

with the distribution or marketing of any perishable agricultural commodity.”

(b) USE OF DEFINITION.—Section 2 of such Act (7 U.S.C. 499b) is amended—

(1) by striking “commerce—” in the matter before paragraph (1) and inserting “commerce”;

(2) by striking the semicolon at the end of each paragraph and inserting a period; and

(3) in paragraph (4), by adding at the end the following new sentence: “However, this paragraph shall not be considered to make the good faith offer, solicitation, payment, or receipt of collateral fees and expenses, in and of itself, unlawful under this Act.”

SEC. 10. CLARIFICATION OF MISBRANDING PROHIBITION.

Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(5)), is amended—

(1) by striking “commerce: *Provided*, That” and inserting “commerce. However,”; and

(2) by adding at the end the following new sentence: “A person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if the person did not have knowledge of the violation or lacked the ability to correct the violation.”

SEC. 11. IMPOSITION OF CIVIL PENALTY IN LIEU OF LICENSE SUSPENSION OR REVOCATION.

Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h), is amended by adding at the end the following new subsection:

“(e) ALTERNATIVE CIVIL PENALTIES.—In lieu of suspending or revoking a license under this section when the Secretary determines, as provided by section 6, that a commission merchant, dealer, or broker has violated section 2 or subsection (b) of this section, the Secretary may assess a civil penalty not to exceed \$2,000 for each violative transaction or each day the violation continues. In assessing the amount of a penalty under this subsection, the Secretary shall give due consideration to the size of the business, the number of employees, and the seriousness, nature, and amount of the violation. Amounts collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.”

SEC. 12. EXTENSION OF SANCTIONS TO PERSONS RESPONSIBLY CONNECTED TO A COMMISSION MERCHANT, DEALER, OR BROKER.

(a) EXCEPTION TO DEFINITION.—Section 1(b)(9) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)(9)), is amended by adding at the end the following new sentence: “A person shall not be deemed to be responsibly connected if the person demonstrates by a preponderance of the evidence that the person was not actively involved in the activities resulting in a violation of this Act and that the person either was only nominally a partner, officer, director, or shareholder of a violating licensee or entity subject to license or was not an owner of a violating licensee or entity subject to license which was the alter ego of its owners.”

(b) EXTENSION OF EMPLOYMENT SANCTION.—Section 8(b) of such Act (7 U.S.C. 499h(b)) is amended by adding at the end the following new sentence: “The Secretary may extend the period of employment sanction as to a responsibly connected person for an additional one-year period upon the determination that the person has been unlawfully employed as provided in this subsection.”

(c) CONFORMING AMENDMENT REGARDING LICENSING SANCTION.—Section 4 of such Act (7 U.S.C. 499d) is amended—

(1) in subsection (b), by inserting “is prohibited from employment with a licensee

under section 8(b) or” after “with the applicant,” in the matter preceding subparagraph (A); and

(2) in subsection (c), by adding at the end the following new sentence: “The Secretary may not issue a license to an applicant under this subsection if the applicant or any person responsibly connected with the applicant is prohibited from employment with a licensee under section 8(b).”

Amend the title so as to read: “A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.”

The bill, as amended, was ordered to be engrossed and read a third time, and passed.

By unanimous consent, the title was amended so as to read: “An Act to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.”

A motion to reconsider the votes whereby the bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

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

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1995, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interest in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 28, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 104-104).

¶104.23 MESSAGE FROM THE PRESIDENT—GSP FOR MOLDOVA

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

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Maldives should be suspended from the GSP program because it is not making sufficient progress in protecting basic labor rights. I also have decided to designate Moldova as a beneficiary developing country for purposes of the GSP program because I have determined that Moldova satisfies the statutory criteria.

This notice is submitted in accordance with the requirements of section 502(a)(1) and 502(a)(2) of the Trade Act of 1974.

WILLIAM J. CLINTON

THE WHITE HOUSE, July 28, 1995.

By unanimous consent, the message was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 104-105).

¶104.24 PROVIDING FOR THE CONSIDERATION OF S. 21

Mr. DIAZ-BALART, by direction of the Committee on Rules, reported (Rept. No. 104-213) the resolution (H. Res. 204) providing for the consideration of S. 21, to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; referred to the House Calendar and ordered printed.

¶104.25 DEPARTMENT OF DEFENSE APPROPRIATIONS, FY 1996

Mr. DIAZ-BALART submitted a privileged report (Rept. No. 104-214) on the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 8 of rule XXI all points of order were reserved.

¶104.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. YATES, for today after 2:00 p.m.;

To Ms. MCKINNEY, for today;

To Mr. TANNER, for today after 11:30 a.m.;

To Mr. CRANE, for today until 12:30 p.m.; and

To Mr. MCNULTY, for today after 1:45 p.m.

And then,

¶104.27 ADJOURNMENT

On motion of Mr. EHRlich, pursuant to the special order heretofore