

Costello	Kennedy	Pickett
Coyne	Kennelly	Pickle
Cramer	Kildee	Pomeroy
Crane	Kiecza	Porter
Darden	Klecza	Price (NC)
de la Garza	Klein	Ravenel
de Lugo (VI)	Klink	Reed
Deal	Klug	Regula
DeLauro	Knollenberg	Reynolds
Dellums	Kopetski	Richardson
Derrick	Kreidler	Ridge
Deutsch	LaFalce	Roberts
Dicks	Lambert	Rose
Dingell	Lancaster	Rostenkowski
Dixon	Lantos	Rowland
Dooley	Laughlin	Roybal-Allard
Dreier	Leach	Royce
Dunn	Lehman	Rush
Edwards (CA)	Levin	Sabo
Edwards (TX)	Levy	Sanders
Emerson	Lewis (CA)	Sangmeister
Engel	Lewis (GA)	Sarpalius
English (AZ)	Lightfoot	Sawyer
English (OK)	Linder	Schenk
Eshoo	Lipinski	Schiff
Evans	Livingston	Schroeder
Ewing	Lloyd	Schumer
Faleomavaega (AS)	Long	Scott
Farr	Lowe	Serrano
Fawell	Machtley	Sharp
Fazio	Maloney	Shaw
Filner	Mann	Shays
Fingerhut	Manton	Shepherd
Fish	Manzullo	Sisisky
Flake	Margolies-Mezvinsky	Sisk
Foglietta	Markey	Skaggs
Ford (MI)	Martinez	Skeen
Fowler	Matsui	Skelton
Frank (MA)	Mazzoli	Slattery
Franks (NJ)	McCloskey	Slaughter
Frost	McCollum	Smith (IA)
Furse	McCrery	Smith (MI)
Gallo	McCurdy	Smith (NJ)
Gejdenson	McDade	Smith (OR)
Gephardt	McDermott	Spence
Geran	McHale	Spratt
Gibbons	McKeon	Stark
Gilchrist	McKinney	Stenholm
Gillmor	McMillan	Stokes
Gilman	McNulty	Strickland
Gingrich	Meehan	Studds
Glickman	Meek	Stupak
Gonzalez	Menendez	Sweet
Goodlatte	Meyers	Swift
Goodling	Michel	Synar
Gordon	Miller (CA)	Talent
Greenwood	Mineta	Taylor (MS)
Gunderson	Minge	Tejeda
Gutierrez	Mink	Thomas (CA)
Hall (OH)	Moakley	Thompson
Hamburg	Molinari	Thornton
Hamilton	Mollohan	Torkildsen
Harman	Montgomery	Torres
Hastert	Moran	Torrice
Hastings	Morella	Towns
Hayes	Murtha	Tucker
Hefner	Myers	Underwood (GU)
Hilliard	Nadler	Unsoeld
Hinchee	Natcher	Upton
Hoagland	Neal (MA)	Velazquez
Hobson	Neal (NC)	Vento
Hochbrueckner	Norton (DC)	Visclosky
Hoekstra	Oberstar	Volkmer
Holden	Obey	Washington
Horn	Olver	Watt
Houghton	Ortiz	Waxman
Hoyer	Orton	Weldon
Hughes	Owens	Wheat
Hutto	Oxley	Whitten
Hyde	Pallone	Williams
Istook	Parker	Wilson
Jefferson	Pastor	Wise
Johnson (CT)	Paxon	Wolf
Johnson (GA)	Payne (NJ)	Woolsey
Johnson (SD)	Payne (VA)	Wyden
Johnson, E. B.	Pelosi	Wynn
Johnston	Penny	Yates
Kanjorski	Peterson (FL)	Young (AK)
Kaptur	Peterson (MN)	Zeliff

NOT VOTING—4

Durbin	McHugh	Barcelo (PR)
Henry	Romero	

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

¶69.15 RECORDED VOTE

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

Page 48, after line 25, add the following: SEC. 319. PROHIBITION OF DEVELOPMENT ASSISTANCE TO INDIA UNLESS CERTAIN SPECIAL OR PREVENTIVE DETENTION LAWS REPEALED.

(a) FINDINGS.—The Congress finds that—

(1) each year, in both Jammu and Kashmir and the Punjab, the Government of India detains thousands of persons under special or preventive detention laws without informing them of the charges against them;

(2) most of these detainees are political prisoners, including prisoners of conscience;

(3) they are often detained for several months and sometimes even more than a year;

(4) detainees are not permitted any contact with lawyers or family members unless they are remanded to judicial custody and transferred to prison, and only then if the family on its own is able to locate the detainee;

(5) in most cases, these persons are detained under the Terrorist and Disruptive Activities (Prevention) Act of 1987, the National Security Act of 1980, and the Jammu and Kashmir Public Safety Act of 1978;

(6) the Terrorist and Disruptive Activities (Prevention) Act of 1987 authorizes administrative detention without formal charge or trial for up to 1 year for investigation of suspected "terrorist" or broadly defined "disruptive" activities;

(7) the 1-year period of permissible detention before trial violates Article 9 of the International Covenant on Civil and Political Rights, to which India is a party;

(8) Article 9 of such International Covenant provides, "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.;"

(9) under the Terrorist and Disruptive Activities (Prevention) Act of 1987, all proceedings before a designate court must be conducted in secret "at any place other than . . . [the court's] . . . ordinary place of sitting";

(10) section 16(2) of such Act permits the designated court to keep the "identity and address of any witness secret";

(11) under such Act, a confession to a senior police officer can be admitted as evidence if there is reason to believe it was made voluntarily;

(12) such Act amends India's criminal code, which prohibits such confessions, and substantially increases the risk of torture;

(13) such Act reverses the presumption of innocence, placing the burden on the accused to prove that he or she is not guilty;

(14) the National Security Act of 1980 permits the detention of persons without charge or trial for up to 1 year in order to prevent them from acting in a manner prejudicial to the security of the state, the maintenance of public order, the maintenance of supplies and services essential to the community, or relations with a foreign power;

(15) such Act was amended to permit 2 years detention in the Punjab;

(16) under such Act, India may detain any person engaged in behavior "prejudicial to the defense of India, the relations of India with foreign powers, or the security of India";

(17) the Jammu and Kashmir Public Safety Act of 1978 empowers India to detain persons without trial for up to 1 year for a broad range of activities, including "promoting, propagating, or attempting to create, feel-

ings of enmity or hatred or disharmony on grounds of religion, race, community, or region";

(18) the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983 and the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990 empower Indian security forces to search homes without warrant, to make arrests without warrant, to destroy the "hideouts" of suspected terrorists, and to shoot to kill with immunity from persecution;

(19) Indian security forces routinely employ methods of torture, beatings, and threats to induce detainees to sign statements of confession and to identify suspected militants;

(20) the Terrorist and Disruptive Activities (Prevention) Act of 1987, the National Security Act of 1980, the Jammu and Kashmir Public Safety Act of 1978, the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983, and the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990 facilitate human rights abuses by suspending ordinary safeguards against arbitrary arrest, incommunicado detention, and torture; and

(21) these 5 laws are incompatible with the principles of a modern democracy.

(b) PROHIBITION OF DEVELOPMENT ASSISTANCE.—

(1) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall report to the Congress whether the Government of India has repealed all of the laws specified in paragraph (4).

(2) PROHIBITION OF ASSISTANCE.—If the President reports to Congress, either pursuant to paragraph (1) or at any other time, that the Government of India has not repealed all of the laws specified in paragraph (4), the President may not provide assistance for India under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(3) RESUMPTION OF ASSISTANCE.—Assistance terminated pursuant to paragraph (2) may be resumed only if the President reports to Congress that the Government of India has repealed all of the laws specified in paragraph (4).

(4) SPECIAL AND PREVENTIVE DETENTION LAWS.—The laws referred to in this paragraph are the Terrorist and Disruptive Activities (Prevention) Act of 1987, the National Security Act of 1980, the Jammu and Kashmir Public Safety Act of 1978, the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983, and the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990.

It was decided in the { Yeas 201 negative } Nays 233

¶69.16 [Roll No. 230] AYES—201

Abercrombie	Calvert	Dreier
Allard	Camp	Duncan
Andrews (TX)	Canady	Dunn
Applegate	Chapman	Emerson
Archer	Coble	English (AZ)
Bachus (AL)	Collins (GA)	English (OK)
Baker (CA)	Combest	Eshoo
Baker (LA)	Condit	Everett
Ballenger	Costello	Ewing
Barlow	Cox	Farr
Barrett (NE)	Crane	Fawell
Barton	Crapo	Fazio
Becerra	Cunningham	Fields (LA)
Bevill	Danner	Fields (TX)
Bilirakis	Deal	Fish
Boehner	DeFazio	Flake
Bonilla	DeLauro	Franks (CT)
Bonior	DeLay	Furse
Brewster	Diaz-Balart	Galleghy
Brooks	Dickey	Gallo
Bunning	Dooley	Gejdenson
Burton	Doolittle	Gekas
Byrne	Dornan	Geran