

(d) ACTIONS BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under subsection (a) or (f) (2) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(e) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

**SEC. 5. ACTIONS BY PRIVATE PERSONS.**

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3, or an authorized person acting on such person's behalf, may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of \$50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTION BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(d) COST AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

(f) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under

section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

**SEC. 6. ADMINISTRATION AND APPLICABILITY OF ACT.**

(a) IN GENERAL.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) EFFECT ON OTHER LAWS.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

**SEC. 7. DEFINITIONS.**

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description, or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

**SEC. 8. FALSE ADVERTISEMENTS CONCERNING SERVICES.**

Section 12(a) of the Federal Trade Commission Act (15 U.S.C. 52(a)) is amended by inserting "services," immediately after "devices," each place it appears.

**SEC. 9. ENFORCEMENT OF ORDERS.**

(a) GENERAL AUTHORITY.—Subject to subsections (b) and (c), the Federal Trade Commission may bring a criminal contempt action for violations of orders of the Commission obtained in cases brought under section 13(b) of the Federal Trade Commission Act (15 U.S.C. 53(b)).

(b) APPOINTMENT.—An Action authorized by subsection (a) may be brought by the Federal Trade Commission only after, and pursuant to, the appointment by the Attorney

General of an attorney employed by the Commission, as a special assistant United States Attorney.

(c) REQUEST FOR APPOINTMENT.—

(1) APPOINTMENT UPON REQUEST OR MOTION.—A special assistant United States Attorney may be appointed under subsection (b) upon the request of the Federal Trade Commission or the court which has entered the order for which contempt is sought or upon the Attorney General's own motion.

(2) TIMING.—The Attorney General shall act upon any request made under paragraph (1) within 45 days of the receipt of the request.

(d) TERMINATION OF AUTHORITY.—The authority of the Federal Trade Commission to bring a criminal contempt action under subsection (a) expires 2 years after the date of the first promulgation of rules under section 3. The expiration of such authority shall have no effect on an action brought before the expiration date.

**SEC. 10. REVIEW.**

Upon the expiration of 5 years following the date of the first promulgation of rules under section 3, the Commission shall review the implementation of this Act and its effect on deceptive telemarketing acts or practices and report the results of the review to the Congress.

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, recognized Mr. SWIFT and Mr. MOORHEAD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

182.8 FTC AUTHORIZATION

Mr. SWIFT moved to suspend the rules and agree to the following conference report (Rept. No. 103-617):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243), to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

**SECTION. 1. SHORT TITLE; REFERENCE.**

(a) SHORT TITLE.—This Act may be cited as the "Federal Trade Commission Act Amendments of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Trade Commission Act.

**SEC. 2. AGRICULTURAL COOPERATIVES.**

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating sections 24 and 25 as sections 25 and 26, respectively, and by inserting immediately after section 23 the following new section:

"SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291 et seq., commonly known as the Capper-Volstead Act), is not a violation of any of the antitrust Acts or this Act.

"(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders."

**SEC. 3. COMPENSATION IN PROCEEDINGS.**

(a) REPEAL.—Subsection (h) of section 18 (15 U.S.C. 57a) is repealed and subsections (i), (j), and (k) of section 18 are redesignated as subsections (h), (i), and (j), respectively.

(b) CONFORMING AMENDMENT.—Section 18(a)(1) (15 U.S.C. 57a(a)(1)) is amended by striking "subsection (i)" and inserting "subsection (h)".

**SEC. 4. PROCEEDINGS SUBSEQUENT TO VIOLATIONS OF ORDERS.**

(a) CONSENT ORDERS.—Section 5(m)(1)(B) (15 U.S.C. 45(m)(1)(B)) is amended by inserting ", other than a consent order," immediately after "order" the first time it appears.

(b) DETERMINATIONS OF LAW.—Section 5(m)(2) (15 U.S.C. 45(m)(2)) is amended by adding at the end the following: "Upon request of any party to such an action against such defendant, the court shall also review the determination of law made by the Commission in the proceeding under subsection (b) that the act or practice which was the subject of such proceeding constituted an unfair or deceptive act or practice in violation of subsection (a)."

**SEC. 5. PREVALENCE OF UNLAWFUL ACTS OR PRACTICES.**

Section 18(b) (15 U.S.C. 57a(b)) is amended by adding at the end the following new paragraph:

"(3) The Commission shall issue a notice of proposed rulemaking pursuant to paragraph (1)(A) only where it has reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent. The Commission shall make a determination that unfair or deceptive acts or practices are prevalent under this paragraph only if—

"(A) it has issued cease and desist orders regarding such acts or practices, or

"(B) any other information available to the Commission indicates a widespread pattern of unfair or deceptive acts or practices."

**SEC. 6. EFFECTIVE DATE OF ORDERS.**

(a) ORDERS SUBJECT TO PETITION FOR REVIEW.—Section 5(g)(2) (15 U.S.C. 45(g)(2)) is amended to read as follows:

"(2) Except as to any order provision subject to paragraph (4), upon the sixtieth day after such order is served, if a petition for review has been duly filed, except that any such order may be stayed, in whole or in part and subject to such conditions as may be appropriate, by—

"(A) the Commission;

"(B) an appropriate court of appeals of the United States, if (i) a petition for review of such order is pending in such court, and (ii) an application for such a stay was previously submitted to the Commission and the Commission, within the 30-day period beginning on the date the application was received by the Commission, either denied the application or did not grant or deny the application; or

"(C) the Supreme Court, if an applicable petition for certiorari is pending."

(b) ORDERS SUBJECT TO SECTIONS 5(m)(1)(B) AND 19(a)(2).—Section 5(g)(3) (15 U.S.C. 45(g)(3)) is amended to read as follows:

"(3) For purposes of subsection (m)(1)(B) and of section 19(a)(2), if a petition for review of the order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed."

(c) DIVESTITURE ORDERS.—Section 5(g)(4) (15 U.S.C. 45(g)(4)) is amended to read as follows:

"(4) In the case of an order provision requiring a person, partnership, or corporation to divest itself of stock, other share capital, or assets, if a petition for review of such order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed."

(d) TECHNICAL.—Paragraph (1) of section 5(g) (15 U.S.C. 45(g)(1)) is amended by striking "; or" and inserting a period.

**SEC. 7. CIVIL INVESTIGATIVE DEMANDS.**

(a) DEFINITIONS.—Section 20(a) (15 U.S.C. 57b-1(a)) is amended—

(1) in paragraph (2), by inserting "or in any antitrust violations" immediately after "section 5(a)(1)";

(2) in paragraph (3), by inserting "or any provisions relating to antitrust violations" immediately after "section 5(a)(1)";

(3) in paragraph (7), by inserting "or any antitrust violation" immediately after "section 5(a)(1)"; and

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

"(8) The term 'antitrust violation' means any unfair method of competition (within the meaning of section 5(a)(1)), any violation of the Clayton Act, any violation of any other Federal statute that prohibits, or makes available to the Commission a civil remedy with respect to, any restraint upon or monopolization of interstate or foreign trade or commerce, or any activity in preparation for a merger, acquisition, joint venture, or similar transaction, which if consummated, may result in such an unfair method of competition or violation."

(b) ISSUANCE OF DEMAND.—(1) Section 20(c)(1) (15 U.S.C. 57b-1(c)(1)) is amended—

(A) by inserting "or tangible things" immediately after "documentary material" the first place it appears;

(B) by inserting "or to antitrust violations," immediately after "section 5(a)(1)"; and

(C) by inserting "to submit such tangible things," immediately after "copying or reproduction,".

(2) Section 20(c) (15 U.S.C. 57b-1(c)) is amended—

(A) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (5), (6), (7), (8), (9), (10), (11), (13), and (14), respectively;

(B) by inserting immediately after paragraph (3) the following new paragraph:

"(4) Each civil investigative demand for the submission of tangible things shall—

"(A) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

"(B) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

"(C) identify the custodian to whom such things shall be submitted."; and

(C) by inserting immediately after paragraph (11), as so redesignated, the following new paragraph:

"(12) The submission of tangible things in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the tangible things required by the demand and in the possession, custody, or control of the person to whom the demand is directed have been submitted to the custodian."

(c) SECTION 20(g).—Section 20(g) (15 U.S.C. 57b-1(g)) is amended by inserting ", tangible things" immediately after "documentary material".

(d) APPLICABILITY OF SECTION 20.—Section 20(j)(1) (15 U.S.C. 57b-1(j)(1)) is amended by inserting immediately before the semicolon the following: ", any proceeding under section 11(b) of the Clayton Act (15 U.S.C. 21(b)), or any adjudicative proceeding under any other provision of law".

**SEC. 8. COMMISSION CUSTODY OF TANGIBLE THINGS.**

Section 21 (15 U.S.C. 57b-2) is amended—

(1) in subsection (a)(1), by inserting "tangible things," immediately after "documentary material,";

(2) in subsection (b)(1), by inserting ", tangible thing," immediately after "document";

(3) in subsection (b)(2)(A), by inserting "tangible things," immediately after "documentary material,";

(4) in subsection (b)(3)—

(A) in subparagraph (A), by inserting "tangible things," immediately after "documentary material,";

(B) in subparagraph (B), by inserting ", and may make tangible things available," immediately after "oral testimony"; and by inserting ", things," immediately after "such material";

(C) in subparagraph (C), by inserting "tangible things," immediately after "documentary material," and by inserting ", things," immediately after "material"; and

(D) in subparagraph (D), by inserting ", tangible things," immediately after "documentary material";

(5) in subsection (b)(4), by inserting "tangible things," immediately after "documentary material,";

(6) in subsection (b)(5), by inserting "tangible things," immediately after "documentary material,";

(7) in subsection (b)(6)—

(A) by inserting immediately after the first sentence the following new sentence: "The custodian of any tangible things may make such things available for inspection to such persons on the same basis."; and

(B) by inserting "results of inspections of tangible things," immediately after "Such documentary material,"; and

(8) in subsection (b)(7), by inserting "tangible things," immediately after "documentary material,".

**SEC. 9. DEFINITION OF UNFAIR ACTS OR PRACTICES.**

Section 5 (15 U.S.C. 45) is amended by adding at the end the following:

"(n) The Commission shall have no authority under this section or section 18 to declare unlawful an act or practice on the grounds that such act or practice is unfair unless the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition. In determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination."

**SEC. 10. PROCESS.**

(a) AUTHORITY.—

(1) ADVERTISEMENTS IN VIOLATION OF SECTION 12.—Section 13(a) (15 U.S.C. 53(a)) is amended by striking the last sentence and inserting the following: "Any suit may be brought where such person, partnership, or corporation resides or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code. In addition, the court may, if the court determines that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, cause such other person, partnership, or corporation to be added as a party without regard to whether venue is otherwise proper in the district in which the suit is brought. In any suit under this section, process may be served on any person, partnership, or corporation wherever it may be found."

(2) PROVISIONS ENFORCED BY COMMISSION.—Section 13(b) (15 U.S.C. 53(b)) is amended by striking the last sentence and inserting the following: "Any suit may be brought where such person, partnership, or corporation resides or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code. In addition, the court may, if the court determines that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, cause such other person, partnership, or corporation to be added as a party without regard to whether venue is otherwise proper in the district in which the suit is brought. In any suit under this section, process may be served on any person, partnership, or corporation wherever it may be found."

(b) PROCEDURES.—Section 13 (15 U.S.C. 53) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting immediately after subsection (b) the following new subsection:

"(c) Any process of the Commission under this section may be served by any person duly authorized by the Commission—

"(1) by delivering a copy of such process to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served;

"(2) by leaving a copy of such process at the residence or the principal office or place of business of such person, partnership, or corporation; or

"(3) by mailing a copy of such process by registered mail or certified mail addressed to such person, partnership, or corporation at his, or her, or its residence, principal office, or principal place of business.

The verified return by the person serving such process setting forth the manner of such service shall be proof of the same."

**SEC. 11. INTERVENTION BY COMMISSION IN CERTAIN PROCEEDINGS.**

(a) LIMITATION ON USE OF AUTHORIZED FUNDS.—The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal years 1994, 1995, and 1996 for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency or State legislative body concerning proposed rules or legislation that the agency or legislative body is considering unless the Commission advises the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding such action as soon as possible.

(b) CONTENTS OF NOTICE TO CONGRESS.—The notice required in subsection (a) shall include the name of the agency or legislator involved, the date of such action, and a concise statement regarding the nature and purpose of such action.

**SEC. 12. RESOURCE ALLOCATION STUDY.**

The Federal Trade Commission shall conduct an evaluation of the level of its personnel resources and the manner in which such resources are allocated. The Commission shall study—

(1) whether overall resources at the Commission are adequate to fulfill the Commission's responsibilities in the areas of competition and consumer protection;

(2) the distribution of personnel to individual offices of commissioners, departments, bureaus, and other units within the Commission, and whether the current allocation of personnel most efficiently enables the Commission to fulfill its statutory mandate;

(3) the number of personnel in supervisory positions, contrasted with those personnel in nonsupervisory positions; and

(4) whether the amount of workyears devoted to research activities should be increased and what results (if any) such an increase would produce.

The Commission shall transmit the results of such study, together with any recommendations that the Commission determines appropriate, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 6 months after the date of enactment of this Act.

**SEC. 13. FEDERAL-STATE COOPERATION.**

The Federal Trade Commission shall review its statutory responsibilities to identify those matters within its jurisdiction where Federal enforcement is particularly necessary or desirable and those areas that might more effectively be enforced at the State or local level. In identifying such areas, the Commission shall—

(1) consider the resources available to the Commission and the States, as well as particular rules that have been promulgated by the Commission;

(2) consult with the attorneys general of the States, representatives of consumers and industry, and other interested parties; and

(3) consider such other issues as will result in more efficient implementation of the statutory responsibilities of the Commission.

Not later than 6 months after the date of enactment of this Act, the Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the information identified in paragraphs (1) through (3), together with specific recommendations for methods of achieving greater cooperation between the Commission and the States.

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

Section 25 (15 U.S.C. 57c), as so redesignated by section 2 of this Act, is amended to read as follows:

"SEC. 25. There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed \$92,700,000 for fiscal year 1994; not to exceed \$99,000,000 for fiscal year 1995; and not to exceed \$102,000,000 for fiscal year 1996."

**SEC. 15. EFFECTIVE DATE; APPLICABILITY.**

(a) IN GENERAL.—Except as provided in subsections (b), (c), (d), and (e), the provisions of this Act shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 5.—The amendment made by section 5 of this Act shall apply only to rulemaking proceedings initiated after the date of enactment of this Act. Such amendment shall not be construed to affect in any manner a rulemaking proceeding which was initiated before the date of enactment of this Act.

(c) APPLICABILITY OF SECTION 6.—The amendments made by section 6 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued before the date of enactment of this Act.

(d) APPLICABILITY OF SECTIONS 7 AND 8.—The amendments made by sections 7 and 8 of this Act shall apply only with respect to compulsory process issued after the date of enactment of this Act.

(e) APPLICABILITY OF SECTION 9.—The amendments made by section 9 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45), or to rules promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

And the Senate agree to the same.

JOHN D. DINGELL,  
AL SWIFT,  
T. J. MANTON,  
CARLOS J. MOORHEAD,  
M. G. OXLEY,

*Managers on the Part of the House.*

ERNEST F. HOLLINGS,  
WENDELL FORD,  
RICHARD H. BRYAN,  
JACK DANFORTH,  
SLADE GORTON,

*Managers on the Part of the Senate.*

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, recognized Mr. SWIFT and Mr. MOORHEAD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said conference report was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said conference report was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

#### §82.9 WARSAW UPRISING ANNIVERSARY

Mr. HAMILTON moved to suspend the rules and pass the joint resolution (H.J. Res. 388) recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, recognized Mr. HAMILTON and Mr. BEREUTER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said joint resolution.

#### §82.10 U.S. TROOP WITHDRAWAL FROM BERLIN

Mr. HAMILTON moved to suspend the rules and agree to the following resolution (H. Res. 476):

Whereas the people of the United States and Germany have enjoyed warm and amicable relations for 5 decades;

Whereas throughout the Cold War the existence of a free and democratic West Berlin served as a symbol of Western resolve in the face of totalitarian aggression;

Whereas the armed forces of the United States have maintained a continuous presence in defense of the city of Berlin for 49 years;

Whereas, in 1948 and 1949, the United States came to the assistance of the people of Berlin during the 462 days of the Berlin airlift;

Whereas, following the construction of the Berlin wall, the armed forces of the United States stationed in Berlin demonstrated the American resolve to participate in the defense of Western Europe;

Whereas the United States takes pride in having admirably fulfilled its administrative responsibilities over its sector in the city of Berlin;

Whereas the citizens of Berlin have reciprocated the United States' commitment by demonstrating warm and genuine hospitality and a willingness to integrate the American community deeply into the life of the city;

Whereas the American people shared the joy of the German people at the collapse of the Berlin wall and German unification;

Whereas the termination of the Warsaw Pact and the subsequent unification of Germany reduced the strategic requirement for

a continued United States military presence in Berlin;

Whereas the United States Berlin Brigade, together with French and British contingents stationed in Berlin, are now preparing for their departure from Berlin; and

Whereas the history of friendly relations and longstanding commercial and cultural bonds between the people of Berlin and the United States form a sound basis for continued warm and positive relations: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the people of Germany on the unification of the Nation and the city of Berlin as it prepares to resume its position as the seat of government of united Germany;

(2) congratulates the armed forces of the United States, civilian administrators, and the American people for 5 decades of sacrifice and steadfast support for the city of Berlin;

(3) recognizes and salutes the contribution of British and French allies in the defense of Berlin;

(4) reaffirms the North Atlantic Treaty Organization obligations of the United States and America's continued support for a free, democratic, and united Germany; and

(5) welcomes the further enrichment of the relationship between the United States and the city of Berlin based on an approach fostering new traditions in economic and cultural links.

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, recognized Mr. HAMILTON and Mr. BEREUTER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BEREUTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

#### §82.11 RELEASE OF AUNG SAN SUU KYI

Mr. PAYNE of New Jersey moved to suspend the rules and agree to the following resolution (H. Res. 471); as amended:

Whereas in 1988, the Burmese regime brutally suppressed nationwide pro-democracy demonstrations, resulting in the deaths of several thousand people and the imprisonment of several thousand others;

Whereas in 1989, the Burmese regime placed under house arrest Aung San Suu Kyi, the daughter of Burma's founding father and the most prominent figure in the pro-democracy movement;

Whereas in May 1990, the Burmese people in free and fair elections awarded over 80 percent of the National Assembly seats to the National League for Democracy;

Whereas the military regime responded to this expression of the will of the Burmese people not only by refusing to relinquish power, but by further cracking down on opposition politicians and those who supported democracy and human rights in Burma;

Whereas the inhumane practices of the regime prompted a quarter million Rohingya

refugees to flee into Bangladesh, where most remain today in refugee camps;

Whereas in 1991, Aung San Suu Kyi was awarded the Nobel Peace Prize for her efforts on behalf of a peaceful transition to democracy in Burma;

Whereas in 1993, several past winners of the Nobel Peace Prize, having been denied permission to visit Burma, traveled to Thailand to call for the release of Aung San Suu Kyi;

Whereas martial law remains in effect in Burma today, with hundreds of political prisoners in custody, human rights frequently violated, and national minorities driven into exile;

Whereas the Government of Burma has denied international humanitarian agencies free and confidential access to prisoners;

Whereas credible reports continue to link Burmese Government officials to the illegal trafficking into Thailand, for purposes of forced prostitution, of approximately 10,000 Burmese women and girls each year, many of whom are deported back to Burma infected with the virus that cause the acquired immune deficiency syndrome (commonly referred to as the "HIV virus");

Whereas the national convention convened by the Burmese Government in January 1993 to begin work on a new constitution does not have the mandate of the Burmese people, nor appear to be progressing toward putting political power in the hands of a freely elected civilian government;

Whereas the United Nations Commission on Human Rights and United Nations General Assembly have adopted consensus resolutions deploring the human rights situation in Burma and expressing grave concerns about the lack of progress toward democracy as well as abuses such as summary and arbitrary executions, torture, forced labor, and oppressive measures against women and ethnic and religious minorities;

Whereas Burma has for many years been the world's largest producer of opium and heroin;

Whereas the United States Government in each of the past 5 years has denied the Government of Burma certification under chapter 8 of part I of the Foreign Assistance Act of 1961 due to a lack of cooperation on narcotics control efforts;

Whereas the problem of drug production and trafficking in Burma cannot be adequately addressed until there is a restoration of democracy in that country;

Whereas credible reports continue to link Burmese Government officials and military officers to drug trafficking;

Whereas since 1988 the United States has been in the forefront of international efforts to promote democracy and human rights in Burma;

Whereas in 1992, the House of Representatives adopted House Resolution 473, which condemned human rights abuses in Burma and called upon the President to seek a mandatory international arms embargo against Burma;

Whereas in fiscal year 1993 the Congress earmarked \$1,000,000 to support assistance for Burmese refugees and students on both sides of the Thai/Burma border;

Whereas United States corporations are under increasing pressure from stockholders to divest their holdings in Burma and otherwise to refuse to do business in Burma so long as the current military regime continues to abuse the political and human rights of its people;

Whereas the Government of Thailand has invited the Burmese regime to participate in some of the meetings of the Association of Southeast Asian Nations (ASEAN) in July 1994;

Whereas the Government of Thailand has prohibited senior officials of the National Coalition Government of the Union of Burma from entering Thailand;