

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 they 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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

[Mr. HOYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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 crystalline 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 anti-terrorism 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 produce 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