

106TH CONGRESS
1ST SESSION

H. R. 2993

To require congressional approval of unilateral United States agricultural and medical sanctions and to provide for the termination of agricultural and medical sanctions currently in effect.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1999

Mr. BERRY introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require congressional approval of unilateral United States agricultural and medical sanctions and to provide for the termination of agricultural and medical sanctions currently in effect.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food and Medicines
5 Sanctions Removal Act of 1999”.

1 **SEC. 2. REQUIREMENT OF CONGRESSIONAL APPROVAL OF**
2 **ANY UNILATERAL AGRICULTURAL OR MED-**
3 **ICAL SANCTION.**

4 (a) DEFINITIONS.—In this section:

5 (1) AGRICULTURAL COMMODITY.—The term
6 “agricultural commodity” has the meaning given the
7 term in section 402 of the Agricultural Trade Devel-
8 opment and Assistance Act of 1954 (7 U.S.C.
9 1732).

10 (2) AGRICULTURAL PROGRAM.—The term “ag-
11 ricultural program” means—

12 (A) any program administered under the
13 Agricultural Trade Development and Assistance
14 Act of 1954 (7 U.S.C. 1691 et. seq.);

15 (B) any program administered under sec-
16 tion 416 of the Agricultural Act of 1949 (7
17 U.S.C. 1431);

18 (C) any commercial sale of agricultural
19 commodities, including a commercial sale of an
20 agricultural commodity that is prohibited under
21 a unilateral agricultural sanction that is in ef-
22 fect on the date of enactment of this Act; or

23 (D) any export financing (including credits
24 or credit guarantees) for agricultural commod-
25 ities.

(3) JOINT RESOLUTION.—The term “joint resolution” means—

(A) in the case of subsection (b)(1)(B), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (b)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 2(b)(1)(A) of the Food and Medicines Sanctions Removal Act of 1999, transmitted on _____.”, with the blank completed with the appropriate date; and

(B) in the case of subsection (e)(2), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (e)(1) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 2(e)(1) of the Food and Medicines Sanctions Removal Act of 1999, transmitted on _____.”, with the blank completed with the appropriate date.

1 (4) UNILATERAL AGRICULTURAL SANCTION.—

2 The term “unilateral agricultural sanction” means
3 any prohibition, restriction, or condition on carrying
4 out an agricultural program with respect to a for-
5 eign country or foreign entity that is imposed by the
6 United States for reasons of foreign policy or na-
7 tional security, except in a case in which the United
8 States imposes the measure pursuant to a multilat-
9 eral regime and the other member countries of that
10 regime have agreed to impose substantially equiva-
11 lent measures.

12 (5) UNILATERAL MEDICAL SANCTION.—The
13 term “unilateral medical sanction” means any prohi-
14 bition, restriction, or condition on exports of, or the
15 provision of assistance consisting of, medicine or a
16 medical device with respect to a foreign country or
17 foreign entity that is imposed by the United States
18 for reasons of foreign policy or national security, ex-
19 cept in a case in which the United States imposes
20 the measure pursuant to a multilateral regime and
21 the other member countries of that regime have
22 agreed to impose substantially equivalent measures.

23 (b) RESTRICTION.—

24 (1) NEW SANCTIONS.—Except as provided in
25 subsections (c) and (d) and notwithstanding any

1 other provision of law, the President may not impose
2 a unilateral agricultural sanction or unilateral med-
3 ical sanction against a foreign country or foreign en-
4 tity for any fiscal year, unless—

5 (A) not later than 60 days before the sanc-
6 tion is proposed to be imposed, the President
7 submits a report to Congress that—

8 (i) describes the activity proposed to
9 be prohibited, restricted, or conditioned;
10 and

11 (ii) describes the actions by the for-
12 eign country or foreign entity that justify
13 the sanction; and

14 (B) Congress enacts a joint resolution stat-
15 ing the approval of Congress for the report sub-
16 mitted under subparagraph (A).

17 (2) EXISTING SANCTIONS.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), with respect to any unilat-
20 eral agricultural sanction or unilateral medical
21 sanction that is in effect as of the date of en-
22 actment of this Act for any fiscal year, the
23 President shall immediately cease to implement
24 such sanction.

1 (B) EXEMPTIONS.—Subparagraph (A)
2 shall not apply to a unilateral agricultural sanc-
3 tion or unilateral medical sanction imposed with
4 respect to an agricultural program or activity
5 described in subparagraph (B) or (D) of sub-
6 section (a)(2).

7 (c) EXCEPTIONS.—The President may impose (or
8 continue to impose) a sanction described in subsection (b)
9 without regard to the procedures required by that
10 subsection—

11 (1) against a foreign country or foreign entity
12 with respect to which Congress has enacted a dec-
13 laration of war that is in effect on or after the date
14 of enactment of this Act; or

15 (2) to the extent that the sanction would pro-
16 hibit, restrict, or condition the provision or use of
17 any agricultural commodity, medicine, or medical de-
18 vice that is—

19 (A) controlled on the United States Muni-
20 tions List;

21 (B) an item for which export controls are
22 administered by the Department of Commerce
23 for foreign policy or national security reasons;
24 or

1 (C) used to facilitate the development or
2 production of a chemical or biological weapon.

3 (d) COUNTRIES SUPPORTING INTERNATIONAL TER-
4 RORISM.—This section shall not affect the current prohibi-
5 tions on providing, to the government of any country sup-
6 porting international terrorism, United States government
7 assistance, including United States foreign assistance,
8 United States export assistance, or any United States
9 credits or credit guarantees.

10 (e) TERMINATION OF SANCTIONS.—Any unilateral
11 agricultural sanction or unilateral medical sanction that
12 is imposed pursuant to the procedures described in sub-
13 section (b)(1) shall terminate not later than 2 years after
14 the date on which the sanction became effective unless—

15 (1) not later than 60 days before the date of
16 termination of the sanction, the President submits to
17 Congress a report containing the recommendation of
18 the President for the continuation of the sanction
19 for an additional period of not to exceed 2 years and
20 the request of the President for approval by Con-
21 gress of the recommendation; and

22 (2) Congress enacts a joint resolution stating
23 the approval of Congress for the report submitted
24 under paragraph (1).

25 (f) CONGRESSIONAL PRIORITY PROCEDURES.—

1 (1) REFERRAL OF REPORT.—A report described
2 in subsection (b)(1)(A) or (e)(1) shall be referred to
3 the appropriate committee or committees of the
4 House of Representatives and to the appropriate
5 committee or committees of the Senate.

6 (2) REFERRAL OF JOINT RESOLUTION.—

7 (A) IN GENERAL.—A joint resolution shall
8 be referred to the committees in each House of
9 Congress with jurisdiction.

10 (B) REPORTING DATE.—A joint resolution
11 referred to in subparagraph (A) may not be re-
12 ported before the eighth session day of Con-
13 gress after the introduction of the joint resolu-
14 tion.

15 (3) DISCHARGE OF COMMITTEE.—If the com-
16 mittee to which is referred a joint resolution has not
17 reported the joint resolution (or an identical joint
18 resolution) at the end of 30 session days of Congress
19 after the date of introduction of the joint
20 resolution—

21 (A) the committee shall be discharged from
22 further consideration of the joint resolution;
23 and

1 (B) the joint resolution shall be placed on
2 the appropriate calendar of the House con-
3 cerned.

4 (4) FLOOR CONSIDERATION.—

5 (A) MOTION TO PROCEED.—

6 (i) IN GENERAL.—When the com-
7 mittee to which a joint resolution is re-
8 ferred has reported, or when a committee
9 is discharged under paragraph (3) from
10 further consideration of, a joint
11 resolution—

12 (I) it shall be at any time there-
13 after in order (even though a previous
14 motion to the same effect has been
15 disagreed to) for any member of the
16 House concerned to move to proceed
17 to the consideration of the joint reso-
18 lution; and

19 (II) all points of order against
20 the joint resolution (and against con-
21 sideration of the joint resolution) are
22 waived.

23 (ii) PRIVILEGE.—The motion to pro-
24 ceed to the consideration of the joint
25 resolution—

1 (I) shall be highly privileged in
2 the House of Representatives and
3 privileged in the Senate; and

4 (II) not debatable.

5 (iii) AMENDMENTS AND MOTIONS NOT
6 IN ORDER.—The motion to proceed to the
7 consideration of the joint resolution shall
8 not be subject to—

9 (I) amendment;

10 (II) a motion to postpone; or

11 (III) a motion to proceed to the
12 consideration of other business.

13 (iv) MOTION TO RECONSIDER NOT IN
14 ORDER.—A motion to reconsider the vote
15 by which the motion is agreed to or dis-
16 agreed to shall not be in order.

17 (v) BUSINESS UNTIL DISPOSITION.—
18 If a motion to proceed to the consideration
19 of the joint resolution is agreed to, the
20 joint resolution shall remain the unfinished
21 business of the House concerned until dis-
22 posed of.

23 (B) LIMITATIONS ON DEBATE.—

24 (i) IN GENERAL.—Debate on the joint
25 resolution, and on all debatable motions

1 and appeals in connection with the joint
2 resolution, shall be limited to not more
3 than 10 hours, which shall be divided
4 equally between those favoring and those
5 opposing the joint resolution.

6 (ii) FURTHER DEBATE LIMITA-
7 TIONS.—A motion to limit debate shall be
8 in order and shall not be debatable.

9 (iii) AMENDMENTS AND MOTIONS NOT
10 IN ORDER.—An amendment to, a motion
11 to postpone, a motion to proceed to the
12 consideration of other business, a motion
13 to recommit the joint resolution, or a mo-
14 tion to reconsider the vote by which the
15 joint resolution is agreed to or disagreed to
16 shall not be in order.

17 (C) VOTE ON FINAL PASSAGE.—Imme-
18 diately following the conclusion of the debate on
19 a joint resolution, and a single quorum call at
20 the conclusion of the debate if requested in ac-
21 cordance with the rules of the House concerned,
22 the vote on final passage of the joint resolution
23 shall occur.

24 (D) RULINGS OF THE CHAIR ON PROCE-
25 DURE.—An appeal from a decision of the Chair

1 relating to the application of the rules of the
2 Senate or House of Representatives, as the case
3 may be, to the procedure relating to a joint res-
4 olution shall be decided without debate.

5 (5) COORDINATION WITH ACTION BY OTHER
6 HOUSE.—If, before the passage by 1 House of a
7 joint resolution of that House, that House receives
8 from the other House a joint resolution, the fol-
9 lowing procedures shall apply:

10 (A) NO COMMITTEE REFERRAL.—The joint
11 resolution of the other House shall not be re-
12 ferred to a committee.

13 (B) FLOOR PROCEDURE.—With respect to
14 a joint resolution of the House receiving the
15 joint resolution—

16 (i) the procedure in that House shall
17 be the same as if no joint resolution had
18 been received from the other House; but

19 (ii) the vote on final passage shall be
20 on the joint resolution of the other House.

21 (C) DISPOSITION OF JOINT RESOLUTIONS
22 OF RECEIVING HOUSE.—On disposition of the
23 joint resolution received from the other House,
24 it shall no longer be in order to consider the

1 joint resolution originated in the receiving
2 House.

3 (6) PROCEDURES AFTER ACTION BY BOTH THE
4 HOUSE AND SENATE.—If a House receives a joint
5 resolution from the other House after the receiving
6 House has disposed of a joint resolution originated
7 in that House, the action of the receiving House
8 with regard to the disposition of the joint resolution
9 originated in that House shall be deemed to be the
10 action of the receiving House with regard to the
11 joint resolution originated in the other House.

12 (7) RULEMAKING POWER.—This subsection is
13 enacted by Congress—

14 (A) as an exercise of the rulemaking power
15 of the Senate and House of Representatives, re-
16 spectively, and as such this subsection—

17 (i) is deemed to be a part of the rules
18 of each House, respectively, but applicable
19 only with respect to the procedure to be
20 followed in that House in the case of a
21 joint resolution; and

22 (ii) supersedes other rules only to the
23 extent that this subsection is inconsistent
24 with those rules; and

1 (B) with full recognition of the constitu-
2 tional right of either House to change the rules
3 (so far as the rules relate to the procedure of
4 that House) at any time, in the same manner
5 and to the same extent as in the case of any
6 other rule of that House.

7 (g) GUIDELINES WITH RESPECT TO STATE SPON-
8 SORS OF INTERNATIONAL TERRORISM.—(1) Notwith-
9 standing any other provision of the Act, the export of agri-
10 cultural commodities or medicine or medical devices to the
11 government of a country that has been determined by the
12 Secretary of State to have repeatedly provided support for
13 acts of international terrorism under section 620A of the
14 Foreign Assistance Act of 1961 (22 U.S.C. 2371) shall
15 only be made—

16 (A) pursuant to one year licenses issued by the
17 United States Government for contracts entered into
18 during that one year period and completed within a
19 twelve month period after the signing of the con-
20 tract; and

21 (B) without benefit of Federal financing, direct
22 export subsidies, Federal credit guarantees or other
23 Federal promotion assistance programs.

1 (2) Quarterly reports to the appropriate congres-
2 sional committees shall be submitted by the applicable
3 agency charged with issuing licenses in paragraph (1)(A).

4 (h) EFFECTIVE DATE.—This section takes effect 180
5 days after the date of enactment of this Act.

