

| | | |
|-------------------|---------------------|----------------|
| Costello | Kennedy | Pickett |
| Coyne | Kennelly | Pickle |
| Cramer | Kildee | Pomeroy |
| Crane | Kiecza | Porter |
| Darden | Kleczka | 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 | Slattery |
| Ford (MI) | Martinez | Slaughter |
| Fowler | Matsui | Smith (IA) |
| Frank (MA) | Mazzoli | Smith (MI) |
| Franks (NJ) | McCloskey | Smith (NJ) |
| Frost | McCollum | Smith (OR) |
| Furse | McCrery | Spence |
| Gallo | McCurdy | Spratt |
| Gejdenson | McDade | Stark |
| Gephardt | McDermott | Stenholm |
| Geran | McHale | Stokes |
| Gibbons | McKeon | Strickland |
| Gilchrist | McKinney | Studds |
| Gillmor | McMillan | Stupak |
| Gilman | McNulty | Sweet |
| Gingrich | Meehan | Swift |
| Glickman | Meek | Synar |
| Gonzalez | Menendez | Talent |
| Goodlatte | Meyers | Taylor (MS) |
| Goodling | Michel | Tejeda |
| Gordon | Miller (CA) | Thomas (CA) |
| Greenwood | Mineta | Thompson |
| Gunderson | Minge | Thornton |
| Gutierrez | Mink | Torkildsen |
| Hall (OH) | Moakley | Torres |
| Hamburg | Molinari | Torrice |
| Hamilton | Mollohan | Towns |
| Harman | Montgomery | Tucker |
| Hastert | Moran | Underwood (GU) |
| Hastings | Morella | Unsoeld |
| Hayes | Murtha | Upton |
| Hefner | Myers | Velazquez |
| Hilliard | Nadler | Vento |
| Hinchee | Natcher | Visclosky |
| Hoagland | Neal (MA) | Volkmer |
| Hobson | Neal (NC) | Washington |
| Hochbrueckner | Norton (DC) | Watt |
| Hoekstra | Oberstar | Waxman |
| Holden | Obey | Weldon |
| Horn | Olver | Wheat |
| Houghton | Ortiz | Whitten |
| Hoyer | Orton | Williams |
| Hughes | Owens | Wilson |
| Hutto | Oxley | Wise |
| Hyde | Pallone | Wolf |
| Istook | Parker | Woolsey |
| Jefferson | Pastor | Wyden |
| Johnson (CT) | Paxon | Wynn |
| Johnson (GA) | Payne (NJ) | Yates |
| Johnson (SD) | Payne (VA) | Young (AK) |
| Johnson, E. B. | Pelosi | Zeliff |
| Johnston | Penny | |
| Kanjorski | Peterson (FL) | |
| Kaptur | Peterson (MN) | |

NOT VOTING—4

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| 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

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|--------------|--------------|--------------|
| 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 |