amendment

I strongly support the amendment offered by the gentleman from New Jersey. The Congress needs to remain firmly on the record in support of the continuing sanctions against the repressive illegal government in Burma.

Aung San Suu Kyi and members of Parliament who were elected in 1990 have not been able to establish a government inside of Burma. Many of her supporters have been and still are imprisoned. Thousands have been tortured and/or murdered. The government relies heavily on slave and forced labor for construction projects. The ILO has even banned it from participating in any ILO meetings.

The government is also deeply involved in the illicit drug trade. It was just reported that Secretary Cohen was in Thailand two days ago and the Thai are asking for 50 helicopters to fight against the drug trafficking.

The Thai military has estimated that 600 million amphetamine pills flooded Thailand last year from across the 2,000 kilometer (1,240 mile) border with Myanmar. Thai community leaders have frequently accused Myanmar of destroying Thai youth, warning that drug addiction was reaching crisis proportions in Thailand, with more than 600,000 young people reportedly hooked on amphetamines.

In Bangkok Tuesday, Secretary Cohen said, "We understand now that there is a serious problem concerning Thailand by virtue of methamphetamine being produced and distributed from Burma. The drug problem will be high on the agenda of the commander of the U.S. forces in the Pacific, who is due to visit Thailand next week."

Now is certainly not the time to suggest that the Congress is backing down from its strong support for the sanctions. I urge my colleagues to support this amendment.

106TH CONGRESS
2D SESSION

H. R. 4899

To establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2000

Mr. GILMAN introduced the following bill; which was referred to the Committee on International Relations

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A BILL

To establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes.

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 "Asian Pacific Charter Commission Act of 2000".

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to promote a consistent and coordinated
4 foreign policy of the United States to ensure eco-
5 nomic and military security in the Pacific region of
6 Asia;

7 (2) to support democratization, the rule of law,
8 and human rights in the Pacific region of Asia;

9 (3) to advance free trade and open markets on
10 a reciprocal basis in the Pacific region of Asia;

11 (4) to combat terrorism and the spread of illicit
12 narcotics in the Pacific region of Asia; and

13 (5) to advocate an active role for the United
14 States Government in diplomacy, security, and the
15 furtherance of good governance and the rule of law
16 in the Pacific region of Asia.

17 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

18 There is established a commission to be known as the
19 Asian Pacific Charter Commission (hereafter in this Act
20 referred to as the "Commission").

21 **SEC. 4. DUTIES OF COMMISSION.**

22 (a) DUTIES.—The Commission shall establish and
23 carry out, either directly or through nongovernmental and
24 international organizations, programs, projects, and ac-
25 tivities to achieve the purposes described in section 2 of
26 this Act, including research and educational or legislative

1 exchanges between the United States and countries in the
2 Pacific region of Asia.
3 (b) ADVISORY COMMITTEES.—The Commission may
4 establish such advisory committees as the Commission de-
5 termines to be necessary to advise the Commission on pol-
6 icy matters relating to the Pacific region of Asia and to
7 otherwise carry out this Act.
8 **SEC. 5. MEMBERSHIP OF COMMISSION.**
9 (a) COMPOSITION.—The Commission shall be com-
10 posed of 7 members all of whom—
11 (1) shall be citizens of the United States who
12 are not officers or employees of any government, ex-
13 cept to the extent they are considered such officers
14 or employees by virtue of their membership on the
15 Commission; and
16 (2) shall have interest and expertise in issues
17 relating to the Pacific region of Asia.
18 (b) APPOINTMENT.—
19 (1) IN GENERAL.—The individuals referred to
20 in subsection (a) shall be appointed—
21 (A) by the President, after consultation
22 with the Speaker of the House of Representa-
23 tives, the Chairman of the Committee on Inter-
24 national Relations of the House of Representa-
25 tives, the Majority Leader of the Senate, and

1 the Chairman of the Committee on Foreign Re-
2 lations of the Senate; and
3 (B) by and with the advice and consent of
4 the Senate.
5 (2) POLITICAL AFFILIATION.—Not more than 4
6 of the individuals appointed under paragraph (1)
7 may be affiliated with the same political party.
8 (c) TERM.—Each member of the Commission shall
9 be appointed for a term of 6 years.
10 (d) VACANCIES.—A vacancy in the Commission shall
11 be filled in the same manner in which the original appoint-
12 ment was made.
13 (e) CHAIRPERSON; VICE CHAIRPERSON.—The Presi-
14 dent shall designate a Chairperson and Vice Chairperson
15 of the Commission from among the members of the Com-
16 mission.
17 (f) COMPENSATION.—
18 (1) RATES OF PAY.—Except as provided in
19 paragraph (2), members of the Commission shall
20 serve without pay.
21 (2) TRAVEL EXPENSES.—Each member of the
22 Commission may receive travel expenses, including
23 per diem in lieu of subsistence, in accordance with
24 sections 5702 and 5703 of title 5, United States
25 Code.

1 (g) MEETINGS.—The Commission shall meet at the
2 call of the Chairperson.
3 (h) QUORUM.—A majority of the members of the
4 Commission shall constitute a quorum, but a lesser num-
5 ber of members may hold hearings.
6 (i) AFFIRMATIVE DETERMINATIONS.—An affirmative
7 vote by a majority of the members of the Commission shall
8 be required for any affirmative determination by the Com-
9 mission under section 4.

10 **SEC. 6. POWERS OF COMMISSION.**

11 (a) CONTRIBUTIONS.—The Commission may accept,
12 use, and dispose of gifts, bequests, or devises of services
13 or property, both real and personal, for the purpose of
14 assisting or facilitating the work of the Commission. Gifts,
15 bequests, or devises of money and proceeds from sales of
16 other property received as gifts, bequests, or devises shall
17 be deposited in the Treasury and shall be available for
18 disbursement upon order of the Commission.
19 (b) MAILS.—The Commission may use the United
20 States mails in the same manner and under the same con-
21 ditions as other departments and agencies of the United
22 States.

23 **SEC. 7. STAFF AND SUPPORT SERVICES OF COMMISSION.**

24 (a) EXECUTIVE DIRECTOR.—The Commission shall
25 have an executive director appointed by the Commission

1 after consultation with the Speaker of the House of Rep-
2 resentatives and the Majority Leader of the Senate. The
3 executive director shall serve the Commission under such
4 terms and conditions as the Commission determines to be
5 appropriate.

6 (b) STAFF.—The Commission may appoint and fix
7 the pay of such additional personnel, not to exceed 10 indi-
8 viduals, as it considers appropriate.

9 (c) STAFF OF FEDERAL AGENCIES.—Upon request
10 of the chairperson of the Commission, the head of any
11 Federal agency may detail, on a nonreimbursable basis,
12 any of the personnel of the agency to the Commission to
13 assist the Commission in carrying out its duties under this
14 Act.

15 (d) EXPERTS AND CONSULTANTS.—The chairperson
16 of the Commission may procure temporary and intermit-
17 tent services under section 3109(b) of title 5, United
18 States Code.

19 **SEC. 8. REPORTS OF COMMISSION.**

20 The Commission shall prepare and submit to Con-
21 gress an annual report on the programs, projects, and ac-
22 tivities on the Commission for the prior year.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to carry out this Act $5,000,000 for each of the
4 fiscal years 2001 and 2002.

5 (b) AVAILABILITY.—Amounts appropriated pursuant
6 to the authorization of appropriations under subsection (a)
7 are authorized to remain available until expended.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 4899

OFFERED BY M. Gilman

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Pacific Charter Com-
3 mission Act of 2000".

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are—

6 (1) to promote a consistent and coordinated
7 foreign policy of the United States to ensure eco-
8 nomic and military security in the Asia-Pacific re-
9 gion;

10 (2) to support democratization, the rule of law,
11 and human rights in the Asia-Pacific region;

12 (3) to advance free trade and open markets on
13 a reciprocal basis in the Asia-Pacific region;

14 (4) to combat terrorism and the spread of illicit
15 narcotics in the Asia-Pacific region; and

16 (5) to advocate an active role for the United
17 States Government in diplomacy, security, and the
18 furtherance of good governance and the rule of law
19 in the Asia-Pacific region.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 There is established a commission to be known as the
3 Pacific Charter Commission (hereafter in this Act referred
4 to as the "Commission").

5 **SEC. 4. DUTIES OF COMMISSION.**

6 (a) DUTIES.—The Commission shall establish and
7 carry out, either directly or through nongovernmental or-
8 ganizations, programs, projects, and activities to achieve
9 the purposes described in section 2, including research and
10 educational or legislative exchanges between the United
11 States and countries in the Asia-Pacific region.

12 (b) MONITORING OF DEVELOPMENTS.—The Com-
13 mission shall monitor developments in countries of the
14 Asia-Pacific region with respect to United States foreign
15 policy toward such countries, the status of democratiza-
16 tion, the rule of law and human rights in the region, trade
17 relations among the United States and such countries, and
18 activities related to terrorism and the illicit narcotics
19 trade.

20 (c) POLICY REVIEW AND RECOMMENDATIONS.—In
21 carrying out this section, the Commission shall evaluate
22 United States Government policies toward countries of the
23 Asia-Pacific region and recommend options for policies of
24 the United States Government with respect to such coun-
25 tries, with a particular emphasis on countries that are of

1 importance to the foreign policy, economic, and military
2 interests of the United States.
3 (d) CONTACTS WITH OTHER ENTITIES.—In per-
4 forming the functions described in subsections (a) through
5 (c), the Commission shall, as appropriate, seek out and
6 maintain contacts with nongovernmental organizations,
7 international organizations, and representatives of indus-
8 try, including receiving reports and updates from such or-
9 ganizations and evaluating such reports.
10 (e) ANNUAL REPORT.—Not later than 18 months
11 after the date of the enactment of this Act, and not later
12 than the end of each 12-month period thereafter, the Com-
13 mission shall prepare and submit to the President and the
14 Congress a report that contains the findings of the Com-
15 mission during the preceding 12-month period. Each such
16 report shall contain—
17 (1) recommendations for legislative, executive,
18 or other actions resulting from the evaluation of
19 policies described in subsection (c); and
20 (2) a description of programs, projects, and ac-
21 tivities of the Commission for the prior year; and
22 (3) a complete accounting of the expenditures
23 made by the Commission during the prior year.
24 (f) CONGRESSIONAL HEARINGS ON ANNUAL RE-
25 PORT.—The Committee on International Relations of the

House of Representatives and the Committee on Foreign Relations of the Senate, shall, not later than 45 days after the receipt by the Congress of the report referred to in subsection (c), hold hearings on the report, including any recommendations contained therein.

(g) ADVISORY COMMITTEES.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Asia-Pacific region and to otherwise carry out this Act.

SEC. 5. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 7 members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the

1 House of Representatives, the Chairman and
2 ranking member of the Committee on Inter-
3 national Relations of the House of Representa-
4 tives, the Majority Leader and Minority Leader
5 of the Senate, and the Chairman and ranking
6 member of the Committee on Foreign Relations
7 of the Senate; and
8 (B) by and with the advice and consent of
9 the Senate.
10 (2) POLITICAL AFFILIATION.—Not more than 4
11 of the individuals appointed under paragraph (1)
12 may be affiliated with the same political party.
13 (c) TERM.—Each member of the Commission shall
14 be appointed for a term of 6 years.
15 (d) VACANCIES.—A vacancy in the Commission shall
16 be filled in the same manner in which the original appoint-
17 ment was made.
18 (e) CHAIRPERSON; VICE CHAIRPERSON.—The Presi-
19 dent shall designate a Chairperson and Vice Chairperson
20 of the Commission from among the members of the Com-
21 mission.
22 (f) COMPENSATION.—
23 (1) RATES OF PAY.—Except as provided in
24 paragraph (2), members of the Commission shall
25 serve without pay.

1 (2) TRAVEL EXPENSES.—Each member of the
2 Commission may receive travel expenses, including
3 per diem in lieu of subsistence, in accordance with
4 sections 5702 and 5703 of title 5, United States
5 Code.
6 (g) MEETINGS.—The Commission shall meet at the
7 call of the Chairperson.
8 (h) QUORUM.—A majority of the members of the
9 Commission shall constitute a quorum, but a lesser num-
10 ber of members may hold hearings.
11 (i) AFFIRMATIVE DETERMINATIONS.—An affirmative
12 vote by a majority of the members of the Commission shall
13 be required for any affirmative determination by the Com-
14 mission under section 4.
15 **SEC. 6. POWERS OF COMMISSION.**
16 (a) HEARINGS AND INVESTIGATIONS.—The Commis-
17 sion may hold such hearings, sit and act at such times
18 and places, take such testimony and receive such evidence,
19 and conduct such investigations as the Commission con-
20 siders advisable to carry out this Act.
21 (b) INFORMATION FROM FEDERAL AGENCIES.—The
22 Commission may secure directly from any Federal depart-
23 ment or agency such information as the Commission con-
24 siders necessary to carry out this Act. Upon request of
25 the Chairperson of the Commission, the head of any such

1 department agency shall furnish such information to the
2 Commission as expeditiously as possible.

3 (c) CONTRIBUTIONS.—The Commission may accept,
4 use, and dispose of gifts, bequests, or devises of services
5 or property, both real and personal, for the purpose of
6 assisting or facilitating the work of the Commission. Gifts,
7 bequests, or devises of money and proceeds from sales of
8 other property received as gifts, bequests, or devises shall
9 be deposited in the Treasury and shall be available for
10 disbursement upon order of the Commission.

11 (d) MAILS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other departments and agencies of the United
14 States.

15 **SEC. 7. STAFF AND SUPPORT SERVICES OF COMMISSION.**

16 (a) EXECUTIVE DIRECTOR.—The Commission shall
17 have an executive director appointed by the Commission
18 after consultation with the Speaker and Minority Leader
19 of the House of Representatives and the Majority Leader
20 and Minority Leader of the Senate. The executive director
21 shall serve the Commission under such terms and condi-
22 tions as the Commission determines to be appropriate.

23 (b) STAFF.—The Commission may appoint and fix
24 the pay of such additional personnel, not to exceed 10 indi-
25 viduals, as it considers appropriate.

1 (c) STAFF OF FEDERAL AGENCIES.—Upon request
2 of the chairperson of the Commission, the head of any
3 Federal agency may detail, on a nonreimbursable basis,
4 any of the personnel of the agency to the Commission to
5 assist the Commission in carrying out its duties under this
6 Act.

7 (d) EXPERTS AND CONSULTANTS.—The chairperson
8 of the Commission may procure temporary and intermit-
9 tent services under section 3109(b) of title 5, United
10 States Code.

11 **SEC. 9. TERMINATION.**

12 The Commission shall terminate not later than 5
13 years after the date of the enactment of this Act.

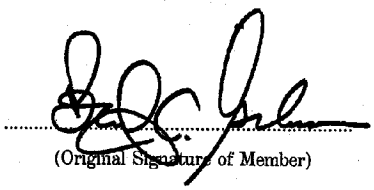
14 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated to carry out this Act $2,500,000 for each of the
17 fiscal years 2001 and 2002.

18 (b) AVAILABILITY.—Amounts appropriated pursuant
19 to the authorization of appropriations under subsection (a)
20 are authorized to remain available until expended.

Amend the title so as to read: "A bill to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of

law, free trade, and open markets, and for other purposes.''.



(Original Signature of Member)

106TH CONGRESS
2D SESSION

H. R. 5224

IN THE HOUSE OF REPRESENTATIVES

Mr. GILMAN (for himself, Mr. COMBEST, Mr. STENHOLM, and Mr. BEREUTER) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Agricultural Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "International Food Re-
3 lief Partnership Act of 2000".

4 **SEC. 2. ASSISTANCE FOR STOCKPILING AND RAPID TRANS-**
5 **PORTATION, DELIVERY, AND DISTRIBUTION**
6 **OF SHELF STABLE PREPACKAGED FOODS.**

7 Title II of the Agricultural Trade Development and
8 Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended
9 by adding at the end the following:

10 **"SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID**
11 **TRANSPORTATION, DELIVERY, AND DIS-**
12 **TRIBUTION OF SHELF STABLE PRE-**
13 **PACKAGED FOODS.**

14 "(a) AUTHORIZATION.—The Administrator is author-
15 ized to provide grants to—

16 "(1) United States nonprofit organizations (de-
17 scribed in section 501(c)(3) of the Internal Revenue
18 Code of 1986 and exempt from tax under section
19 501(a) of the Internal Revenue Code of 1986) and
20 eligible organizations for the preparation of shelf
21 stable prepackaged foods and the establishment and
22 maintenance of stockpiles of such foods in the
23 United States; and

24 "(2) private voluntary organizations and inter-
25 national organizations for the rapid transportation,
26 delivery, and distribution of such shelf stable pre-

1 packaged foods to needy individuals in foreign coun-
2 tries.
3 "(b) GRANTS FOR ESTABLISHMENT OF STOCK-
4 PILES.—
5 "(1) IN GENERAL.—Not more than 70 percent
6 of the amount made available to carry out this sec-
7 tion shall be used to provide grants under subsection
8 (a)(1).
9 "(2) PRIORITY.—In providing grants under
10 subsection (a)(1), the Administrator shall give pref-
11 erence to a United States nonprofit organization
12 that agrees to provide non-Federal funds in an
13 amount equal to 50 percent of the funds received
14 under a grant under subsection (a)(1), an in kind
15 contribution equal to such percent, or a combination
16 thereof, for the preparation of shelf stable pre-
17 packaged foods and the establishment and mainte-
18 nance of stockpiles of such foods in the United
19 States in accordance with such subsection.
20 "(c) GRANTS FOR RAPID TRANSPORTATION, DELIV-
21 ERY, AND DISTRIBUTION.—Not less than 20 percent of
22 the amount made available to carry out this section shall
23 be used to provide grants under subsection (a)(2).
24 "(d) ADMINISTRATION.—Not more than 10 percent
25 of the amount made available to carry out this section may

1 be used by the Administrator for the administration of
2 grants under subsection (a).
3 "(e) REGULATIONS OR GUIDELINES.—Not later than
4 180 days after the date of the enactment of this section,
5 the Administrator, in consultation with the Secretary of
6 Agriculture, shall issue such regulations or guidelines as
7 the Administrator determines to be necessary to carry out
8 this section, including regulations or guidelines that pro-
9 vide to United States nonprofit organizations eligible to
10 receive grants under subsection (a)(1) guidance with re-
11 spect to the requirements for qualified shelf stable pre-
12 packaged foods and the amount of such foods to be stock-
13 piled by such organizations.
14 "(f) AUTHORIZATION OF APPROPRIATIONS.—
15 "(1) IN GENERAL.—There are authorized to be
16 appropriated to the Administrator for the purpose of
17 carrying out this section, in addition to amounts
18 otherwise available for such purposes, $3,000,000
19 for each of the fiscal years 2001 and 2002.
20 "(2) AVAILABILITY.—Amounts appropriated
21 pursuant to the authorization of appropriations
22 under paragraph (1) are authorized to remain avail-
23 able until expended.".

1 **SEC. 3. PREPOSITIONING OF COMMODITIES.**

2 Section 407(c) of the Agricultural Trade Develop-
3 ment and Assistance Act of 1954 (7 U.S.C. 1736a(c)) is
4 amended by adding at the end the following new para-
5 graph:

6 "(4) PREPOSITIONING.—Funds made available
7 for fiscal years 2001 and 2002 to carry out titles II
8 and III of this Act may be used by the Adminis-
9 trator to procure, transport, and store agricultural
10 commodities for prepositioning within the United
11 States and in foreign countries, except that for each
12 such fiscal year not more than $2,000,000 of such
13 funds may be used to store agricultural commodities
14 for prepositioning in foreign countries.".

AMENDMENT OFFERED BY MR GILMAN TO H.R. 5224

On page 2, line 18, after the word "foods", add "requested by eligible organizations"

(Original Signature of Member)

106TH CONGRESS
2D SESSION

H. R. 5239

IN THE HOUSE OF REPRESENTATIVES

for himself and Mr. Gejdenson

Mr. GILMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

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 "Export Administration Modification and Clarification Act of 2000".

1 **SEC. 2. CONTINUATION OF THE EXPORT CONTROL REGU-**
2 **LATIONS UNDER IEEPA.**

3 To the extent that the President exercises the au-
4 thorities of the International Emergency Economic Pow-
5 ers Act to carry out the provisions of the Export Adminis-
6 tration Act of 1979 in order to continue in full force and
7 effect the export control system maintained by the Export
8 Administration Regulations issued under that Act, includ-
9 ing regulations issued under section 8 of that Act, the fol-
10 lowing shall apply:

11 (1)(A) Subject to subparagraph (B), the pen-
12 alties for violations of the regulations continued pur-
13 suant to the International Emergency Economic
14 Powers Act shall be the same as the penalties for
15 violations under section 11 of the Export Adminis-
16 tration Act of 1979, as if that section were
17 amended—

18 (i) by amending subsection (a) to read as
19 follows:

20 "(a) IN GENERAL.—Except as provided in subsection
21 (b), whoever knowingly violates or conspires to or attempts
22 to violate any provision of this Act or any license, order,
23 or regulation issued under this Act—

24 "(1) except in the case of an individual, shall be
25 fined not more than $500,000 or 5 times the value
26 of any exports involved, whichever is greater; and

1 "(2) in the case of an individual, shall be fined
2 not more than $250,000 or 5 times the value of any
3 exports involved, whichever is greater, or imprisoned
4 not more than 5 years, or both.";
5 (ii) in subsection (b)—
6 (I) in paragraphs (1)(A) and (2)(A),
7 by striking "five times" and inserting "10
8 times";
9 (II) in paragraph (1)(B), by striking
10 "$250,000" and inserting "$500,000";
11 and
12 (III) in paragraph (2)(B), by striking
13 "$250,000, or imprisoned not more than 5
14 years" and inserting "$500,000, or impris-
15 oned not more than 10 years";
16 (iii) in subsection (c)(1)—
17 (I) by striking "$10,000" and insert-
18 ing "$250,000"; and
19 (II) by striking "except that the civil
20 penalty" and all that follows through the
21 end of the paragraph and inserting "except
22 that the civil penalty for a violation of the
23 regulations issued pursuant to section 8
24 may not exceed $50,000."; and

1 (iv) in subsection (h)(1), by striking "or
2 section 38 of the Arms Export Control Act (22
3 U.S.C. 2778)" and inserting "section 38 of the
4 Arms Export Control Act (22 U.S.C. 2778),
5 section 16 of the Trading with the enemy Act
6 (50 U.S.C. 16), or, to the extent the violation
7 involves the export of goods or technology con-
8 trolled under this or any other Act or defense
9 articles or defense services controlled under the
10 Arms Export Control Act, section 371 of title
11 18, United States Code,".
12 (B) The penalties under section 11 of the Ex-
13 port Administration Act of 1979 (50 U.S.C. App.
14 2410), as in effect on the day before the date of en-
15 actment of this Act, shall continue to apply in the
16 case of any penalty assessed for, or violations based
17 on, voluntary disclosures of information made by a
18 person before such date of enactment.
19 (2) The authorities set forth in section 12(a) of
20 the Export Administration Act of 1979 may be exer-
21 cised in carrying out the regulations continued pur-
22 suant to the International Emergency Economic
23 Powers Act.
24 (3) The provisions of sections 12(c) and 13 of
25 the Export Administration Act of 1979 shall apply

1 in carrying out the regulations continued pursuant
2 to the International Emergency Economic Powers
3 Act.
4 (4) The continuation of the provisions of the
5 Export Administration Regulations pursuant to the
6 International Emergency Economic Powers Act shall
7 not be construed as not having satisfied the require-
8 ments of that Act.

9 **SEC. 3. APPLICABILITY.**

10 Paragraphs (2), (3), and (4) of section 2 shall be ap-
11 plied as if enacted on August 20, 1994.

12 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to the De-
14 partment of Commerce to carry out the Export Adminis-
15 tration Act of 1979, as continued in effect under the Inter-
16 national Emergency Economic Powers Act, $72,000,000
17 for fiscal year 2001.

106TH CONGRESS
1ST SESSION

H. R. 2166

To conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1999

Mr. PORTER (for himself, Mr. BILBRAY, Mr. ABERCROMBIE, Mr. BOEHLERT, Mr. MORAN of Virginia, Mr. WYNN, Mr. MATSUI, Mr. BONIOR, Mr. CAPUANO, Mr. BEREUTER, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. BLAGOJEVICH, Mrs. KELLY, Mr. GUTIERREZ, Mrs. LOWEY, Mr. MALONEY of Connecticut, Mr. BATEMAN, Mr. TIERNEY, Mr. ENGLISH, Mr. LANTOS, Mr. WEXLER, Mr. STARK, Mr. LIPINSKI, Mr. ISAKSON, Mr. GREENWOOD, Mr. DICKS, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. LAMPSON, Mr. WHITFIELD, Mr. GILMAN, Mr. FRANK of Massachusetts, Mr. BENTSEN, Mr. LEACH, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. FRANKS of New Jersey, Ms. ESHOO, Mr. PALLONE, Mrs. MORELLA, Mr. SHERMAN, Mr. HORN, Mr. TOWNS, Mr. BOUCHER, Mr. ANDREWS, Ms. DELAURO, Mr. ROTHMAN, Mr. BROWN of California, and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on International Relations, and Ways and Means, 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

---

A BILL

To conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled

or advertised as containing, bear viscera, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**
4 This Act may be cited as the "Bear Protection Act
5 of 1999".
6 **SEC. 2. FINDINGS.**
7 Congress finds that—
8 (1) all 8 extant species of bear—Asian black
9 bear, brown bear, polar bear, American black bear,
10 spectacled bear, giant panda, sun bear, and sloth
11 bear—are listed on Appendix I or II of the Conven-
12 tion on International Trade in Endangered Species
13 of Wild Fauna and Flora (27 UST 1087; TIAS
14 8249) (referred to in this section as "CITES");
15 (2) Article XIV of CITES provides that Parties
16 to CITES may adopt stricter domestic measures re-
17 garding the conditions for trade, taking, possession,
18 or transport of species on Appendix I or II, and the
19 Parties to CITES adopted a resolution (Conf. 10.8)
20 urging Parties to take immediate action to demon-
21 strably reduce the illegal trade in bear parts and de-
22 rivatives;
23 (3) the Asian bear populations have declined
24 significantly in recent years, as a result of habitat

1 loss and poaching due to a strong demand for bear
2 viscera used in traditional medicines and cosmetics;
3 (4) Federal and State undercover operations
4 have revealed that American bears have been
5 poached for their viscera;
6 (5) while most American black bear populations
7 are generally stable or increasing, commercial trade
8 could stimulate poaching and threaten certain popu-
9 lations if the demand for bear viscera increases; and
10 (6) prohibitions against the importation into
11 the United States and exportation from the United
12 States, as well as prohibitions against the interstate
13 trade, of bear viscera and products containing, or la-
14 beled or advertised as containing, bear viscera will
15 assist in ensuring that the United States does not
16 contribute to the decline of any bear population as
17 a result of the commercial trade in bear viscera.
18 **SEC. 3. PURPOSES.**
19 The purpose of this Act is to ensure the long-term
20 viability of the world's 8 bear species by—
21 (1) prohibiting international trade in bear
22 viscera and products containing, or labeled or adver-
23 tised as containing, bear viscera;
24 (2) encouraging bilateral and multilateral ef-
25 forts to eliminate such trade; and

1 (3) ensuring that adequate Federal legislation
2 exists with respect to domestic trade in bear viscera
3 and products containing, or labeled or advertised as
4 containing, bear viscera.

5 **SEC. 4. DEFINITIONS.**

6 In this Act:

7 (1) BEAR VISCERA.—The term "bear viscera"
8 means the body fluids or internal organs, including
9 the gallbladder and its contents but not including
10 blood or brains, of a species of bear.

11 (2) IMPORT.—The term "import" means to
12 land on, bring into, or introduce into any place sub-
13 ject to the jurisdiction of the United States, whether
14 or not the landing, bringing, or introduction con-
15 stitutes an importation within the meaning of the
16 customs laws of the United States.

17 (3) PERSON.—The term "person" means—

18 (A) an individual, corporation, partnership,
19 trust, association, or other private entity;

20 (B) an officer, employee, agent, depart-
21 ment, or instrumentality of—

22 (i) the Federal Government;

23 (ii) any State, municipality, or polit-
24 ical subdivision of a State; or

25 (iii) any foreign government;

1 (C) a State, municipality, or political sub-
2 division of a State; and
3 (D) any other entity subject to the juris-
4 diction of the United States.
5 (4) SECRETARY.—The term "Secretary" means
6 the Secretary of the Interior.
7 (5) STATE.—The term "State" means a State,
8 the District of Columbia, the Commonwealth of
9 Puerto Rico, the Virgin Islands, Guam, the Com-
10 monwealth of the Northern Mariana Islands, Amer-
11 ican Samoa, and any other territory, commonwealth,
12 or possession of the United States.
13 (6) TRANSPORT.—The term "transport" means
14 to move, convey, carry, or ship by any means, or to
15 deliver or receive for the purpose of movement, con-
16 veyance, carriage, or shipment.
17 **SEC. 5. PROHIBITED ACTS.**
18 (a) IN GENERAL.—Except as provided in subsection
19 (b), a person shall not—
20 (1) import into, or export from, the United
21 States bear viscera or any product, item, or sub-
22 stance containing, or labeled or advertised as con-
23 taining, bear viscera; or
24 (2) sell or barter, offer to sell or barter, pur-
25 chase, possess, transport, deliver, or receive, in inter-

1 state or foreign commerce, bear viscera or any prod-
2 uct, item, or substance containing, or labeled or ad-
3 vertised as containing, bear viscera.

4 (b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT
5 PURPOSES.—A person described in subparagraph (B) or
6 (C) of section 4(3) may import into, or export from, the
7 United States, or transport between States, bear viscera
8 or any product, item, or substance containing, or labeled
9 or advertised as containing, bear viscera if the importa-
10 tion, exportation, or transportation—

11 (1) is solely for wildlife law enforcement pur-
12 poses; and

13 (2) is authorized by a valid permit issued under
14 Appendix I or II of the Convention on International
15 Trade in Endangered Species of Wild Fauna and
16 Flora (27 UST 1087; TIAS 8249), in any case in
17 which such a permit is required under the Conven-
18 tion.

19 **SEC. 6. PENALTIES AND ENFORCEMENT.**

20 (a) CRIMINAL PENALTIES.—A person that knowingly
21 violates section 5 shall be fined under title 18, United
22 States Code, imprisoned not more than 1 year, or both.

23 (b) CIVIL PENALTIES.—

1 (1) AMOUNT.—A person that knowingly violates
2 section 5 may be assessed a civil penalty by the Sec-
3 retary of not more than $25,000 for each violation.
4 (2) MANNER OF ASSESSMENT AND COLLEC-
5 TION.—A civil penalty under this subsection shall be
6 assessed, and may be collected, in the manner in
7 which a civil penalty under the Endangered Species
8 Act of 1973 may be assessed and collected under
9 section 11(a) of that Act (16 U.S.C. 1540(a)).
10 (c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any bear
11 viscera, or any product, item, or substance sold, imported,
12 or exported, or attempted to be sold, imported, or ex-
13 ported, in violation of this section (including any regula-
14 tion issued under this section) shall be seized and forfeited
15 to the United States.
16 (d) REGULATIONS.—After consultation with the Sec-
17 retary of the Treasury, the Secretary of Health and
18 Human Services, and the United States Trade Represent-
19 ative, the Secretary shall issue such regulations as are nec-
20 essary to carry out this section.
21 (e) ENFORCEMENT.—The Secretary, the Secretary of
22 the Treasury, and the Secretary of the department in
23 which the Coast Guard is operating shall enforce this sec-
24 tion in the manner in which the Secretaries carry out en-

1 forcement activities under section 11(e) of the Endangered
2 Species Act of 1973 (16 U.S.C. 1540(e)).
3 (f) USE OF PENALTY AMOUNTS.—Amounts received
4 as penalties, fines, or forfeiture of property under this sec-
5 tion shall be used in accordance with section 6(d) of the
6 Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

7 **SEC. 7. DISCUSSIONS CONCERNING TRADE PRACTICES.**

8 The Secretary and the Secretary of State shall dis-
9 cuss issues involving trade in bear viscera with the appro-
10 priate representatives of countries trading with the United
11 States that are determined by the Secretary and the
12 United States Trade Representative to be the leading im-
13 porters, exporters, or consumers of bear viscera, and at-
14 tempt to establish coordinated efforts with the countries
15 to protect bears.

16 **SEC. 8. REPORT.**

17 Not later than 1 year after the date of enactment
18 of this Act, the Secretary, in cooperation with appropriate
19 State agencies, shall submit to the Committee on Environ-
20 ment and Public Works of the Senate and the Committee
21 on Resources of the House of Representatives a report de-
22 tailing the progress of efforts to end the illegal trade in
23 bear viscera.

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106TH CONGRESS
2D SESSION

H. CON. RES. 328

Expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2000

Mr. PORTER (for himself, Mr. LANTOS, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. PITTS, Mr. KUCINICH, Mr. PAYNE, Mr. DIAZ-BALART, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. SHAYS, Mr. CASTLE, Mr. BERMAN, Mr. ENGEL, Mr. SANDERS, Mr. HORN, Mr. RAHALL, Mr. BALDACCI, Mrs. MORELLA, Mr. GUTIERREZ, Mr. OBERSTAR, Mr. CAPUANO, Mr. STARK, Mr. OLVER, Ms. LEE, Mr. WAXMAN, Mr. RUSH, and Mr. UDALL of Colorado) submitted the following concurrent resolution; which was referred to the Committee on International Relations

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CONCURRENT RESOLUTION

Expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the Sense of the Congress that—
3 (1) United States policy should strongly sup-
4 port the restoration of democracy in Burma, includ-

1 ing implementation of the results of the free and fair
2 elections of 1990;
3 (2) United States policy should continue to call
4 upon the military regime in Burma known as the
5 State Peace and Development Council (SPDC)—
6 (A) to guarantee freedom of assembly,
7 freedom of movement, freedom of speech, and
8 freedom of the press for all Burmese citizens;
9 (B) to immediately accept a political dia-
10 logue with Daw Aung San Suu Kyi, the Na-
11 tional League for Democracy (NLD), and eth-
12 nic leaders to advance peace and reconciliation
13 in Burma;
14 (C) to immediately and unconditionally re-
15 lease all detained Members elected to the 1990
16 parliament and other political prisoners; and
17 (D) to promptly and fully uphold the terms
18 and conditions of all human rights and related
19 resolutions passed by the United Nations Gen-
20 eral Assembly, the Commission on Human
21 Rights, the International Labor Organization,
22 and the European Union; and
23 (3) United States policy should sustain current
24 economic and political sanctions against Burma as
25 the appropriate means—

1 (A) to secure the restoration of democracy,
2 human rights, and civil liberties in Burma; and
3 (B) to support United States national se-
4 curity counternarcotics interests.

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[COMMITTEE PRINT]

SEPTEMBER 20, 2000

[Showing the text of H. Con. Res. 328 As Reported by the Subcommittee on Asia and the Pacific on September 13, 2000]

Strike the preamble and insert the following:

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military re-

gime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma estimates more than 1,300 people continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Strategy Report for 2000 determines that Burma is the second largest world-wide source of illicit opium

and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests;

Whereas Daw Aung San Suu Kyi has been denied the basic rights to freedom of movement and assemble with members of the NLD by Burmese security authorities who, on August 24, 2000, forcibly blocked her and her party from traveling to NLD township offices near Rangoon;

Whereas after having been halted for nine days at a roadblock, Daw Aung San Suu Kyi and her party were forcibly returned to Rangoon by Burmese security authorities;

Whereas since their forcible return to Rangoon Daw Aung San Suu Kyi and other NLD leaders have been held incommunicado in their residences and diplomats and others have been denied access to them;

Whereas the refusal to allow Daw Aung San Suu Kyi to leave her compound or to allow others access to her has created grave concern for her safety and welfare;

Whereas the NLD party offices have been ransacked and documents seized by Burmese authorities and access to the party headquarters has been denied to NLD members;

Whereas the Burmese authorities have continued to refuse to engage in a substantive dialogue with the NLD and other elements of the democratic opposition; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the

SPDC to achieve a democratic transition: Now, therefore, be it

Strike all after the resolved clause and insert the following:

1 That it is the Sense of the Congress that—

2 (1) United States policy should strongly sup-
3 port the restoration of democracy in Burma, includ-
4 ing implementation of the results of the free and fair
5 elections of 1990;

6 (2) United States policy should continue to call
7 upon the military regime in Burma known as the
8 State Peace and Development Council (SPDC)—

9 (A) to guarantee freedom of assembly,
10 freedom of movement, freedom of speech, and
11 freedom of the press for all Burmese citizens;

12 (B) to immediately accept a political dia-
13 logue with Daw Aung San Suu Kyi, the Na-
14 tional League for Democracy (NLD), and eth-
15 nic leaders to advance peace and reconciliation
16 in Burma;

17 (C) to immediately and unconditionally re-
18 lease all detained Members elected to the 1990
19 parliament and other political prisoners; and

20 (D) to promptly and fully uphold the terms
21 and conditions of all human rights and related

1 resolutions passed by the United Nations Gen-
2 eral Assembly, the Commission on Human
3 Rights, the International Labor Organization,
4 and the European Union; and
5 (3) United States policy should continue to pur-
6 sue policies with regard to Burma that are
7 designed—
8 (A) to secure the restoration of democracy,
9 human rights, and civil liberties in Burma; and
10 (B) to support United States national se-
11 curity counternarcotics interests.

AMENDMENT TO H. CON. RES. 328
OFFERED BY MR. SMITH OF NEW JERSEY

Page 5, strike lines 5 through 7 and insert the following:

(3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means —

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