

gentleman from New York [Mr. GILMAN], for yielding to me. Earlier Croatia was mentioned as a possible addition to the names of the countries that might eventually qualify for the assistance program we are authorizing by this resolutions when they moved to a greater degree of democracy and respect for human rights. That certainly is possible. Slovenia was also mentioned as a country that ought to be considered, and I fully agree that it ought to be considered for the assistance program.

Something that has not been mentioned is the recent improvements in democracy, economic reform, and human rights that has taken place in that nation which was formerly part of Yugoslavia, now called the Former Yugoslavia Republic of Macedonia [FYROM]. Its progress and potential for advancement into the front ranks for consideration for NATO membership are also to be recognized.

I thank the gentleman for recognizing me for this purpose.

Mr. DURBIN. Mr. Speaker, I rise in strong support of the NATO Enlargement Facilitation Act of 1996, H.R. 3564.

This legislation reflects strong bipartisan support in the U.S. Congress for welcoming the new democracies of Eastern and Central Europe into NATO when they are prepared to meet the responsibilities of membership. And it authorizes necessary assistance to help these new democracies prepare for NATO membership.

As cochairman of the Baltic freedom caucus in Congress, I particularly commend to my colleagues the provisions of H.R. 3564 relating to Lithuania, Latvia, and Estonia. H.R. 3564 states that it is the sense of Congress that Lithuania, Latvia, and Estonia have valid historical security concerns that must be taken into account by the United States, and the Lithuania, Latvia, and Estonia should not be disadvantaged in seeking to join NATO by virtue of their forcible incorporation into the Soviet Union. H.R. 3564 also names Lithuania, Latvia, and Estonia as countries which should participate in the Regional Airspace Initiative and the Partnership for Peace Information Management System.

The fledgling Baltic democracies, still struggling to overcome the effects of 50 years of communist domination, have made great efforts to prepare themselves for NATO membership. They are reforming their armies and instituting civilian controls and Democratic values. They have proven their ability to cooperate in multilateral efforts through the Baltic battalion. They have participated in Partnership For Peace training exercises. And they have contributed troops to the NATO-led operation in Bosnia, where they have earned the respect of their NATO allies and suffered in loss of their young soldiers.

U.S. policy in Eastern and Central Europe should be based on two goals:

First, to support the security of the new democracies in the Baltics, Eastern and Central Europe; and second, to create a climate of trust in our relations with Russia, so it understands that the West has no hostile intentions toward Russia's territory or its people.

Expanding NATO membership at the appropriate time will enhance U.S. security, and strengthen democracy and free market reforms throughout Central and Eastern Europe. An expanded NATO, carefully crafted, can secure the peace for generations to come.

As a cosponsor of H.R. 3564, I urge my colleagues to support and pass the NATO Facilitation Act of 1996.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 3564, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEREUTER. Mr. Speaker, is it still appropriate for a request for the yeas and nays to be ordered?

The SPEAKER pro tempore. Is there objection to a demand for the yeas and nays?

There was no objection.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement further proceedings on this motion will be postponed.

#### IRAN AND LIBYA SANCTIONS ACT OF 1996

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, (H.R. 3107) to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran and Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 7, strike out all after line 7, over to and including line 20 on page 8 and insert:

(b) Mandatory Sanctions With Respect to Libya.—

(1) VIOLATIONS OF PROHIBITED TRANSACTIONS.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

(A) contributed to Libya's ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya's military or paramilitary capabilities;

(B) contributed to Libya's ability to develop its petroleum resources; or

(C) contributed to Libya's ability to maintain its aviation capabilities.

(2) INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of \$40,000,000 or more (or any combination of investments of at least \$10,000,000 each, which in the aggregate equals or exceeds \$40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Reserving the right to object, Mr. Speaker, I do not intend to object, but I will yield to the gentleman from New York [Mr. GILMAN] to explain the bill. I would then reclaim my time to pose some questions and make a few comments about the measure.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am very pleased to bring before the House H.R. 3107, the Iran and Libya Sanctions Act of 1996, as amended, which mandates sanctions on persons making investments that would enhance the ability of Iran to explore for, extract, refine, or transport by pipeline petroleum resources.

The text of this bill is identical to that adopted by the Senate on July 16 on an amendment offered by Senators KENNEDY and D'AMATO which modified

the sanctions regime in regard to investments in Libya making it fully consistent with the regime in place on Iran.

Passage of the bill in its present form clears this legislation for transmittal to the President. In light of the growing possibility that a terrorist act led to the destruction of TWA Flight 800 and the growing likelihood that state-sponsored terrorism poses an increasing threat to Americans inside and outside the United States, we should have in place the strongest possible deterrent to any future acts of terrorism supported by such rogue regimes as Iran and Libya.

Enactment of this bill today will accomplish this objective.

Its other provisions would also establish a mandatory sanctions regime on foreign persons who violate U.N. Security Council Resolutions 748 and 883 by selling weapons, aviation equipment and oil equipment to Libya, a country responsible for the cowardly and unforgivable attack on Pan Am Flight 103 in December 1988.

I urge my colleagues to pass this urgently needed legislation.

Mr. HAMILTON. Reclaiming my time, Mr. Speaker, if the gentleman from New York will permit, I would like to ask him a couple of questions. My understanding is that the Senate made two major changes in the bill before sending it to the House.

First, the Senate added mandatory sanctions for certain foreign investments in Libya's energy sector. The House bill would have imposed mandatory sanctions only on certain foreign exports to Libya and on certain investments in Iran.

Second, the Senate increased from 1 to 2 the number of sanctions the President would be required to impose on firms that engaged in prohibited investment or trade with Libya. The House bill would require the President to impose only one sanction on Iran.

My impression is that as a result of the Senate amendments the sanctions in the bill before us today are tougher on Libya than they are on Iran. Is that the understanding of the gentleman from New York?

Mr. GILMAN. Mr. Speaker, if the gentleman will further yield, the Senate amendment made sanctions against investments that contribute to the development of Libya's petroleum resources mandatory rather than discretionary. It makes the investment regime toward Libya fully consistent with that adopted by this body in regard to Iran.

Mr. HAMILTON. Is it the gentleman's understanding, however, that the sanctions in this bill today are tougher on Libya than they are on Iran?

Mr. GILMAN. The gentleman is correct.

Mr. HAMILTON. I am supporting the bill, of course, but it does seem to me the rationale is less clear. Iran poses a far more serious threat to the United

States national interests in my judgment than does Libya, and if the gentleman agrees with me on that point, perhaps the gentleman could explain why we should sanction foreign companies that do business with Libya more harshly than we sanction companies that do business with Iran.

Before the gentleman responds, may I simply add that the bill that passed the House last month would have imposed mandatory sanctions only on certain exports to Libya, and my understanding is that the administration and the Committee on Ways and Means opposed mandatory sanctions on investment in Libya for two reasons:

First, since there is already substantial foreign investment in Libya, they argued that hitting investment with mandatory sanctions would only have a marginal impact on Libya's energy sector but would anger many of our biggest trade partners; and, second, the administration and the Committee on Ways and Means were concerned that unilateral United States measures could jeopardize existing international cooperation in Libya.

In light of these arguments, is the gentleman from New York concerned that enactment of the bill in its current form would weaken the existing international sanctions regime against Libya?

Mr. GILMAN. If the gentleman will further yield, in response to the gentleman's query, Libya has already established a clear track record of noncompliance with the U.N. Security Council Resolutions 731, 748 and 883. The failure of the Libyan Government to hand over for trial the two suspects in the Pan Am bombing is in itself a matter of grave concern, threatening peace and security in that entire region.

The world community would appear to have very few remaining alternatives in that regard. They include additional sanctions and the imposition of penalties for noncompliance and some kind of collective security action directed against the Libyan regime.

I am certain that most of us would agree that we should try to put in place any and all measures designed to bring Libya into compliance before we undertake any effort for a collective security operation to establish a blockade or initiate some kind of military action against Libya.

I would also note that the U.N. already has in place oil field equipment sanctions against Libya. Additional sanctions in this bill on investment in Libya's oil sector simply complements and further strengthens those existing sanctions.

Furthermore, we should not lose sight of the fact that there are reports of increased violations of the existing U.N. sanctions on Libya. Adoption of these amendments today will help us to address those problems.

Mr. HAMILTON. I thank the gentleman for his answers.

Mr. Speaker, further reserving the right to object, may I say a couple of things about the bill that is before us at this moment?

I support the bill because, as the gentleman from New York has indicated, the conduct of Iran and Libya remains far outside international norms, and our allies have simply not done enough to help us change that conduct. Rhetoric alone is not sufficient, steps to increase the economic isolation of Iran and Libya are warranted, and this bill takes U.S. policy in the right direction.

The objective of economic sanctions must always be to maximize economic pressure on the target countries while minimizing economic and other costs for ourselves. If the measures in this bill are not deployed carefully, they will run the risk of causing us more harm than they cause either Iran or Libya. That is because many of our closest allies and biggest trading partners have told us they view this bill as an effort to force them to change their policies toward Iran and Libya. They consider such pressure a threat to their sovereignty; they have promised to respond.

What will they do? Nobody knows for sure, but I see two potential problems to United States national interests: One, international cooperation on Iran and Libya could be reduced rather than increased. United States policies, not the policies of Iran and Libya, could become the focus of international attention. Iran and Libya surely would take comfort in seeing our allies gang up on us rather than against them. Second, retaliatory steps by our trading partners could prove costly to American workers and firms.

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The national interest waiver in this bill will help the President steer us clear of these potential costs to U.S. interests. It is my hope that the President will be able to use waivers and the possibility of sanctions to open a window of opportunity for negotiations on multilateral steps that would be more effective than unilateral sanctions in influencing the conduct of Iran and Libya. But waivers and sanctions are blunt policy instruments. We are handing the President a difficult task and a heavy responsibility without giving him all the policy tools he may need. He will have to exercise the limited discretion this bill gives him with great skill.

This bill deserves our support, and so will our President as he seeks to carry it out.

Mr. ROTH. Mr. Speaker, first let me again commend the gentleman from New York [Mr. GILMAN] for his work on this issue. No one can question his commitment to fighting terrorism and proliferation.

Moreover, there is no doubt that Iran and Libya are rouge states. The leaders of these regimes continue to violate every standard of acceptable behavior. I share the goals of turning Iran and Libya away from terrorism, away from making weapons of mass destruction and

away from brutality against their own people. And I agree that current U.S. Policy is failing badly, not achieving any of these goals. But I fear this legislation is a step backward, not forward. In my judgment, this bill will likely not work, for four reasons.

First, economic sanctions simply do not work in today's world when the United States acts alone. The Soviet grain embargo is the greatest example of a unilateral sanction with terrific goals and utterly ineffective results that cost billions in dollars of U.S. exports. But the same can be said for any number of U.S. unilateral sanctions.

Iran has 65 million people and a \$300 billion economy. Libya has 5 million people and a \$33 billion economy. Neither country can be isolated, geographically or economically. In both countries, exports are growing. From 1988 to 1994, Iran's exports grew nearly 50 percent, to \$19 billion. Libya's exports grew nearly 10 percent, to \$8 billion.

The reality is none of Iran's or Libya's major trading partners will go along with our sanctions. Not Germany. Not France. Not Italy. Not Spain. And not Japan. Without their cooperation, how will our sanctions ever work?

This brings me to the second flaw in this bill. This legislation would impose a secondary boycott on our closest allies. The sponsors argue that the bill will force Europe to choose between trading with us and trading with Iran and Libya. This will never work.

The primary effect of this bill has been to unify the European Union—all 15 members—against our policy toward Iran and Libya. Just like the extraterritorial reach of the 1982 Soviet pipeline embargo unified Europe. If this becomes law, we should expect blocking statutes to prevent European companies from complying, as well as retaliatory actions. Libya is a major source of petroleum for Western Europe. How can we expect those countries to forego Libya's oil? It simply will not happen.

Aside from Europe's interests in Libya, the Moslem countries of the Middle East, South Asia, and the Caucasus will not comply. Look what is happening with Iran. Pakistan now has an economic alliance with Iran. The Ukraine, Kazakhstan, Armenia, Turkmenistan, and Azerbaijan all are pursuing trade and investment with Iran. With these countries, Iran is likely to be a major partner in developing oil and gas resources in central Asia.

We have invested a lot in cultivating good relations with these former Soviet Republics. Are we now going to impose sanctions and throw away all our work over the past 5 years? If we do sanction these countries, how will they respond?

This legislation will not isolate Iran and Libya. It will isolate us. No one should be surprised. After all, the Arab League boycott of Israel has been a total failure. We and the Europeans all prevented our companies from complying. The same thing could happen with this legislation.

Third, this bill could prove a mistake because it provides the leaders of Iran and Libya with a convenient excuse for their own failures. Both regimes have inflicted great suffering on their people. The elites siphon off more and more money to prop up their own positions. But as the discontent rises among the Libyan and Iranian people, Qadhafi and the Ayatollahs will just point to the United States and say: "See what the Americans are doing to you."

Fourth, I am concerned that this is the easy way out for the administration. Enactment of this bill will replace the more necessary need. The administration, I'm convinced, will continue to fail to do the harder work of leading a coherent, multilateral response to the appalling policies of Iran. The test of our policy must be its impact on Iran's current regime. It is not enough that our goals are laudable. Our actions must be focused on stopping Iran's dangerous behavior, and this takes the hard work of multilateral action.

Mr. Speaker, in sum, Iran and Libya threaten international peace and security. Our goal must be to change their behavior. Whatever we do, it must be effective. We need our allies with us, not against us. There was a time when the United States could sound the alarm and Europe would rally to our side. That day is over. Economic sanctions and secondary boycotts have not—and will not—work when they are unilateral.

With enactment of this bill, I'm concerned we will have jeopardized our relations with the very countries whose support we need to eventually reach the goal of turning Iran and Libya away from their current terrorist behavior.

Mr. DEUTSCH. Mr. Speaker, I rise today in strong support of the Iran-Libya Oil Sanctions Act. This bill is important to the United States because it seeks to limit Iran's and Libya's ability to destabilize the Middle East. These sanctions will limit both countries' ability to export terrorism and upset the peace process in the Middle East.

I am a strong advocate of this bill because it will hit these parish nations where it hurts—oil production. By limiting foreign investment into the petroleum sector, this legislation will prevent both nations from funding the expansionist military policies. It will make it more difficult for Iran to purchase additional diesel submarines whose sole purpose is to close off oil exports from the gulf. It will hinder Libyan efforts to increase their stockpile of chemical weapons. And most importantly it will constrict Iran's ability to obtain a nuclear weapon.

This bill sends a clear message to both Iran and Libya that America will not sit idly and watch them build up their military capabilities for the sole purpose of regional intimidation. I urge my colleagues to support final passage of this bill.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HAYWORTH). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### FOOD QUALITY PROTECTION ACT OF 1996

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1627) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Quality Protection Act of 1996".

#### TITLE I—SUSPENSION-APPLICATORS

##### SEC. 101. REFERENCE.

Whenever in this title 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 Insecticide, Fungicide, and Rodenticide Act.

##### Subtitle A—Suspension

##### SEC. 102. SUSPENSION.

(a) SECTION 6(c)(1).—The second sentence of section 6(c)(1) (7 U.S.C. 136d(c)(1)) is amended to read: "Except as provided in paragraph (3), no order of suspension may be issued under this subsection unless the Administrator has issued, or at the same time issues, a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b).".

(b) SECTION 6(c)(3).—Section 6(c)(3) (7 U.S.C. 136d(c)(3)) is amended—

(1) by inserting after the first sentence the following new sentence: "The Administrator may issue an emergency order under this paragraph before issuing a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b) and the Administrator shall proceed to issue the notice under subsection (b) within 90 days of issuing an emergency order. If the Administrator does not issue a notice under subsection (b) within 90 days of issuing an emergency order, the emergency order shall expire."; and

(2) by striking "In that case" and inserting "In the case of an emergency order".

##### SEC. 103. TOLERANCE REEVALUATION AS PART OF REREGRISTRATION.

Section 4(g)(2) (7 U.S.C. 136a-1(g)(2)) is amended by adding at the end the following:

"(E) As soon as the Administrator has sufficient information with respect to the dietary risk of a particular active ingredient, but in any event no later than the time the Administrator makes a determination under subparagraph (C) or (D) with respect to pesticides containing a particular active ingredient, the Administrator shall—

"(i) reassess each associated tolerance and exemption from the requirement for a tolerance issued under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);

"(ii) determine whether such tolerance or exemption meets the requirements of that Act;

"(iii) determine whether additional tolerances or exemptions should be issued;

"(iv) publish in the Federal Register a notice setting forth the determinations made under this subparagraph; and

"(v) commence promptly such proceedings under this Act and section 408 of the Federal Food, Drug, and Cosmetic Act as are warranted by such determinations.".