HOUSE OF REPRESENTATIVES—*Monday, May 22, 1995*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. KIM].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 1995.

I hereby designate the Honorable JAY KIM to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O gracious God, that we have been given responsibility for our lives and times and are accountable for the way we use our talents and the resources of the land. We know that people in every place and in every age have obligations to lead and protect the gifts that have been given them as individuals and as a nation. We pray this day, O God, that Your Spirit would focus our hearts and minds on how we can be faithful in our tasks, trustworthy in our work, and enthusiastic about the issues of justice and mercy. May Your blessing be with us and all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. GOSS] come forward and lead the House in the Pledge of Allegiance.

Mr. GOSS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1421. An act to provide that references in the statutes of the United States to any committee or officer of the House of Representatives the name or jurisdiction of which was changed as part of the reorganization of the House of Representatives at the beginning of the 104th Congress shall be treated as referring to the currently applicable committee or officer of the House of Representatives.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 184. An act to establish an Office for Rare Disease in the National Institutes of Health, and for other purposes.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. BURNS, Mr. KEMPTHORNE, Mr. HOLLINGS, and Mr. EXON to the Board of Visitors of the U.S. Air Force Academy.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. COCHRAN, Mrs. HUTCHISON, and Mr. REID to the Board of Visitors of the U.S. Military Academy.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. HATFIELD, Mr. MCCAIN, Ms. MIKULSKI, and Mr. SARBANES to the Board of Visitors of the U.S. Naval Academy.

TRIBUTE TO LES ASPIN

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, last night America lost a great military thinker and I lost a friend. The death of Les Aspin, former Democratic Congressman from Wisconsin and Secretary of Defense, shocked our Nation. Les Aspin was my friend. I enjoyed my association with him while we worked together in the House Armed Services Committee and later while he was Secretary of Defense.

He was a genuine defense intellectual who understood military and strategic issues. More important, he recognized the threats we face in a dangerous and unstable world. As chairman of the Committee on Armed Services, he helped fashion the Goldwater-Nichols Department of Defense Reorganization Act of 1986. He also supported the use of American arms to bring an end to the regime of Manuel Noriega in Panama in 1988 and to eject Saddam Hussein from Kuwait in 1991.

He shaped the Bottom-Up Review which is the framework of today's force structure and our national strategy.

I was active in his campaign, his election, and reelection as chairman of the House Committee on Armed Services. While chairman, he was kind enough to appoint me to head the military education panel which examined all 10 of America's war colleges.

I shall miss him. We shall miss him. America has lost an outstanding expert in military and national security. And I have lost a good friend.

LES ASPIN

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I come to the well this morning for the same reason the gentleman from Missouri [Mr. SKELTON] did, to say that this weekend our Nation has lost a very stalwart son and a good friend of ours. To many of us here, he was an especially good friend.

Les Aspin's untimely death at the age of 56, after suffering a massive stroke on Saturday, underscores both how much he accomplished and yet how much more he could have done. In the days ahead we are going to be reminded of those accomplishments as we seek to send sympathy and comfort to his family and those close to him. I am sure that important and caring leaders in many places around the world will remember to say, I knew Les, what a great job he did for this country for so many years. Equally, many just plain folks who knew Les around town here or back in his longtime Wisconsin congressional district or wherever it was will say, I knew Les. What a great guy.

Mr. Speaker, as a classmate and a friend for many years at college and as a colleague here in Congress for a while and finally as a member of the Commission on Intelligence Roles and Capabilities, which is better and properly known simply as the Aspin Commission, which he was chairing at the time of his death, I had the privilege and the fun of knowing Les and working with him. I think the statement that I read this morning of his cardiologist and the news accounts says it best: It says

simply, Les was an extraordinarily fine man. For those of us who knew him in this body, that vote is unanimous.

TRIBUTE TO A GOOD FRIEND AND GREAT AMERICAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, I, too, rise to pay tribute to my good friend Les Aspin. This is a man who was never about power or never about pretense. He was about public service and the highest quality of public service. He truly gave it his all, every single day he got out of bed. No taxpayer could ever complain that Les Aspin did not put his whole self into what he was doing, no matter what it was.

We have really, indeed, lost a great mind, a very energetic person, and a person who did not come with a certain ideology but came, instead, to listen to the facts and try and do what was right.

One of the things that he did as Secretary of Defense that probably will go unnoticed but should not go unnoticed is he was brave enough to start putting some of the rhetoric aside and open the doors for many of America's young women who had been waiting outside that door to serve more fully in the armed services. Les was the kind of guy who would look at the studies, who would look at the performance ratings, who would look at the tests, and who would say, of course, they can.

There is absolutely no reason except bias and prejudice that they cannot move forward. He opened those doors, and many of the young women proudly serving today in America's military can be looking to Les Aspin and saying, thank you, because he was the one who put aside many of those superstitions and moved that forward.

But that was the kind of person who he was. We will miss that kind of person very desperately and I will miss him as a friend.

IN MEMORY OF LES ASPIN

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, "HARMAN, how ya' doing?"

That was Les Aspin's upbeat greeting each time we spoke.

His tennis game was not much, but he sure was.

Loyal always to his beloved Wisconsin. A man who loved the House and excelled at the legislative function. A big thinker on defense issues who probably contributed more to conceptualizing our modern defense policy than anyone else. And a true friend.

He was certainly there for me as I laid my plans to run for public office for the first time in my middle age.

He helped me strategize, he reviewed issues, he gave me credibility, and he personally came to California to campaign for me.

After I won, he was there for counsel. And I tried to be there for him too in some tough times.

Through it all, he was upbeat. Scarcely a week after his pacemaker was inserted in 1993, Defense Secretary Aspin testified for a marathon 10 hours before his beloved House Armed Services Committee. Near the end, this freshman was temporarily in the chair. When he saw me, he laughed. "Oh," he said, "when they said there was reform up here, I had no idea it would go this far!"

Aspin, I will miss you.

MEDICARE BUDGET CUTS

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, I rise today because I am receiving a number of letters from my constituents back home in addressing the budget cuts in the Medicare budget, cuts as being proposed by the new Republican majority in this Congress. As I read through all of the letters that my constituents are sending to me, they do not feel that it is fair in America for the elderly to add on an additional $1,000 in costs and additional premiums for Medicare.

It is true that we must do something about the huge deficits that we are faced with, but we know that we ought to share that responsibility among all Americans. For the Republicans to think that children and the elderly population of this Nation should bear that brunt, it is wrong.

Just to share a few things with you that I am receiving in the mail, senior citizens are saying the need to fix Social Security and Medicare can no longer be denied. They acknowledge the fact that we can no longer deny it. They say it can be done. And we as Republicans and Democrats in this House can work together in a bipartisan spirit to do so.

I do not think that we ought to say to the wealthy and the rich of this Nation, yes, just for your $350 billion tax cut, we are going to increase and cut the Medicare Program in a fashion that will cause burden and undue harm to the elderly population of this country.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TERM LIMITS RULING BY SUPREME COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, as many people know, the Supreme Court just came down with a five to four decision on terms limits, saying that the States could not impose term limits on Federal officeholders.

I think it is a very interesting day to look at that decision, which I think was the correct answer, on the very same day that we are here memorializing Les Aspin. Had term limits been in effect, be they 8 or 12 years, Les Aspin, who spent 22 years in this House, would not have been able to do the things that we were talking about today in which he contributed so much to this great Nation.

I think also as we look at term limits, we look at something that is going to be coming up this week that concerns me a lot, about whether we do not jump into some things too fast and do not have people able to really understand some of the unintended consequences of policies that come in front of us. There may be a reason, Mr. Speaker, that some of us with gray hair are needed around here.

I guess that is what I am doing today, as I salute the Supreme Court's decision and say, I think that we do need some people who have been around more than 8 years or 12 years to kind of guide this great ship of state and to have a little corporate memory.

One of the things I particularly would like to address that I will be talking about later this week when we get to the foreign aid bill that will be coming to the floor is that the provision in that bill, I think, is very dangerous. I certainly hope it will be struck.

There is a provision in that bill that I think on first blush sounds wonderful, as so many things do. But then let us examine it more carefully. The provision I am talking about is the provision that says, people in the world who live in a country that has a population policy that they think is oppressive can come to America. This is the new way to get to that Great Golden Gate in America and come in and become an American.

Now, I certainly do not approve of immigrant bashing, and I do not approve of doing those kinds of inflammatory things, but let me say, are we really serious about this and have Americans thought about where this policy would lead if we put it into effect.

In essence, what we are really targeting with this provision is China. People are saying that China and their one-child policy is very oppressive and that people who want to have more children or people who do not like the one-child policy, under this provision, if it becomes law, can then make themselves an immediate qualifier for immigration status to the United States.

Now, the real problem is, I am sure, there are people who do sincerely feel very repressed and there will be other people who will find that these are magic words that you can utter and then you get to come to America.

Let us be perfectly honest, thank goodness this is still a wonderful country where everybody wants to come. So we are talking about a country that has a population of a billion two, a billion two.

Over the Easter break, I happened to be in China. I was there with the Committee on the Judiciary talking about the intellectual property issues, because, as you know, China has been ripping off many of our very important assets, such as movies, such as CD's, and so forth. They signed an agreement on intellectual property, and we were there to test the enforcement and see what was happening.

But in being there, one of the things that transpired was I got to talk to many of our folks over there and many people on the ground, and they were very concerned about this policy that we are going to vote on this week. They were saying they were seeing any number of people getting ready to apply for this new immigration status should it appear, that large families were coming in and saying, because they had had a large family, they felt discriminated against in their village. Single people were coming in saying they might want a large family, just the very fact that that family, that one-child policy was in effect was there, they might want to come in. All of these people were lining up and beginning to line up, and the rumble was going on to come line up soon if this passed and this is how you get to come to America.

We remember just a few years ago when many Chinese came here on boats illegally because they wanted to come so desperately.

I as an American, and I am sure every other American is terribly flattered that people want to come to this country, but I think Americans who are here wonder how many can we let in reasonably and keep America at the same standard.

I hope all of us take this very seriously when it comes to the floor, think about the unintended consequences and salute the Supreme Court who today said maybe some of us here with gray heads should remain to keep talking about these issues and make sure we do not get off the road.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SOLOMON] at 4 o'clock p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1561, AMERICAN OVERSEAS INTERESTS ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–129) on the resolution (H. Res. 155) providing for consideration of the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMMONIUM NITRATE FERTILIZER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 60 minutes as the designee of the minority leader.

Mr. TAUZIN. Mr. Speaker, I take this special order this afternoon to report to you and to the American public on a hearing that was just completed by the Commerce Subcommittee of the Committee on Commerce, a hearing designed to explore the possibility that may have existed as long as 25 years or more ago to render ammonium nitrate fertilizer insensitive to its use as a bomb material in America.

I hold in my hand a patent that was issued by the U.S. Patent Office on January 20, 1968, a patent developed by Mr. Sam Porter in Arlington, VA, here, that literally details how a simple addition of diammonium phosphate to ammonium nitrate fertilizer in the manufacturing process could, in fact, desensitize the product so that it cannot be turned into a bomb, much like the bomb which may have been used to detonate the Murrah Building in Oklahoma City.

My interest in this subject matter goes back a long time. It was in 1970 that a Mr. Bob Colbert of Kansas was in Louisiana, building, in fact, or helping in the construction of an ANFO plant. An ANFO plant is a plant that takes industrial grade ammonium nitrate and converts it into blasting material.

He was in the State on behalf of his company, and my father and uncle were doing electrical work for him in the construction of that facility. I came to know him. As a young practicing attorney in the State then many years ago, he requested and I performed for him an incorporation of a company known as DEFGAN for desensitizing fertilizer grade ammonium nitrate.

The company was incorporated, in fact, to own and to market the Sam Porter process that was patented in the patent I just described to you.

As a result of that incorporation, Mr. Colbert and Mr. Porter and their colleagues tried in Louisiana and Wisconsin and other places to interest the fertilizer industry in using that process. They did so because they were concerned, as we should all be concerned, with the ease in which ammonium nitrate fertilizer in large quantities available very cheaply on the marketplace can and has been converted into bomb material used in terrorist acts and the ease in which in fact under some improper storage conditions ammonium nitrate can cause a great accident and damage to people and property.

In 1947, for example, a shipload of ammonium nitrate fertilizer being loaded aboard a ship in Texas City exploded accidentally, killing over 500 people and I believe injuring as many as 3,000 people as it almost devastated the entire community.

Similar accidents in Europe, leading to the deaths of not hundreds but thousands of people, have led many European countries to require that ammonium nitrate fertilizer be desensitized with certain additives before it is put on the marketplace.

The Sam Porter process is simple, the simple addition of about 5- to 10-percent diammonium phosphate, which is another fertilizer, the simple addition of that fertilizer to ammonium nitrate fertilizer in the manufacturing process. When the stuff is trilled down in granular form, it creates a single fertilizer process and product with the integrated crystaline structure that is not easily separated, we are told, may not be easily separated, we are led to believe, and may, in fact, produce a process for making sure that ammonium nitrate fertilizer, sold commonly in feed stores and garden stores across America, cannot be turned by a terrorist into bomb or blasting material.

Now, how much of this ammonium nitrate fertilizer is on the marketplace today? We are told that in 1993, 2.2 million tons, that is 4.4 billion pounds, of ammonium nitrate fertilizer grade product was sold commonly in America, across the counter in fertilizer, farm, and garden stores. The bomb material used in Oklahoma City lightly comprised about 5,000 pounds out of this 4.4 billion pounds that is sold and marketed in our country.

That does not include another several million tons of industrial grade ammonium nitrate that is produced

and is unregulated by any Federal agency until it is converted into ANFO for blasting material purposes.

What a huge volume of ammonium nitrate is manufactured and sold in America, unregulated, not desensitized as it is in other foreign countries and available for terrorists or anyone to turn into a bomb. I do not have to remind Americans that today the Internet is filled with kitchen formulas for turning that material into bombs, that in Ohio today on the AP wire two children were, in fact, suspended for 3 days for carrying to school formulas for changing this ammonium nitrate fertilizer into a bomb. The material is widely distributed today, widely understood and known today. The material is easily available and easily converted into a bomb.

So we had this hearing today. We had Mr. Sam Porter there. We had Mr. Colbert there. They told the story how in the late 1960's they tried to encourage one chemical company after another to get interested in this process only to be turned down at every turn. They told a story how in 1970, I was able to get a bill introduced in the State legislature by a Senator friend of mine who is now deceased, Senator Harvey Belchate, Jr. How that bill was easily defeated in the State senate in Louisiana. How a similar bill introduced in Wisconsin had a hearing but was also easily defeated by the chemical lobby who had decided to spend whatever it took to make sure that they were never required to use this process.

Let me tell you what we learned today in the hearing. We learned, one, Mr. Porter's patent has to be studied further and that it deserves additional study. We learned from the Office of Technology Assessment that a study lasting no more than 3 to 4 weeks could determine for us whether or not this process was, in fact, as good as it appears to be and whether or not, in fact, the process could be easily reversed. Mr. Porter tells us he thinks it cannot be easily reversed. We need to study it to find out.

We do know that Mr. Porter conducted enough research to obtain a patent. We do know that Atlas Chemical produced several tons of his product and did some tests that confirmed Mr. Porter's primary claims that his process desensitized ammonium nitrate fertilizer so that it could not be made into a bomb.

We do know that all of the witnesses testifying today, all of them, including Mr. Porter, Mr. Colbert, representatives of the ATF, and the OTA, as well as the fertilizer institute, which communicated with us via letter, have all indicated support for more study on the Porter process as required, by the way, in the President's domestic antiterrorism bill, H.R. 1635, which has been filed in this House.

Statistics indicate to us, we have also found out, that the number of fertilizer bombs used in the United States has been relatively small, but the numbers are increasing, as many as 27 in the last 6 years, and that the Oklahoma City bombing where ammonium nitrate fertilizer was probably used was the most extensive use of that material in a bombing.

We were also told that the size of that bomb could easily be doubled and tripled and multiplied with exponential results as easily as that bomb was likely produced.

We do know that it is easy to obtain information on how to make these bombs and that in other European countries, particularly Spain and Northern Ireland, homemade fertilizer bombs are the preferred option for terrorists. According to OTA's testimony, studying Mr. Porter's product is important for no other reason than it may hold some promise for decreasing the possibility of accidental detonations of large stores of ammonium nitrate fertilizer and industrial grade ammonium nitrate.

Large amounts, indeed, are being sold in America as we speak. Large amounts are out there in storage in America as we speak. We were told that it would take as much as 10 years to get rid of the shelf life of all the ammonium nitrate fertilizer that is currently available in nondesensitized form.

There are economic and technical issues about Mr. Porter's product that deserve study today. Certainly the cost of manufacturing the product is important. We were told today that the cost of ammonium nitrate fertilizer is about $180 a ton; the cost of diammonium phosphate is in the range, we think, of about $250 a ton. The addition of 5- to 10-percent diammonium phosphate to the ammonium nitrate fertilizer would not likely increase the cost of the product desensitized by more than about 2 or 3 percent.

Is that extra cost worth the margin of safety? Is that extra cost worth having a product that cannot easily be turned into a terrorist bomb? I suggest to you we ought to know those answers.

We need to know if there are any agricultural or agronomic reasons why Mr. Porter's product would not work. He has told us and others have confirmed to us that the addition of diammonium phosphate to the ammonium nitrate fertilizer may product a better product, not, indeed, a product in any way less important as the fertilizer to America's farmers.

Finally, there are other technical issues that deserve serious analysis, such as whether the process can be reversed chemically and if so, how easily it could be reversed and whether the effectiveness of the Porter process can be circumvented by simply coming up with one of these reversal processes.

We know there is no silver bullet for preventing terrorist attacks in America, but we also know that there is something fundamentally wrong about closing off Pennsylvania Avenue, about going into a bunker mentality here in America. How many more streets will we have to close up? How many more public buildings will we turn into virtual bunkers because of this product out there that is so easily converted into a major bomb?

How far do we go out of fear into this bunker mentality? How will Americans, in fact, resist this temptation to be held hostage to that kind of fear? We suggest that America will not be hostage to that fear, that solutions such as the Porter process may, in fact, be available, may have been available for 27 years and certainly cannot be ignored today.

Even if Mr. Porter's process is completely effective, as he intended, we know that ammonium nitrate can be chemically produced relatively easily instead of purchased. There are many other ways to make an explosive, other than using fertilizer in our country. In fact, according to ATF statistics, most criminal explosives in the United States involve something other than fertilizer and there would need to be effective compliance by fertilizer manufacturers worldwide if we are going to get control of this problem.

So I do not want to leave the impression that ammonium nitrate fertilizer is in and of itself a present and clear danger to the public. It can safely be used and stored; in fact, it is. The bottom line is that experts have concluded that it should be relatively easy to look at the technical and economic issues regarding Mr. Porter's patent developed and issued in 1968 and that it is highly desirable for us to conduct those studies not in the near future but in the very near future.

□ 1615

In light of the commonly available information on fertilizer, its low cost, the commonly available information on how this common fertilizer can be converted into this huge bomb material, as well as the tragic incidents we have seen, when, in fact, someone has become so insane as to do what we saw in Oklahoma City, it would be irresponsible for us to fail to follow up on the work Mr. Porter conducted 30 years ago.

Thirty years ago, 28 years ago, 25 years ago, this Nation and the fertilizer industry were asked to take this issue seriously. Today, can we fail, after having seen what happened in Oklahoma City, after having seen how easy it is for that to happen again anywhere in America, if someone is insane enough to conduct that kind of terrorist attack upon public or private buildings, can we not take it seriously today? Do not Mr. Porter and Mr.

Colbert deserve our attention to that issue today?

Mr. Porter appeared today after his patent has long expired, after he has no financial interest whatsoever in this process, he appeared today to urge us to take it seriously.

Mr. Colbert came from Kansas City on his own nickel to fly to Washington, DC, without a financial interest left in this issue, to come and tell us to take it seriously. Can we not heed their advice? Can we not heed, I am sure, the message of Oklahoma City and take seriously what may be one of the answers, not all of the answers, to making this country a little more safe, to ending some of this fear which causes us to close down avenues like Pennsylvania, and to shut ourselves up into some kind of bunker mentality?

Mr. Speaker, I urge those within near reach of this special order to encourage this Congress, to encourage all who have something to say about what may be done in the next several weeks or months, to study this issue to make sure that it is not ignored in 1995 the way it was ignored in the late 1960's, the way it was ignored in 1970 and later on in Wisconsin when lawmakers had a chance then to visit this issue seriously and do something about the problem.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 184. An act to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Commerce.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous material:)

Mr. SERRANO in three instances.

Mrs. SCHROEDER.

Mr. STARK.

Mr. LANTOS.

Mr. OWENS.

Ms. KAPTUR.

(The following Members (at the request of Mr. GOSS) and to include extraneous material:)

Mr. TALENT.

Mr. MARTINI.

Mr. PORTMAN.

Mr. SHAYS.

Mr. SHUSTER.

Mrs. JOHNSON of Connecticut.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 23, 1995, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

889. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

890. A letter from the Secretary of State, transmitting a letter expressing his concerns with regard to H.R. 1561, the American Overseas Interests Act; to the Committee on International Relations.

891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-51, "Toll Telecommunication Temporary Amendment Act of 1995," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-52, "Emergency Assistance Clarification Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-53, "Merit Personnel Early Out Retirement Revisions Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-54, "Revolving Credit Account Late Fee Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-55, "Budget Implementation Exemption Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-56, "Foreign Trade Zones Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

897. A letter from the Agency Freedom of Information Officer (1105), Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

898. A letter from the Chairman, Federal Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 155. Resolution providing for the consideration of the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for U.S. foreign assistance programs for fiscal years 1996 and 1997, and for other purposes (Rept. 104-129). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on May 18, 1995, the following report was filed on May 19, 1995]

Mr. GILMAN: Committee on International Relations. H.R. 1561. A bill to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 20, 1995, for consideration of such provisions of the amendment recommended by the Committee on International Relations as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X (Rept. 104-128, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

[The following action occurred on May 20, 1995]

H.R. 1561. The Committee on the Judiciary discharged.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. RIGGS.

H.R. 104: Mr. JACOBS.

H.R. 218: Ms. KAPTUR, Mr. RAHALL, and Mr. GILMAN.

H.R. 359: Mr. MEEHAN and Mr. JOHNSON of South Dakota.

H.R. 390: Mr. EHRLICH, Mr. WELDON of Florida, Mr. HAMILTON, Mr. KING, Mr. CAMP, and Mr. LUTHER.

H.R. 497: Mr. HERGER, Mr. STENHOLM, Mr. BROWDER, Mr. STOCKMAN, Mr. COLLINS of Georgia, Mr. SOLOMON, Mrs. SEASTRAND, and Mr. HOEKSTRA.

H.R. 682: Mr. KLECZKA and Mr. MORAN.

H.R. 782: Mr. LEWIS of Georgia, Mr. MFUME, Mr. SOLOMON, Mr. HOYER, and Mr. MCDERMOTT.

H.R. 788: Mr. HOKE.

H.R. 972: Mr. BILIRAKIS and Mr. EMERSON.

H.R. 1103: Mr. GEKAS.

H.R. 1118: Mr. BUNNING of Kentucky.

H.R. 1299: Mr. MARTINEZ.

H.R. 1383: Mr. EWING.

H.R. 1425: Mrs. SEASTRAND.

H.R. 1448: Mr. PETERSON of Florida.

H.R. 1496: Mr. LEWIS of Georgia and Mr. ACKERMAN.

H.R. 1533: Mr. BEREUTER and Mr. CHABOT.

H.R. 1555: Mr. COX.

H.R. 1611: Mr. STUMP.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1561

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 3: In section 2104(a)(1(A) (relating to authorizations of appropriations for migration and refugee assistance) strike "$560,000,000" and insert "$590,000,000".

In section 2104 strike subsection (a)(4), subsection (b), and subsection (d).

In section 2104 redesignate subsection (c) as subsection (b).

H.R. 1561

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 4: In section 3241 of the bill strike all and insert the following.

Section 204(a) of the Agricultural Trade Development and Assistant Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1)(E), by striking "for fiscal year 1995" and inserting "for each of the fiscal years 1995 through 1997, is not less than 2,050,000 metric tons"; and

(2) in paragraph (2)(E), by striking "for fiscal year 1995" and inserting "for each of the fiscal years 1995 through 1997".

H.R. 1561

OFFERED BY: MR. BROWNBACK

AMENDMENT NO. 5: In section 2101(a)(1) (relating to the Diplomatic and Consular Programs) strike "$1,676,903,000" and insert "$1,656,903,000".

In section 2101(a)(2) (relating to the Salaries and Expenses) strike "$355,287,000" and insert "$335,287,000".

In section 2101(a)(4) (relating to Acquisition and Maintenance of Buildings Abroad) strike "$391,760,000 for fiscal year 1997" and insert "$376,760,000 for fiscal year 1997".

In section 2101(a)(7) (relating to the Office of the Inspector General) strike "$23,469,000 for fiscal year 1997" and insert "$21,469,000 for fiscal year 1997".

In section 2101(a)(8) (relating to the Payment to the American Institute in Taiwan) strike "$14,710,000" and insert "$13,710,000".

In section 2102(a) (relating to the Assessed Contributions to International Organizations) strike "$867,050,000" and insert "$828,388,000".

In section 2102(b)(1) (relating to the Voluntary Contributions to International Organizations) strike "$302,902,000" and insert "$290,680,000".

In section 2102(c)(1) (relating to Assessed Contributions for International Peacekeeping) strike "$345,000,000" and insert "$300,000,000".

In section 2102(d)(1) (relating to the Voluntary Contributions to Peacekeeping Operations) strike "and $68,260,000 for fiscal year 1997" and insert "and $62,260,000 for fiscal year 1997".

In section 2102(e)(1) (relating to International Conferences and Contingencies) strike "$6,000,000" and insert "$5,000,000".

In section 2106(1) (relating to Salaries and Expenses) strike "$428,080,000" and insert "$407,080,000".

In section 2106(3(A) (relating to Fulbright Academic Exchange Programs) strike "$113,680,800" and insert "$93,680,800".

In section 2106(3)(F) (relating to Other Programs) strike "$87,341,400" and insert "$67,341,400".

In section 2106(4)(A) (relating to International Broadcasting Activities) strike "$286,191,000" and insert "$256,191,000".

In section 2106(5) (relating to Radio Construction) strike "$67,647,000" and insert "$57,647,000".

In section 2106(9) (relating to the Center for Cultural and Technical Interchange between East and West) strike "$10,000,000" and insert "$8,000,000".

In section 2106(10) (relating to the National Endowment for Democracy) strike "$34,000,000 for fiscal year 1997" and insert "$32,000,000 for fiscal year 1997".

In section 2107(1) (relating to the Arms Control and Disarmament Agency) strike "$40,500,000" and insert "$39,500,000".

In section 3101 (relating to the Foreign Military Financing Program) strike "$3,240,020,000" and insert "$3,226,020,000".

In section 3201 (relating to the Economic Support Fund) strike "$2,283,478,000" and insert "$2,248,478,000".

In section 3221(a)(1) (relating to the Development Assistance Fund) strike "for each of the fiscal years 1996 and 1997" and insert "for fiscal year 1996 and $745,000,000 for fiscal year 1997".

In section 3221(a)(2) (relating to the Development Fund for Africa) strike "for each of the fiscal years 1996 and 1997" and insert "for fiscal year 1996 and $614,214,000 for fiscal year 1997".

In section 3221(a)(3) (relating to the Assistance for Independent States of the Former Soviet Union) strike "$650,000,000" and insert "$625,000,000".

In section 3221(a)(5) (relating to the Inter-American Foundation) strike "$10,000,000" and insert "$7,000,000".

In section 3221(a)(6) (relating to the African Development Foundation) strike "$5,000,000" and insert "$4,000,000".

In section 3232(3) (relating to the Operating Expenses of the Office of the Inspector General) strike "$31,685,000" and insert "$30,685,000".

In section 3261 (relating to the Peace Corps) strike "for each of the fiscal years 1966 and 1977" and insert "for fiscal year 1996 and $215,000,000 for fiscal year 1997".

H.R. 1561

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 6: At the end of title XXXIII (relating to regional provisions), add the following new section:

SEC. 3314. ASSISTANCE FOR INDIA.

(a) FINDINGS.—The Congress finds the following:

(1) In India, tens of thousands of political prisoners, including prisoners of conscience, are being held without charge or trial under special or preventive detention laws.

(2) The special and preventive detention laws most frequently cited by human rights organizations are the Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1987, the National Security Act of 1980, the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983, the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990, and the Jammu and Kashmir Public Safety Act of 1978.

(3) These laws provide the military and police forces of India sweeping powers of arrest and detention with broad powers to shoot to kill with virtual immunity from prosecution.

(4) These laws contravene important international human rights standards established under the International Covenant on Civil and Political Rights, to which India is a party, such as the right of liberty and security, the right to a fair trial, the right to freedom of expression, and the right not to be subjected to torture or arbitrary arrest and detention.

(5) Throughout India, political detainees are often held for several months, and in some cases a year, without access to family, friends, or legal counsel.

(6) Throughout India, the torture of detainees has been routine, and scores of people have died in police and military custody as a result.

(7) Throughout India, scores of political detainees have "disappeared" and hundreds of people are reported to have been extrajudicially executed by military and police forces.

(8) In Punjab, the Punjab Government encouraged extrajudicial executions by offering bounties for the killing of militants and paid over 41,000 such bounties between 1991 and 1993.

(9) Abuses by the military and police forces of India are particularly widespread in the states of Punjab, Assam, Manipur, Nagaland, and the portion of the disputed territory of Jammu and Kashmir under the control of the Government of India.

(10) Many victims come from underprivileged and vulnerable sections of society of India, particularly the scheduled castes and tribes.

(11) The establishment of the National Human Rights Commission by the Government of India is an important first step toward improving the human rights record of India.

(12) However, many human rights organizations are deeply concerned about the severe limitations placed on the powers, mandate, and methodology of the National Human Rights Commission.

(13) In 1994, the decision by the Government of India to allow the International Committee of the Red Cross to provide limited humanitarian assistance in the portion of the disputed territory of Jammu and Kashmir under the control of the Government of India was an important first step in providing international humanitarian organizations greater access to troubled areas of India.

(14) However, in 1994, the Government of India continued to prohibit several international human rights organizations from conducting independent investigations in the portion of the disputed territory of Jammua and Kashmir under the control of the Government of India and provided only limited access to such organizations to other states such as Punjab, Assam, Manipur, and Nagaland where significant human rights problems exist.

(15) In India, armed opposition groups have committed human rights abuses.

(16) Several human rights organizations have called on such armed opposition groups to respect basic standards of humanitarian law which require that individuals not taking part in hostilities should at all times be treated humanely.

(b) LIMITATION ON DEVELOPMENT ASSISTANCE.—

(1) LIMITATION.—The President may not provide development assistance for India for any fiscal year unless the President transmits to the Congress a report containing a certification for such fiscal year that the Government of India meets the following requirements:

(A) The Government of India has released all prisoners of conscience in India.

(B) The Government of India ensures that all political prisoners in India are brought to trial promptly and fairly, or released, and have prompt access to legal counsel and family members.

(C) The Government of India has eliminated the practice of torture in India by the military and police forces.

(D) The Government of India impartially investigates all allegations of torture and deaths of individuals in custody in India.

(E) The Government of India has established the fate or whereabouts of all political detainees in India who have "disappeared".

(F) The Government of Indian brings to justice those members of the military and police forces responsible for torturing or improperly treating prisoners in India.

(G) The Government of India permits citizens of India who are critical of such Government to travel abroad and return to India.

(H) The Government of India ensures that human rights monitors in India are not targeted for arrest or harassment by the military and police forces of India.

(I) The Government of India permits both international and domestic human rights organizations and international and domestic television, film, and print media full access to all states in India where significant human rights problems exist.

(2) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to the Government of India for a fiscal year under paragraph (1) shall cease to be effective for that fiscal year if the President transmits to the Congress a report containing a determination that such Government has not continued to comply with the requirements contained in subparagraphs (A) through (I) of such paragraph.

(3) WAIVER.—The limitation on development assistance for India contained in paragraph (1) shall not apply if the President transmits to the Congress a report containing a determination that providing such assistance for India is in the national security interest of the United States.

(4) DEFINITIONS.—As used in this section:

(A) DEVELOPMENT ASSISTANCE.—The term "development assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(B) INDIA.—The term "India" includes the portion of the disputed territory of Jammu and Kashmir under the control of the Government of India.

(5) EFFECTIVE DATE.—The prohibition contained in paragraph (1) shall apply with respect to the provision of development assistance beginning 9 months after the date of the enactment of this Act.

H.R. 1561

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 7. At the end of title XXXIII (relating to regional provisions), add the following new section:

SEC. 3314. ASSISTANCE OF PAKISTAN.

Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)) is amended—

(1) by striking "No assistance shall be furnished to Pakistan and" and inserting "(1) Except as provided in paragraph (2),";

(2) by striking "assistance is to be furnished or"; and

(3) by adding at the end the following new paragraph:

"(2) The prohibition on the sale or transfer of military equipment or technology contained in paragraph (1) shall not apply with respect to military equipment or technology sold to Pakistan pursuant to agreements between the United States and Pakistan entered into before September 30, 1990.".

H.R. 1561

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 8. In paragraph (1) of section 3221(a) (relating to authorization of appropriations for development assistance fund), strike "$858,000,000" and insert "$650,000,000".

H.R. 1561

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 9. In section 3231 of the bill (in section 667(a)(1) of the Foreign Assistance Act of 1961, as proposed to be amended by such section 3231; relating to operating expenses of the United States Agency for International Development), strike "$465,774,000" and insert "$396,770,250" and strike "$419,196,000" and insert $396,770,250".

H.R. 1561

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 10: In paragraph (3) of section 3417(d) (relating to prohibition on assistance to countries that consistently oppose the United States position in the United Nations General Assembly), insert after the matter preceding subparagraph (A) the following new subparagraph (and redesignate subsequent subparagraphs accordingly):

(A) chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance),

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OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 11: At the end of chapter 3 of title XXXII (relating development assistance), add the following new subchapter:

Subchapter C—Personnel of Agency for International Development

SEC. 3236. LIMITATION ON NUMBER OF PERSONNEL.

On and after February 28, 1997, the number of individuals authorized to be employed by the Agency for International Development (excluding temporary and intermittent employees), as determined on a full time equivalent basis, and the number of individuals serving with such Agency under a personal service contract, shall not exceed 7,054.

H.R. 1561

OFFERED BY: MR. LANTOS

AMENDMENT NO. 12: After section 3211, insert the following new section:

SEC. 3212. CENTRAL ASIAN ENTERPRISE FUND.

Notwithstanding section 201(d)(3)(A) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(d)(3)(A)), the Central Asian-American Enterprise Fund may, in lieu of the appointment of citizens of the host countries to its Board of Directors, establish an advisory council for the host region comprised of citizens of each of the host countries or establish separate advisory councils for each of the host countries, with which such Fund shall periodically consult with respect to the Fund's policies and proposed activities. Such host country citizens shall satisfy the experience and expertise requirements set forth in section 201(d)(3)(A) and (d)(3)(C) of that Act.

H.R. 1561

OFFERED BY: MR. LIVINGSTON

AMENDMENT NO. 13. Strike section 348(e); strike section 2101(a)(1)(B); strike section 2101(a)(2)(B); strike section 2102(b)(2)(A); strike section 2102(b)(2)(B); strike section 2102(b)(2)(C); strike section 2102(b)(2)(D); strike section 2102(b)(2)(E); strike section 2102(b)(2)(G); strike section 2106(4)(B); strike section 2106(4)(C); strike section 3222; and strike section 3227.

AMENDMENT TO H.R. 1561, as Reported

OFFERED BY: MR. MCINNIS OF COLORADO

AMENDENT NO. 14. In section 2644 (relating to further steps to promote United States security and political interests with respect to North Korea) by striking paragraph (1) and inserting the following:

(1) action by the Government of North Korea to engage in a North-South dialogue with the Government of the Republic of Korea to facilitate progress toward—

(A) holding a North Korea-South Korea Summit;

(B) resuming North-South joint military discussions regarding steps to reduce tensions between North and South Korea;

(C) expanding trade relations between North and South Korea;

(D) promoting freedom of travel between North and South Korea by citizens of both North and South Korea;

(E) cooperating in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(F) establishing postal and telecommunications services between North and South Korea; and

(G) reconnecting railroads and roadways between North and South Korea;

H.R. 1561

OFFERED BY: MR. MCINNIS

AMENDMENT NO. 15 Strike chapter 2 (relating to the United States—North Korea Agreed Framework) of title XXVI (relating to foreign policy provisions) and insert the following:

CHAPTER 2—NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA AND THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

SEC. 2641. FINDINGS.

The Congress makes the following findings:

(1) The Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula".

(2) The Agreed Framework also states "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue".

(3) The two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea.

(4) The North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula.

(5) The reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops.

SEC. 2642. STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.

It is the sense of the Congress that—

(1) substantive dialogue between North and South Korea is vital to the implementation of the Agreed Framework Between the United States and North Korea, dated October 21, 1994; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the President should pursue measures to reduce tensions between North and South Korea and should facilitate progress toward—

(A) holding a North Korea-South Korea summit;

(B) initiating mutual nuclear facility inspections by North and South Korea;

(C) establishing liaison offices in both North and South Korea;

(D) resuming a North-South joint military discussion regarding steps to reduce tensions between North and South Korea;

(E) expanding trade relations between North and South Korea;

(F) promoting freedom to travel between North and South Korea by citizens of both North and South Korea;

(G) cooperating in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(H) establishing postal and telecommunications services between North and South Korea; and

(I) reconnecting railroads and roadways between North and South Korea.

SEC. 2643. REPORT TO CONGRESS.

Beginning 3 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth the progress made in carrying out section 2642.

SEC. 2644. DEFINITIONS.

As used in this chapter—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "North Korea" means the Democratic People's Republic of Korea; and

(3) the term "South Korea" means the Republic of Korea.

H.R. 1561

OFFERED BY: MS. MCKINNEY

AMENDMENT NO. 16. After chapter 5 of title XXXI of the bill, insert the following new chapter (and redesignate the subsequent chapter accordingly and make other appropriate conforming amendments):

CHAPTER 6—ARMS TRANSFERS CODE OF CONDUCT

SEC. 3174. SHORT TITLE.

This chapter may be cited as the "Code of Conduct on Arms Transfer Act of 1995".

SEC. 3175. FINDINGS.

The Congress finds the following:

(1) Approximately 40,000,000 people, over 75 percent civilians, died as a result of civil and international wars fought with conventional weapons during the 45 years of the cold war, demonstrating that conventional weapons can in fact be weapons of mass destruction.

(2) Conflict has actually increased in the post cold war era, with 34 major wars in progress during 1993.

(3) War is both a human tragedy and an ongoing economic disaster affecting the entire world, including the United States and its economy, because it decimates both local investment and potential export markets.

(4) International trade in conventional weapons increases the risk and impact of war in an already over-militarized world, creating far more costs than benefits for the United States economy through increased United States defense and foreign assistance spending and reduced demand for United States civilian exports.

(5) The newly established United Nations Register of Conventional Arms can be an effective first step in support of limitations on the supply of conventional weapons to developing countries and compliance with its reporting requirements by a foreign government can be an integral tool in determining the worthiness of such government for the receipt of United States military assistance and arms transfers.

(6) It is in the national security and economic interests of the United States to reduce dramatically the $1,038,000,000,000 that all countries spend on armed forces every year, $242,000,000,000 of which is spent by developing countries, an amount equivalent to 4 times the total bilateral and multilateral foreign assistance such countries receive every year.

(7) According to the Congressional Research Service, the United States supplies more conventional weapons to developing countries than all other countries combined, averaging $14,956,000,000 a year in agreements to supply such weapons to developing countries since the end of the cold war, compared to $7,300,000,000 a year in such agreements prior to the dissolution of the Soviet Union.

(8) In recent years the vast majority of United States arms transfers to developing countries are to countries with an undemocratic form of government whose citizens, according to the Department of State Country Reports on Human Rights Practices do not have the ability to peaceably change their form of government.

(9) Although a goal of United States foreign policy should be to work with foreign governments and international organizations to reduce militarization and dictatorship and therefore prevent conflicts before they arise, during 4 recent deployments of United States Armed Forces—to the Republic of Panama, the Persian Gulf, Somalia, and Haiti—such Armed Forces faced conventional weapons that had been provided or financed by the United States to undemocratic governments.

(10) The proliferation of conventional arms and conflicts around the globe are multilateral problems, and the fact that the United States has emerged as the world's primary seller of conventional weapons, combined with the world leadership role of the United States, signifies that the United States is in a position to seek multilateral restraints on the competition for and transfers of conventional weapons.

(11) The Congress has the constitutional responsibility to participate with the executive branch in decisions to provide military assistance and arms transfers to a foreign government, and in the formulation of a policy designed to reduce dramatically the level of international militarization.

(12) A decision to provide military assistance and arms transfers to a government that is undemocratic, does not adequately protect human rights, is currently engaged in acts of armed aggression, or is not fully participating in the United Nations Register of Conventional Arms, should require a higher level of scrutiny than does a decision to provide such assistance and arms transfers to a government to which these conditions do not apply.

SEC. 3176. PURPOSE.

The purpose of this chapter is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

SEC. 3177. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), beginning on and after October 1, 1996, United States military assistance and arms transfers may not be provided to a foreign government for a fiscal year unless the President certifies to the Congress for that fiscal year that such government meets the following requirements:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections:

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

(i) extra judicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN U.N. REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

(b) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to the Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) EXEMPTIONS.—The prohibition contained in subsection (a) shall not apply with respect to a foreign government for a fiscal year if—

(1)(A) the President submits a request for an exemption to the Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfer to such government; and

(B) the Congress enacts a law approving such exemption request (including a law containing an approval of such a request); or

(2) the President determines that an emergency exists under which it is vital to the interest of the United States to provide military assistance and arms transfer to such government.

(d) NOTIFICATIONS TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the Congress initial certifications under subsection (a) and requests for exemptions under subsection (c)(1) in conjunction with the submission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications and requests for exemptions at any time thereafter in the fiscal year.

(2) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(2). Each such report shall contain a description of—

(A) the nature of the emergency;

(B) the type of military assistance and arms transfers provided to the foreign government; and

(C) the cost to the United States of such assistance and arms transfers.

SEC. 3178. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate should hold hearings on—

(1) controversial certifications submitted under section 3177(a)'

(2) all requests for exemptions submitted under section 3177(c)(1); and

(3) all determinations with respect to emergencies under section 3177(c)(2).

SEC. 3179. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

For purposes of this chapter, the terms "United States military assistance and arms transfers" and "military assistance and arms transfers" means—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training); or

(3) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

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OFFERED BY: MR. MICA

AMENDMENT NO. 17: At the end of division A insert the following new title:

TITLE VI—REORGANIZATION OF UNITED STATES EXPORT PROMOTION AND TRADE ACTIVITIES

SEC. 601. PLAN FOR REORGANIZATION OF UNITED STATES EXPORT PROMOTION AND TRADE ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Supporting American businesses overseas and assisting United States exporters to identify market opportunities is of increasing importance to America's economic health and competitiveness, and to the well-being of American workers.

(2) At least 18 different government-sponsored organizations or agencies spending over $3,300,000,000 exist to provide support to American exporters and international businesses. In the past, poor coordination among these organizations and a lack of accessibility often hindered the effectiveness of the Government's trade promotion activities.

(3) Recent efforts to improve coordination between many of these organizations and to increase their availability to exporters around the country were begun through the Trade Promotion Coordination Council. These efforts appear to have generated some improvement in the Government's trade promotion capabilities.

(4) Broader governmentwide reform efforts and future funding questions currently being addressed in Congress may affect different trade promotion organizations to varying degrees.

(b) REPORT REQUIRED.—In order to fully assess the organizational structure, capability, and spending levels of United States Government trade promotion organizations, the President, not later than March 1, 1996, shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and to other appropriate committees of jurisdiction, a report detailing what steps are being taken to improve accessibility and coordination among all trade promotion organizations and agencies, what additional measures should be taken to further improve the efficiency of and reduce duplication among these organizations and agencies, and any suggested legislative actions that would further improve the Government's export and trade promotion activities.

(c) CONTENT OF REPORT.—The report required by subsection (b) shall—

(1) identify the name, number, function, and budget of all Government organizations or agencies with some responsibility for supporting, advancing, or promoting international trade or United States exports;

(2) assess the amount of exports directly generated by the activities of each organization or agency;

(3) describe the overall impact of the Government's trade and export promotion programs on increasing exports and overseas market share;

(4) identify areas where increased cooperation and interoperability would improve United States export promotion efforts;

(5) identify areas where greater efficiencies can be achieved through the elimination of duplication among the organizations and agencies included in paragraph (1);

(6) identify ways to improve the audit and accountability mechanisms for each organization or agency, with particular emphasis on ensuring independent oversight capabilities for each organization;

(7) assess the trade and export promotion activities of the major trade partners and competitors of the United States, including amounts of tied aid and export subsidization provided by the governments of those grade partners and competitors; and

(8) provide a plan to reorganize the United States trade and export promotion organizations and agencies, with legislative requirements if necessary, in order to more efficiently promote trade, increase organizational assessability, organize bureaucratic effort, and expend public resources in support of American exporters and international business.

H.R. 1561

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 18. In section 2104(a)(1)(A) (relating to authorizations of appropriations for migration and refugee assistance) strike "$560,000,000" and insert "$590,000,000".

In section 2104(a)(4) (relating to authorizations of appropriations for the resettlement of Vietnamese, Laotians, and Cambodians) strike "There" and all that follows through "who—" and insert "Of the amounts authorized to be appropriated for fiscal year 1996 under paragraph (1) there are authorized to be appropriated such amounts as are necessary for the admission and resettlement, within numerical limitations provided by law for refugee admissions, of persons who—".

At the end of section 2104 add the following new subsection:

(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require or permit an increase in the number of refugee admissions for fiscal year 1996 from the numerical limitation for refugee admissions for fiscal year 1995.

H.R. 1561

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 19: In title XXI (relating to authorization of appropriations for Department of State and certain international affairs functions and activities) insert at the end the following new chapter.

CHAPTER 2—GENERAL LIMITATIONS

SEC. 2121. PROHIBITION ON FUNDING FOR ABORTION.

(a) IN GENERAL.—

(1) Notwithstanding any other provision of law or of this Act, none of the funds authorized to be appropriated by this Act for population assistance activities are authorized to be available for any private, nongovernmental, or multilateral organization that, directly or through a subcontractor or subgrantee, performs abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LIMITATION ON LOBBYING ACTIVITIES.—

(1) Notwithstanding any other provision of law or of this Act, none of the funds authorized to be appropriated by this Act for population assistance activities are authorized to be available for any private, nongovernmental, or multilateral organization that violates the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited,

or that engages in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

SEC. 2122. PROHIBITION ON FUNDING FOR COERCIVE POPULATION CONTROL METHODS.

Notwithstanding any other provision of law or of this Act, none of the funds authorized to be appropriated by this Act are authorized to be available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that—

(a) the United Nations Population Fund has terminated all activities in the People's Republic of China; or

(b) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

In section 2102(b)(2)(F), delete subsections (iii), (iv), and (v).

H.R. 1561

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 20. In section 2201, add the following at the end:

USE OF EARNINGS FROM FROZEN ASSETS FOR PROGRAM.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Two percent of the earnings accruing, during periods beginning October 1, 1995, on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) shall be available, subject to appropriations Acts, to carry out section 36 of the State Department Basic Authorities Act, as amended by this section, except that the limitation contained in subsection (d)(2) of such section shall not apply to amounts made available under this paragraph.

(2) CONTROL OF FUNDS BY THE PRESIDENT.—The President shall take possession and exercise full control of so much of the earnings described in paragraph (1) as are made available under such paragraph.