

Private Calendar: Messrs. BOUCHER, MFUME, and Ms. DELAURO.

¶93.35 PRIVATE CALENDAR OBJECTORS—MINORITY

Mr. MICHEL announced the following Members on the part of the minority as the official objectors on the Private Calendar: Messrs. SENSENBRENNER, COBLE, and GOODLATTE.

¶93.36 HOUR OF MEETING

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That when the House adjourns today, it adjourn to meet at 1 o'clock p.m. on Tuesday, August 3, 1993.

¶93.37 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The SPEAKER pro tempore, Mr. MORAN, laid before the House a message from the President, which was read as follows:

*To the Congress of the United States:*

I hereby report to the Congress on the developments since my last report of February 16, 1993, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq), then or thereafter located in the United States or within the possession or control of a U.S. person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. U.S. persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order No. 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution 661 of August 6, 1990.

Executive Order No. 12817 was issued on October 21, 1992, to implement in the United States measures adopted in United Nations Security Council Resolution 778 of October 2, 1992. Resolution 778 requires U.N. member states temporarily to transfer to a U.N. escrow account up to \$200 million apiece in Iraqi oil sale proceeds paid by purchasers after the imposition of U.N. sanctions on Iraq. These funds finance Iraq's obligations for U.N. activities with respect

to Iraq, including expenses to verify Iraqi weapons destruction, and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds will also fund the activities of the U.N. Compensation Commission in Geneva, which will handle claims from victims of the Iraqi invasion of Kuwait. The funds placed in the escrow account are to be returned, with interest, to the member states that transferred them to the United Nations, as funds are received from future sales of Iraqi oil authorized by the United Nations Security Council. No member state is required to fund more than half of the total contributions to the escrow account.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders Nos. 12724 and 12817 (the "Executive Orders"). The report covers events from February 2, 1993, through August 1, 1993.

1. There have been no amendments to the Iraqi Sanctions Regulations during the reporting period.

2. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. These are intended to deter future activities in violation of the sanctions. Additional civil penalty notices were prepared during the reporting period for violations of the International Emergency Economic Powers Act and Iraqi Sanctions Regulations with respect to transactions involving Iraq.

3. Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to the Office of Foreign Assets Control's listing of individuals and organizations determined to be Specially Designated Nationals of the Government of Iraq.

4. Pursuant to Executive Order No. 12817 implementing United Nations Security Council Resolution 778, on October 26, 1992, the Office of Foreign Assets Control directed the Federal Reserve Bank of New York to establish a blocked account for receipt of certain post-August 6, 1990, Iraqi oil sales proceeds, and to hold, invest, and transfer these funds as required by the order. On May 18, 1993, following the payment of \$1,492,537.30 by the Government of the United Kingdom to a special United Nations-controlled account, entitled United Nations Security Council Resolution 778 Escrow Account, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of \$1,492,537.30 from the blocked account it holds to the United Nations-controlled account. Future transfers from the blocked Federal Reserve Bank of New York account will be made on a matching basis up to the \$200 million for which the United States is potentially obligated pursuant to United Nations Security Council Resolution 778.

5. Since the last report, there have been developments in two cases filed against the Government of Iraq. Another ruling was issued in *Consarc Corporation v. Iraqi Ministry of Industry and Minerals et al.*, No. 90-2269 (D.D.C., March 9, 1993), which arose out of a contract for the sale of furnaces by plaintiff to the Iraqi Ministry of Industry and Minerals, an Iraqi governmental entity. In connection with the contract, the Iraqi defendants opened an irrevocable letter of credit with an Iraqi bank in favor of Consarc, which was advised by Pittsburgh National Bank, with the Bank of New York entering into a confirmed reimbursement agreement with the advising bank. Funds were set aside at the Bank of New York, in an account of the Iraqi bank, for reimbursement of the Bank of New York if Pittsburgh National Bank made a payment to Consarc on the letter of credit and sought reimbursement from the Bank of New York. Consarc received a down payment from the Iraqi Ministry of Industry and Minerals and substantially manufactured the furnaces. No goods were shipped prior to imposition of sanctions on August 2, 1990, and the United States asserted that the funds on deposit in the Iraqi bank account at the Bank of New York, as well as the furnaces manufactured for the Iraqi government or the process of any sale of those furnaces to third parties, were blocked. The district court ruled on December 29, 1992, that the furnaces or their sales proceeds were properly blocked pursuant to the declaration of the national emergency and blocking of Iraqi government property interests. However, according to the court, due to fraud on the part of the Ministry of Industry and Minerals in concluding the sales contract, the funds on deposit in an Iraqi bank account at the Bank of New York were not the property of the Government of Iraq. The court ordered the Office of Foreign Assets Control to unblock these funds, and required Consarc to block the proceeds from the sale of one furnace and to hold the remaining furnace as blocked property. On January 27, 1993, the Office of Foreign Assets Control complied with the court's order and licensed the unblocking of \$6.4 million plus interest to Consarc. On March 9, 1993, the court affirmed its ruling in response to Consarc's motion to clarify the December 29 order and the Office of Foreign Assets Control's motion to correct the judgment to conform to the December 29 opinion. The Office of Foreign Assets Control and Consarc have each appealed the district court's ruling.

In *Brewer v. The Socialist People's Republic of Iraq*, No. 91-5325 (D.C. Cir., 1993) the United States Court of Appeals for the District of Columbia Circuit affirmed the district court's ruling denying appellant's motion to attach U.S.-located assets of the Government of Iraq and its state tourism organization. Following the holding of *Dames & Moore v. Regan*, 453 U.S. 654 (1981), the court upheld the power of the Presi-

dent to freeze foreign assets and prevent their attachment by private litigants in times of national emergency.

6. The Office of Foreign Assets Control has issued a total of 391 specific licenses regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Since my last report, 54 specific licenses have been issued. Licenses were issued for transactions such as the filing of legal actions against Iraqi governmental entities, for legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes.

7. The expenses incurred by the Federal Government in the 6-month period from February 2, 1993, through August 1, 1993, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are estimated at about \$2.5 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Assistant Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near East and South Asian Affairs, the Bureau of International Organizations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

8. The United States imposed economic sanctions on Iraq in response to Iraq's invasion and illegal occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions, including those calling for the elimination of Iraqi weapons of mass destruction, the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, and the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait. The U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continued to violate basic human rights by repressing the Iraqi civilian population and depriving it of humanitarian assistance. The United Nations Security Council passed resolutions that permit Iraq to sell \$1.6 billion of oil under U.N. auspices to fund the provision of food, medicine, and other humanitarian supplies to the people of Iraq. Under the U.N. resolutions, the equitable distribution within Iraq of this assistance would be supervised and monitored by the United Nations. The Iraqi regime so far has refused to accept these reso-

lutions and has thereby chosen to perpetuate the suffering of its civilian population. Discussions on implementing these resolutions resumed at the United Nations on July 7, 1993.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. Because of Iraq's failure to comply fully with United Nations Security Council resolutions, the United States will therefore continue to apply economic sanctions to deter Iraq from threatening peace and stability in the region, and I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, August 2, 1993.

By unanimous consent, the message was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 103-125).

¶93.38 APPOINTMENT OF FUNERAL COMMITTEE OF THE LATE PAUL HENRY

The SPEAKER pro tempore, Mr. BISHOP, pursuant to House Resolution 232 and on behalf of the Speaker, appointed as members to attend the funeral for the late Honorable PAUL HENRY the following Members on the part of the House:

- Mr. DINGELL of Michigan;
- Mr. MICHEL of Illinois;
- Mr. BONIOR of Michigan;
- Mr. GINGRICH of Georgia;
- Mr. CONYERS of Michigan;
- Mr. FORD of Michigan;
- Mr. KILDEE of Michigan;
- Mr. CARR of Michigan;
- Mr. LEVIN of Michigan;
- Mr. UPTON of Michigan;
- Mr. CAMP of Michigan;
- Miss COLLINS of Michigan;
- Mr. BARCIA of Michigan;
- Mr. HOEKSTRA of Michigan;
- Mr. KNOLLENBERG of Michigan;
- Mr. STUPAK of Michigan;
- Mr. SMITH of Michigan;
- Mr. MCDADE of Pennsylvania;
- Mr. REGULA of Ohio;
- Mr. GOODLING of Pennsylvania;
- Mr. MARKEY of Massachusetts;
- Mr. WALKER of Pennsylvania;
- Mr. LIVINGSTON of Louisiana;
- Mr. LEWIS of California;
- Mr. ROTH of Wisconsin;
- Mr. SENSENBRENNER of Wisconsin;
- Ms. SNOWE of Maine;
- Mr. THOMAS of California;
- Mr. PETRI of Wisconsin;
- Mr. EMERSON of Missouri;
- Mr. GUNDERSON of Wisconsin;
- Mr. SMITH of New Jersey;
- Mr. WOLF of Virginia;
- Mr. OXLEY of Ohio;
- Mr. BOEHLERT of New York;
- Mrs. JOHNSON of Connecticut;
- Ms. KAPTUR of Ohio;
- Mr. BARTON of Texas;
- Mr. CALLAHAN of Alabama;
- Mr. DELAY of Texas;
- Mr. FAWELL of Illinois;
- Mr. GALLO of New Jersey;

- Mr. KOLBE of Arizona;
- Mr. McMILLIAN of North Carolina;
- Mrs. MEYERS of Kansas;
- Mr. BALLENGER of North Carolina;
- Mr. GRANDY of Iowa;
- Mr. HASTERT of Illinois;
- Mr. HOUGHTON of New York;
- Mrs. MORELLA of Maryland;
- Mr. PRICE of North Carolina;
- Mr. McNULTY of New York;
- Mr. PAXON of New York; and
- Mr. FIELDS of Louisiana.

¶93.39 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 557. An Act to combat telemarketing fraud; to the Committee on the Judiciary.

S. 1273. An Act to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions; to the Committee on House Administration.

S. 1274. An Act to reduce the subsidy cost for the Guaranteed Business Loan Program of the Small Business Administration, and for other purposes; to the Committee on Small Business.

¶93.40 BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following title:

On July 30, 1993:

H.R. 63. An Act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes, and

H.R. 2683. An Act to extend the operation of the migrant student record transfer system.

¶93.41 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DEAL, for today.

And then,

¶93.42 ADJOURNMENT

On motion of Mr. DREIER, pursuant to the provisions of House Resolution 232 and the special order heretofore agreed to, at 6 o'clock and 40 minutes p.m., the House adjourned out of respect for the late Honorable Paul Henry until 1 o'clock p.m., Tuesday, August 3, 1993.

¶93.43 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. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 704. A bill to regulate fishing in certain waters of Alaska (Rept. No. 103-201, Pt. 1). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2134. A bill to improve the conservation and management of interjurisdictional fisheries along the Atlantic coast by providing for greater cooperation among the States in implementing con-